

SECTION 2

Prior Written Notice

PRIOR WRITTEN NOTICE

When must a prior written notice (PWN) be given?

This notice must be given a **reasonable time** before a Local Educational Agency (LEA) wants to:

- **propose** to initiate or change the identification, evaluation, or educational placement of child or the provision of FAPE to the child.
- **refuse** to initiate or change the identification, evaluation, or educational placement of child or the provision of FAPE to the child.

What are the timelines for providing a PWN?

While a “reasonable” amount of time is not defined in either state or federal law for every situation, some guidelines are as follows:

- High School Graduation **Recommendation**: Provide to parents at least 30 days prior to date of graduation to allow ample time to request IEP meeting.
- Response to Parent Requests - **Recommendation**: Respond to parents within 15 days of written requests.
- District Proposals - **Recommendation**: Provide to parents within 15 days of IEP team meeting to clarify and restate formal offer made at the IEP meeting.

What is the timing for a PWN in relation to Due Process complaints?

The timeline for responding to a due process complaint is spelled out in law. The LEA **must** respond within 10 days of receiving a due process complaint. Due Process complaints are based on disagreements over identification, assessment, placement or FAPE. The LEA may already have sent a PWN before receiving a due process complaint because of the disagreements at the IEP meeting. If not, it must be sent within 10 days of receiving the complaint.

Must a PWN be given before a decision is contemplated or before a decision is acted upon?

A PWN must be given before a decision is **acted upon**. After discussion at an IEP meeting, if parents still don't agree, send a PWN to explain and clarify the formal offer or refusal.

Avoid pre-determination by never entering an IEP meeting with a closed mind. Always solicit and listen to parents' ideas, requests and opinions. Be sure to discuss all placement options of continuum (especially those requested by parents) before making a formal offer. Never make an initial referral to county programs before discussing district options and attempting district interventions. Seek additional information if needed, adjourn and reconvene the meeting to continue the discussion, but when all options are exhausted, send a PWN restating the formal offer or refusal.

What is the requirement for Understandable Language in a PWN?

The law requires that a PWN be written in language understandable to the general public. It is wise to avoid the use of too many acronyms and educational jargon.

A PWN must be provided in the native language of the parent or other mode of communication used by the parent.

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

- the notice is translated orally or by other means to parent in his or her native language or other mode of communication.
- the parent understands the content of notice.
- there is written evidence that the preceding two requirements have been met. Part of the evidence is your PWN and what it says. Be sure that it is simple and straight-forward.

How is a PWN different from an IEP Meeting Notice?

An IEP notice ensures parent participation in an IEP team meeting. It indicates the purpose, time and location of the meeting and who will be in attendance.

A PWN must have these **components**:

- A **description of the action** proposed or refused by school district
- An **explanation of why** the district proposes or refuses to take action
- A **description of each evaluation procedure, assessment, record or report** school district used in deciding to propose or refuse action. Include as much detail as necessary to show why the assessment, record or report is important in the decision.
- A **description of any other choices** that IEP Team considered and the **reasons** why those choices were rejected. This can also be documented in the IEP notes
- A **description of other reasons why** the school district proposed or refused the action
- **Resources** for parents to contact to help in understanding Part B of the IDEA
- If the PWN is not regarding an initial referral for evaluation, information on **how parent can obtain a description of procedural safeguards**

(See sample PWN letters and forms in the SEIS document library)

Can the IEP be used as the PWN?

YES, but **only** if...

- All above COMPONENTS are included in the IEP document or the meeting notes

Is a PWN required when there is a change in the IEP?

- **YES!** When a change is proposed, a PWN is required.

How do you cure IEP deficiencies?

Schedule another IEP meeting if you become aware of deficiencies in the IEP. If you are developing a PWN and find that there are still steps you might take to resolve issues, try to schedule another IEP meeting.

Send a PWN along with a **DRAFT IEP** (labeled DRAFT on every page) with the changes you propose to address the deficiency.

Is a PWN required for Revocation of Consent?

The revocation of consent statute applies only to **total** revocation of the IEP. It does **not** apply if parents agree to part of the IEP and decline part. If a parent rejects part of the IEP that the LEA feels is necessary for FAPE, the LEA must file a request for mediation or due process.

A parent request for revocation must be in writing. The LEA must **respond promptly** to parents by providing them with a prior written notice within a “reasonable time” after receipt of the written parent request and before discontinuing services. Providing the PWN gives parents the necessary information and time to fully consider the change and determine if they have questions or concerns regarding the discontinuation of services.

The SELPA recommends the PWN be sent 5-10 days after receipt of the written request and that services be ceased within 10 days of providing the PWN. (See Sample PWN for Revocation of Services, attached)

What else does an LEA need to know about Revocation of Consent?

