

MISSOURI DIVISION OF ELEMENTARY & SECONDARY EDUCATION WEBINAR

PRIOR WRITTEN NOTICE: THE WHY, WHEN AND HOW OF NOTICES OF ACTION

HOSTS: NANCY THOMAS AND JENNIFER MCKENZIE

WEDNESDAY, MAY 15, 2013

MS. THOMAS: GOOD MORNING. WELCOME TO OUR WEBINAR, PRIOR WRITTEN NOTICE, THE WHY, WHEN AND HOW OF NOTICES OF ACTION. TODAY'S WEBINAR WILL BE IN LISTEN ONLY MODE WITH TEXT CHAT. IF YOU HAVE NOT ALREADY DONE SO, PLEASE PRINT THE HANDOUTS AND HAVE THEM AVAILABLE THROUGHOUT THE WEBINAR AS WE'RE GOING TO BE REFERRING TO THESE FREQUENTLY. WE WELCOME AND ENCOURAGE QUESTIONS RELATED TO TODAY'S TOPIC OF PRIOR WRITTEN NOTICE. YOU MAY ASK QUESTIONS BY TYPING IN THE CHAT WINDOW AT ANY TIME DURING THE WEBINAR. WE WILL ANSWER AS MANY QUESTIONS AS POSSIBLE AT THE END OF THE WEBINAR AND WE'VE ALREADY RECEIVED QUITE A FEW QUESTIONS, SO WE APPRECIATE THAT. ANY QUESTIONS NOT ANSWERED LIVE WILL STILL BE ANSWERED IN THE NOTICE OF ACTION Q AND A, WHICH WILL BE POSTED AFTERWARDS. QUESTIONS NOT SPECIFICALLY RELATED TO THE WEBINAR TOPIC WILL BE REFERRED TO SPECIAL ED COMPLIANCE SUPERVISORS FOR INDIVIDUAL RESPONSES AND THE Q AND A WILL BE POSTED, ALONG WITH THE SLIDES AND THE RECORDING ON THE DESE WEBINAR WEBSITE. THIS WEBINAR AND THE UPDATED RESOURCES WILL ALSO BE AVAILABLE ON THE OFFICE OF SPECIAL EDUCATION COMPLIANCE GENERAL GUIDANCE PAGE AS WELL. SO LET'S GET STARTED. WELCOME TO OUR WEBINAR. PRIOR WRITTEN NOTICE, THE WHY, WHEN AND HOW OF NOTICES OF ACTION. THANK YOU FOR TAKING THE TIME TO LISTEN IN AND PARTICIPATE WITH US. AFTER WE COVER ALL OF THE CONTENT REGARDING PRIOR WRITTEN NOTICE WE WILL BE ANSWERING YOUR QUESTIONS ON THIS TOPIC. THIS WEBINAR WAS RESEARCHED AND DEVELOPED THROUGH COLLABORATION BETWEEN SPECIAL EDUCATION COMPLIANCE STAFF AT THE REGIONAL PROFESSIONAL DEVELOPMENT CENTERS, THE RPDCS AND THE DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION. PLEASE FEEL FREE TO CONTACT EITHER JENNIFER MCKENZIE, NANCY THOMAS OR ANY OF THE OTHER COMPLIANCE SUPERVISORS AT ANY OF THE DEPARTMENT OR ANY OF THE COMPLIANCE AT THE RPDCS IF YOU HAVE QUESTIONS OR NEED ASSISTANCE. LET'S GET STARTED ON OUR WEBINAR, PRIOR WRITTEN NOTICE. AFTER PARTICIPATING IN TODAY'S WEBINAR WE WOULD EXPECT PARTICIPANTS TO UNDERSTAND THE LEGAL DEFINITION OF PRIOR WRITTEN NOTICE, UNDERSTAND THE REQUIRED CONTENT IN ALL PRIOR WRITTEN NOTICES. KNOW WHEN PRIOR WRITTEN NOTICE REQUIREMENTS ARE TRIGGERED. KNOW WHEN PRIOR WRITTEN NOTICE IS NOT REQUIRED, KNOW THE TIMELINES ASSOCIATED WITH PROVIDER PRIOR WRITTEN NOTICE, UNDERSTAND THE DIFFERENCE BETWEEN A SIGNATURE FOR CONSENT AND A SIGNATURE FOR A WAIVER OF THE TEN-DAY TIMELINE AND KNOW HOW TO WORD COMMON NOTICES OF ACTION. IT IS IMPORTANT

TO NOTE THAT THIS WEBINAR CONTAINS NO NEW INFORMATION, RATHER THIS WEBINAR IS INTENDED TO PROVIDE CLEAR GUIDANCE ON EXISTING NOTICE OF ACTION PROCEDURES. LET'S BEGIN BY TALKING ABOUT PRIOR WRITTEN NOTICE AS IT IS DEFINED BY THE INDIVIDUALS WITH DISABILITIES WITH EDUCATION ACT OR IDEA. THERE ARE TWO INSTANCES THAT REQUIRE THE DISTRICT TO PROVIDE THE PARENT GUARDIAN WITH PRIOR WRITTEN NOTICE. FIRST, ACCORDING TO SECTION 300.503 OF THE FEDERAL REGULATIONS, PRIOR WRITTEN NOTICE MUST BE GIVEN TO PARENTS A REASONABLE AMOUNT OF TIME BEFORE THE RESPONSIBLE PUBLIC AGENCY INITIATES OR CHANGES THE IDENTIFICATION, EVALUATION OR EDUCATIONAL PLACEMENT OF A STUDENT OR INITIATES OR CHANGES THE PROVISION OF A FREE APPROPRIATE PUBLIC EDUCATION OF THE STUDENT. SECOND, PRIOR WRITTEN NOTICE MUST ALSO BE PROVIDED BEFORE THE PUBLIC AGENCY REFUSES TO INITIATE OR CHANGE THE IDENTIFICATION, EVALUATION OR EDUCATIONAL PLACEMENT OF A STUDENT OR REFUSES TO INITIATE OR CHANGE THE PROVISION OF A FREE APPROPRIATE PUBLIC EDUCATION OF THE STUDENT. ADDITIONAL INFORMATION AND EXAMPLES OF INSTANCES THAT TRIGGER THE NOTICE OF ACTION REQUIREMENT WILL BE PROVIDED LATER IN THIS WEBINAR. AS THE PREVIOUS SLIDE NOTED, IDEA REQUIRES PRIOR WRITTEN NOTICE TO BE PROVIDED TO PARENTS WITHIN A REASONABLE AMOUNT OF TIME. SO WHAT CONSTITUTES A REASONABLE AMOUNT OF TIME? IN GENERAL, A REASONABLE AMOUNT OF TIME IS CONSIDERED TO BE NO LESS THAN TEN DAYS PRIOR TO THE IMPLEMENTATION OF THE PROPOSED ACTION. THE TEN DAYS ALLOWS FOR PARENTS TO CONSIDER THE ACTION PROPOSED OR REFUSED BY THE DISTRICT AND FILE FOR DUE PROCESS WHICH INVOKES STAY PUT IF THEY DISAGREE. IDEA IN THE MISSOURI STATE PLAN FOR SPECIAL EDUCATION MAKES IT CLEAR THAT THE TEN DAYS ARE CALENDAR DAYS FROM THE DAY THE PARENT WAS PROVIDED PRIOR WRITTEN NOTICE IN THE FORM OF ACTION. WHEN A NOTICE OF ACTION IS PROVIDED AND THE PARENT WAIVES THE TEN-DAY REQUIREMENT EITHER IN WRITING OR VERBALLY, THE ACTION CAN BE CARRIED OUT IMMEDIATELY. THIS WAIVER CAN BE DOCUMENTED IN THE SECOND BOX ON THE SECOND PAGE OF THE MODEL NOTICE OF ACTION FORM. THERE ARE TWO EXCEPTIONS TO THIS RULE. FIRST, A DISCIPLINARY CHANGE OF PLACEMENT NEED NOT FOLLOWING THE TEN-DAY GUIDELINES DUE TO THE IDEA ALLOWING SPECIAL EDUCATION SERVICES TO BE PROVIDED IN AN ALTERNATIVE INFORMATIONAL SETTING. AFTER THE TEAM MAKES THE DECISION TO CHANGE THE PLACEMENT DUE TO A DISCIPLINARY ACTION, THE CHANGE TAKES PLACE IMMEDIATELY AFTER THE ACTION IS MADE AND THE NOTICE OF ACTION IS PROVIDED. SECOND IF THE PARENT HAS AGREED TO A CHANGE IN THE IDEA THROUGH THE AMENDMENT PROCESS AND THE SIGNATURE HAS NOT BEEN OBTAINED, THE SCHOOL DISTRICT SHOULD DOCUMENT THE DATE THE AGREEMENT WAS OBTAINED VIA THE AMENDMENT PROCESS ON THE NOTICE OF ACTION AND IMPLEMENT THE CHANGE IMMEDIATELY. THIS IS BECAUSE AN AMENDMENT TO THE IEP CAN ONLY BE MADE WHEN BOTH THE DISTRICT AND THE PARENT AGREE TO THE CHANGE. FEDERAL REGULATIONS HAVE VERY CLEAR AND SPECIFIC REQUIREMENTS FOR THE CONTENT OF ALL NOTICES OF ACTION. THE MISSOURI MODEL NOTICE OF ACTION FORM INCLUDES EACH OF THESE REQUIRED COMPONENTS. IN THE NEXT SECTION OF OUR WEBINAR WE WILL BE REVIEWING EACH OF THE REQUIREMENTS AND HIGHLIGHTING HOW TO DOCUMENT COMPLIANCE WITH THAT REQUIREMENT. THE FIRST REQUIRED COMPONENT OF A NOTICE OF ACTION IS A DESCRIPTION OF THE ACTION PROPOSED OR REFUSED BY THE AGENCY. ON THE MISSOURI MODEL FORM, THE DESCRIPTION OF THE ACTION IS IN A BOX THAT WE HAVE LABELED A. DISTRICTS MAY CHOOSE TO MARK PROPOSED OR REFUSED, DEPENDING ON THE STATED ACTION. CHOICES FOR ACTIONS GIVEN ON THE FORM ARE INITIAL EVALUATION, REEVALUATION, INELIGIBILITY FOR SERVICES, INITIAL SERVICES, INITIAL PLACEMENT, CHANGE OF PLACEMENT, CHANGE OF SERVICES AND GRADUATION WITH A REGULAR DIPLOMA. PLEASE NOTE THAT THIS IS NOT AN EXHAUSTIVE LIST, THUS

