**Section 500.165 Written Prior Notice**

a) General

Written prior notice must be given to the parents of a child eligible under this Part a reasonable time before a participating agency proposes, or refuses, to initiate or change the identification, evaluation or placement of the child, or the provision of appropriate EI services to the child and the child's family.

b) Content of Notice

The notice must be in sufficient detail to inform the parents about:

1) The action that is being proposed or refused;

2) The reasons for taking the action; and

3) All procedural safeguards that are available under this Part, including a description of Mediation under Section 500.145, the State Complaint procedure under Section 500.170 and the due process procedures under Section 500.140, including the timelines under those procedures.

c) Native language

1) The notice must be written in language understandable to the general public and provided in the native language of the parents or other mode of communication used by the parent, unless it is clearly not feasible to do so.

2) If the native language or other mode of communication of the parent is not a written language, the public agency or designated service provider shall take steps to ensure that:

A) the notice is translated orally or by other means to the parent in the parent's native language or other mode of communication;

B) the parent understands the notice; and

C) there is written evidence that the requirements of subsection (c) have been met.

3) If a parent is deaf or hard of hearing, blind or visually impaired, or has no written language, the mode of communication must be that normally used by the parent (such as sign language, Braille, oral communication or other mode of communication as determined through consultation with the parent).

(Source: Amended at 38 Ill. Reg. 11086, effective May 12, 2014)