- The LEA may **not** use mediation or due process to obtain a different ruling.
- The LEA is **not** required to convene an IEP meeting. **The only requirement is to send the PWN.**
- The student is considered a general education student after revocation.
- The LEA can **not** require parents to provide an explanation for their decision.
- The LEA **may** offer to meet with parents to discuss consequences of their decision, but **must not** try to talk parents out of their decision, intimidate them or try to change their minds. Document the items discussed.
- The LEA may convene an informal meeting with staff to discuss transition.
- The child may be placed in any classroom.
- The LEA is **not** required to amend educational records to remove reference to the child’s receipt of special education services.

Could a parent who revoked consent for services later claim that a school failed to fully inform them of all the ramifications of the decision and file a legal claim for compensatory services?

Yes! Because parents can later claim that they were not fully informed of all the potential detrimental effects of revoking consent, it is extremely important that the PWN informs parents of the implications.

Can a parent who has revoked consent for services later request that services be reinstated?

After revocation of consent, a parent always has a right to request an initial evaluation to determine eligibility for special education. There is **no right** to a “**reinstatement**” without an eligibility determination.

Can an LEA be found in violation of FAPE after a revocation of consent?

The LEA will **not** be considered in violation of the obligation to make FAPE available or to provide other special education services after a parent's revocation of consent. A public agency is only responsible for providing FAPE during the time period that the parent provided consent.

(73 Fed. Reg. 73,014)

What are the LEA's responsibilities for Child Find when services are revoked?

LEAs must continue to implement Child Find. Federal regulations state, "The Department expects that children whose parents revoke consent will be identified, located and offered an evaluation in the same manner as any other child if the child is suspected of having a disability and being in need of special education and related services." (73 Fed. Reg. 73,012)

REMINDERS - WHAT YOU NEED TO KNOW ABOUT PRIOR WRITTEN NOTICE

- A properly developed assessment plan using the SELPA approved Individualized Assessment plan form constitutes **prior written notice for assessment**.
- If all components of PWN are included, the IEP constitutes **prior written notice for the IEP**.
- If the IEP is **contentious** and the LEA is unable to complete IEP or obtain consent for the IEP, the LEA should reaffirm offer of FAPE through PWN.
- **LEA refusals** related to the identification, assessment, or educational placement of a student or to the provision of FAPE require prior written notice. The designated administrative representative should respond to request in 15 days.
- **LEA proposals** (other than assessment and IEP) related to the identification, assessment, or educational placement of a student or to the provision of FAPE require prior written notice. When an LEA wants to initiate a proposal it must be in writing.
- When a student is **graduating with a regular diploma**, an LEA must give prior written notice.
- A prior written notice is not legally required for students leaving school with a **certificate of completion**, but SELPA recommends it is **best practice** to give PWN in these cases.
- If parents revoke consent for special education and services, a PWN must be sent within 5-10 days and services must cease within 10 days of the PWN.
- Every prior written notice **must include all seven components**.
- The LEA must respond to a due process complaint within 10 days by providing parent(s) with a prior written notice, unless it previously provided a PWN regarding the issues stated in the complaint.
- A copy of all prior written notice forms/letters must be maintained in the student's confidential file.

Do we really need to do PWN on Every student and in Every situation?

- **It depends.** In addition to the PWNs always required, as described above, judge the need on a case by case basis. Some reasons to consider sending a PWN are:
- In a litigious case where you want to restate/clarify the district offer
- If you think it could become litigious and want to restate/clarify the district offer
- When the student's records have been requested and you think parents may be moving toward legal action and you want to restate/clarify the district offer

Prior Written Notice Checklist

Written notice must be given to the parents of a child with a disability a reasonable time before the public agency (1) Proposes to initiate or change the identification, evaluation, or educational placement of the child or the provision of FAPE to the child; or (2) Refuses to initiate or change the identification, evaluation, or educational placement of the child or the provision of FAPE to the child. 34 C.F.R. 300.503(a). The notice must be (i) Written in language understandable to the general public; and (ii) Provided in the native language of the parent or other mode of communication used by the parent, unless it is clearly not feasible to do so. 34 C.F.R. 300.503(c). Pursuant to 34 C.F.R. 300.503(b), the notice must include all of the following:

Description of action

Example: The School District is denying your request for a one-to-one aide during class, recess, lunch, and passing periods.

Explanation

Example: The School District does not believe your child needs a one-to-one aide in order to access and benefit from the educational program designed by the IEP team because he is currently making progress towards his goals with support from his general education teacher and the classroom aide. The team is also concerned your child would become overly dependent on adult support with this level of restrictive service.

Basis for action

Example: In reaching its decision, the School District considered your child's most recent assessments, IEP, latest report card and progress reports, information provided at the last IEP team meeting, and all available input from Parents and staff.

Procedural protections

Example: As parents of a child with a disability, you are entitled to certain procedural safeguards under the IDEA, including this prior written notice. For your convenience, we have enclosed a copy of these procedural safeguards with this notice.