THE INCLUSION OF OTHER AS A CHOICE TO ALLOW THE DISTRICT TO SPECIFY OTHER ACTIONS THAT ARE NOT LISTED AS CHOICES. IN MANY CASES THE OTHER CHOICES SELECTED FOR ACTIONS BUT DO NOT DEAL DIRECTLY WITH EVALUATION, PLACEMENT OR SERVICES SUCH AS CHANGES THAT WOULD AFFECT FREE APPROPRIATE PUBLIC EDUCATION OR FAPE. THE SECOND REQUIRED COMPONENT OF A NOTICE OF ACTION IS AN EXPLANATION OF WHY THE AGENCY PROPOSES OR REFUSES TO TAKE THE ACTION. ON THE MISSOURI MODEL FORM THE EXPLANATION OF THE ACTION IS IN THE BOX THAT WE HAVE LABELED B. THIS EXPLANATION SHOULD BE RELATIVELY SHORT AND CONCISE. THE EXPLANATION SHOULD INCLUDE A SPECIFIC DESCRIPTION OF THE ACTION BEING PROPOSED OR REFUSED AS WELL AS THE REASON THE DISTRICT IS PROPOSING OR REFUSING TO TAKE THE ACTION. IN THE MAJORITY OF INSTANCES THERE IS NO NEED TO BE VERBOSE WHEN EXPLAINING THE ACTION. THE GOAL IS FOR PARENTS TO COMPLETELY UNDERSTAND WHAT EXACTLY IS BEING PROPOSED OR REFUSED. THE THIRD REQUIRED COMPONENT OF A NOTICE OF ACTION IS A DESCRIPTION OF EACH EVALUATION, PROCEDURE, TEST, RECORD OR REPORT THE AGENCY USED AS A BASIS FOR THE PROPOSAL OR REFUSAL. ON THE MISSOURI MODEL FORM THIS IS DOCUMENTED IN THE BOX LABELED WITH A C, BASIS FOR THE ACTION. THIS SHOULD BE A COMPLETE, YET CONCISE LISTING OF EACH DATA SOURCE THAT WAS UTILIZED IN THE DISTRICT'S DECISION TO PROPOSE OR REFUSE THE STATED ACTION. BE SURE TO INCLUDE BOTH FORMAL DATA, INCLUDING BOTH THE NAME AND DATE OF ANY REPORTS AS WELL AS INFORMAL DATA, INCLUDING INTERVIEWS AND INFORMAL OBSERVATIONS. THE FOURTH REQUIRED COMPONENT OF A NOTICE OF ACTION IS A STATEMENT THAT THE PARENTS OF A CHILD WITH A DISABILITY HAVE PROCEDURAL SAFEGUARD PROTECTIONS AND THE MEANS BY WHICH A COPY OF THE DESCRIPTION OF THE PROCEDURAL SAFEGUARDS CAN BE OBTAINED. AND THE FIFTH REQUIRED COMPONENT FOR A NOTICE OF ACTION IS THE SOURCES FOR THE PARENTS TO CONTACT TO OBTAIN ASSISTANCE IN UNDERSTANDING THEIR PROCEDURAL SAFEGUARDS. THESE TWO REQUIREMENTS ARE LINKED AND CAN BE FOUND IN THE SAME PLACE ON THE MISSOURI. BOTH REQUIREMENTS ARE MET WITH THE INFORMATION PROVIDED IN THE SAFEGUARD BOX ON THE MISSOURI MODEL FORM. THE PROCEDURE SAFEGUARDS AND WHERE TO OBTAIN A COPY IS INCLUDED IN THE BOX SHOWN BY THE ARROW MARKED D. THE SOURCES FOR PARENTS TO OBTAIN ASSISTANCE IN UNDERSTANDING THE PROCEDURAL SAFEGUARDS IS SHOWN BY THE ARROW MARKED E. IT IS IMPORTANT TO NOTE THAT EACH DISTRICT MUST CUSTOMIZE THIS PART OF THE NAME, ADDRESS AND PHONE NUMBER OF THE DISTRICT CONTACT WHERE INSTRUCTED. THOSE DISTRICTS WHO USE ANY OTHER NOTICE OF ACTION FORM SHOULD CHECK TO ENSURE THEIR FORM INCLUDES THIS EXACT STATEMENT. THE SIXTH REQUIRED COMPONENT OF A NOTICE OF ACTION IS A DESCRIPTION OF OTHER OPTIONS THAT THE IEP TEAM CONSIDERED AND THE REASONS WHY THOSE OPTIONS WERE REJECTED. ON THE MISSOURI MODEL FORM THE OPTIONS CONSIDERED AND WHY REJECTED SECTION IS MARKED WITH AN F. TO MEET THIS REQUIREMENT DISTRICTS MUST LIST ALL OPTIONS OTHER THAN THE ONE BEING PROPOSED OR REFUSED THAT WERE DISCUSSED BY THE IEP TEAM AND WHY EACH OF THESE OPTIONS WERE REJECTED IN LIEU OF THE CHOSEN ACTION. THIS IS THE DISTRICT'S OPPORTUNITY TO EXPLAIN WHY THE CHOSEN ACTION MEETS THE STUDENT'S NEEDS AND IS THE BEST CHOICE FOR THE STUDENT. FINALLY THE SEVENTH REQUIRED COMPONENT OF THE NOTICE OF ACTION IS A DESCRIPTION OF OTHER FACTORS THAT ARE RELEVANT TO THE AGENCY'S PROPOSAL OR REFUSAL. ON THE MISSOURI MODEL FORM THIS BOX IS LABELED WITH A G. ANY FACTORS THAT COULD AFFECT THE PROPOSED OR REFUSED ACTION THAT NEED TO BE GIVEN TO THE PARENTS SHOULD BE INCLUDED IN THIS SECTION. BECAUSE THIS IS A REQUIRED COMPONENT THIS SECTION CANNOT BE LEFT BLANK, EVEN IF THERE ARE NO OTHER RELEVANT FACTORS TO BE LISTED. LET'S TALK ABOUT SIGNATURES ON THE NOTICE OF ACTION FORM. THERE ARE TWO DIFFERENT PLACES FOR A PARENT OR GUARDIAN'S SIGNATURE. LET'S DISCUSS THE

REASONS FOR OBTAINING PARENT'S SIGNATURES AS WELL AS WHY AND WHEN EACH WOULD BE USED. THE FIRST BOX ON THE MISSOURI MODEL NOTICE OF ACTION FORM FOR PARENT OR GUARDIAN'S SIGNATURE IS USED WHEN CONSENT IS REQUIRED FOR THE ACTION TO BE INITIATED. DISTRICTS MUST OBTAIN A SIGNATURE IN THIS SECTION ONLY FOR INITIAL EVALUATION, INITIAL SERVICES AND REEVALUATION WITH ASSESSMENT. A SIGNATURE IN THIS BOX IS NEVER REQUIRED FOR ANY OTHER PROPOSED OR REFUSED ACTION AS NO OTHER ACTIONS REQUIRE SIGNED CONSENT PRIOR TO INITIATION. AS MENTIONED IN THE NOTE AT THE BOTTOM OF THIS BOX, WHEN OBTAINING CONSENT FOR ADDITIONAL ASSESSMENTS FOR EITHER AN INITIAL EVALUATION OR A REEVALUATION, A DESCRIPTION OF THE AREAS TO BE ASSESSED AND THE TESTS TO BE KNOWN -- A DESCRIPTION OF THE AREAS TO BE ASSESSED AND THE TESTS TO BE USED, IF KNOWN, MUST BE PROVIDED ALONG WITH THE NOTICE OF ACTION TO THE PARENT OR GUARDIAN. THE SECOND BOX ON THE MODEL FORM FOR PARENT/GUARDIAN SIGNATURE CAN BE USED WHEN THE ACTION DID NOT REQUIRE SIGNED CONSENT IN THE FIRST BOX. THIS CAN BE THE ACTUAL SIGNATURE OF THE PARENT IF THE PRIOR WRITTEN NOTICE IS PROVIDED IN PERSON. IT CAN ALSO BE A NOTATION INCLUDING THE DATE AND TIME THE PARENT PROVIDED A VERBAL WAIVER, THE METHOD OF THE VERBAL WAIVER AND THE NAME AND TITLE OF THE PERSON RECEIVING THE VERBAL WAIVER FOR THE DISTRICT TO TAKE THE ACTION. PLEASE NOTE THE MODEL NOTICE OF ACTION FORM WILL BE UPDATED IN SUMMER 2013 TO ADD AN AREA TO DOCUMENT VERBAL WAIVERS. IT IS IMPORTANT TO NOTE THAT A SIGNATURE OR VERBAL WAIVER IN THIS BOX DOES NOT GIVE CONSENT. RATHER, IT ONLY WAIVES THE TEN-DAY WAIT REQUIREMENT FOR IMPLEMENTING THE PROPOSED ACTION. REMEMBER, A SIGNATURE OR VERBAL WAIVER IN THIS BOX IS NEVER REQUIRED. IF A PARENT DOES NOT SIGN OR VERBALLY WAIVE THE TEN-DAY TIME REQUIREMENT, THE ACTION AUTOMATICALLY TAKES PLACE AFTER THOSE TEN CALENDAR DAY EXPIRED UNLESS THE PARENT FILES FOR DUE PROCESS DURING THAT TIME FRAME. IN THAT SITUATION THE ACTION CANNOT BE IMPLEMENTED AND THE DISTRICT MUST FOLLOW THE DUE PROCESS PROCEDURES. NOW YOU SHOULD HAVE AN UNDERSTANDING OF THE REQUIREMENTS FOR A NOTICE OF ACTION. NEXT WE WANT TO GO OVER SOME COMMON ACTIONS AND/OR CHANGES THAT TRIGGER THE PRIOR WRITTEN NOTICE REQUIREMENT AND THOSE THAT DO NOT. THE MOST OBVIOUS ACTIONS THAT TRIGGER PRIOR WRITTEN NOTICE ARE THOSE ACTIONS THAT REQUIRE PARENTAL CONSENT, INCLUDING INITIAL EVALUATION, REEVALUATION WHEN ADDITIONAL DATA ARE NEEDED, INITIAL SERVICES AND INITIAL PLACEMENT. PRIOR WRITTEN NOTICE IS ALSO REQUIRED FOR ANY CHANGE IN SERVICES SUCH AS A CHANGE IN SERVICE MINUTES, CHANGE OF LOCATION OF A SERVICE, ADDITION OR REMOVAL OF A SPECIFIC SERVICE, INCLUDING A RELATED SERVICE AND DISCIPLINARY CHANGE OF PLACEMENT. NOTE THE NUMBERS REFERENCED ON THIS SLIDE AND THE NEXT SLIDE CORRESPOND TO THE MISSOURI SPECIAL EDUCATION COMPLIANCE PROGRAM REVIEW STANDARDS AND INDICATORS MANUAL. PRIOR WRITTEN NOTICE IS ALSO TRIGGERED BY OTHER NOT SO OBVIOUS ACTIONS THAT WILL AFFECT THE FREE APPROPRIATE PUBLIC EDUCATION OR TAPE. EXAMPLES OF THESE ACTIONS ARE THE ADDITION OF OR SUBSTANTIVE REVISION TO A BEHAVIOR INTERVENTION PLAN, A CHANGE IN COURSE OF STUDY THAT WILL HAVE A DIRECT IMPACT ON THE STUDENT ACHIEVING THEIR POST-SCHOOL OUTCOMES, THE ADDITION OF ESY TO THE IEP AND THE ADDITION OF A GOAL IN A NEW SERVICE AREA OR THE DELETION OF A GOAL. DISTRICTS SHOULD NOTE THAT A NOTICE OF ACTION MUST ALSO BE PROVIDED IN RESPONSE TO A PARENT REQUEST FOR A SPECIFIC RELATED SERVICE. ONE COMMON EXAMPLE WOULD BE WHEN A PARENT REQUESTS THE ADDITION OF A RECOGNIZED RELATED SERVICE SUCH AS APPLIED BEHAVIOR NATURAL ANALYSIS OR DISCREET TRIAL TRAINING, PHYSICAL THERAPY, MUSIC THERAPY, COUNSELING, ETC. DISTRICTS WILL NEED TO BE FAMILIAR WITH THE DIFFERENCE BETWEEN A RELATED SERVICE, WHICH REQUIRES THE PROVISION OF A PRIOR WRITTEN NOTICE AND THE

