

Riverside County Special Education Local Plan Area (SELPA) Prior Written Notice Guidance

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Introduction

The prior written notice, referred to in this document as the PWN, is a vital component of the procedural safeguards that schools make available to special education students and their parents. Providing a timely and correct PWN is essential to protecting the rights of special education students and their parents.

If completed accurately, the PWN provides a clear record for the student, parents, and school of the decisions that have been made; the basis for those decisions; and the actions that will or will not be taken. This record may be referred to in any number of circumstances, such as subsequent meetings or dispute resolution situations, or as a clarification and reminder to all parties of commitments made. The prior written notice documents any proposals or refusals with regard to special education matters.

The basic components of the PWN are important and serve as additional reminders in informing parent(s) of decisions that have been made. The PWN must provide:

- a description of the school's action(s), proposed or refused
- an explanation of why the school proposes or refuses to act
- a description of other options the school considered and why they were rejected
- a description of evaluations, tests, records, or reports the school used as a basis for the action proposed or refused
- a description of other factors relevant to the school's proposal or refusal
- a statement that procedural safeguards are available to the parents and how to get a description of them
- a statement of whom the parent(s) of a child with a disability may contact to get help in understanding their rights and the rights of their child afforded under the protection of the Individuals with Disabilities Education Improvement Act of 2004 (IDEIA '04).

The purpose of this document is to give readers information, clarification, guidance, and examples relating to using the PWN. This document includes:

- The state and federal laws and regulations relative to the PWN Guidance as to when PWNs must be provided
- Examples of written PWNs for many common special education situations
- Charts, which show the integration of PWN with the overall special education process
- Helpful tips for writing PWNs

Information in this document is directed to special and general education teachers, administrators, related service providers, parents, and all interested parties who wish to know more about the PWN. As required by Code of Federal Regulations 34 CFR §300.503

When Should the Prior Written Notice Be Provided?

Eight Times to Provide the Prior Written Notice

34 CFR §300.503

Written notice that meets the requirements under section 300.503 (b) must be given to the parents of a child with a disability a reasonable time before the public agency –

- (i) Proposes to initiate or change identification, evaluation, or educational placement of the child or the provision of FAPE to the child; or
- (ii) Refuses to initiate or change identification, evaluation, or educational placement of the child or the provision of FAPE to the child.

Eight Times a Public Agency Must Provide Section §300.503 Notice

1. When the public agency **proposes** to initiate or change **identification** of a student.
2. When the public agency **proposes** to initiate or change the **evaluation** of a student.
3. When the public agency **proposes** to initiate or change the **educational placement** of a student.
4. When the public agency **proposes** to initiate or change the provision of free, appropriate public education (**FAPE**) to a student.
5. When the public agency **refuses** to initiate or change **identification** of a student.
6. When the public agency **refuses** to initiate or change the **evaluation** of a student.
7. When the public agency **refuses** to initiate or change the **educational placement** of a student.
8. When the public agency **refuses** to initiate or change the provision of **FAPE** to a student.

What Content Should the Prior Written Notice Include?

Seven Items the Prior Written Notice Must Contain

1. A description of the action proposed or refused by the agency;
2. An explanation of why the agency proposed or refused to take the action;
3. A description of each evaluation procedure, assessment, record, or report the agency used as a basis for the proposed or refused action;

4. A statement that the parents of the child with a disability have protection under the procedural safeguards of this part and, if this notice is not an initial referral for evaluation, the means by which a copy of a description of the procedural safeguards can be obtained;
5. Sources for parents to contact to obtain assistance in understanding the provisions of this part;
6. A description of any other options that the IEP Team considered and the reasons why those options were rejected;
7. A description of the other factors relevant to the agency's proposal or refusal.

NOTE:

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.

If the native language/mode of communication of the parent is not a written language, steps must be taken to translate the notice orally or by other means to the parent in their native language/mode of communication, ensuring that the parent understands the notice. Written evidence documenting these requirements must be maintained by the public education agency.

***Please contact your district special education administrator if you are unsure who will be completing specific kinds of PWNs, as it is up to the individual district to make the determination.**

Procedural Safeguards Notice

A copy of the procedural safeguards available to the parents of a child with a disability must be given to the parents only one time a school year, except that a copy must also be given to the parents:

- Upon initial referral or parent request for evaluation;
- Upon receipt of the first State complaint and upon receipt of the first due process complaint in a school year;
- In accordance with the discipline procedures;
- Upon request by a parent

What Circumstances Require a Prior Written Notice?