Sources for assistance

Example: If you require assistance in understanding the procedural safeguards, please contact the following agency: California Department of Education, P.O. Box 944272, Sacramento, CA 94244-2720.

Other options considered

Example: In addition to your request for one-to-one aide support, during the most recent IEP meeting, the IEP team discussed whether a more restrictive placement would be appropriate. It was determined that it would not as it would be overly restrictive and would limit your child's opportunities to interact with non-disabled peers or participate in next month's senior class events, which we know he has been anticipating.

Other relevant factors

Example: The District has a duty to offer the least restrictive program appropriate for your son. Based on the information included here, your child does not require such a restrictive type of support. In fact, your child has made progress towards his goals, is appropriately interacting with his peers and school staff, and is on track to graduate with his peers this June with his current less restrictive program.

Prior Written Notice – Best Practices

- **Provide Timely PWN Even if Pursuing or Awaiting Additional Information**
 - *Los Angeles Unified Sch. Dist., OAH Case No. 2012060029*
- **Send PWN Restating IEP Offer and Proposing an Additional IEP Meeting Following Any IEP Held without Parents in Attendance**
- **Employ PWN to Ensure Parental Participation, Not in lieu of IEP Meetings**
 - *Clovis Unified Sch. Dist., OAH Case No. 2013090883*
 - *Fresno Unified Sch. Dist., OAH Case Nos. 2013010033/2012120631*
- **Interpret “Reasonable Time” as 15 Calendar Days When Possible**
- **Utilize PWN and Offer IEP Meeting in Response to Notice of Unilateral Placement**
 - *Fullerton Jt. Union High Sch. Dist., OAH Case No. 2010040952*
- **Provide PWN in Response to All Parent Requests Taken under Consideration During IEP Meeting**
- **Address All Components of PWN when Proposing Assessment**
 - *Cloverdale Unified Sch. Dist., OAH Case No. 2012010507*
- **Provide PWN in Response to Every Request for Assessment or Independent Educational Evaluation and do so Within 15 Days**
- **Employ PWN in Response to Parent Revocation of All Special Education**
 - *34 C.F.R. 300.300(b)(4); 73 Fed. Reg. 73,008 (2008)*
- **Give PWN before Proposing to Exit a Student Following Reassessment**
- **Include Transition Information in PWN when Appropriate**
 - *Fresno Unified Sch. Dist., OAH Case Nos. 2013010033/2012120631*
- **Utilize PWN to Reiterate IEP Offer for Unsigned IEPs**
- **Send PWN when Proposing to Exit a Student from Special Education Upon Graduation**
 - *Los Angeles Unified Sch. Dist., OAH Case No. 2011110413*
- **Address All Components of PWN during IEP Meetings**
 - *San Francisco Unified Sch. Dist., OAH Case No. 2013050168*

A public educational agency must send prior written notice when it proposes or refuses to initiate or change the identification, evaluation, or educational placement of the child or the provision of FAPE to the child. 20 U.S.C. § 1415(b)(3).

Disclaimer:

These materials and all discussions of these materials are for instructional purposes only and do not constitute legal advice. If you need legal advice, you should contact your local counsel or an attorney at Lozano Smith. If you are interested in having other in-service programs presented, please contact clientservices@lozanosmith.com or call (559) 431-5600.

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(District Letterhead)
PRIOR WRITTEN NOTICE

Prior Written Notice for Initial/Triennial Assessment

Student: _____

Date: __/__/__

Initial

Triennial

This notice is to inform you of (District) proposal to assess your child for possible (or continuing) special education placement and services. Attached please find an assessment plan which lists the areas in which district proposes to assess. No assessment will be done until you have agreed and signed the attached assessment plan.

The following considerations were used as a basis for the proposed assessment:

- Evaluation result(s)
- Assessments, including any recent assessments and available independent assessments
- Records
- Reports

The following alternatives to an assessment were considered and rejected:

The above alternatives were rejected for the following reasons:

The following is a description of other factors that are relevant to the district's proposal for an assessment:

In order to meet your child's educational needs, the following assessment(s) are being recommended. The assessment(s) will be conducted by qualified professionals and when appropriate, suitable interpreters of the individual's primary language or mode of communication will be used. You will receive a copy of the assessment report(s). You will be asked to participate in a meeting of the Individualized Education Program Team following completion of the assessment(s). The results of this assessment may be a recommendation for a special education placement or services. All information and assessment results will be kept confidential. No single procedure may be used as the sole criterion for determining appropriate educational program. All instruments are selected and administered so as not to be racially, culturally or sexually discriminating. No special education services will be provided to your child without your written consent.

Please sign and return this assessment plan within 15 days of receiving it.

Included with this assessment plan is a copy of the Special Education Rights of Parents and Children that describes procedural safeguards available to you.