TEACHING METHODOLOGY WHICH DOES NOT REQUIRE PRIOR WRITTEN NOTICE. A NOTICE OF ACTION MUST ALSO BE PROVIDED WHEN A PARENT REVOKES CONSENT FOR SPECIAL EDUCATION SERVICES. WHILE THERE ARE MANY ACTIONS AND/OR CHANGES THAT TRIGGER THE NOTICE OF ACTION REQUIREMENT, THERE ARE AT LEAST AN EQUAL AMOUNT OF ACTIONS THAT DO NOT TRIGGER A NOTICE OF ACTION. LET'S TALK ABOUT SOME OF THOSE INSTANCES. THIS SLIDE OUTLINES SEVERAL EXAMPLES OF CHANGES OR ACTIONS THAT OCCUR OFTEN IN THE IEP PROCESS BUT DO NOT REQUIRE PRIOR WRITTEN NOTICE. CHANGES TO THE PRESENT LEVEL, CHANGES TO SPECIAL CONSIDERATIONS AND CHANGES TO AN EXISTING GOAL SUCH AS INCREASING THE RIGOR BUT KEEPING THE SKILL LEVEL OF THE GOAL DO NOT REQUIRE A NOTICE OF ACTION. CHANGES TO ACCOMMODATIONS AND MODIFICATIONS AS WELL AS CHANGES RELATING TO MAP, MAP-A AND EOC DO NOT REQUIRE A NOTICE OF ACTION. THE IEP TEAM DECISION THAT A STUDENT WILL NOT RECEIVE EXTENDED SCHOOL YEAR SERVICES DOES NOT REQUIRE PRIOR WRITTEN NOTICE. HOWEVER, IF A PARENT REQUESTS ESY SERVICES AND THE DISTRICT DETERMINES THAT THESE SERVICES ARE NOT GOING TO BE PROVIDED, A NOTICE OF ACTION REFUSED MUST BE PROVIDED. REVISIONS TO AN EXISTING BEHAVIOR INTERVENTION PLAN DO NOT REQUIRE A NOTICE OF ACTION AS LONG AS THE CHANGES DO NOT FOCUS ON A COMPLETELY NEW BEHAVIOR WITH NEW CONSEQUENCES. NEITHER THE COLLECTION OF DATA TO DETERMINE IF THE DISTRICT SUSPECTS A DISABILITY NOR THE COLLECTION OF DATA FOR A REVIEW OF EXISTING DATA REQUIRES PRIOR WRITTEN NOTICE. NO NOTICE OF ACTION IS REQUIRED FOR A STUDENT WITH AN IEP OR A STUDENT WHO IS SUSPECTED OF HAVING A DISABILITY FOR SCREENINGS OF ALL CHILDREN IN A SCHOOL, GRADE LEVEL OR CLASS. THESE SCREENINGS COULD INCLUDE VISION, HEARING, ACADEMICS AND/OR BEHAVIOR. PRIOR WRITTEN NOTICE IS NOT REQUIRED IN ORDER TO ASSESS STUDENT PROGRESS ON IEP GOALS AS THIS IS CONSIDERED A REQUIREMENT OF THE IEP PROCESS. CONDUCTING A MANIFESTATION DETERMINATION DOES NOT REQUIRE PRIOR WRITTEN NOTICE, HOWEVER RESULTING CHANGES IN THE IEP OR PLACEMENT WOULD TRIGGER A NOTICE OF ACTION. CONDUCTING MANIFESTATION DETERMINATIONS DOES NOT REQUIRE PRIOR WRITTEN NOTICE. HOWEVER, RESULTING CHANGES IN THE IEP OR PLACEMENT WOULD TRIGGER A NOTICE OF ACTION. OTHER INSTANCES IN WHICH THE PRIOR WRITTEN NOTICE REQUIREMENT IS NOT TRIGGERED IS WHEN PARENTS OR GUARDIANS MAKE REQUESTS THAT ARE NOT SPECIFIC TO SERVICES OR FAPE. A FEW EXAMPLES OF THESE MIGHT BE IF A PARENT REQUESTS A SPECIFIC PROGRAM OR METHODOLOGY BE USED WHEN A SERVICE IS ALREADY BEING PROVIDED IN THAT AREA. AN EXAMPLE OF THIS WOULD BE A STUDENT IS RECEIVING 300 MINUTES A WEEK OF SPECIALIZED INSTRUCTION IN BASIC READING SKILLS AND THE PARENT REQUESTS THE DISTRICT USE THE WILSON READING SYSTEM OR THE ORTON GILLINGHAM APPROACH. ANOTHER REQUEST WOULD BE IF A PARENT REQUESTS A SPECIFIC STAFF PERSON TO WORK WITH THEIR CHILD WHEN A QUALIFIED PERSON IS ALREADY PROVIDED. A COMMON EXAMPLE OF WHICH WOULD BE WHEN A PARENT REQUESTS A CHANGE IN SPECIAL EDUCATION TEACHER OR PARAPROFESSIONAL WHEN A QUALIFIED SPECIAL EDUCATION TEACHER OR PARAPROFESSIONAL IS ALREADY PROVIDED. DISTRICT RESPONSES TO THESE INSTANCES CAN COME IN THE FORM OF A LETTER TO THE PARENTS STATING THE DISTRICT'S POSITION ON THE ISSUES BUT A NOTICE OF ACTION SHOULD NOT BE USED IN THESE CASES. IT IS IMPORTANT TO ONLY PROVIDE PRIOR WRITTEN NOTICE WHEN IT IS REQUIRED. REMEMBER, A PRIOR WRITTEN NOTICE SUGGESTS THE PARENT OR GUARDIAN HAS PROCEDURAL SAFEGUARD RIGHTS ANY TIME A PRIOR WRITTEN NOTICE IS PROVIDED. AS TO THE WHY AND WHEN REQUIREMENTS OF PRIOR WRITTEN NOTICE LET'S FOCUS ON HOW TO CRAFT COME PLANT NOTICES OF ACTION. PLEASE NOTE THAT EACH EXAMPLE GIVES A VERY CONCISE, YET SPECIFIC DESCRIPTION OF THE ACTION BEING PROPOSED. EACH EXAMPLE ALSO THOROUGHLY EXPLAINS EACH OPTION CONSIDERED AND WHY THEY WERE REJECTED. IN THE BASIS FOR THE