Note: Almost Every IEP Will Require A PWN to Be Completed Following the Meeting

Events Requiring a Prior Written Notice	YES	NO
Identification		
Screening of all students		X
Screening of individual student (by any service provider)	X	
Student Success Team(SST)/Response to Intervention(Rtl)		X
Intervention strategies		X
Referral for initial evaluation	X	
Evaluation		
Collection of new data for initial evaluation and reevaluation	X	
Evaluation of progress on the annual goals		X
Administration of statewide or school wide assessments		X
Independent education evaluation (provided by district)	X	
Determination of eligibility upon completion of an initial evaluation or reevaluation	X	
Eligibility issues	X	
Refusal to conduct an evaluation	X	
Educational Placement		
Initial educational placement into special education	X	
Relocation of the special education program	X	
Any change in educational placement	X	
Termination of special education and related services	X	
Transfer of student to another school or district (By IEP team)	X	
Graduation with a regular diploma	X	
Discipline		
Disciplinary removal for more than 10 consecutive school days	X	
Disciplinary removal for not more than 10 school days		X
A series of disciplinary removals that constitute a pattern of removals (10 days)	X	
Disciplinary removal to an IAES for not more than 45 school days	X	
Provision of FAPE		
Deletion or addition of a related service	X	
Change in annual goals on an existing IEP	X	
Increase or decrease in special education services or related services	X	
Change in how a student will participate in statewide and district wide assessments	X	
Review and revision of the IEP	X	
Increase or decrease to supplementary aids and services or supports to school personnel	X	
Refusal to increase or decrease a related service	X	
Consideration of ESY if done at a separate meeting	X	
Parent revocation of consent	X	

Identification/Initial Evaluation

While this step in the special education process is called identification in IDEA, it is more often referred to as the referral for evaluation. Identification occurs when a decision is made to refer an infant, preschool or school-aged student for evaluation who is not currently identified as a “child with a disability under IDEA” but is suspected of having a disability.

The purpose of the PWN at this point is to outline for the parent the decision to refer their child to the multidisciplinary evaluation team and the reasons for that referral. This PWN is provided to the parent. It serves as a written notice of the school’s proposal or refusal to initiate or make changes **that affect their child**. This proposal or refusal is the decision, *not yet acted upon*, that has been reached before the review of existing data and before the collection of additional data for possible qualification for special education services. The notice allows the parents’ time to seek resolution if they disagree with the school’s decisions or to refuse such evaluation.

The first step in the evaluation process is to review existing data. Existing data should include: information provided by the parents of the child; current classroom-based assessments and performance in the general curriculum; formal assessments such as state and district-wide assessments (if the student has taken these assessments); teacher and related services provider observations; and pre-referral interventions, including classroom interventions.

This existing data is then summarized and included as part of the evaluation report. On the basis of the review and input from the child’s parents, the team must identify what additional data, if any, are needed to determine:

- Whether the child has a particular category of disability;
- The present level of academic achievement and functional performance (PLOP) and the educational needs of the child;
- Whether the child needs special education and related services.

The team must outline for the parents its decisions regarding the evaluation process:

- The team must determine if additional data is necessary to determine eligibility.
- If additional evaluation data must be gathered, the team must develop the evaluation plan.
- The team must then obtain parent consent for the collection of new data.

The evaluation process is used to determine the child’s eligibility for special education services; hence, the eligibility determination is an integral and necessary component of the evaluation process. The Prior Written Notice serves as a written notice of the school’s proposal or refusal to carry out an action **that affects their child**. The school’s proposal or refusal is a decision that has been reached. The notice allows the parents’ time to seek resolution if they disagree with the school’s decisions.

**EXAMPLE: Refusal Identification/Initial Referral
RIVERSIDE COUNTY SPECIAL EDUCATION LOCAL PLAN AREA (SELPA)
INDIVIDUALIZED EDUCATION PROGRAM
PRIOR WRITTEN NOTICE**

Provided to parent prior to district initiation or refusal regarding change of identification, evaluation, educational placement, or provision of free appropriate public education

The use and distribution of this form is limited to employees of public school agencies within the Riverside Special Education Local Plan Area (SELPA)

Student Name: Jack B Nimble / / 2 / 14 / 2011
 First Middle Last Birthdate Date Notice of Procedural Safeguards was sent to parent

This notice is to inform the parent(s) of the above named student regarding the school district's:

Proposal to initiate or change the:

- Identification Evaluation Educational Placement The provision of a free appropriate public education to your child

This notice includes a description of the proposed action, an explanation of why the district proposed to take this action, a description of any other options that were considered and the reasons why those options were rejected, and other factors that are relevant in this proposal. Your written permission must be given before we assess your child to determine eligibility. You have the right to be familiar with the assessment procedures and type of tests that may be given to your child. After the assessment is completed, you will be notified in writing of an IEP meeting to discuss the results of the evaluation.

If your child is found eligible for special education services, a full range of program options will be discussed.

Refusal of your request to initiate or change the:

- Identification Evaluation Educational Placement The provision of a free appropriate public education to your child

This notice includes a description of action being refused, an explanation of why the district refused to take this action, a description of any other options that were considered and the reasons why those options were rejected, and other factors that are relevant to this refusal.