If you have any questions about the proposed assessment or the procedural safeguards available to you, then please call:

Name and position:

Phone Number:

Date Received: / /

(District Letterhead)
PRIOR WRITTEN NOTICE
INDEPENDENT EDUCATIONAL EVALUATION

Date:

Address:

Dear:

Pursuant to 34 C.F.R. 300.503, this notice is to inform you of (district's name) intent to initiate an evaluation of your child and deny a portion of your request for an Independent Educational Evaluation (IEE). The purpose of this action is to ensure the provision of a free appropriate public education (FAPE) to your child.

This notice includes a description and an explanation regarding district's decision to assess and a description of other options that have been considered. It also includes a description of information used as a basis for district's decision and any other factors that are relevant (interventions, modifications, supporting data, etc.) to district's decision.

District received your request for an Independent Educational Evaluation (IEE) for further evaluations for (student's name) on (date).

District has conducted the following evaluations in the following areas in the assessments dated (date):

Based on **34 CFR 300.502**, a parent has the right to an independent educational evaluation at public expense if the parent disagrees with an evaluation obtained by the public agency. In the areas that district has already assessed, you have a right to seek an Independent Education Evaluation (IEE) at district's expense. An assessment plan is not completed for an IEE. There are specific guidelines that you need to follow to obtain an IEE. These guidelines are attached. Should you have further questions please feel free to contact me.

District has not completed the following evaluations that you included in your request for an IEE in **speech and language oral expression**. District is denying your request for an IEE in **Speech and Language and Oral expression** since at this time the district has not conducted an evaluation for you to disagree with in these areas. Therefore, district is denying your request for an IEE in these areas and proposing an assessment by our district in **speech and language and oral expression**.

In the areas that **district** has not completed, you will find an enclosed assessment plan attached to assess those areas you indicated in your request for an IEE. **District** is considering this a request for assessment.

You have protections under state and federal procedural safeguards provisions, including the right to file a complaint and/or request mediation or a due process hearing or to request a meeting with an administrator or other appropriate staff to further discuss your request and alternatives. Written approval is required to initiate or change special education services for your child. If your child is currently receiving special education services, you have a right to request a review of (**child's name**) IEP at any time. Please refer to the enclosed Procedural Safeguards for Special Education.

If you would like further information or have questions or concerns, please contact []

Sincerely,

Name Title Phone

(District Letterhead)
PRIOR WRITTEN NOTICE
Refusal To Initiate An Evaluation
For Related Services

The following PWN for Related Services Assessment is for Vision Therapy. This sample may be adapted for other Related Services Assessment Requests

Date:

Address:

Dear:

Pursuant to 34 C.F.R. 300.503, this notice is to inform you of (district's name) intent to decline an evaluation for Vision Therapy for your child. The purpose of this action is to ensure the provision of a free appropriate public education (FAPE) to your child.

This notice includes a description and an explanation regarding the district's decision to decline your request for an evaluation and a description of other options that have been considered. It also includes a description of information used as a basis for the district's decision and any other factors that are relevant (interventions, modifications, supporting data, etc.) to the district's decision.

Action Declined

The District is declining your request for a vision therapy assessment for (child's name) that you submitted on (date).

Reason Action Declined

The District reviewed your child's disability of a language disorder based on the following assessments _____ dated _____. Your child's reading difficulties such as (state observed need) will be supported with the following interventions through specialized academic instruction (SAI) (name interventions). These intervention methods designed to address reading difficulties are based on scientific research. No Child Left Behind requires schools to use research-based reading programs. It is important that an intervention to address reading be specifically established to be valid before it can be recommended (20 U.S.C. §6361).

Currently, there is no adequate scientific evidence to support the view that subtle eye or visual problems cause learning disabilities. Furthermore, the evidence does not support the concept that vision therapy tinted lenses, or filters are effective, directly or indirectly, in addressing the needs of children with learning disabilities. Thus, the claim that vision therapy improves visual efficiency cannot be substantiated. Diagnostic and treatment approaches that lack scientific evidence of efficacy are not endorsed or recommended. Therefore the District has considered the Vision Therapy request for assessment and has denied this request. The reading needs of this child will continue to be addressed as stated above.

Additionally, (child's name) is currently receiving specialized academic instruction 30 minutes daily and making educational progress towards goals dated _____. There is no indication that further related services need to be considered to give (child's name) the ability to access the curriculum.

Other Options Considered: The IEP team considered additional reading interventions, such as _____. However, based on (child's name) last IEP goals and progress reports dated _____, (child's name) is making progress towards reading goals.

Reason Other Options Were Rejected: (child's name) is currently receiving special services and making educational progress towards goals dated _____ and _____. There is no indication that further services are required to give (child's name) the ability to access the curriculum.