ACTION, BOTH FORMAL AND INFORMAL DATA SOURCES ARE LISTED BY NAME AND DATE. OTHER RELEVANT FACTORS IS NEVER LEFT BLANK. IN EACH EXAMPLE THE ACTION BEING PROPOSED IS CLEAR TO THE READER. THIS IS AN EXAMPLE OF A NOTICE OF ACTION FOR INITIAL SERVICES AND PLACEMENT. THE DESCRIPTION OF THE ACTION IS AMY WAS DETERMINED ELIGIBLE FOR SPECIAL EDUCATION AS A STUDENT WITH AN EDUCATIONAL IDENTIFICATION OF SPECIFIC LEARNING DISABILITY IN READING COMPREHENSION AND WRITTEN EXPRESSION ON MARCH 28, 2013. THE DISTRICT PROPOSES THAT AMY RECEIVE THE FOLLOWING SPECIAL EDUCATION SERVICES. SPECIALIZED INSTRUCTION IN READING COMPREHENSION, 200 MINUTES PER WEEK IN SPECIAL EDUCATION. SPECIALIZED INSTRUCTION IN WRITTEN EXPRESSION, 100 MINUTES PER WEEK IN SPECIAL EDUCATION. AMY'S PLACEMENT WILL BE AT LEAST 80% IN GENERAL EDUCATION. OPTIONS CONSIDERED AND WHY REJECTED. CONSIDERED NOT OFFERING SPECIAL EDUCATION SERVICES, BUT THIS OPTION WAS REJECTED DUE TO AMY'S NEED FOR SPECIAL EDUCATION DUE TO AN EDUCATIONAL IDENTIFICATION. CONSIDERED OFFERING ADDITIONAL SERVICE MINUTES BUT REJECTED THIS OPTION BECAUSE THE PROPOSED SERVICE MINUTES CONSTITUTE FAPE FOR AMY IN THE LEAST RESTRICTIVE ENVIRONMENT. THE BASIS FOR THE ACTION IS THE EVALUATION REPORT DATED 3/28/13, PARENT INPUT, TEACHER INPUT, IEP DATED MARCH 28, '13, OTHER FACTORS RELEVANT TO THE ACTION THERE ARE NO OTHER RELEVANT FACTORS AT THIS TIME BUT PLEASE NOTE THERE COULD BE A VARIETY OF OTHER ITEMS IN THIS SECTION. THIS IS AN EXAMPLE OF A NOTICE OF ACTION FOR A CHANGE IN SERVICE LOCATION, WHICH ALSO CHANGES PLACEMENT. THE DESCRIPTION OF THE ACTION, THE DISTRICT PROPOSES THE FOLLOWING CHANGES IN TROY'S SPECIAL EDUCATION SERVICES DUE TO HIS PERFORMANCE IN THE SPECIAL EDUCATION MATH CLASS. FROM 225 MINUTES PER WEEK OF SPECIALIZED INSTRUCTION IN MATH CALCULATION IN THE SPECIAL EDUCATION SETTING TO 225 MINUTES PER WEEK OF SPECIALIZED INSTRUCTION IN MATH CALCULATION IN THE GENERAL EDUCATION SETTING. THIS CHANGES TROY'S EDUCATIONAL PLACEMENT FROM MORE THAN 80% IN GENERAL EDUCATION TO 100% IN GENERAL EDUCATION. OPTIONS CONSIDERED AND WHY REJECTED. CONSIDERED CONTINUING WITH TROY'S CURRENT SERVICES AND PLACEMENT BUT REJECTED THIS OPTION BECAUSE THE TEAM DETERMINED THAT TROY CAN RECEIVE FAPE IN A LESS RESTRICTIVE ENVIRONMENT. THE BASIS FOR THE ACTION IS THE IEP DATED MAY 19 OF 2012 AND PARENT AND TEACHER REPORTS. OTHER FACTORS RELEVANT TO THE ACTION. THERE ARE NO OTHER RELEVANT FACTORS AT THIS TIME. THIS IS AN EXAMPLE OF A NOTICE OF ACTION FOR THE REMOVAL OF A GOAL AREA FROM AN IEP. THE MATH CALCULATION GOAL BASED ON DATA COLLECTED DURING THE IEP CYCLE. THE DISTRICT PROPOSES TO REMOVE THE ANNUAL GOAL IN THE AREA OF MATH CALCULATION FROM ALEX'S 2012, 2013 IEP. OPTIONS CONSIDERED AND WHY REJECTED. THE TEAM CONSIDERED CONTINUING WITH THE CURRENT MATH CALCULATION GOAL BUT REJECTED THIS OPTION BECAUSE ALEX HAS MET THIS CURRENT GOAL. THE TEAM ALSO CONSIDERED WRITING A NEW GOAL IN THE AREA OF MATH CALCULATION BUT THIS WAS REJECTED BECAUSE THE TEAM FELT THAT ALEX NO LONGER REQUIRES THIS GOAL TO REACH FAPE. BASIS FOR THE ACTION. PROGRESS MONITORING OF ALEX'S MATH CALCULATION IEP GOAL DURING SECOND AND THIRD QUARTERS OF 2012, '13, TEACHER REPORTS AND PARENT REPORTS. OTHER FACTORS RELEVANT TO THE ACTION. ALEX CONTINUES TO QUALIFY AS A STUDENT WITH A SPECIFIC LEARNING DISABILITY IN THE AREAS OF MATH, PROBLEM SOLVING AND MATH CALCULATION, BUT THE TEAM DETERMINED THAT THE ONLY NECESSARY GOAL AREA AT THIS TIME IS IN MATH PROBLEM SOLVING. THIS IS AN EXAMPLE OF A NOTICE OF ACTION FOR A DISCIPLINARY CHANGE OF PLACEMENT. THE DESCRIPTION OF THE ACTION. THE DISTRICT PROPOSES THE FOLLOWING CHANGE TO LANCE'S EDUCATIONAL PLACEMENT FOLLOWING A DISCIPLINARY ACTION. FROM 150 MINUTES PER WEEK OF SPECIALIZED INSTRUCTION IN MATH PROBLEM SOLVING IN SPECIAL

EDUCATION AND 150 MINUTES PER WEEK OF SPECIALIZED INSTRUCTION IN ORGANIZATIONAL SKILLS IN SPECIAL EDUCATION TO TEN HOURS PER WEEK OF HOMEBOUND INSTRUCTION BEGINNING MARCH 4, 2013, AND ENDING ON MARCH 15, 2013, TO ENABLE LANCE TO PARTICIPATE IN THE GENERAL EDUCATION CURRICULUM AND PROGRESS TOWARD MEETING HIS IEP GOALS. OPTIONS CONSIDERED AND WHY REJECTED. CONSIDERED MAINTAINING CURRENT EDUCATIONAL SERVICES AND PLACEMENT BUT REJECTED THIS OPTION DUE TO THE NEED FOR A DISCIPLINARY CHANGE OF PLACEMENT. LANCE WAS GIVEN A TEN-DAY SUSPENSION ON FEBRUARY 28, '13. IT WAS DETERMINED THROUGH MANIFESTATION DETERMINATION ON MARCH 1, 2013, THAT LANCE'S BEHAVIOR WAS UNRELATED TO HIS DISABILITY. THEREFORE, THE DISTRICT MAY IMPOSE THE SAME DISCIPLINARY SANCTIONS AS IT WOULD FOR ANY NON-DISABLED STUDENT. THE BASIS FOR THE ACTION. DISCIPLINE INFRACTION DATA ON DECEMBER 13, '12, JANUARY 4 OF 2013 AND FEBRUARY 28 OF 2013, MANIFESTATION DETERMINATION ON MARCH 1, '13, PARENT INPUT, TEACHER INPUT AND CURRENT IEP DATED SEPTEMBER 20, '12. OTHER FACTORS RELEVANT. THERE ARE NO OTHER RELEVANT FACTORS AT THIS TIME. THIS IS AN EXAMPLE OF A NOTICE OF ACTION WHEN PARENTS REVOKE CONSENT FOR SPECIAL EDUCATION SERVICES. PLEASE NOTE A MODEL NOTICE OF ACTION FOR PARENT REVOCATION OF CONSENT CAN BE FOUND ON THE COMPLIANCE PAGE ON THE DEPARTMENT'S WEBSITE. THE DESCRIPTION OF ACTION. PURSUANT TO THE PARENT'S WRITTEN REVOCATION OF CONSENT FOR SPECIAL EDUCATION SERVICES AND PLACEMENT, SAM'S PLACEMENT WILL BE CHANGED TO THE REGULAR EDUCATION CLASSROOM 100% OF THE TIME. SAM'S SPEECH SERVICES FOR 60 MINUTES PER WEEK AND READING COMPREHENSION SERVICES FOR 150 MINUTES PER WEEK WILL BE DISCONTINUED AS OF SEPTEMBER 21ST, 2012. OPTIONS CONSIDERED AND WHY REJECTED. NO OTHER OPTIONS WERE CONSIDERED DUE TO THE PARENT'S RIGHT TO REVOKE CONSENT FOR SPECIAL EDUCATION SERVICES. THE BASIS FOR THE ACTION. SAM'S FATHER, HENRY JONES, HAS PROVIDED A WRITTEN REVOCATION OF CONSENT FOR SPECIAL EDUCATION SERVICES. SEE ATTACHED LETTER. OTHER FACTORS RELEVANT TO THE ACTION. WHEN PARENTS REVOKE CONSENT FOR SERVICES FOR THEIR CHILD, THE CHILD AND HIS OR HER PARENTS NO LONGER HAVE THE PROTECTION PROVIDED UNDER THE PROCEDURAL SAFEGUARDS OF PART BEST. INDIVIDUALS WITH DISABILITIES EDUCATION ACT OR IDEA. FINALLY HERE IS AN EXAMPLE NOTICE OF ACTION FOR CONSENT FOR ADDITIONAL ASSESSMENT. THE DESCRIPTION OF THE ACTION. THE DISTRICT PROPOSES TO ADMINISTER ADDITIONAL ASSESSMENTS AS PART OF AN INITIAL EVALUATION OR REEVALUATION FOR SPECIAL EDUCATION. OPTIONS CONSIDERED AND WHY REJECTED. CONSIDERED ACCEPTING SCREENING MEASURES AND EXISTING DATA AS SUFFICIENT TO DETERMINE ELIGIBILITY BUT REJECTED THIS OPTION BECAUSE THIS DATA WAS NOT THOROUGH ENOUGH TO MAKE AN ELIGIBILITY DETERMINATION. THE BASIS FOR THE ACTION IS THE REVIEW OF EXISTING DATA, INCLUDING TEACHER AND PARENT REPORTS, SCREENING INFORMATION. AND OTHER FACTORS RELEVANT TO THE ACTION. THERE ARE NO OTHER RELEVANT FACTORS AT THIS TIME. OUR WEBINAR HAS PROVIDED THE WHEN, WHY AND HOW OF PRIOR WRITTEN NOTICE AND THE NOTICE OF ACTION FORM. THIS WEBINAR AND A COPY OF THE MISSOURI MODEL NOTICE OF ACTION FORM CAN BE FOUND ON THE COMPLIANCE PAGE OF THE DEPARTMENT'S WEBSITE UNDER GENERAL GUIDANCE. FEEL FREE TO SHARE THESE RESOURCES WITH OTHERS. AS ALWAYS, CONTACT YOUR COMPLIANCE CONSULTANT OR THE SPECIAL EDUCATION COMPLIANCE SECTION AT THE DEPARTMENT IF YOU HAVE ANY QUESTIONS OR NEED ADDITIONAL INFORMATION ON THIS OR ANY TOPIC RELATED TO SPECIAL EDUCATION COMPLIANCE. NOW IT IS TIME FOR QUESTIONS GENERATED AS A RESULT OF OUR WEBINAR. REMEMBER THAT ANY QUESTIONS RELATED TO PRIOR WRITTEN NOTICE WILL BE ANSWERED EITHER DURING THE WEBINAR OR IN THE QUESTION, ANSWER DOCUMENT THAT WILL BE POSTED ON THE WEBSITE FOLLOWING OUR WEBINAR TODAY. ALL OTHER QUESTIONS AS WELL AS QUESTIONS REGARDING