<u>Description of <input type="checkbox"/> proposed or <input checked="" type="checkbox"/> refused action:</u> After consideration of the parent's request to refer Jack for a special education evaluation, the District determined that the intervention strategies utilized as a result of the RtI process appear to be working, and additional evaluation measures are not warranted.
<u>Reason(s) for <input type="checkbox"/> proposed or <input checked="" type="checkbox"/> refused action:</u> Jack's current classroom performance does not indicate the need for a special education evaluation at this time.
<u>Description of evaluation procedures, tests, records, or reports used in deciding to propose or refuse this action:</u> A structured phonics program was implemented along with a daily guided reading session.
<u>Description of other options considered and reasons for rejecting them:</u> The Student Success/RtI Team, which included Jack's teacher, reviewed his present level of performance, his strengths as well as his needs. The team developed several intervention strategies that the classroom teacher has since implemented. Definite improvement and progress was noted and documented. As a result, the team felt that Jack is able to progress at a significant rate when a variety of materials and methods are utilized. Testing for special education does not appear to be necessary at this time.
<u>Other factors relevant to the proposal or refusal:</u> Jack's classroom teacher has experience with research-based reading strategies and is able to accommodate Jack's needs within the general classroom.

Parents/Guardians have protections under state and federal procedural safeguard provisions. Please refer to the enclosed NOTICE OF PROCEDURAL SAFEGUARDS for an explanation of these rights. If you would like further information about your rights or the proposed action and/or referral please contact:

Bob Who School Psychologist 123-4567 Bwho@abcusd.org
 Print Name of District Contact Position Phone E-mail Address

Educational Placement

When a child has been evaluated and found to be eligible for special education, the appropriate educational placement for that child cannot be determined until decisions have been made about the child's needs and the services that the public agency will provide to meet those needs. Thus, the initial IEP must be developed before any placement decision concerning special education can be made.

Stated another way, after determining that a child is eligible for special education, i.e., the child has a disability and requires special education services, the child's IEP team must then develop an appropriate IEP to meet the child's educational needs. The public agency must then make the proposal to place the child in special education in order to implement services. The PWN will include the decisions for any proposals and refusals in implementing the proposed IEP and the decision to place the student in special education. At this time, the parent must provide written informed consent for initial placement before any special education services can be delivered. The parent must also be a participant in the development of the IEP.

Subsequently, **any time a change of educational placement for that child occurs, a prior written notice must be given to the parents.** For examples, please see "What Circumstances Require a Prior Written Notice" on page 7.

The intent of the PWN is to provide parents with written notice of the school's proposal or refusal to carry out an action **that affects their child**. The school's proposal or refusal is a decision that has been reached but not yet acted upon. The notice allows the parents' time to seek resolution if they disagree with the school's decisions.

Free Appropriate Public Education (FAPE)

FAPE (Free Appropriate Public Education) is defined as the special education and related services that are provided under public supervision and direction without charge and defined by the standards of the state.

A PWN must summarize the actions proposed or rejected that relate to the provision of FAPE (or the provision of special education services). The prior written notice should also contain the actions and options that were proposed and considered at the meeting, but that were determined not appropriate for the child.

For the initial placement in special education, the IEP team must first determine what constitutes FAPE for the child. Next, the parent must consent to the placement outlined in the student's IEP. The prior written notice provided in this step of the special education process would include the decisions for both proposals and/or refusals in the development of the IEP and the decision to place the student into special education.

One PWN can serve several purposes. It may document an eligibility decision, a FAPE decision, and an initial placement decision if all of the decisions occur within the same meeting. Each of

these three actions, proposed or refused, should be outlined on each area of the notice.

The intent of the PWN is to provide parents with notice of an action **that affects their child** that has been decided upon but not yet acted upon. This means that the PWN is sent out after the IEP meeting but before the change occurs. The notice allows the parents to take steps to stop the action before implementation if they have objections to the action(s).

Eligibility Determination

Individual Education Program (IEP) Team must first determine:

1. Whether a child meets the criteria for a particular disability category;
2. If the disability adversely affects the educational performance of the child; and
3. If the student requires special education services.

After the IEP team (which includes the parent) determines eligibility, a PWN must be provided to document the team's eligibility determination, the final step in the evaluation process. The intent of the PWN is to provide parents with written notice of the school's proposal or refusal to carry out an action **that affects their child**.

NOTE: The PWN is generally completed and given to parents **following** the IEP meeting that established eligibility and services.

EXAMPLE: Proposal/Refusal FAPE & Parent Requested Aide Support
 RIVERSIDE COUNTY SPECIAL EDUCATION LOCAL PLAN AREA (SELPA)
 INDIVIDUALIZED EDUCATION PROGRAM
 PRIOR WRITTEN NOTICE

Provided to parent prior to district initiation or refusal regarding change of identification,
 evaluation, educational placement, or provision of free appropriate public education

The use and distribution of this form is limited to employees of public school agencies within the Riverside Special Education Local Plan Area (SELPA)

Student Name: Jane D Johnson / / 2 / 14 / 2011
 First Middle Last Birthdate Date Notice of Procedural Safeguards was sent to parent

This notice is to inform the parent(s) of the above named student regarding the school district's:

Proposal to initiate or change the:

- Identification Evaluation Educational Placement The provision of a free appropriate public education to your child

This notice includes a description of the proposed action, an explanation of why the district proposed to take this action, a description of any other options that were considered and the reasons why those options were rejected, and other factors that are relevant in this proposal. Your written permission must be given before we assess your child to determine eligibility. You have the right to be familiar with the assessment procedures and type of tests that may be given to your child. After the assessment is completed, you will be notified in writing of an IEP meeting to discuss the results of the evaluation.