Description of Additional Factors Relevant to the Denial, if any (List other factors)

You have protections under state and federal procedural safeguards provision, including the right to file a complaint and/or request mediation or a due process hearing or to request a meeting with an administrator or other appropriate staff to further discuss your request and alternatives. Written approval is required to initiate or change special education services for your child. If your child is currently receiving special education services, you have a right to request a review of (child's name) IEP at any time. Please refer to the enclosed Procedural Safeguards for Special Education.

If you would like further information or have questions or concerns, please contact []

Sincerely,

Name	Title	Phone
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(District Letterhead)
PRIOR WRITTEN NOTICE

Prior Written Notice for Initial/Triennial Assessment

Student: _____

Date: __/__/__

Initial

Triennial

This notice is to inform you of (District) proposal to assess your child for possible (or continuing) special education placement and services. Attached please find an assessment plan which lists the areas in which district proposes to assess. No assessment will be done until you have agreed and signed the attached assessment plan.

The following considerations were used as a basis for the proposed assessment:

- Evaluation result(s)
- Assessments, including any recent assessments and available independent assessments
- Records
- Reports

The following alternatives to an assessment were considered and rejected:

The above alternatives were rejected for the following reasons:

The following is a description of other factors that are relevant to the district's proposal for an assessment:

In order to meet your child's educational needs, the following assessment(s) are being recommended. The assessment(s) will be conducted by qualified professionals and when appropriate, suitable interpreters of the individual's primary language or mode of communication will be used. You will receive a copy of the assessment report(s). You will be asked to participate in a meeting of the Individualized Education Program Team following completion of the assessment(s). The results of this assessment may be a recommendation for a special education placement or services. All information and assessment results will be kept confidential. No single procedure may be used as the sole criterion for determining appropriate educational program. All instruments are selected and administered so as not to be racially, culturally or sexually discriminating. No special education services will be provided to your child without your written consent.

Please sign and return this assessment plan within 15 days of receiving it.

Included with this assessment plan is a copy of the Special Education Rights of Parents and Children that describes procedural safeguards available to you.

If you have any questions about the proposed assessment or the procedural safeguards available to you, then please call:

Name and position:

Phone Number:

Date Received: / /

[SAMPLE PRIOR WRITTEN NOTICE LETTER – TO BE USED WHEN PARENT REVOKES CONSENT TO SPECIAL EDUCATION AND RELATED SERVICES]

[TO BE PLACED ON DISTRICT LETTERHEAD]

U.S. Mail and Certified Mail, Return Receipt Requested

[DATE]

[PARENTS' NAME & ADDRESS]

Re: [STUDENT'S NAME]

Dear [PARENT'S NAME(S)],

This letter responds to your [DATE] letter, in which you revoked your consent for your child, [NAME], to receive special education and related services from the [SCHOOL DISTRICT]. Please consider this the District's response to your request under 34 C.F.R. sections 300.300 and 300.503. **[WE SUGGEST THAT THIS LETTER IS SENT NO LATER THAN 10 SCHOOL DAYS FROM RECEIPT OF PARENT'S LETTER.]**

The District believes that [NAME] continues to require special education and related services pursuant to the IEP meeting convened on [DATE], and the following information: **[SPECIFY EACH EVALUATION PROCEDURE, ASSESSMENT, RECORD, OBSERVATION AND/OR REPORT]**. However, based on the receipt of your written revocation of consent, the District will discontinue all special education and related services for [NAME] on [DATE] **[WE SUGGEST THAT THE SPECIAL EDUCATION AND RELATED SERVICES CEASE 10 SCHOOL DAYS FROM THE DATE OF THIS LETTER]**.

After that date, [NAME] will no longer receive the educational services and supports contained in [his/her] [DATE(S)] IEP, which include, but are not limited to: **[LIST PLACEMENT, SERVICES, ACCOMMODATIONS, MODIFICATIONS, AND/OR SUPPORTS, INCLUDING BEHAVIORAL SUPPORTS, STUDENT WILL NO LONGER RECEIVE]**. Beginning on [DATE] **[WE SUGGEST THE SCHOOL DAY AFTER THE DAY SPECIAL EDUCATION SERVICES STOP]**, [NAME] will be placed in **[DESCRIPTION OF GENERAL EDUCATION PLACEMENT]**. At that time, [NAME] will only have access to **[LIST ANY SUPPORTS, ACCOMMODATIONS AND/OR OPPORTUNITIES MADE AVAILABLE TO GENERAL EDUCATION STUDENTS]**.

Please be advised that after [DATE], [NAME] will become a general education student and will no longer be entitled to the special education and related services, rights and procedural safeguards provided under the Individuals with Disabilities Education Improvement Act of 2004 ("IDEA") and related provisions in the California Education Code. [NAME] will be treated as a

general education student in all respects, including discipline[, testing, and graduation, if appropriate]. As a result, [NAME]'s disability will not be taken into consideration when determining appropriate disciplinary action and [he/she] will not be entitled to the IDEA's discipline protections. **[OPTIONAL LANGUAGE: Therefore, we encourage you to consider the possible consequences of removing your child from special education.]**

Your revocation of consent releases the District from liability for providing your child with a free appropriate public education. If, in the future, you would like your child to receive special education and related services from the District, please contact us. The District will treat such a request as a request for an initial evaluation.