SPECIFIC STUDENTS SHOULD BE DIRECTED TO THE SPECIAL EDUCATION COMPLIANCE SUPERVISORS AT 573-751-0699. AND I WILL SHARE WITH YOU THAT WE HAVE HAD A NUMBER OF QUESTIONS. JENNIFER AND I HAVE BEEN, HAVE OUR STANDARDS AND OUR INDICATORS AND OUR STATE PLAN AND OUR FED REGS OPENED UP HERE AND WE HAVE BEEN RESEARCHING DURING THE WEBINAR AND HAVE ANSWERS TO QUESTIONS. AS THEY COME IN, WE'RE GOING TO CONTINUE TO DO THAT. HERE IS OUR FIRST QUESTION. IS SPECIAL EDUCATION OR RELATED ARE CHANGING FOR THE UPCOMING AT AN ANNUAL IEP MEETING MUST A NOTICE OF ACTION BE PROVIDED? THE ANSWER TO THAT WOULD BE YES, A NOTICE OF ACTION MUST BE PROVIDED FOR ANY CHANGES OF SERVICES, WHETHER THEY BE SPECIAL EDUCATION SERVICES OR RELATED SERVICES MINUTES. SO AGAIN, ANY CHANGE YOU MUST PROVIDE PRIOR WRITTEN NOTICE. TWO. MUST A NOTICE OF ACTION BE PROVIDED WHEN MAKING AN AMENDMENT TO THE IEP OR CAN WE JUST USE THE AMENDMENT FORM? OKAY. A NOTICE OF ACTION IS REQUIRED FOR ANY NOTICE, FOR ANY ACTION THAT TRIGGERS PRIOR WRITTEN NOTICE. SO IT DOESN'T MATTER IF IT'S DURING THE ANNUAL IEP MEETING OR IF IT'S DURING THE AMENDMENT PROCESS. IF THE AMENDMENT TO THE IEP INCLUDES AN ADDITION OR CHANGE THAT REQUIRES PRIOR WRITTEN NOTICE, THEN A NOTICE OF ACTION WOULD THEN BE REQUIRED TO BE PROVIDED. YOU SHOULD NOTE THAT THE MODEL IEP AMENDMENT FORM INCLUDES A REMINDER STATEMENT. IT SAYS A NOTICE OF ACTION MUST BE PROVIDED TO PARENT, GUARDIAN OR THE STUDENT AGE 18 OR OVER FOR ANY CHANGE OF SERVICES OR PLACEMENTS RESULTING FROM THIS IEP AMENDMENT. SO WE INCLUDE A REMINDER IN THERE TO HELP YOU WITH THAT PIECE. MUST DISTRICTS PROVIDE PRIOR WRITTEN NOTICE IN THE PARENTS NATIVE LANGUAGE? YES. IN FACT, BOTH PRIOR WRITTEN NOTICE AND PROCEDURAL SAFEGUARDS NOTICE MUST BE WRITTEN IN LANGUAGE THAT IS UNDERSTANDABLE TO THE GENERAL PUBLIC AND BE 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. THAT IS IN FED REGULATIONS 300, 503 C AND 300.504 D, IF YOU WANT TO CHECK ON THAT. IT MAKES IT CLEAR -- IN FACT, THE COMMENTS TO THE FEDERAL REGS WHO SAY FOR PARENTS WHOSE MODE OF COMMUNICATION IS NOT A WRITTEN LANGUAGE, THE PUBLIC AGENCY MUST ENSURE THAT THE NOTICE IS TRANSLATED ORALLY OR BY OTHER MEANS TO THE PARENT AND THAT THE PARENT UNDERSTANDS THE CONTENT OF THE NOTICE. SO THE FED REGS AND THE COMMENTS MAKE IT REALLY CLEAR THAT PRIOR WRITTEN NOTICE IS PROVIDED IN WRITING UNLESS THE PARENTS' MODE OF COMMUNICATION IS NOT A WRITTEN LANGUAGE AND THAT THE PRIOR WRITTEN NOTICE MUST BE PROVIDED IN THEIR NATIVE LANGUAGE. IT ALSO IS REALLY CLEAR THAT THE ULTIMATE GOAL OF THE PRIOR WRITTEN NOTICE IS THAT THE INFORMATION IS PROVIDED IN SUCH A WAY THAT THE PARENT UNDERSTANDS THE CONTENT OF THE NOTICE BEING PROVIDED. THE DEPARTMENT IS RESPONSIBLE FOR TRANSLATING PROCEDURAL SAFEGUARDS, AND WE HAVE A LINK ON OUR WEBSITE TO A VARIETY OF VERSIONS OF PROCEDURAL SAFEGUARDS IN DIFFERENT LANGUAGES. LEAS ARE RESPONSIBLE FOR TRANSLATING THE NOTICE OF ACTION. IN ORDER TO ACCOMPLISH THAT, LEAS MAY WANT TO INVESTIGATE A VARIETY OF RESOURCES, INCLUDING YOUR MIGRANT AND ENGLISH LANGUAGE LEARNERS, THE MELL STAFF AT THE DEPARTMENT OR THE RPDCS. THERE ARE COMPANIES THAT SPECIALIZE IN THE TRANSLATION OF DOCUMENTS INTO OTHER LANGUAGES. YOU MIGHT ALSO CHECK WITH LOCAL CHURCHES OR COMMUNITY ORGANIZATIONS WORKING WITH THE FAMILY FOR RESOURCES. THE PLACES OF EMPLOYMENT FOR THE FAMILY MEMBERS OF THE CHILD. SO THOSE ARE SOME RESOURCES FOR YOU. THE IF NOT FEASIBLE EXCEPTION WOULD BE VERY RARE AND YOU WOULD, THE LEA WOULD NEED TO DOCUMENT ALL ATTEMPTS TO PROVIDE THE NOTICE IN THE NATIVE LANGUAGE AND WOULD BE REQUIRED IN ORDER TO DEMONSTRATE THAT IT WAS NOT FEASIBLE. JUST A NOTE. WE ARE CURRENTLY SPECIAL ED AND THE ELL AND ASSESSMENT DIVISION, OUR SECTIONS HERE AT THE

DEPARTMENT, WE ARE CURRENTLY COLLABORATING ON A COMPREHENSIVE WEBINAR ON SPECIAL EDUCATION IDENTIFICATION OF ENGLISH LANGUAGE LEARNERS, SO THAT WILL BE COMING UP NEXT FALL. SO WE WILL GO INTO MORE IN DEPTH FOR THAT -- OR THIS QUESTION AT THAT TIME. ANOTHER QUESTION. MUST PRIOR WRITTEN NOTICE BE PROVIDED AFTER A CHILD IS DETERMINED ELIGIBLE AND BEFORE THE IEP IS WRITTEN? NO. PRIOR WRITTEN NOTICE IS NOT REQUIRED FOR AN ELIGIBILITY DETERMINATION. HOWEVER, PRIOR WRITTEN NOTICE IS REQUIRED FOR THE INITIAL SERVICES AND PLACEMENT. PRIOR WRITTEN NOTICE FOR INITIAL SERVICES AND PLACEMENT MUST INCLUDE INFORMATION ABOUT THE ELIGIBILITY CATEGORY FOR WHICH THE CHILD IS INITIALLY IDENTIFIED IN ORDER TO RECEIVE SPECIAL EDUCATION RELATED SERVICES. SO THOSE ARE CONNECTED, BUT NO PRIOR WRITTEN NOTICE IS REQUIRED FOR THE ELIGIBILITY DETERMINATION. NOTE THAT THERE ARE THREE INSTANCES WHEN PRIOR WRITTEN NOTICE IS REQUIRED DURING THE EVALUATION PROCESS. FIRST, WHEN THE DISTRICT REFUSES TO EVALUATE AFTER RECEIVING A PARENT REFERRAL FOR AN EVALUATION. SECOND, AFTER REVIEW OF EXISTING DATA OR RED IS COMPLETED, PRIOR WRITTEN NOTICE IS PROVIDED EITHER TO OBTAIN CONSENT TO ADMINISTER ADDITIONAL ASSESSMENTS OR REFUSE THE REQUEST BECAUSE THE LEA DOES NOT SUSPECT A DISABILITY BASED ON THE RESULTS OF THE RED OR THIRD, AFTER AN EVALUATION IS COMPLETED AND THE CHILD IS DETERMINED INELIGIBLE FOR SERVICES YOU MUST PROVIDE A NOTICE OF ACTION AT THAT POINT AS WELL. ALL RIGHT. IS PRIOR WRITTEN NOTICE REQUIRED PRIOR TO CONDUCTING A MANDATORY THREE-YEAR REEVALUATION? AND THE ANSWER WOULD BE YES. THE NOTICE OF ACTION WOULD BE PROVIDED AFTER THE REVIEW OF EXISTING DATA IS COMPLETED. PRIOR WRITTEN NOTICE WILL EITHER STATE THAT NO ADDITIONAL DATA IS NEEDED OR THAT ADDITIONAL DATA IS NEEDED AND WILL BE COLLECTED IN A MANNER THAT EITHER REQUIRES OR DOES NOT REQUIRE PARENT CONSENT. PRIOR WRITTEN NOTICE IS NOT REQUIRED TO CONDUCT THE REVIEW OF EXISTING DATA AS EITHER PART OF THE INITIAL EVAL OR RE-EVAL. LET ME SAY THAT AGAIN. AT THE END OF THE REVIEW OF EXISTING DATA, THERE WILL BE SOME TYPE OF PRIOR WRITTEN NOTICE. BUT YOU DO NOT NEED PRIOR WRITTEN NOTICE IN ORDER TO CONDUCT THAT REVIEW OF EXISTING DATA EITHER FOR AN INITIAL OR FOR A RE-EVAL. MUST PARENTS SIGN A NOTICE OF ACTION TO WAIVE THE TEN DAYS IN ORDER TO BEGIN EARLIER WITH THE IMPLEMENTATION OF AN AMENDED IEP? WE TALKED ABOUT THAT EARLIER. A PARENT'S SIGNATURE DOCUMENTS THEIR CONSENT TO INITIATE ANY CHANGE REQUIRING PRIOR WRITTEN NOTICE. IF YOU WILL REMEMBER, THERE ARE ONLY THREE OF THOSE. THE INITIAL EVALUATION, INITIAL SERVICES AND PLACEMENT AND REEVALUATION WITH ASSESSMENT. THE DISTRICT MUST WAIT TEN DAYS TO IMPLEMENT ALL OTHER TYPES OF CHANGES THAT ARE PROPOSED IN THE NOTICE OF ACTION UNLESS THE PARENT WAIVES THAT TEN-DAY WAITING PERIOD. IF THE PARENT HAS AGREED TO SUCH A CHANGE THROUGH THE AMENDMENT PROCESS. REMEMBER, AN AMENDMENT BY DEFINITION, REQUIRES BOTH THE DISTRICT AND THE PARENT TO AGREE TO THE CHANGE AND THE PARENT DOESN'T -- AND A SIGNATURE HASN'T BEEN OBTAINED ON THAT AMENDMENT, THE SCHOOL DISTRICT SHOULD JUST DOCUMENT THE DATE THE AGREEMENT WAS CHANGED AND IMPLEMENT THE CHANGE IMMEDIATELY. THAT IS FOR THE IEP AMENDMENT. IS A NOTICE OF ACTION NEEDED FOR AN ANNUAL IEP REVIEW IF SERVICES AND PLACEMENT REMAIN THE SAME BUT THERE ARE CHANGES IN THE ACCOMMODATIONS AND MODIFICATIONS IN THE IEP? THE ANSWER TO THAT WOULD BE NO. BASED ON GUIDANCE FROM OSEP AND WE'LL HAVE A LINK TO THAT IN THE ACTUAL Q AND A. WE'LL HAVE A LINK TO THAT OSEP GUIDANCE. CHANGES IN ACCOMMODATIONS AND MODIFICATIONS DO NOT TRIGGER A NOTICE OF ACTION. WHEN COMPLETING A NOTICE OF ACTION FOR INELIGIBILITY, DO WE CHECK PROPOSED OR REFUSED? OKAY. IF YOU ARE USING THE STATE MODEL FORM FOR NOTICE OF ACTION, IT IS APPROPRIATE TO CHECK PROPOSED IF YOU ARE ALSO CHECKING THAT THE NOTICE IS