If your child is found eligible for special education services, a full range of program options will be discussed.

Refusal of your request to initiate or change the:

- Identification Evaluation Educational Placement The provision of a free appropriate public education to your child

This notice includes a description of action being refused, an explanation of why the district refused to take this action, a description of any other options that were considered and the reasons why those options were rejected, and other factors that are relevant to this refusal.

<u>Description of <input checked="" type="checkbox"/> proposed or <input checked="" type="checkbox"/> refused action:</u> Jane's parents have proposed full-time instructional assistance be provided for Jane in the classroom.
<u>Reason(s) for <input checked="" type="checkbox"/> proposed or <input checked="" type="checkbox"/> refused action:</u> The IEP team determined, upon review of Jane's progress and after completing the RSIA process, that she is progressing satisfactorily with her current level of services, which includes instructional assistance support for a portion of the day during reading, writing, and math instruction in the general classroom. Jane will receive an additional 30 minutes daily from the special education teacher to support her goals of developing organizational skills, reinforcing concepts taught in the general classroom, as well as developing skills of independence.
<u>Description of evaluation procedures, tests, records, or reports used in deciding to propose or refuse this action:</u> Teachers' observations and input, grades, anecdotal records, behavioral and progress reports and the RSIA process information were considered.
<u>Description of other options considered and reasons for rejecting them:</u> The IEP team reviewed the parent's request for instructional assistance to be assigned to support Jane throughout her 6-hour school day. After a review of progress of IEP goals, input from Jane's general education teacher, her special education teacher, and related service providers, the team felt additional instructional assistance would create a dependence on this continuous support, lessening her ability to develop independence and the ability to self-monitor. At this time, Jane has been very successful with part-time help from the instructional assistant who supports other students along with Jane during the core academic times.
<u>Other factors relevant to the proposal or refusal:</u> Jane's aide time was decreased last spring when her current IEP was revised and rewritten. Jane's progress in reading has steadily increased during this school year and other academic areas are showing good growth as well.

Parents/Guardians have protections under state and federal procedural safeguard provisions. Please refer to the enclosed NOTICE OF PROCEDURAL SAFEGUARDS for an explanation of these rights. If you would like further information about your rights or the proposed action and/or referral please contact:

<u>Mary Lamb</u>	<u>Spec Education Dir.</u>	<u>123-4567</u>	<u>mlamb@abcusd.org</u>
Print Name of District Contact	Position	Phone	E-mail Address

**EXAMPLE: Refusal of a Request to Provide a 1:1
RIVERSIDE COUNTY SPECIAL EDUCATION LOCAL PLAN AREA (SELPA)
INDIVIDUALIZED EDUCATION PROGRAM
PRIOR WRITTEN NOTICE**

Provided to parent prior to district initiation or refusal regarding change of identification,
evaluation, educational placement, or provision of free appropriate public education

The use and distribution of this form is limited to employees of public school agencies within the Riverside Special Education Local Plan Area (SELPA)

Student Name: Jimmy J Swimmy / / / /
First Middle Last Birthdate Date Notice of Procedural Safeguards was sent to parent

This notice is to inform the parent(s) of the above named student regarding the school district's:

Proposal to initiate or change the:

- Identification Evaluation Educational Placement The provision of a free appropriate public education to your child

This notice includes a description of the proposed action, an explanation of why the district proposed to take this action, a description of any other options that were considered and the reasons why those options were rejected, and other factors that are relevant in this proposal. Your written permission must be given before we assess your child to determine eligibility. You have the right to be familiar with the assessment procedures and type of tests that may be given to your child. After the assessment is completed, you will be notified in writing of an IEP meeting to discuss the results of the evaluation.

If your child is found eligible for special education services, a full range of program options will be discussed.

Refusal of your request to initiate or change the:

- Identification Evaluation Educational Placement The provision of a free appropriate public education to your child

This notice includes a description of action being refused, an explanation of why the district refused to take this action, a description of any other options that were considered and the reasons why those options were rejected, and other factors that are relevant to this refusal.

Description of proposed or refused action: The XYZ Unified School District (XYZUSD) is denying your request to assign a one-to-one aide to Jimmy during his academic classes, lunch and recess.

Reason(s) for proposed or refused action: XYZUSD believes that Jimmy does not require a one-to-one aide in order to benefit from his educational program.

Description of evaluation procedures, tests, records, or reports used in deciding to propose or refuse this action: XYZUSD considered the following documents: Special Circumstances Instructional Assistance (SCIA) Evaluation conducted in November 2007, SCIA Evaluation Report dated December 2, 2007, Jimmy's first semester report card and progress report, his IEP dated October 31, 2007, as well as his triennial psycho-educational report dated May 31, 2007.

Description of other options considered and reasons for rejecting them: At the December 14, 2007 IEP meeting, Jimmy's team considered assigning a classroom aide during Jimmy's math and science courses which are the only courses he is having difficulty. The team discussed the possible reasons for Jimmy's difficulty in these classes: failure to turn in homework and missing quizzes due to asthma attacks and leaving school early to visit his grandparents. The IEP team added a goal for homework completion and an accommodation to permit Jimmy to take quizzes he misses due to asthma attacks. XYZUSD therefore decided that the new goal and accommodation would address his difficulties in math and science, whereas adding an aide to these classes would likely cause Jimmy to revert to his negative behaviors that he displayed last year and increase his dependence on an adult to socialize and communicate appropriately with peers.

