



Prior Written Notice

Introduction

Prior written notice (PWN) is a federal requirement that must be provided to parents before the EI system engages in certain activities. These activities include developmental screenings; evaluations; determining that a child is not eligible for EI; child and family assessments; beginning, ending, or changing services on an Individualized Family Service Plan (IFSP); and, in certain circumstances, exiting a child from the EI system.

As its name suggests, PWN must always be provided to the parent—

- *Prior* to starting the proposed activity and
- *In writing* in the parent’s native language utilizing the forms specified in the DODD EI rules

This PWN is an important procedural safeguard for parents. It gives parents time to understand the proposed activity, offers them the opportunity to involve others in the decision-making process, and supports parents in providing informed consent.

Timelines for PWN

The written notice must be provided at least 10 calendar days before implementing the proposed activity. This means that the activity may be planned/scheduled to occur on the 11th (or later) date from the date the notice is given.

Parents receive PWN when the relevant PWN form is physically handed to the parent, emailed to the parent, or mailed to the parent. When PWN is provided to the parent via the mail, the date PWN is put in the mail is considered the date the PWN was provided. The date the PWN is provided to the parent is recorded on the PWN form in the “service coordinator use only” box on forms EI-01, 02, 03, 09, 10, and in the lower right box on form EI-11). The EI service coordinator and, when relevant, the EI service provider should document all PWN activities in case notes.

Parent Consent

Under 5123-10-02(B)(2), parent consent must be provided in writing. No activities may be consented to orally either in-person or over the phone. The date of consent is the date written in with the parent signature on the appropriate required EI form.

Optional Waiver of Timeline

Most PWN forms include an optional “Waiver of Timeline.” The exceptions are the PWN of Exit (EI-10) and PWN of Ineligibility (EI-09). When a parent agrees to the waiver of the timeline, an activity can start earlier than the usual 10 days. The waiver is optional and, if a parent does not wish to waive the timeline, other timelines (e.g., the 45-day activities timeline and 30 day timely receipt of services timeline) must still be adhered to.

The waiver should only be offered when (1) an EI provider is able to provide the proposed EI activity sooner than 10 days and (2) the parent wants the activity to occur as soon as possible. In this case, the parent may date and initial the “Waiver of Timeline” box indicating that the parent is waiving the 10-day timeline and the proposed activity can begin on the agreed upon date, including as early as the day the PWN was provided to the parent.

Using the PWN Forms

The PWN forms are provided for specific activities. Below follow descriptions of some of the various activities and the corresponding forms.

EI- 09 PWN of Ineligibility

This form is completed when the child is evaluated and determined not eligible for EI services. The process for completing the evaluation is the same for an eligible or ineligible child, but the team completes this form instead of EI-04 (IFSP) for an ineligible child. In this circumstance, the EI service coordinator also provides EI-10 PWN of Exiting checking the box, “Your child does not meet eligibility requirements for EI services.” The EI parent rights brochure is also sent to the parent.

EI-10 PWN of Exiting

This form must be completed prior to exiting a child from the EI system, *unless* the child is exiting because the child has turned three or is deceased. This form does *not* include a section for parent consent, but does provide the parent the opportunity to contact the EISC if the parent believes the reason for exit is inaccurate. The EI system may not exit the child until the 10 days have elapsed from the date the form was given or mailed. The EI parent rights brochure is also sent to the parent.

EI-11 PWN of Proposed Change to Services

This form is used to provide prior notice to the parent of planned “changes” to the EI services specified on the IFSP (as recorded in section 4, “the grid.”), including when those changes are agreed to at an IFSP meeting, are documented on the service grid, and the parent has signed the IFSP.

Changes to the IFSP include the following:

- Beginning an EI service
- Changing the method, location, frequency, session length, provider agency, or funding source of a service on the grid
- Ending any EI service on the grid

Whenever one of the columns indicated in red is changed, PWN must be provided to the parent.

Early Intervention services: Using all of the information available, the IFSP team has identified the following EI services to support our outcomes.

EI service type	Method	Location	How often	Session length	Provider agency	Funding source	Projected start date	Projected end date	Outcome number(s)

Method: Direct (D); Joint (J) • In-person: (P); Technology (T) Location: Home (H); Community (C); Other (O)

Because PWN must be given whenever an EI service is added to the grid, EI-11 must be provided for every EI service on an initial IFSP. If more than one service is on the grid, it is not necessary to complete a separate EI-11 for each service. However, when EI-11 is completed, it should contain enough detail for the parent to understand the proposed change. Although either the EI service coordinator or EI provider can complete EI-11, it is ultimately the EI service coordinator’s responsibility to ensure that it is completed. At initial IFSPs, it will generally be the EI service coordinator who completes EI-11.

PWN does not need to be provided at IFSP reviews if nothing in the first seven columns of the grid is changed. Importantly, PWN is *not* provided in the following circumstances:

- Only the IFSP outcome changes
- The *individual* providing an EI service changes, but the provider *agency* on the grid does not change
- The EI service coordinator changes. In this case, simply update Section 2 of the IFSP on a new page.
- Projected start/end date changes.

If a parent would like a service to begin right away *and* the provider is able to provide the service sooner than 10 days, the parent may waive the 10 day PWN. The actual agreed upon start date should be noted in the “Proposed date of change” field. In this case, the date *will* be fewer than 10 days from the date the form is completed. A parent’s desire to waive the 10 day PWN does not obligate a provider to provide the service any sooner than the timely receipt of services (TRS) requirement that services begin within 30 days of the IFSP date.