FOR INELIGIBILITY FOR SERVICE SINCE THAT'S THE ACTION THAT THE LEA IS PROPOSING. HOWEVER, IT WOULD ALSO BE APPROPRIATE TO CHECK REFUSED IF THE EVALUATION WAS TRIGGERED BY A PARENT REQUEST FOR AN EVALUATION FOR ELIGIBILITY FOR THE IEP. MOST IMPORTANTLY, THE BODY OF THE NOTICE OF ACTION CONTAINS -- SHOULD CONTAIN THE REQUIRED INFORMATION AND CLEARLY COMMUNICATE TO THE PARENT THE ACTION THAT'S TAKING PLACE. SO THE ANSWER WOULD BE IT COULD BE -- YOU COULD BE PROPOSING OR YOU COULD BE REFUSING. IT JUST WHAT YOU WRITE IN THE CONTENT OF THE NOTICE NEEDS TO MAKE IT CLEAR WHAT YOU ARE WANTING TO DO FOR THE PARENT AND THAT THE CHILD IS NOT ELIGIBLE FOR SERVICES. IF A STUDENT HAS ALREADY BEEN PLACED IN SPECIAL EDUCATION WITHOUT SIGNED PARENTAL CONSENT, HOW CAN THAT PROBLEM BE CORRECTED? WELL, WE'RE HOPING THAT THAT PROBLEM ISN'T OCCURRING OUT THERE ANYWHERE BECAUSE YOU KNOW THAT YOU DO HAVE TO HAVE SIGNED PARENTAL CONSENT FOR INITIAL SERVICES. YOU REALLY CANNOT GO BACK AND CORRECT THREAT -- RETROACTIVELY BECAUSE IDEA REQUIRES THE SIGNED PARENTAL CONSENT BEFORE THE CHILD RECEIVES SPECIAL EDUCATION SERVICES. YOU SHOULD PROVIDE THE PARENT WITH A NOTICE OF ACTION FOR INITIAL SERVICES, OBTAIN CONSENT AND INCLUDE THIS DOCUMENTATION IN THE CHILD'S EDUCATIONAL RECORD. AND I WOULD NOTE THAT IT IS STARTING AT THIS POINT FORWARD AND JUST MAKE IT CLEAR IN THE DOCUMENTATION AND HOPEFULLY THAT WILL NOT BE HAPPENING. SO NO. 10. WHY WOULD A NOTICE OF ACTION NEED TO BE PROVIDED FOR ALL IEP MEETINGS? IT WOULD SEEM THAT THE PARENT WOULD BE NOTIFIED OF THE CHANGES IN THE IEP WHEN THEY RECEIVE A COPY OF THE NEW IEP. WELL, FIRST PRIOR WRITTEN NOTICE IS NOT REQUIRED FOR EVERY IEP MEETING. ONLY THOSE TIMES THAT ACTION IS TAKEN, PROPOSED OR REFUSED DURING THE IEP MEETING TRIGGER PRIOR WRITTEN NOTICE. IDEA REQUIRES WRITTEN NOTICE WHEN THE LEA PROPOSES OR REFUSES TO INITIATE OR CHANGE ANYTHING RELATED TO IDENTIFICATION, PLACEMENT OR PROVISION OF FAPE SUCH AS SERVICES BEFORE THAT ACTION CAN TAKE PLACE. PARENTS CAN RECEIVE THEIR FINAL COPY OF THE IEP UP TO 20 DAYS FOLLOWING THE IEP MEETING, NOT ONLY DOES THIS NOT MEET THE TIMELINE FOR PROVIDING PRIOR WRITTEN NOTICE, IT ALSO DOES NOT INCLUDE ALL OF THE REQUIRED COMPONENTS OF PRIOR WRITTEN NOTICE. SO THAT IS NOT A GOOD IDEA TO ASSUME THAT THE IEP WOULD BE YOUR PRIOR WRITTEN NOTICE. SINCE AN IEP RUNS FOR ONE YEAR, WOULDN'T IT BE ACCURATE THAT AT THE ANNUAL IEP MEETING, THIS WOULD BE CONSIDERED A NEW IEP AND REPLACE THE IEP. THIS WOULD ELIMINATE THE NEED FOR NOTICE OF ACTION BECAUSE THERE WOULD NOT BE A CHANGE BUT A NEW IEP AND THEREFORE NO NOTICE OF ACTION WOULD BE NECESSARY. THAT IS NOT AN ACCURATE STATEMENT. SO THAT IS NOT CORRECT. THE IEP DEVELOPED AT THE ANNUAL MEETING IS CONSIDERED A REVISION OF THE PRIOR IEP. IDEA DOES NOT ALLOW FOR A NEW IEP. IN IDEA THERE ARE ONLY INITIAL IEP'S, ANNUAL IEP'S AND IEP AMENDMENTS. SO NOT A GOOD IDEA. LET ME READ THIS ONE HERE. MAY PARENTS ELECT TO RECEIVE NOTICES ELECTRONICALLY OR ALLOWS FOR DIGITAL SIGNATURES FOR CONSENT SUCH AS CONSENT FOR INITIAL EVALUATION? YES. SECTION 300.505 PERMITS PARENTS TO ELECT TO RECEIVE PRIOR WRITTEN NOTICES, PROCEDURAL SAFEGUARD NOTICES AND DUE PROCESS COMPLAINT NOTICES BY ELECTRONIC COMMUNICATION OR E-MAIL. IF THE PUBLIC AGENCY OR THE LEA CHOOSES TO MAKE THAT OPTION AVAILABLE. IT WOULD BE BEST PRACTICE FOR DISTRICTS TO CREATE PROCEDURES AND PRACTICES FOR INFORMING PARENTS OF THEIR OPTIONS FOR RECEIVING NOTICES VIA E-MAIL. AND YOU WOULD STILL NEED TO HAVE YOUR DOCUMENTATION IN YOUR FILES THAT YOU PROVIDED THOSE PRIOR WRITTEN NOTICES. IS PRIOR WRITTEN NOTICE REQUIRED WHEN THE PARENT AND THE LEA AGREE THAT A THREE-YEAR REEVALUATION IS UNNECESSARY? IS PRIOR WRITTEN NOTICE REQUIRED WHEN THE PARENT AND THE LEA AGREE THAT A THREE-YEAR REEVALUATION IS UNNECESSARY? NO. IDEA REQUIRES THAT THE