Other factors relevant to the proposal or refusal: When an aide was assigned to Jimmy last school year, his negative behaviors increased (inappropriately touching classmates and yelling out answers during classroom instruction), Jimmy was overly dependent upon his aide for initiating games and conversations with his peers and resisted volunteering in class. Since the beginning of this school year, when he stated EFG Middle School without an aide, Jimmy initiates games and conversations with only one verbal prompt by the recess aide and appropriately raises his hand during class to respond to questions with the teacher and classroom aide using only 2 visual prompts.

Parents/Guardians have protections under state and federal procedural safeguard provisions. Please refer to the enclosed NOTICE OF PROCEDURAL SAFEGUARDS for an explanation of these rights. If you would like further information about your rights or the proposed action and/or referral please contact:

Print Name of District Contact Position Phone E-mail Address

EXAMPLE: Interim Placement of a Student with No Special Education Records Available
 RIVERSIDE COUNTY SPECIAL EDUCATION LOCAL PLAN AREA (SELPA)
 INDIVIDUALIZED EDUCATION PROGRAM
 PRIOR WRITTEN NOTICE

Provided to parent prior to district initiation or refusal regarding change of identification,
 evaluation, educational placement, or provision of free appropriate public education
 The use and distribution of this form is limited to employees of public school agencies within the Riverside Special Education Local Plan Area (SELPA)

Student Name: Charlie M Brown 11 / 5 / 2000 11 / 24 / 2009
 First Middle Last D.O.B. Date Notice of Procedural Safeguards was sent to parent

This notice is to inform the parent(s) of the above named student regarding the school district's:

- Proposal to initiate or change the:
- Identification Evaluation Educational Placement The provision of a free appropriate public education to your child
- This notice includes a description of the proposed action, an explanation of why the district proposed to take this action, a description of any other options that were considered and the reasons why those options were rejected, and other factors that are relevant in this proposal. Your written permission must be given before we assess your child to determine eligibility. You have the right to be familiar with the assessment procedures and type of tests that may be given to your child. After the assessment is completed, you will be notified in writing of an IEP meeting to discuss the results of the evaluation and to make recommendations discussed at this meeting without your written consent. If your child is found eligible for special education services, a full range of program options will be discussed.
- Refusal of your request to initiate or change the
- Identification Evaluation Educational Placement The provision of a free appropriate public education to your child
- This notice includes a description of action being refused, an explanation of why the district refused to take this action, a description of any other options that were considered and the reasons why those options were rejected, and other factors that are relevant to this refusal.

<p><u>Description of proposed or refused action:</u> XYZ school district was presented with information that included an out of date IEP and out of date eligibility assessment report for providing special education services to your child. As there is not current information available to place your child into special education, the district will be placing your child into general education class(es) and offering an assessment plan to determine eligibility for special education services.</p>
<p><u>Reason(s) for proposed or refused action:</u> As there is not an existing approved IEP or triennial assessment within your child's educational records, the district will not be able to place your child into Special Education until this assessment is complete and a determination made on eligibility. Since there are questions about your child's continued need for special education services, the XYZ school district is proposing an assessment plan to determine eligibility and appropriate services, if warranted.</p>
<p><u>Description of evaluation procedures, tests, records, or reports used in deciding to propose or refuse this action:</u> XYZ school district has taken reasonable steps to promptly obtain the child's records, including the IEP and supporting documents and any other records relating to the provision of special education and related services to the pupil, from the previous school in which the pupil was enrolled. No current records were available to review and determine appropriate special education services. (List out the specific attempts to locate records, e.g. phone call/mail/email with dates)</p>
<p><u>Description of other options considered and reasons for rejecting them:</u> Removal from general education for the provision of special education services was rejected because current eligibility for services and current areas of identified need are not available to determine an appropriate offer of FAPE in the least restrictive environment.</p>
<p><u>Other factors relevant to the proposal or refusal:</u> Since the student will be placed in a general education setting due to the current special education records being out of date (or non-existing), the XYZ school district has provided the family with an assessment plan to determine student's needs and whether the student is eligible for special education services at this time. The XYZ school district has 60 days from the receipt of the signed parental consent to the assessment plan to complete the evaluation and hold the IEP meeting to discuss the results of the assessment.</p>

You have protections under state and federal procedural safeguard provisions. Please refer to the enclosed NOTICE OF PROCEDURAL SAFEGUARDS for an explanation of these rights. If you would like further information about your rights or the proposed action and/or referral please contact:

<u>Lucy Van Pelt</u>	<u>Program Specialist</u>	<u>123-456-7890</u>	<u>lvpelt@xyz.org</u>
Print name of District Contact	Position	Phone	E-mail Address

**EXAMPLE: Proposal Change the Educational Placement Due to Graduation
RIVERSIDE COUNTY SPECIAL EDUCATION LOCAL PLAN AREA (SELPA)
INDIVIDUALIZED EDUCATION PROGRAM
PRIOR WRITTEN NOTICE**

