



**Beyond Bubbles and Blocks**

Information for EI Home Visitors

**Do you know about procedural safeguards and family rights in Early Intervention (EI)?**

Procedural safeguards are designed to protect families, EI systems, and EI service (EIS) providers. These safeguards ensure that families are fully informed, involved in the decision-making process, and have clear options for resolving conflicts or disagreements. Family rights are a core component of the EI process, ensuring families are active participants in their child's and family’s services. Under Part C of the [Individuals with Disabilities Education Act](https://sites.ed.gov/idea/) (IDEA), families are entitled to essential rights, including informed consent, participation in meetings, access to records, and dispute resolution options. As an EIS provider, particularly in your role as a service coordinator, it is important for you to understand and communicate these safeguards and rights clearly.

Prior written notice must be in sufficient detail and be provided to families a reasonable time before the lead agency or an EIS provider proposes, or refuses, to initiate or change the identification, evaluation, or placement of their infant or toddler, or the provision of EI services to the infant or toddler with a disability and that infant’s or toddler’s family. The notice must be written in language that is understandable to the general public and be provided in the native language, as defined in §[303.25](https://sites.ed.gov/idea/regs/c/a/303.25), of the parent or other mode of communication used by the parent, unless it is clearly not feasible to do so.

**How are procedural safeguards and family rights supported and monitored in Massachusetts (MA)?**
Procedural safeguards and family rights are supported through training, monitoring, and conflict resolution options. EIS providers are trained on the legal requirements of informed consent, written notices, and access to records and are required to ensure families know and understand their rights. In MA, the implementation of procedural safeguards and family rights is closely monitored through federal and state regulations. The Office of Special Education Programs (OSEP) oversees the federal monitoring process, ensuring compliance with IDEA requirements. At the state level, the EI Division of the MA Department of Public Health (DPH) continuously monitors EIS providers to ensure they meet these requirements and that families understand their rights.



For example, the EI Division requires EIS providers to notify families in writing whenever a decision is made that affects their child’s services. These decisions may include evaluations, changes to the Individualized Family Service Plan (IFSP), or any proposed changes to services. The EI Division may require evidence and documentation that this notice was provided to the family in their native language through cyclical monitoring or other monitoring procedures.

Families have the right to review and request corrections to their child's EI records. If there's a disagreement, they can use dispute resolution options like mediation or due process hearings. The state informs families of their rights annually and whenever there are significant changes.

**How do you explain procedural safeguards and family rights to families?**
When explaining procedural safeguards and rights to families, the focus should be on empowering them. Families should understand they are active partners in decisions about their child’s services, including the right to consent to evaluations and services and to participate in IFSP meetings. It’s also important to emphasize that the family can review and request changes to their child’s records, and that they have options for resolving disputes, such as mediation or due process hearings. Keeping the language clear and accessible helps families feel informed and confident in their role.

**How are you incorporating procedural safeguards and family rights in your work with families?**

It is vital to communicate these safeguards and rights from the beginning and reinforce them regularly. This includes ensuring families receive written notices, inviting them to participate in meetings, and offering opportunities for feedback. You should create a supportive environment where families feel comfortable asking questions and raising concerns. More specifically, it is your role as the family’s service coordinator to review these safeguards and rights at the very first visit, as well as multiple other times throughout a family’s enrollment in EI (e.g., prior to an annual assessment, transition conference or IFSP meeting). Service Coordinators and EIS providers should provide the family with a hardcopy in their native language when possible. By being transparent and proactive in explaining these safeguards and rights, you are making sure families are informed which can prevent misunderstandings and build rapport, trust, collaboration, and mutual respect with families.

**Conclusion**

Upholding procedural safeguards and family rights is essential for building strong, collaborative partnerships between you and your EI families. By ensuring that families are informed and actively involved, we create an environment where children and families receive the support they need for positive outcomes. As EIS providers, we must remain committed to respecting these safeguards and rights and supporting families throughout the EI process.

**Reflecting on your practice**
As you consider your work with families, take a moment to reflect on the following questions:

* How would you explain the concept of procedural safeguards and family rights to a family who is new to the Part C EI system? What key points would you emphasize to ensure they understand their role and responsibilities?
* Reflecting on your current practice, how do you ensure that families feel empowered and informed when participating in the development and review of the IFSP?
* Reflect on a recent interaction with a family. How did you help them feel involved in the decision-making process regarding their child's services? Were there any challenges or areas where communication could have been improved?
* How do you believe upholding procedural safeguards and family rights directly impacts the success of the EI process for children and families? Can you share a story or example where respecting these rights led to a positive outcome?
* What strategies have you found effective in creating a supportive and trusting environment where families feel comfortable asking questions and expressing concerns about their child’s services?

**References and resources**

* ECTA Center. <https://ectacenter.org/topics/procsafe/procsafe.asp>
* Federation for Children with Special Needs. <https://fcsn.org>
* Massachusetts Department of Public Health. *Early Intervention Operational Standards.* (2022). Retrieved from [Early Intervention Operational Standards](https://www.mass.gov/doc/early-intervention-operational-standards/download)
* Massachusetts Department of Public Health. *Your Notice of Family Rights and Procedural Safeguards.* (2013). Retrieved from <https://www.mass.gov/doc/family-rights-notice-english/download>
* U.S. Department of Education. (2013). Individuals with Disabilities Education Act (IDEA), Part C: Early Intervention for Infants and Toddlers with Disabilities. Retrieved from <https://sites.ed.gov/idea/>