REEVALUATION MUST OCCUR AT LEAST ONCE EVERY THREE YEARS UNLESS THE PARENT AND THE LEA AGREE THAT THE REEVALUATION IS NOT NECESSARY. THIS IS A MUTUAL AGREEMENT AND CAN BE DOCUMENTED ON THE TRIENNIAL EVALUATION DOCUMENTATION FORM THAT WE HAVE ON THE WEBSITE. BECAUSE IT IS A MUTUAL AGREEMENT, NO PRIOR WRITTEN NOTICE IS REQUIRED. HOWEVER, IF THE PARENT REQUESTS A REEVALUATION AND THE PUBLIC AGENCY DISAGREES THAT A REEVALUATION IS NEEDED, AGAIN THE LEA MUST PROVIDE PRIOR WRITTEN NOTICE TO THE PARENT THAT EXPLAINS, AMONG OTHER THINGS, WHY THE AGENCY REFUSES TO CONDUCT THE REEVALUATION AND THE PARENT'S RIGHT TO CONSENT THE AGENCY'S DECISION THROUGH MEDIATION OR DUE PROCESS HEARING. IN SITUATIONS WHERE PUBLIC AGENCIES BELIEVE A REEVALUATION IS NECESSARY BUT THE PARENT DISAGREES AND REFUSES TO CONSENT FOR REEVALUATION, THE LEA MAY BUT DOES NOT REQUIRED TO PURSUE REEVALUATION BY USING -- THERE'S A PROCESS IN THE REGS THAT THAT'S DESCRIBED. IT IS IN 300 A 3. IS A NOTICE OF ACTION REFUSED REQUIRED WHEN NOT INCLUDING ASSISTIVE TECHNOLOGY MINUTES IN THE IEP? YES. IF THE PARENT HAS REQUESTED THE IEP TO INCLUDE GOALS OR SERVICES RELATED TO ASSISTIVE TECHNOLOGY, A NOTICE OF ACTION REFUSED WOULD NEED TO BE PROVIDED BY THE LEA TO EXPLAIN WHY THAT REQUEST IS REFUSED. THIS PARENT REQUEST WOULD INVOLVE PROVISION OF SERVICES AND FAPE AND THOSE ARE ACTIONS THAT TRIGGER PRIOR WRITTEN NOTICE. CAN AN LEA GET PARENT CONSENT VERBALLY? WE HAVE PARENTS WHO DON'T WANT TO TAKE OFF WORK TO ATTEND THE REVIEW OF EXISTING DATA MEETINGS BUT TELL US THEY GIVE CONSENT OVER THE PHONE TO PROCEED WITH TESTING. HOW DO WE HANDLE THIS SITUATION? FIRST, CONSENT MUST BE IN WRITING FOR THREE SPECIFIC INSTANCES. INITIAL EVALUATION, INITIAL SERVICES AND REEVALUATION WITH ASSESSMENT. SO YOU ARE GOING TO HAVE TO HAVE THAT CONSENT IN WRITING. IF YOU REFER TO SECTION 300.9 B, IT REQUIRES PARENTS TO UNDERSTAND AND AGREE IN WRITING TO THE CARRYING OUT OF ACTIVITIES FOR WHICH PARENT CONSENT IS SOUGHT. HOWEVER, IN OTHER SITUATIONS REQUIRING PRIOR WRITTEN NOTICE THE PARENT CAN WAIVE THE REQUIRED TEN-DAY WAITING PERIOD BEFORE IMPLEMENTING THE ACTION. IN THOSE SITUATIONS THE VERBAL CONSENT TO WAIVE THE TEN DAYS CAN BE GIVEN BY PARENTS AND THEN DOCUMENTED BY THE LEA ON THE SECOND PAGE OF THE MODEL NOTICE OF ACTION FORM. AS WE NOTED EARLIER, WE ARE IN THE PROCESS OF UPDATING THE NOTICE OF ACTION FORM TO MAKE THIS CLEARER AND EASIER FOR LEAS TO DOCUMENT. SO BE WATCHING FOR THOSE UPDATES TO THE MODEL FORMS IN JULY OF 2013. ALL RIGHT. THERE ARE MORE OVER HERE. IF IEP SERVICES HAVE CHANGED WHICH CHANGES THE PERCENTAGE OF TIME INSIDE REGULAR EDUCATION FROM 50 TO 55% BUT DOESN'T CHANGE THE PLACEMENT CATEGORY, IN OTHER WORDS, THE 80% OR MORE, THE 50 TO 79%, THE LESS THAN 40%, ETC., IS THAT CONSIDERED A CHANGE OF PLACEMENT AS WELL AS A CHANGE OF SERVICES? THE ANSWER TO THAT WOULD BE NO. THIS WOULD ONLY -- THAT WOULD NOT BE CONSIDERED A CHANGE OF PLACEMENT. A CHANGE OF PLACEMENT ONLY OCCURS WHEN THE CHANGE IN SERVICES MINUTES RESULTS IN A CHANGE IN THAT PLACEMENT CATEGORY. HOWEVER, IT WOULD BE -- YOU ARE GOING TO HAVE TO PROVIDE A NOTICE, PRIOR WRITTEN NOTICE FOR THE CHANGE OF SERVICES AND IT WOULD BE BEST PRACTICES TO LIST THE NEW PLACEMENT PERCENTAGE IN THAT NOTICE OF ACTION TO KEEP THE PARENT INFORMED. SINCE ALMOST EVERY IEP HAS SOME CHANGE IN SERVICES MINUTES, EITHER MAJOR OR MINOR CHANGE, WILL ALL THOSE IEP'S NEED NOTICES OF ACTION WITH THEM DESCRIBING THE CHANGE IN THE SERVICES MINUTES? YES. ALL CHANGES IN SERVICES MINUTES REGARDLESS OF HOW MINOR OR MAJOR REQUIRE PRIOR WRITTEN NOTICE. I UNDERSTAND THAT THE DISTRICT REFUSING A REQUEST FROM THE PARENT TO RECONVENE THE IEP TEAM IS SUBJECT TO A NOTICE OF ACTION REFUSED. PLEASE CLARIFY. THAT WOULD BE A RARE SITUATION, I WOULD THINK. BUT YES, YOU WOULD -- THE LEA WOULD NEED

TO PROVIDE A NOTICE OF ACTION REFUSED. AND THAT NOTICE OF ACTION WOULD NEED TO CLEARLY EXPLAIN WHY THE DISTRICT IS REFUSING TO RECONVENE THE IEP MEETING. IN ORDER TO BEGIN AN FBA ON A SPECIAL EDUCATION STUDENT, DOES PRIOR WRITTEN NOTICE NEED TO BE PROVIDED AND CONSENT OBTAINED IN ORDER TO PROCEED? THROUGH THE RTI PROCESS THAT IDENTIFIES BEHAVIOR CONCERNS, THE RTI TEAM ALSO CONDUCTS FBA'S ON GENERAL EDUCATION STUDENTS. THIS -- WE HAVE HAD THIS QUESTION AT THE DEPARTMENT, AND WE HAVE DONE RESEARCH ON THE ANSWER TO THIS. AND THE IDEA AND OSEP GUIDANCE HAVE MADE IT CLEAR THAT FOR A SPECIAL EDUCATION STUDENT A FUNCTIONAL BEHAVIORAL ASSESSMENT IS CONSIDERED A REEVALUATION AND REEVALUATION TRIGGERS PRIOR WRITTEN NOTICE. SO YES, IF YOU ARE GOING TO DO AN FBA ON A SPECIAL EDUCATION STUDENT, YOU MUST PROVIDE THE PARENT WITH PRIOR WRITTEN NOTICE. AND TO FOLLOW ALL OF THE COMPLIANCE REQUIREMENTS FOR REEVALUATION. ON NOTICE OF ACTIONS FOR CON IS NOT TO EVALUATE, DOES THE DISTRICT NEED TO LIST ASSESSMENTS OR AREAS TO BE ASSESSED ON THIS FORM? OKAY. THE DISTRICT IS REQUIRED TO PROVIDE THE PARENTS EITHER ON THE NOTICE OF ACTION FORM OR ON A SEPARATE FORM THAT'S ATTACHED TO THE NOTICE OF ACTION, A LISTING OF ALL AREAS TO BE ASSESSED AND THE TESTS TO BE USED, IF KNOWN. IF THE DISTRICT USES A SEPARATE FORM LISTING ALL OF THE ASSESSED AREAS AND TESTS THAT ARE GOING TO BE USED, IF KNOWN, THEN YOU DON'T NEED TO DOUBLY INCLUDE IT ON THE NOTICE OF ACTION FORM. JUST MAKE SURE THAT IT'S ATTACHED TO THE NOTICE OF ACTION FORM. EITHER WAY MEETS THE COMPLIANCE REQUIREMENT, WHICH IS THE PARENT NEEDS TO BE NOTIFIED OF THE AREAS THAT ARE GOING TO BE ASSESSED AND THE TESTS TO BE USED, IF KNOWN, EITHER INCLUDED IN THE BODY, IN THE CONTENT OF THE NOTICE OF ACTION OR ON AN ATTACHED SHEET AND REFER TO THAT IN THE BODY OF THE CONTENT. OUR MODEL NOTICE OF ACTION FORMS HAVE THAT INFORMATION AND REMINDERS TO HELP YOU WITH THAT REQUIREMENT. ARE REVOCATION OF PARENTAL CONSENT OF SERVICES REQUIRED FOR REMOVAL OF EARLY CHILDHOOD SPECIAL ED SERVICES AS PARENTAL REQUEST AS EARLY CHILDHOOD SPECIAL ED SERVICES ARE CONSIDERED VOLUNTARY? EARLY CHILDHOOD SPECIAL ED SERVICES ARE CONSIDERED SPECIAL EDUCATION SERVICES, THEREFORE IF A PARENT WISHES TO REVOKE CONSENT FOR THOSE SERVICES, A NOTICE OF ACTION IS REQUIRED. SO YES. MY GOODNESS, YOU ALL HAVE TONS OF QUESTIONS. IF WE HAVE A STUDENT WHO MAY QUALIFY FOR AN ADDITIONAL AREA. SO THEY ARE QUALIFIED FOR MATH AND NOW THEY MIGHT QUALIFY FOR READING, DOES IT TRIGGER A NOTICE OF ACTION FOR ADDITIONAL SERVICES AND AN IEP ADDENDUM? ANY TIME A COMPLETELY NEW AREA OF DISABILITY OR SERVICE IS ADDED, A NOTICE OF ACTION IS REQUIRED. IN THIS CASE EITHER THE INITIAL OR THE ANNUAL IEP WOULD ALSO NEED TO BE AMENDED AND THE NOTICE OF ACTION, PRIOR WRITTEN NOTICE WOULD BE PROVIDED FOR THE INFORMATION THAT HAS CHANGED. CAN YOU DATE THE NOTICE OF ACTION THE SAME AS THE IEP MEETING DATE? THE DATE OF THE NOTICE OF ACTION IS THE DATE IN WHICH IT WAS PROVIDED TO THE PARENT. SO IF IT IS GIVEN ON THE SAME DATE AS THE IEP MEETING, THEN YOU WOULD HAVE IT DATED THAT SAME DAY. AND ON THE MODEL FORM YOU WILL NOTE THAT WE LIST THE METHOD OF PROVISION. SO WHETHER IT IS PERSONALLY PRESENTED OR WHETHER IT WAS MAILED OR SENT TO THE PARENT. SO THAT WOULD -- THE DATE SHOULD BE THE DATE WHICH YOU DID ONE OF THOSE THINGS. WILL WE BE ABLE TO ACCESS THE Q AND A THAT WE'RE SEEING AFTER THE WEBINAR? YES. WE WILL HAVE THAT FOR YOU. IT WILL BE POSTED BOTH WITH THE WEBINAR RECORDING, THE ARCHIVED WEBINAR RECORDING AS WELL AS IN OUR GUIDANCE SECTION WHERE WE TALK ABOUT NOTICES OF ACTION. WE'LL HAVE IT IN A COUPLE OF PLACES FOR YOU. AND I AM GOING DOWN HERE. JENNIFER IS FRANTICALLY WRITING THINGS. SO AM I UNDERSTANDING THIS CORRECTLY WITH REGARDS TO REVIEW OF EXISTING DATA QUESTION, THE TEAM MUST PROVIDE PRIOR WRITTEN NOTICE, EVEN IF NO

