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Governance and Guidance

Individuals with Disabilities Education Act (IDEA)

 $\S300.503$ (Prior notice by the public agency; content of notice) $\S300.29$ (Native language)

Michigan Administrative Rules for Special Education (MARSE)

R 340.1721a (Timelines - Initial evaluation) R 340.1721b(1) (Timelines - Written notice) R 340.1721b(3) (Timelines - Notice of offer of FAPE)

Guidance Documents and Resources



Notice is important because...

It's a legal requirement under the Individuals with Disabilities Education Act (IDEA)

It's a procedural safeguard for parents and students

It protects a student's right to a free appropriate public education (FAPE)

It provides written information about a district's offer of a FAPE for the student

Parents have the right to agree or disagree with changes that the school wants to make regarding their child. Notice gives parents information to make informed decisions.



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Prior Written Notice (PWN)

PWN is written information given to parents by the school to explain decisions about the child's education and the reasons for those decisions.

School must provide written notice whenever it wants to (or refuses to):

- · evaluate a child
- change a child's disability identification
- change a child's educational placement
- change the way in which a child is provided with a free appropriate public education
 (FAPE)

PWN is required before the school requests parental consent to evaluate a child and the first time a child will receive special education and related services.



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Written notice must...

Describe **the action** that the school proposes or refuses to take;

Explain **why** the school is proposing or refusing to take the action;

Describe each evaluation procedure, assessment, record, or report the school district used as a **basis for their decision**:

Statement that parents of a child with a disability have **protection** under the procedural safeguards and how they can get a copy of them;

Provide resources where parents can go to get help in understanding the procedural safeguards;

Describe **any other options** that a child's Individualized Education Program (IEP) Team considered and why those options were rejected;

Provide a description of **other reasons** why the school proposed or





Notice must be in understandable language

Must be provided in a parent's native language or other mode of communication the parent uses, unless it is clearly not feasible to do so.

Notice must be written in a language understandable to the general public.

If native language or other mode of communication is not a written language, school must ensure that:

- Notice is translated orally or by other means in the parent's native language or other mode of communication.
- Parents understand the content of the notice.
- There is written evidence that the above requirements have been met.

If the school offers the option, parents can receive the notice by email.

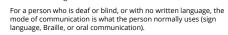
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Native Language

Native language, when used with an individual who has limited English proficiency, means:

- The language normally used by the person or the child's parents
- In all direct contact with the child (including evaluation of the child), the language normally used by the child in their home or learning environment





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Notice Timelines - Determining Eligibility



Within 10 school days: School provides written notice and requests consent after receiving a parent's request for any evaluation

Within 7 school days from the Individualized Education Program (IEP) meeting: School provides parent written notice of an offer of a free appropriate public education (FAPE) or determination of ineligibility for special education programs and services

Within 10 school days: Parent provides school with written consent to provide initial special education services after receiving the initial offer of FAPE

As soon as possible or not more than 15 school days: Proposed special education IEP must start after parent receives written notification and provides consent to provide services (unless parent has filed an appeal)

Not more than 30 school days: The time from when the school receives parent's consent for an evaluation to the notice of a FAPE or ineligibility for services

• 30 school days includes the requirement to receive notice within 7 days of the IEP meeting

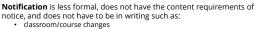


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Notice vs. Notification

Prior Written Notice (PWN) or Notice is the formal written document the district must provide parents when the district proposes to initiate or change certain things or refuses to initiate or change certain things.

• PWN must be given to a parent **BEFORE** the any proposed changes are made.



