

**Policy:**

Enforcement of Procedural Safeguards

**Effective:**

July 2019

**Federal Authority:**

Title 34 of the U.S. Code of Federal Regulations, Vol. II, Chapter III, Parts 300-399:

§§ 303.7; 303.13; 303.25; 303.34(a); 303.34(b)(1), (b)(5); 303.101(a)(1)(i)–(a)(1)(ii); 303.112-303.113; 303.118(b)(3); 303.209(b)-(d)(3); 303.211(b)(1)(ii)(C); 303.211(b)(7); 303.227(a)-(b); 303.302(c)(1)(ii)(I); 303.303(c)(10); 303.310(a); 303.321(a)(1)(ii)(B); 303.321(a)(5)–(6); 303.321(b); 303.432(b); 303.342(d)(1)(i)-(ii), (d)(2); 303.342(e); 303.343(a)(1)(i)-(iii); 303.344(b)-(c); 303.345; 303.400-303.417; 303.420-303.422; 303.430-303.433; 303.435-303.438; 303.440-303.449; 303.501(a)–(b); 303.510(b); 303.520(a)(4); 303.520(b)(1)-(2); 303.521(a)-(c), (e); 303.601(a)(1); 303.731(d)(1).

Title 20 of the U.S. Code of Law, Chapter 33. §§1400-1499:

§§ 1221(e)(3); 1231d; 1401(20); 1412; 1415; 1431; 1432(4); 1433; 1434; 1435; 1436; 1437; 1439; 1440; 1441; 1442; 1443(b)

- As lead agency for South Carolina’s IDEA/Part C Early Intervention System, the South Carolina Department of Health and Human Services (SCDHHS) will establish and enforce:
  - Procedural safeguards in the areas of confidentiality, parental consent and notice, surrogate parents, and dispute resolution consistent with IDEA/Part C and FERPA; and
  - Effective implementation of the safeguards by each public agency in the State (including the lead agency), Intake Coordinators, Service Coordinators, and Early Intervention Service (EIS) providers.
- All Intake Coordinators and Service Coordinators, upon request, will make available to parents an initial copy of the child’s early intervention record at no cost to the parents.
- In the event of due process proceedings, unless the parent and lead agency agree otherwise, the child will continue to receive the appropriate early intervention services and in the setting identified in the Individualized Family Service Plan (IFSP) and for which the parent has given consent.
- The IDEA/Part C Family Guide and state policies and procedures define the process by which infants and toddlers with disabilities and their families will be assured of their rights.