Provided to parent prior to district initiation or refusal regarding change of identification,
evaluation, educational placement, or provision of free appropriate public education

The use and distribution of this form is limited to employees of public school agencies within the Riverside Special Education Local Plan Area (SELPA)

Student Name: Jane I Am / /
First Middle Last Birthdate Date Notice of Procedural
Safeguards was sent to parent

This notice is to inform the parent(s) of the above named student regarding the school district's:

Proposal to initiate or change the:

- Identification Evaluation Educational Placement The provision of a free appropriate public education to your child

This notice includes a description of the proposed action, an explanation of why the district proposed to take this action, a description of any other options that were considered and the reasons why those options were rejected, and other factors that are relevant in this proposal. Your written permission must be given before we assess your child to determine eligibility. You have the right to be familiar with the assessment procedures and type of tests that may be given to your child. After the assessment is completed, you will be notified in writing of an IEP meeting to discuss the results of the evaluation.

If your child is found eligible for special education services, a full range of program options will be discussed.

Refusal of your request to initiate or change the:

- Identification Evaluation Educational Placement The provision of a free appropriate public education to your child

This notice includes a description of action being refused, an explanation of why the district refused to take this action, a description of any other options that were considered and the reasons why those options were rejected, and other factors that are relevant to this refusal.

<u>Description of <input checked="" type="checkbox"/> proposed or <input type="checkbox"/> refused action:</u> Jane will be exiting special education services on June 12, 2009 due to meeting all the graduation requirements of the State of California and XYZ School District (state and local requirements for graduation).
<u>Reason(s) for <input checked="" type="checkbox"/> proposed or <input type="checkbox"/> refused action:</u> Jane has passed both sections of the California High School Exit Exam, met the state algebra requirement and obtained the required educational credits within the course of study approved by the Board of Education of XYZ School District to graduate high school with a regular diploma.
<u>Description of evaluation procedures, tests, records, or reports used in deciding to propose or refuse this action:</u> Jane's high school transcripts and cumulative records were reviewed.
<u>Description of other options considered and reasons for rejecting them:</u> No other options are appropriate at this time; Jane has met all required criteria for graduation.
<u>Other factors relevant to the proposal or refusal:</u> Upon graduation, Jane will no longer be eligible for special education and related services (EC 56026.1 (a)). A summary of performance will be provided to Jane to assist with postsecondary education and/or employment.

Parents/Guardians have protections under state and federal procedural safeguard provisions. Please refer to the enclosed NOTICE OF PROCEDURAL SAFEGUARDS for an explanation of these rights. If you would like further information about your rights or the proposed action and/or referral please contact:

Print Name of District Contact	Position	Phone	E-mail Address

Reevaluation

When an already identified special education student needs a three-year reevaluation, the PWN for identification is not necessary because the student has already been identified. In other words, a PWN is not required prior to the first step in the reevaluation process, reviewing existing data.

The first step is for the IEP team to review and summarize existing data so that the team can decide if the information is sufficient to determine continued eligibility. This review includes prior evaluations, information provided by the parents of the child, current classroom-based assessments and performance in the general curriculum, formal assessments such as state and district-wide assessments, and teacher and related services provider observations.

While it is clear that parents must be given the opportunity to participate in the review of existing data, it is not an action to which they have a right to object. Parents participate and contribute, but they don't have the right to object to the review taking place—only the actions that are proposed as a result of this review. Please see the Riverside County SELPA's "Determination of Need for Triennial Review Evaluation" guideline located at www.rcselpa.org.

On the basis of the review and input from the child's parents, the team next identifies what additional data, if any, are needed to determine:

1. Whether the child continues to have a particular category of disability;
2. The PLOP and the educational needs of the child;
3. Whether the child continues to need special education and related services; and
4. Whether any additions or modifications to the special education and related services are needed to enable the child to meet the measurable annual goals set out in the IEP.

If the SST/RtI members determine that **no additional data are required**, a prior written notice would not be necessary until the eligibility determination is made, possibly at the end of the meeting. This PWN would outline the IEP team's reasons for not collecting additional data, as well as the eligibility decision.

If the team determines that **additional assessments are required** as part of the child's reevaluation, the team must document this decision and the reasons for this decision, as well as describe the evaluation procedures that will be administered. When additional information is required, a prior written notice must be provided.

The last step is for the team to determine if the child continues to meet the criteria for a disability category. If the child no longer requires special education and related services, based upon an evaluation, the student is dismissed from special education services.

One PWN can serve as documentation when an eligibility decision and FAPE decision (IEP review) occur within the same meeting. Each of these two actions, proposed or refused, should be included in each area of the notice. Although, districts may choose to complete one PWN for each area proposed or refused.

Discipline

In the special education process, when a student is removed from his or her designated program as a result of a violation of the student code of conduct, the IDEA provides a specific set of protections. The discipline process clearly outlines and requires a PWN when the school seeks to “change the placement” of a student because of a violation. This change of placement is not like an initial placement. It is rather the removal of the student for *more than ten consecutive school days* or removing him or her for *more than ten cumulative days* in a school year as a result of violations that constitute a pattern of behavior.

