

## The Power of Notice

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## Overview

Federal Regulations/ State Rules/Guidance Documents and Resources	Prior Written Notice (purpose, what it must contain and when it is used)	Notice for Provision of Services and Programs Model Form	Notice in Native Language
MARSE Timelines	Notice vs. Notification	Notice vs. Consent	Examples How you can use the Power of Notice

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## Governance and Guidance

**Individuals with Disabilities Education Act (IDEA)**  
§300.503 (Prior notice by the public agency; content of notice)  
§300.29 (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**

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## 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 refused the action



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## 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

For a person who is deaf or blind, or with no written language, the mode of communication is what the person normally uses (sign language, Braille, or oral communication).

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## Notice for Provisions of Services and Programs - Model Form

**Notice for Provision of Services and Programs**  
Michigan Department of Education Office of Special Education  
August 2022

The Individuals with Disabilities Education Act (IDEA) mandates public agencies to provide prior written notice to a parent a reasonable time before proposing or refusing to initiate or change the identification, evaluation, or educational placement of the student or the provision of a free appropriate public education (FAPE) to the student.



You are receiving this notice, in your native language, for:

(Student name)

**Purpose**  
A description of the action proposed or refused:

The district: ☐ proposes ☐ refuses the following, regarding the request or action (optional):

Describe the evaluation procedures, assessment, record, or reports the district used to make the data-based proposal or refusal described above.

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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.

**Notification** is less formal, does not have the content requirements of notice, and does not have to be in writing such as:

- classroom/course changes
- 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



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# PWN is required

Examples

**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 eligibility

**Identification**

- Prior to identification as a student with a disability
- Following a parent's refusal to give consent
- Following a request for change in eligibility

**Placement**

- Initial placement determination
- Change in least restrictive environment (LRE)
- Refusal to change placement requested by a parent
- Change in placement due to disciplinary reasons (more than 10 school days or a pattern of behavior)



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# PWN is required

Examples

**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
- Following disenrollment of a student who received special education services

**Other**

- Refusal to convene an IEP team meeting after a parent's request
- Revocation of parental consent
- Transfer of rights at age of majority
- Graduation with a diploma
- Exiting school due to exceeding age for eligibility for special education services
- Independent Educational Evaluation (IEE)



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# PWN is NOT required

Examples

- General screenings (not evaluations)
- Observations conducted for instructional purposes
- State/district assessments
- Evaluation progress on annual goals
- Developing intervention strategies
- After each IEP meeting in a series of meetings (meeting reconvened)
- Change in classroom/teacher assignment/course schedule
- Change in school building location
- Following general meetings that do not result in proposal/refusal related to identification, evaluation, reevaluation, placement, FAPE
- To excuse an IEP team member from attending the IEP meeting



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**Is Prior Written Notice Required?**

Type your answers in the chat for each question

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



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



**PWN is required** if the school finds a student ineligible for special education services after a 3-year re-evaluation



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**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?**



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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?**



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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?**



**PWN is required** if a parent requests an IEP meeting to discuss adding additional therapy services into the IEP and the school says "no" to the parent's request.



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



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



**PWN is required** if 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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**To excuse a required IEP team member from attending the IEP meeting?**



**PWN is not required** if a required IEP team member cannot attend the IEP meeting



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**When the IEP team agrees to make a small change to an IEP with an amendment?**



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**When the IEP team agrees to make a small change to an IEP through an amendment?**



**PWN is required** if any changes to the IEP are made through an amendment



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**Options for Resolving Disagreements**

 Informal Meeting
  Facilitated Meeting
  Mediation

 State Complaint
  Due Process Complaint/Hearing



**Special Education Mediation Services**  
1-833-KIDS-15T



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# Wrap Up

**Written notice is a legal requirement under the IDEA and part of your procedural safeguards.**

**Put your requests in writing, if possible.**


If you need an IEP translated to meaningfully participate in your child's IEP meeting, **make the request in your native language.**

**Document important process timelines for which the school must give you written notice.** If you don't receive written notice when required, ask for it.

**Keep written documentation of verbal conversations in which the school says they will do something or will not do something.** Notice must still be given, even if something is proposed or refused verbally.

**Know the required information that should be included in notice provided to you.** If the information is not clear, ask questions. Schools do not need to use the model form to provide written notice, but all required information must be provided in writing.

**Know that you can utilize dispute resolution options** if you disagree with an IEP team decision.



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800-552-4821 [www.michiganallianceforfamilies.org](http://www.michiganallianceforfamilies.org)

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# We are here to support you!

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**For more information visit**  
[www.michiganallianceforfamilies.org](http://www.michiganallianceforfamilies.org)

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**Michigan Alliance for Families**

In collaboration with  
**The Arc**  
Michigan

Michigan Alliance for Families is an IDEA Grant Funded Initiative of the Michigan Department of Education, Office of Special Education (MDE-OSE); the Michigan Department of Lifelong Education, Advancement, and Potential (MILEAP); and Michigan's Federal Parent-Training and Information Center (PTIC) funded by the U.S. Department of Education, Office of Special Education Programs (OSEP).

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