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DEPARTMENT OF EDUCATION  
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**MEMORANDUM**

**DATE:** June 26, 2018

**TO:** *Early On*<sup>®</sup> Coordinators and Directors of Special Education

**FROM:** Vanessa Winborne, Part C Coordinator *W*  
Office of Great Start/Early Childhood Development and Family  
Education

**SUBJECT:** *Early On* Procedural Safeguards Protecting Families' Rights

Part C of the Individuals with Disabilities Education Act (IDEA) federal regulations 34 CFR 303 requires states to have policies and procedures to ensure procedural safeguards are in place to protect families' rights. These safeguards are an important part of Michigan's early intervention system for families of infants and toddlers with disabilities and a vital component of our state's system.

The purpose of this memo is to inform local *Early On* service areas about the revision of documents and to provide guidance regarding the use of these documents. The information in this memo pertains to all children birth to three receiving Part C early intervention services, including Michigan Mandatory Special Education services prior to their enrollment in Preschool Special Education.

**Revision of Documents**

Attached are the following revised documents used to protect families' rights:

- "*Early On* Procedural Safeguards Protecting Families' Rights" - revised to encompass changes in federal regulation. (This document has been translated into Spanish and Arabic and is in the process of becoming accessible electronically. In the meantime, copies of the document in these languages are available by contacting Victoria Meeder at meeder\_v@ccresa.org.)
- "*Early On* Michigan Prior Written Notice: Birth to Three Years" – revised to direct families to the [www.1800earlyon.org/family](http://www.1800earlyon.org/family) link to access the new procedural safeguards document.
- "*Early On* Due Process Complaint Procedures" – revised to include the new phone number for the Michigan Special Education Mediation program.

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The "Your Family has Rights" brochure has also been updated and is available in English, Spanish, and Arabic at [www.1800earlyon.org](http://www.1800earlyon.org) (click on order materials). Other documents are being updated pending a more thorough scan of public awareness and technical assistance materials.

### **Guidance for Informing Families**

The following are steps to meet the requirements for providing notification to families of the procedural safeguards protecting their rights:

- Each family must be provided the "Your Family has Rights" brochure within 10 days of referral to inform them of Part C confidentiality provisions and as a summary of their rights. This document can be sent in the mail with a welcome letter to families or provided in person if the first home visit is within 10 days.
- The "Early On Prior Written Notice" form has been revised to direct families to [www.1800earlyon.org/family](http://www.1800earlyon.org/family) for a copy of the "Early On Procedural Safeguards Protecting Families' Rights" document. Service coordinators should review the procedural safeguards with families during the first home visit. By doing so, they can ensure the family has access to the document and that they understand their rights.
- A hard copy of the "Early On Procedural Safeguards Protecting Families' Rights" document should be provided if the service coordinator believes this will better support the family's understanding of their rights and must be provided if requested by the family or they are unable to access the online document.
- The "Your Family has Rights" brochure or the "Early On Procedural Safeguards Protecting Families' Rights" document can be provided at additional appropriate times, such as annual IFSP meetings; however, this is not a federal or state requirement.

Please share these documents with appropriate personnel, ensure personnel understand the use of these documents, and update any local forms or systems as needed. These documents are posted on the Michigan Department of Education's [Early On website](#) under "State Resources" and the Clinton County Regional Educational Service Agency *Early On* Training and Technical Assistance ([EOT&TA website](#)).

Questions may be directed to Laura Goldthwait, *Early On* Consultant at 517-241-6988 or [goldthwaitL@michigan.gov](mailto:goldthwaitL@michigan.gov).

Thank you for all the hard work that you do for the infants, toddlers and their families participating in *Early On* and your support of families' rights.

Attachments