It is important to note that students can be removed for violations of a student code of conduct the same way students without disabilities are removed and, when it **is not** a change in placement, **no PWN is required**.

The discipline process requires that, within 10 days of any decision to change the placement, the parent and relevant members of the IEP team conduct a manifestation determination to determine:

- 1) if the conduct in question was a manifestation of the disability, i.e., caused by or had a direct substantial relationship to the student’s disability; and
- 2) if the conduct was a direct result of the local educational agency’s failure to implement the IEP.

The purpose of the PWN at this point is to outline for the parent the decision of the IEP team with respect to manifestation and IEP implementation. It should further serve to outline the decisions of the team regarding the services, location, and actual change of placement for the child. For instance, if the student was found to have violated the student code of conduct and the team determined that it was NOT a manifestation of the disability, then that would be noted along with the administrative decisions to pursue long term suspension or expulsion and where the child would be served to continue to receive his FAPE.

On the other hand, a student who violated the same student code of conduct may have been found by the team to have done so under a manifestation of the disability. **If this results in no change of placement or removal, then no PWN is necessary.** However, if the IEP team then determines, as a result of the manifestation determination, that the IEP needs to be **revised** or that behavior supports/interventions need to be added to the IEP, such changes must be made at a properly noticed and constituted IEP meeting, which would **then include a PWN** for the proposed changes.

Revocation of Consent

In the special education process, when a parent revokes consent to the entire IEP and requests their child to be completely dismissed from special education services, the IDEA provides a specific set of protections. The revocation of consent process clearly outlines and requires a PWN when the school seeks to “change the placement” of a student due to parents revoking consent to all special education and related services AFTER the IEP has been implemented and student has been receiving services.*

Parents (and students at age 18) have the right to revoke their consent for the student to receive all special education and related services. The parent/guardian must submit this statement in writing (email does count) and they do not have to give a reason for revocation. **Please note the revocation is not retroactive so the student files will not be altered to remove documentation of the child receiving special education services. The district will treat the file like any other student who is being dismissed from special education and related services.**

Once a revocation of consent is received, the District has the following responsibilities:

- Immediately complete Prior Written Notice and attach cover letter and Procedural Safeguards (send certified mail)
- No IEP meeting or assessment required
- All special education services cease after the Prior Written Notice is sent
- The student should be placed back in their neighborhood school – the principal should be notified – PWN should contain the implication of student’s enrollment back to general education

After the revocation process is completed:

- Student is placed in general education classes
- Special education and related service staff have no authority or responsibility to provide special education services
- The student no longer is protected under IDEA due process for disciplinary actions
- Child Find is the only protection available through the Initial Referral process

*If during the IEP meeting the parent does not consent to a service or placement, this DOES NOT constitute revocation of consent. Revocation of consent is when a parent/guardian requests their child to be completely removed from all special education supports and services outside of the IEP meeting.

EXAMPLE: Proposal Revocation of Consent
RIVERSIDE COUNTY SPECIAL EDUCATION LOCAL PLAN AREA (SELPA)
INDIVIDUALIZED EDUCATION PROGRAM
PRIOR WRITTEN NOTICE

Provided to parent prior to district initiation or refusal regarding change of identification, evaluation, educational placement, or provision of free appropriate public education

The use and distribution of this form is limited to employees of public school agencies within the Riverside Special Education Local Plan Area (SELPA)

Student Name: Calvin J Hobbbes / /
First Middle Last D.O.B.

2 / 14 / 11
 Date Notice of Procedural Safeguards was sent to parent

This notice is to inform the parent(s) of the above named student regarding the school district's:

Proposal to initiate or change the:

- Identification Evaluation Educational Placement The provision of a free appropriate public education to your child

This notice includes a description of the proposed action, an explanation of why the district proposed to take this action, a description of any other options that were considered and the reasons why those options were rejected, and other factors that are relevant in this proposal. Your written permission must be given before we assess your child to determine eligibility. You have the right to be familiar with the assessment procedures and type of tests that may be given to your child. After the assessment is completed, you will be notified in writing of an IEP meeting to discuss the results of the evaluation and to make recommendations discussed at this meeting without your written consent.

If your child is found eligible for special education services, a full range of program options will be discussed.

Refusal of your request to initiate or change the

- Identification Evaluation Educational Placement The provision of a free appropriate public education to your child

This notice includes a description of action being refused, an explanation of why the district refused to take this action, a description of any other options that were considered and the reasons why those options were rejected, and other factors that are relevant to this refusal.

Description of proposed or refused action: Based on the parent's written revocation of consent to the implementation of Calvin's IEP, Calvin will be exited from all special education services on <date>. As of this date, the student will be considered a general education student and the district is not deemed to have knowledge that the child is a student with a disability. The child will be disciplined as a general education student and not entitled to the discipline protections of the Individuals with Disability Education Improvement Act of 2004 (IDEIA).

Reason(s) for proposed or refused action: The exit from special education services is being proposed because parent has notified <district name> in writing of their revocation of consent to <student's name> active IEP.