ADDITIONAL DATA IS NEEDED AND THE ELIGIBILITY IS STILL CONSIDERED APPROPRIATE? THE FORM STATES ONLY TO COMPLETE THE PARENT NOTIFICATION REGARDING RESULTS FORM ON PAGE 6. I KNOW WHAT YOU ARE TALKING ABOUT. THE PARENT NOTIFICATION REGARDING THE RESULTS. THAT IS THE LAST PAGE OF THE MODEL REVIEW OF EXISTING DATA FORM. THAT FORM IS ONLY USED AND REQUIRED FOR A REEVALUATION WHEN NO ADDITIONAL DATA IS NEEDED AND NO CHANGES IN ELIGIBILITY ARE OCCURRING. THAT FORM MEETS THE CONSENT REQUIREMENTS FOR A NOTICE OF ACTION AND THEREFORE, TAKES THE PLACE OF THE NOTICE OF ACTION FORM. SO WE HAVE TRIED TO HELP YOU OUT IN THAT PARTICULAR SITUATION AND PROVIDED YOU KIND OF A CUSTOMIZED FORM THAT YOU CAN FILL OUT TO PROVIDE THAT PRIOR WRITTEN NOTICE IN THAT SITUATION. WE ALL KNOW WHAT FAPE AND LRE MEANS, BUT IS IT ACCEPTABLE TO USE THOSE ABBREVIATION ON PARENT COPIES? THIS GOES TO -- BACK TO THE PURPOSE OF THE PRIOR WRITTEN NOTICE AND THE IDEA THAT THE PARENT UNDERSTAND WHAT IS BEING PROPOSED. SO THE BEST PRACTICE OR WHAT WE HAVE DONE HERE AT THE DEPARTMENT, OUR KIND OF PROCEDURE AND PRACTICE IS THAT WHEN WE USE -- WHEN WE'RE SPEAKING SPECIAL ED AND USING OUR ACRONYMS, WE ALWAYS WRITE OUT WHAT IT MEANS FIRST AND THEN IT PARENTHESSES INCLUDE THE ACRONYM. THEN WE'RE ABLE TO USE THE ACRONYM FROM THAT POINT FORWARD. IS THAT A COMPLIANCE REQUIREMENT? ABSOLUTELY NOT. IS IT A BEST PRACTICE? I WOULD THINK THAT WOULD BE A GOOD PRACTICE FOR DISTRICTS TO USE. SO, FOR INSTANCE, THE FIRST TIME YOU TALK ABOUT A FREE APPROPRIATE PUBLIC EDUCATION AND IN PARENTHESSES PUT FAPE. AFTER THAT YOU COULD USE THE ACRONYM. OKAY. WHEN YOU RECEIVE CONSENT FOR INITIAL SERVICES, DO YOU NEED PARENT PERMISSION TO WAIVE THE TEN DAYS TO IMPLEMENT THE SERVICES? AND THE ANSWER TO THAT IS NO. BECAUSE BY THE PARENT PROVIDING YOU THE WRITTEN CONSENT, THEY ARE WAIVING -- THEY ARE AUTOMATICALLY WAIVING THOSE TEN DAYS. SO IN THOSE SITUATIONS WHERE CONSENT IS REQUIRED, ONCE YOU GET THAT WRITTEN CONSENT, YOU CAN IMMEDIATELY IMPLEMENT THE ACTION. I'M GOING DOWN HERE FURTHER. JENNIFER IS FRANTICALLY WRITING. LET ME SEE WHAT ELSE WE HAVE HERE. I THINK THERE ARE A COUPLE OF QUESTIONS WE'RE GOING TO RESEARCH THE ANSWERS. SPECIFICALLY THAT WE'VE RECEIVED A COUPLE OF QUESTIONS ABOUT APPLIED BEHAVIOR ANALYSIS AND DISCREET TRIAL TRAINING, AND WE'RE GOING TO LOOK AT THOSE REAL QUICKLY. I CAN'T READ THAT OVER HERE. IF THE CHANGE IN LOCATION DOES NOT IMPACT THE CHANGE IN PLACEMENT, IS A NOTICE OF ACTION REQUIRED? AND THAT WOULD -- THE ANSWER TO THAT WOULD BE NO. BECAUSE LOCATION -- AND I AM GUESSING THAT WHEN YOU ARE TALKING ABOUT CHANGE IN LOCATION, YOU ARE TALKING ABOUT THE SCHOOL BUILDING OR THE CLASSROOM WHERE THE STUDENT IS ASSIGNED. THOSE ARE LOCAL SCHOOL DECISIONS. AND AS LONG AS THE IEP IS BEING IMPLEMENTED AS WRITTEN, SERVICES ARE BEING PROVIDED AND THE PLACEMENT, THE GENERAL ED PLACEMENT IS A GENERAL ED PLACEMENT, IT DOESN'T MATTER IF IT'S MRS. WIEBERG'S CLASS OR MS. CHAPMAN'S CLASS, IT IS STILL THE GENERAL EDUCATION PLACEMENT. LIKE I SAID, THOSE ARE GENERAL EDUCATION OR LOCAL DECISIONS TO BE MADE. I THINK WHAT WE'RE GOING TO DO, I'M SCROLLING THROUGH HERE AND SEE IF THERE ARE ANY OTHER ONES THAT I WANT TO ANSWER WITHOUT DOING SOME -- HERE IS ANOTHER ONE THAT JUST CAME IN. I CANNOT SEE IT ON MY SCREEN. ACTUALLY SOMEONE IS DOING THAT FOR ME RIGHT NOW. OH, THE JOY OF LIVE OF WEBINARS. HANG ON. MY GOODNESS. IF I TYPE THE AREAS TO TEST AND THE TESTS I USE ON THE NOTICE OF ACTION, WHAT HAPPENS IF I DECIDE TO DO AN ADDITIONAL TEST? IN OTHER WORDS, FOR COGNITIVE TESTING I TYPE THAT I'M GOING -- THE TESTS THAT I'M WANTING TO USE WOULD BE THE WISC-IV BUT LATER DECIDE I NEED TO USE THE LIEDER THE ANSWER WOULD BE NO. WHAT YOU ARE DOING, YOU ARE GETTING PERMISSION. YOU ARE PROVIDING PRIOR WRITTEN NOTICE FOR THE AREA

THAT YOU ARE GOING TO ASSESS AND THE TESTS TO BE USED, IF KNOWN. IN THIS PARTICULAR SITUATION THE LIEDER IS A TEST OF COGNITIVE ABILITY THE SAME AS THE WISC-IV. YOU ARE NOT TESTING AN ADDITIONAL AREA. IF, HOWEVER, AFTER DOING THE WISC-IV AND YOU DECIDE OH, MY GOODNESS WE NEED TO DO LANGUAGE TESTING BECAUSE THERE'S SIGNIFICANT DIFFERENCE BETWEEN THE VERBAL AND THE PERFORMANCE AND AREAS ON THE IQ AND YOU HAVE NOT GOTTEN PERMISSION TO TESTS IN THE AREA OF LANGUAGE, THAT WOULD REQUIRE A NEW NOTICE OF ACTION TO TEST IN AN ADDITIONAL AREA. JENNIFER, THERE ARE JUST WAY, WAY TOO MANY QUESTIONS. MY GOODNESS. OKAY. WE DID THIS ONE. YOU JUST STATED THAT THE TEN-DAY WAIVER BOX IS NOT NEED TO BE CHECKED AND SIGNED BY THE PARENT IF THEY SIGN CONSENT IN THE FIRST SECTION FOR INITIAL PLACEMENT, DA, DA. I'M SORRY INITIAL ASSESSMENT, INITIAL PLACEMENT OR REEVALUATION WITHOUT ASSESSMENT. IT SAYS NOTICE OF ACTION DOES NOT STATE THAT THE TEN DAYS ARE AUTOMATICALLY WAIVED WHEN THEY SIGN THE TOP SECTION. THAT IS BECAUSE WHEN THEY SIGN IT, THEY ARE GIVING THE CONSENT FOR YOU TO GO AHEAD AND IMPLEMENT THAT. SO ONCE YOU HAVE THE CONSENT, YOU CAN IMPLEMENT THE ACTION THAT YOU ARE PROPOSING. SO I HOPE THAT HELPS MAKE IT CLEARER. ALL RIGHT. AND HERE IS MY REFERENCE TO CHANGE IN LOCATION IS ACTUALLY GENERAL ED VERSUS SPECIAL ED, NOT A SPECIFIC BUILDING. OH, MY GOODNESS. YES. THAT WOULD BE -- IS A NOTICE OF ACTION REQUIRED IF THIS CHANGE DOES NOT IMPACT PLACEMENT? THE ANSWER TO THAT WOULD BE NO. BECAUSE WHAT YOU ARE DOING IS YOU ARE CHANGING SERVICES, WHETHER THOSE SERVICES BE IN THE SPECIAL EDUCATION SETTING OR THE GENERAL EDUCATION SETTING, THAT WOULD CHANGE YOUR PLACEMENT AND THAT WOULD CHANGE THE AMOUNT OF TIME SPENT IN THE SPECIAL EDUCATION PORTION OF THEIR DAY, IN THEIR SEGREGATED SETTING. IF THAT CHANGES THAT PLACEMENT CONTINUUM, THEN AT THAT POINT YOU WOULD NEED TO PROVIDE A NOTICE OF ACTION FOR CHANGE OF PLACEMENT. OTHERWISE, IT WOULD JUST BE A NOTICE OF ACTION FOR CHANGE IN SERVICES FROM SPECIALIZED INSTRUCTION IN THE GENERAL ED SETTING VERSUS SPECIAL ED. I'M GOING TO RESEARCH THAT A LITTLE BIT MORE TO MAKE SURE THAT I'M GIVING THE SAME ANSWER THAT ALL THE COMPLIANCE CONSULATES, THAT WE'RE CONSISTENT ON THAT. THIS WOULD BE ONE THAT WE WOULD BE DOING A DISCUSSION WITH TO MAKE SURE THAT WE'RE ALL BEING CONSISTENT. SO LET'S SEE. WE ARE GOING -- THERE ARE WAY TOO MANY QUESTIONS FOR US TO ANSWER AT THIS POINT IN TIME. SO WE'RE GOING TO CONTINUE TO SEND YOUR STUFF IN, YOUR QUESTIONS IN. I WANT TO THANK YOU ALL SO MUCH FOR PARTICIPATING TODAY. AND I HOPE THAT WE HAVE MADE IT AT LEAST A LITTLE BIT CLEARER UNDERSTANDING OF PRIOR WRITTEN NOTICE AND PROVIDED YOU RESOURCES AND GIVEN YOU THE PLACES THAT YOU CAN OBTAIN ADDITIONAL INFORMATION IF AND WHEN QUESTIONS ARISE. OBVIOUSLY QUESTIONS ARE ARISING. SO THIS WILL BE A LENGTHY Q AND A THAT WILL BE POSTED. I ALSO WANT TO THANK YOU IN ADVANCE FOR COMPLETING THE SHORT EVALUATION SURVEY THAT WILL IMMEDIATELY FOLLOWING TODAY'S WEBINAR. THIS WILL HELP US IN DEVELOPING FUTURE WEBINARS. AND YOUR FEEDBACK IS REALLY NECESSARY FOR US HERE AT THE DEPARTMENT TO REACH OUR GOAL OF INCREASING EFFICIENCY AND EFFECTIVENESS IN PROVIDING QUALITY PROFESSIONAL DEVELOPMENT TO YOU ALL OUT THERE IN THE FIELD. AGAIN, THANK YOU FOR PARTICIPATING, AND BEST WISHES AS WE ALL WORK TOGETHER TO HELP MISSOURI BE TOP 10 BY 20. \* \* \* \* \*