

281—120.421(34CFR303) Prior written notice and procedural safeguards notice.

120.421(1) General. Prior written notice must be provided to parents a reasonable time before an agency or an EIS provider proposes, or refuses, to initiate or change the identification, evaluation, or placement of the parents' infant or toddler or the provision of early intervention services to the infant or toddler with a disability and that infant's or toddler's family.

120.421(2) Content of notice. The notice must be in sufficient detail to inform parents about:

- a. The action that is being proposed or refused;
- b. The reasons for taking the action; and
- c. All procedural safeguards that are available under this chapter, including a description of mediation in rule 281—120.431(34CFR303), how to file a state complaint in rules 281—120.432(34CFR303) through 281—120.434(34CFR303) and a due process complaint in the provisions adopted under subrule 120.430(4), and any timelines under those procedures.

120.421(3) Native language.

- a. The notice must be:
 - (1) Written in language understandable to the general public; and
 - (2) Provided in the native language, as defined in rule 281—120.25(34CFR303), of the parent or other mode of communication used by the parent, unless it is clearly not feasible to do so.
- b. If the native language or other mode of communication of the parent is not a written language, the public agency or designated EIS provider must take steps to ensure that:
 - (1) The notice is translated orally or by other means to the parent in the parent's native language or other mode of communication;
 - (2) The parent understands the notice; and
 - (3) There is written evidence that this subrule has been satisfied.

[ARC 7805C, IAB 4/17/24, effective 5/22/24]