The school district is not required to convene an individualized education program (IEP) team meeting for the revocation of consent or to develop an IEP for the further provision of special education and related services. Revocation of consent is not retroactive (i.e., it does not negate an action that has occurred after the consent was given and before the consent was revoked). Furthermore, your child's educational records will not be amended to remove any references to the student's receipt of special education and related services because of the revocation of consent.

The District would like to meet with you on [DATE] to discuss your decision and its potential impacts. However, you are not obligated to meet with us and any meeting will not delay or deny the discontinuation of special education and related services to your child. Please contact my office at [INSERT CONTACT INFORMATION] to confirm that you will attend the meeting. If we do not hear from you, we will assume that you do not wish to meet.

I have enclosed a copy of [NAME]'s [DATE(S) OF MOST RECENT IEP] IEP for your reference, as well as a copy of the District's parental rights and procedural safeguards. Please feel free to contact me with any questions you may have at this time.

Complaints alleging violations of federal and state special education laws or regulations may be mailed to:

California Department of education
Special education division
Procedural Safeguards Referral service
1430 N Street, Suite 2401
Sacramento, CA 95814

For Complaints involving issues not covered by federal or state special education laws or regulations, consult your district's uniform complaint procedures.

To obtain more information about dispute resolution, including how to file a complaint, contact the CDE, Special Education Division, Procedural Safeguards Referral Service, by telephone at 800-926-0448; by fax at 916-327-3704; or by visiting the CDE, Special Education Web page.

Thank you for your time and careful consideration in this matter. If you have any questions or concerns, please do not hesitate to contact me.

Sincerely,

[NAME]

[TITLE]

[SCHOOL DISTRICT]

Enclosures: Parent's written revocation of consent
Notice of Parental Rights and Procedural Safeguards
[DATE(S) OF MOST RECENT IEP] IEP

Last updated: March 27, 2015

00001.00100/117711.1

DRAFT

[EJEMPLO DE LA CARTA DE PREVIO AVISO POR ESCRITO- PARA SER USADA CUANDO UN PADRE REVOCA EL CONSENTIMIENTO A EDUCACIÓN ESPECIAL Y SERVICIOS RELACIONADOS]

[DEBE SER PUESTA EN PAPEL CON MEMBRETE DEL DISTRITO]

Correo Estadounidense y Correo Certificado, Solicitar Comprobante de Recibo

[FECHA]

[NOMBRE DE LOS PADRES Y DIRECCIÓN]

Re: [NOMBRE DEL ESTUDIANTE]

Querido [NOMBRE DEL PADRE]

Esta carta es en respuesta a su carta de [FECHA], en la cual usted revocó su consentimiento para que su niño, [NOMBRE], reciba educación especial y servicios relacionados del [DISTRITO ESCOLAR]. Por favor considere esta respuesta del Distrito a su petición bajo el 34 C.F.R. secciones 300.300 y 300.503. **[SUGERIMOS QUE ESTA CARTA SEA ENVIADA NO MÁS TARDAR QUE EN 10 DÍAS ESCOLARES DESPUÉS DE HABER RECIBIDO LA CARTA DEL PADRE.]**

El Distrito cree que [NOMBRE] sigue requiriendo educación especial y servicios relacionados de acuerdo a la reunión del IEP convocada el [FECHA], y a la siguiente información: **[ESPECIFIQUE CADA PROCEDIMIENTO DE EXAMINACIÓN, EVALUACIÓN, REGISTRO, OBSERVACIÓN Y/O REPORTE]**. Sin embargo, basado en el recibo de su revocación escrita de consentimiento, el Distrito discontinuará toda la educación especial y servicios relacionados para [NOMBRE] el [FECHA] **[SUGERIMOS QUE LA EDUCACIÓN ESPECIAL Y LOS SERVICIOS RELACIONADOS SE SUSPENDAN DESPUÉS DE 10 DÍAS ESCOLARES DE LA FECHA DE ESTA CARTA.]**

Después de esa fecha, [NOMBRE] ya no recibirá los servicios educativos y de apoyo incluidos en [su] IEP del [FECHA (S)], que incluyen, pero no están limitados a: **[LISTA DE COLOCACIÓN, SERVICIOS, ACOMODACIONES, MODIFICACIONES, Y/O APOYOS, INCLUSO APOYOS DE CONDUCTA, EL ESTUDIANTE YA NO RECIBIRÁ]**. Empezando en [FECHA] **[SUGERIMOS EL DÍA ESCOLAR DESPUÉS DEL DÍA QUE LOS SERVICIOS DE EDUCACIÓN ESPECIAL SE TERMINAN]** [NOMBRE] será puesto en **DESCRIPCIÓN DE COLOCACIÓN DE EDUCACIÓN GENERAL**. En ese momento [NOMBRE] sólo tendrá acceso a **[NOMBRAR CUALQUIER APOYO, ACOMODACIONES Y/O OPORTUNIDADES PUESTAS A DISPOSICIÓN PARA ESTUDIANTES DE EDUCACIÓN GENERAL]**.