Description of evaluation procedures, tests, records, or reports used in deciding to propose or refuse this action: Based on Code of Federal Regulations 34 Section 300.9(C)(1), the school district is mandated to honor the written revocation of consent and may not continue to provide special education services or be considered in violation of making FAPE available to the child.

Description of other options considered and reasons for rejecting them: The school district has offered <fill in FAPE here> as <Student's Name> Free and Appropriate Public Education (FAPE). Per Federal Regulations 34 Section 300.9(C)(1), the district may not continue to provide services once the parents have provided a written revocation of consent.

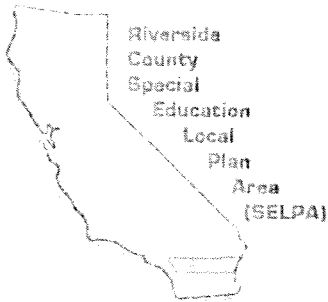
Other factors relevant to the proposal or refusal: The district is not required to amend the student's education records to remove any indication that the child received special education services. The district is not allowed to use mediation or due process procedures to obtain agreement or ruling that special education services may be provided. If the parent believes the student requires special education services, they may initiate the special education assessment process by making a request in writing to the district special education office. This will be considered an initial assessment, as the district is not deemed to have knowledge that the child is a child with a disability.

You have protections under state and federal procedural safeguard provisions. Please refer to the enclosed NOTICE OF PROCEDURAL SAFEGUARDS for an explanation of these rights. If you would like further information about your rights or the proposed action and/or referral please contact:

<u>Suzy Dirkens</u>	<u>Spec Education</u>	<u>123-456-7890</u>	<u>sdirkins@abcsd.org</u>
<small>Print name of District Contact</small>	<small>Administrator</small>	<small>Phone</small>	<small>E-mail Address</small>
	<small>Position</small>		

Tips for Creating a Compliant Prior Written Notice

- Complete all of the items on the prior written notice form. Avoid using phrases and terms such as “N/A,” “not applicable,” or “see above.”
- Ensure that each item of information on the form is understandable on its own merit. Don't rely on another form or another piece of information to convey information that the PWN must communicate.
- When asked to “describe” on the form, provide a comprehensive written account or list the required items.
- When asked to “explain” on the form, provide an adequate justification or reason(s) for the action.
- Write the PWN as if you are explaining the items on this notice to a reader who is not conversant with special education or the special education process. Avoid abbreviations, unfamiliar terminology, and educational jargon that may not be understood by all readers, especially when a new student is being evaluated or placed.
- If the form is completed by the conclusion of a meeting with the parent, review it carefully with the parent.
- Ensure that the form is translated, if necessary. If the parent has a written language other than English, provide this notice in that language.
- Be sure the form is dated and the date is correct.
- Write legibly in handwriting that is large enough and legible enough to be easily read and understood by all readers.
- Use conventional grammar and correct spelling.
- Use a writing instrument that produces handwriting that will copy or fax clearly.
- Remember to provide a copy of the procedural safeguards notice to the parent, when required. If the safeguards did not accompany the meeting notice for that particular meeting, provide them at the conclusion of the meeting and document the provision on the prior written notice. If the procedural safeguards were sent with the meeting notice, then offer to review the safeguards when you provide prior written notice (PWN) at the conclusion of the meeting and document the review of the procedural safeguards on the PWN.



975 W. Morgan Street
Building G
Perris, CA 92571

(951) 490-0375

FAX (951) 490-0376

Clarification on the Initial Affirm/Attest:

SELPA requires that all students in SEIS have an initial Affirm/Attest by November, 1st 2010. This will help verify that all the required CASEMIS fields are properly filled out prior to our December CASEMIS reporting. An initial Current IEP is also required by SEIS in order to create a Progress Report or Amendment.

In addition, doing an initial Affirm/Attest will help establish upcoming meeting dates as well as create a Current IEP as a foundation for the year. When the Affirm/Attest process is done please select "Other" for the reason and enter something in the comment box similar to "Initial Affirm/Attest for CASEMIS verification".

It is recommended that the Case Manager does this for all of their students; however, it must be done for all students no matter who the district gives the responsibility to.

The initial Affirm/Attest only needs the required CASEMIS fields filled out. You do not need to go back to the hardcopy IEP and enter in all the notes and other textual information. If you have upcoming progress reports it is recommended that you add the Goals from which to report progress on.

By mid-October we expect that the PDF files from EasyIEP will be available in SEIS. This will make it easier to copy and paste text such as goals and notes if necessary.

Alvord Unified School District
Banning Unified School District
Beaumont Unified School District
Coachella Valley Unified School District
Desert Center Unified School District
Desert Sands Unified School District
Hemet Unified School District
Jurupa Unified School District
Lake Elsinore Unified School District
Menifee Union School District
Murrieta Valley Unified School District
Nuvview Union School District
Palm Springs Unified School District
Palo Verde Unified School District
Perris School District
Perris Union High School District
River Springs Charter School
Riverside County Office of Education
Romoland School District
San Jacinto Unified School District
Temecula Valley Unified School District
Val Verde Unified School District