- bus schedule change state/district assessments general screenings or observations not part of an evaluation



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Notice vs. Consent

Notice is not the same as consent

- Notice: written information to parents to explain an activity the school wants to do/refuses to do
- Consent: process of getting formal permission for the school to complete an activity

Written notice must always be given before consent is requested

Consent must always be in writing

Schools must clearly state the reason consent is being requested

Schools must inform parents that their consent is voluntary and can be withdrawn at any time



	Evaluation
	Prior to requesting consent
	When the school says "no, not now"
	Following a verbal or written request for an evaluation
	When no further information is necessary to continue
D14401	eligibility
PWN is	Identification
	Prior to identification as a student with a disability
required	Following a parent's refusal to give consent
	 Following a request for change in eligibility
Evamples	Placement
Examples	Initial placement determination
	Change in least restrictive environment (LRE)
	Refusal to change placement requested by a parent
	Change in placement due to disciplinary reasons
	Michigan Allance for Families of amount of the substantion

Free Appropriate Public Education (FAPE)

After IEP is proposed by district

IEP amendment

Change in services, accommodations, or modifications

Removing specialized transportation from the IEP

Provision of services when a student transfers to a new school district

Graduation with a diploma

Termination of services

Termination of services

Cheer

Refusal to convene an IEP team meeting after a parent's request

Revocation of parental consent

Refusal to provide services to a student who is parentally placed in a private school when a parent requests services

Transfer of rights at age of majority

Independent Educational Evaluation (IEE)





If the school finds a student ineligible for special education services after a 3-year reevaluation?

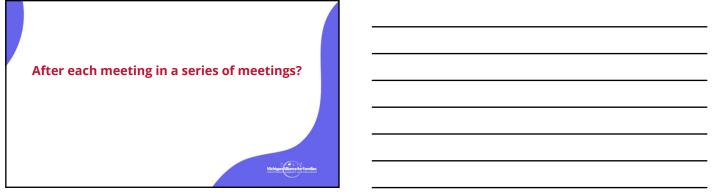


If a parent asks for their child to spend more time in a less restrictive environment?	
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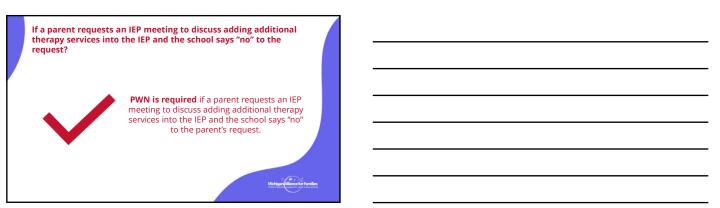
If a parent asks for their child to spend more time in a less restrictive environment?

PWN is required if a parent asks for their child to spend more time in a less restrictive environment

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After each meeting in a series of meetings if nothing changes in the student's IEP?	
PWN is not required after each meeting in a series of meetings that don't result in changes to the IEP	
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If a parent requests an IEP meeting to discuss adding additional therapy services into the IEP and the school says "no" to the request?	



	If the Cognitive Impairment (CI) program a student attends moves to a different location?	
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If the CI program a student attends moves to a different location?



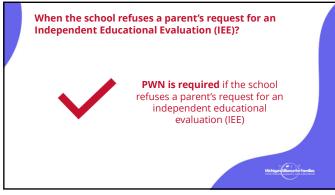
PWN is not required if the CI program changes to a different location

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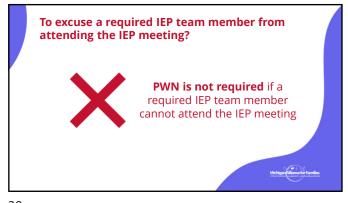
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When the school refuses a parent's request for an Independent Educational Evaluation (IEE)?

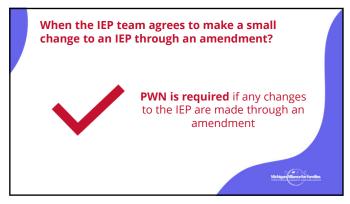
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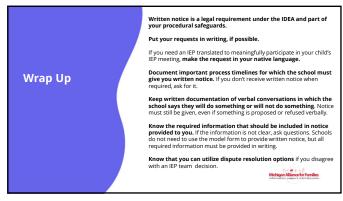
To excuse a required IEP team member from attending the IEP meeting?















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