Por favor este informado que después del [FECHA], [NOMBRE] será un estudiante de educación general y ya no tendrá derecho a educación especial y servicios relacionados, derechos y procedimientos de seguridad proporcionados bajo el Acto del 2004 de Individuos con Discapacidades de Mejoramiento de Educación (“IDEA”) y provisiones relacionadas con el Código de Educación de California. [NOMBRE] será tratado como un estudiante de educación general en todos los aspectos, incluyendo la disciplina **[pruebas y graduación, si es apropiado]**. Como consiguiente, la discapacidad de [NOMBRE] ya no será tomada en cuenta cuando se determine una acción disciplinaria apropiada y [él/ella] no tendrá derecho a las protecciones de disciplina de

IDEA. **[IDIOMA OPCIONAL: Por lo tanto, nosotros le sugerimos considerar las posibles consecuencias por remover a su niño de la educación especial.]**

Su revocación del consentimiento libera al Distrito de la responsabilidad de proveer a su niño una educación pública apropiada gratis. Si, en el futuro, le gustaría que su niño reciba educación especial y servicios relacionados del Distrito, por favor póngase en contacto con nosotros. El Distrito tratará tal petición como una petición de una evaluación inicial.

El distrito escolar no está obligado a convocar a una junta con el equipo del programa individualizado de educación (IEP por sus siglas en inglés) para la revocación del consentimiento o para desarrollar un IEP para que su hijo reciba en el futuro educación especial y servicios relacionados. La revocación del consentimiento no es retroactiva (es decir, no niega una acción que ha ocurrido después que el consentimiento haya sido otorgado, y antes de que el consentimiento fuera revocado). Por otra parte, los registros educativos de su hijo no serán modificados para eliminar cualquiera de las referencias para que el estudiante reciba educación especial y servicios relacionados, debido a la revocación del consentimiento.

El Distrito le gustaría reunirse con usted el **[FECHA]** para hablar de su decisión y sus impactos potenciales. Sin embargo, usted no está obligado a reunirse con nosotros y ninguna reunión no retrasará o negará la interrupción de educación especial y servicios relacionados a su niño. Por favor póngase en contacto con mi oficina con **[INSERTAR INFORMACIÓN DEL CONTACTO]** para confirmar que usted asistirá a la reunión. Si no tenemos noticias de usted, asumiremos que usted no desea reunirse.

Yo he incluido una copia de **[DEL MÁS RECIENTE IEP DE [NOMBRE] DEL [FECHA (S)]** para su referencia, así como también una copia de los derechos de los Padres y procedimientos de seguridad del Distrito. Por favor siéntase libre de ponerse en contacto conmigo con cualquier pregunta que usted pueda tener ahora.

Las denuncias por supuestas violaciones de las leyes o reglamentos de educación especial federales y estatales pueden ser enviadas a:

California Department of education
Special education division
Procedural Safeguards Referral service
1430 N Street, Suite 2401
Sacramento, CA 95814

Para quejas que impliquen cuestiones que no estén cubiertas por las leyes o reglamentos de educación especial federales o estatales, consulte los procedimientos de queja correspondientes a su distrito.

Para obtener más información sobre la solución de conflictos, incluyendo cómo presentar una queja, comuníquese con el CDE, División de Educación Especial, Servicios de Referencias de Garantías Procesales, por teléfono al 800-926-0448; por fax al 916-327-3704; o visitando la página de internet de CDE, Educación Especial

Gracias por su tiempo y atenta consideración en este asunto. Si usted tiene alguna pregunta o preocupaciones, por favor no dude en ponerse en contacto conmigo.

Sinceramente,

[NOMBRE]

[TÍTULO O POSICIÓN]

[DISTRITO ESCOLAR]

Adjuntos: **Revocación de consentimiento por escrito del padre**
 Aviso de los Derechos del Padre y Procedimientos de Seguridad
 [FECHA DEL MAS RECIENTE] IEP

Última fecha actualizada: 27 de marzo del 2015
00001.00100/117711.1

Checklist: Parental Revocation of Consent

NOTE: The timelines listed below are recommended based on the regulations; directive that prior written notice be given “promptly” and the guidance that services cease in a “timely manner”. They are not specified by federal law.

- Amend your Notice of Procedural Safeguards to address parents’ right to revoke consent to special education and related services.
- Provide prompt prior written notice to parents in response to **written** revocation of consent. Notice should be provided **within 5-10 school days** of parents’ written revocation.
- Convene an informal meeting with staff to discuss how to ameliorate the student’s transition into the general education environment, and the general education services and supports that may be provided, if any, to the student. Combine with the parent meeting below if practicable.
- Offer to meet with the student’s parents to discuss the consequences of their decision and possible ways to ease the student’s transition into general education. However, you cannot require parents to meet or to provide the District with an explanation of their decision, in writing or orally, as a condition of removing the student from special education and related services.
- Cease all special education and related services approximately **10 school days** after providing parents with prior written notice.
- Remain ready to assess the student if the parent wishes to re-enroll him or her in special education in the future. Remember, a request for assessment after revocation of consent is considered a request for an initial evaluation.
- Continue to implement child find. Generally, annual notice of the availability of special education services would likely be sufficient. More frequent notice might be necessary due to on-going disciplinary or behavioral issues.

(DISTRICT LETTERHEAD)

PRIOR WRITTEN NOTICE OF PROPOSED ACTION
Certificate of Completion / Promotion
(SAMPLE LETTER)

Date ___ / ___ / ___

Dear _____,

Congratulations! This letter serves as written notice that _____ is currently meeting the high school requirements for a certificate of completion. Your child's (or your, if you are an adult student) promotion with a *Certificate of Completion* is based on your child (or you if you are an adult student) meeting **the prescribed course of study requirements** for promotion with a high school certificate.

The following information as described in evaluations, procedures, assessments, records or reports was used in making this decision:

- o IEP _____
- o Evaluation _____
- o Student Performance _____
- o Teacher/Information/Observation _____
- o Student Behavior _____
- o Report Cards/Statewide _____
- o Assessment _____
- o Parent Information _____
- o Other: _____

It is the District's determination that any other option (e.g. retention, regular high school diploma) is not appropriate for at this time.

As your child (or you if you are an adult student) _____ is/are a student who is receiving special education services, he/she continues to be eligible for special education supports and related services through age 21 unless he/she received a high school diploma.

Your child (or you if you are an adult student) may also remain in school through the remainder of the school year, including the extended school year (ESY) if ESY is provided in the IEP until age 22 if your birthday falls between January and June 30th.

If your child (or you if you are an adult student) becomes 22 years of age during the months of January to June, inclusive, and has a current IEP, your child or you may continue participation in

the IEP program for the remainder of the current fiscal year (Ed Code 56026). These services could include:

1. Transition services focusing on training/education, employment, and/or independent living skills.
2. Linkages with other agencies, etc.

At the IEP dated _____ the district offered a free and appropriate public education (FAPE) program that the IEP team decided meets _____'s educational needs for the next academic school year. If you and your child would like access this program, please contact _____ at _____.

The current offer of a free and appropriate public education (FAPE) as outlined in the IEP dated _____ will conclude on _____.

Please be advised that your child (or you if you are an adult student) is entitled to procedural safeguards if you disagree with this determination. Enclosed is a copy of the procedural safeguards for your review. If you have any questions, please call _____ at _____.

Sincerely,

Special Education Teacher and Case Manager
_____ School District

Copy 1 – Confidential File Copy 2 – Parent
03/15 gbd

(DISTRICT LETTERHEAD)

**PRIOR WRITTEN NOTICE OF PROPOSED ACTION
GRADUATION FROM HIGH SCHOOL WITH DIPLOMA
(SAMPLE LETTER)**

Date ___/___/___

Dear Parent and Student,

Congratulations! This letter serves as written notice that _____ is currently meeting the requirements for graduation with a regular high school diploma. As _____ is receiving special education and related services, pursuant to Federal Law, the District must notify you of this proposed change in placement. Your child's graduation with a regular diploma is based on his/her meeting both the State of California and _____ School District's requirements for graduation with a regular high school diploma. As your child is currently on track to satisfy those requirements, graduation is the only valid option. Upon his or her graduation, your child will no longer be eligible for special education services.

It is the District's determination that any other option, such as retention or a certificate of completion, is not appropriate for at this time. Upon request, an IEP meeting may be convened to discuss this recommendation.

The following information as described in evaluations, procedures, assessments, records or reports was used in making this decision:

- IEP _____
- Evaluation _____
- Student Performance _____
- Teacher/Information/Observation _____
- Student Behavior _____
- Report Cards/Statewide Assessment _____
- Parent Information _____
- Other: _____

Please be advised that you are entitled to procedural safeguards if you disagree with this determination. A copy of procedural safeguards can be obtained from _____.

Please feel free to contact _____ if you have any questions about this matter or if you require assistance in understanding any portion of this notice.

Sincerely,

Copy 1 – Confidential File Copy 2 – Parent
03-2015 gbd