Welcome!

When you enter the meeting,

your mics will be **MUTED**.

Thank you very much.

Maine Teachers Are

Maine Department of Education

Please put the following information in the Chat Box:

- What is your name?
- What is your role?
- Which district you work in?

Please drop any questions in the Chat Box and we will answer them throughout the presentation.

Maine Department of Education

The Written Notice

Maine DOE

Office of Special Services

Monitoring Team

Updated 1/6/2021

Maine Department of Education

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Maine Department of Education

Written Notice

(MUSER) Appendix 1, 34 CFR §300.503

WRITTEN NOTICE
34 CFR §300.503

Notice

Your school administrative unit (SAU) must give you written notice (provide you certain information in writing), *at least 7 days prior to the date the school administrative unit:*

1. Proposes to initiate or to change the identification, evaluation, or educational placement of your child, or the provision of *early intervention services for your child age birth to 2 years, or* a free appropriate public education (FAPE) *to your child age 3 through 20 years;* **or**
2. Refuses to initiate or to change the identification, evaluation, or educational placement of your child, or the provision of *early intervention services for your child age birth through 2 years, or a FAPE* to your child *age 3 through 20 years*.

Maine Department of Education

https://www.maine.gov/doe/sites/maine.gov.doe/files/inline-files/State%20Regulation%20Chapter%20101MUSER.pdf

Written Notice – Procedural manual

The Maine State Required Forms Procedural Manual. (DOC, updated 08.01.2020) The Department, in collaboration with a group of special education administrators, developed this manual as a resource for educators looking for guidance in the proper use and interpretation of the Maine state required forms. Currently containing sections covering the IEP, Written Notice, Summary of Performance, and Form for the Determination of Adverse Effect on Educational Performance, the Manual, when completed, will include a section for each of the required forms.

Maine Department of Education

https://www.maine.gov/doe/learning/specialed/data

Written Notice

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Content of Written Notice

Content of notice

The written notice must:

1. Describe the action *regarding the referral, evaluation, identification, programming or placement* that your SAU proposes or refuses to take;
2. Explain why your SAU is proposing or refusing to take the action;
3. Describe each evaluation procedure, assessment, record, or report your SAU used in deciding to propose or refuse the action;
4. Include a statement that you have protections under the procedural safeguards provisions in Part B of the IDEA;
5. Tell you how you can obtain a description of the procedural safeguards if the action that your SAU is proposing or refusing is not an initial referral for evaluation;
6. Include resources for you to contact for help in understanding *your rights under* Part B of the IDEA, *such as and the Due Process Office of the Maine Department of Education (207-624-6644), the Maine Parent Federation (1-800-870-7746), and Southern Maine Parent Awareness (1-800-564-9696)*
7. Describe any other choices that your child's individualized education program (IEP) Team, *which includes* the parent, considered and the reasons why those choices were rejected;
8. Provide a description of other reasons why your SAU proposed or refused the action.
9. *Include a summary of comments made by the parents, including the parents' description of their child's progress; and*
10. *Names and titles of each member.*

Maine Department of Education

https://www.maine.gov/doe/sites/maine.gov.doe/files/inline-files/State%20Regulation%20Chapter%20101MUSER.pdf

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Written Notice:

Describes the Team decisions, data to support those decisions and the districts offer of FAPE for the child.

A Written Notice must be generated and sent to a parent after every IEP/IFSP meeting, agreement with parent to amend the IEP/IFSP without a meeting, or any other time that the SAU makes a decision affecting FAPE or Early Intervention Services. This includes an SAU decision to not convene an IEP meeting.

Maine Department of Education

Written Notice

This “template” was designed as *guidance.* It is intended to establish a thorough overview of a Written Notice, including what it should contain and suggestions on how it should be organized.

Maine Department of Education

Advanced Written Notice

This form is used to:

- ✓ Provide notice to parties of an upcoming IEP/IFSP Team Meeting.

Date Sent to Parents:			SAU:	
Child's Name:			School:	
Date of Birth:		Grade:	School Phone:	
Parent/Guardian Name:			School Address:	
Parent/Guardian Address:			City, State Zip:	
Parent/Guardian City, State Zip:			School Contact:	

Dear ,

An IEP/IFSP Team meeting has been scheduled for:

Date:	
Time:	
Location:	

The purpose(s) of the meeting is:

- ☐ Initial referral/eligibility (MUSER IV.2.D.)
- ☐ Annual review and other IEP program/placement changes including graduation (MUSER XV) and revocation of consent for continued placement (MUSER XV)
- ☐ IFSP annual or 6 month review (MUSER VI.1.B.)
- ☐ Evaluation/re-evaluation (MUSER V.1.A(4)(i) & .3.D.)
- ☐ Post-secondary goals and transition services (MUSER IX.3.A(1)(h))
- ☐ Transfer student (MUSER IX.3.B(5)(a)(i) and (ii))
- ☐ CDS/public school transition (MUSER VI.2.C(2))
- ☐ Transition from Part C to Part B (MUSER VI.2.C(1))
- ☐ Parent Request
- ☐ Other (e.g., MUSER IX.1.B or MUSER IX.3.D(1)(a))

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Advanced Written Notice

This section is used to:

- Document the pertinent child-related information.
- Document the date, time and location of the IEP meeting.
- Identify the purpose(s) of the IEP meeting.

Directions:

- At least one box must be checked, but check each box that applies to the purpose(s) of the IEP meeting.
- "Other" might include Ch.33 meeting, manifestation determination review, or 30-day review for out-of-unit placements. If "Other" is checked, the specific purpose should be listed.
- If the child is of transition age (9th grade or 16 years or older) then, the child should be invited to the meeting and included in the salutation.

- There also should be alignment between the Advanced Written Notice and the Written Notice itself, because that AWN clarifies for the parent why the team is meeting.
- However, if the team discusses OTHER information during that team meeting, and it makes sense to document that on the WN as well, then that is fine.

Maine Department of Education

Written Notice

Maine Department of Education

Written Notice

Maine Unified Special Education Regulations (MUSER) Appendix I, 34 CFR 300.503

Date Sent to Parent:			SAU:	
Child's Name:			School:	
Date of Birth:		Grade:	School Phone:	
Parent/Guardian Name:			School Address:	
Parent/Guardian Address:			City, State Zip:	
Parent/Guardian City, State Zip:			School Contact:	

Date of Team Meeting:	
Date of agreement for amendment without Team meeting:	

Date amended IEP/IFSP sent, if parent requested a copy:	

Maine Department of Education

Written Notice: Purpose of the Meeting

Written Notice must be given in accordance with MUSER Appendix 1, 34 CFR 300.503 for:

- ☐ Initial referral/eligibility (MUSER IV.2.D)
- ☐ Annual review and other IEP program/placement changes including graduation and revocation of consent for continued placement (MUSER XV)
- ☐ IFSP annual or 6-month review (MUSER VI.1.B.)
- ☐ Evaluation/re-evaluation (MUSER V.1.A (4)(i) & V.3.D.)
- ☐ Post-secondary goals and transition services (MUSER IX.3.A(1)(h))
- ☐ Transfer student (MUSER IX.3.B(5)(a)(i) and (ii))
- ☐ CDS/public school transition (MUSER VI.2.C(2))
- ☐ Transition from Part C to Part B (MUSER VI.2.C(1))
- ☐ Consent for Initial Placement (MUSER V.1.A(4)(a)(ii))
- ☐ Amendments after the annual IEP meeting (MUSER IX.3.C(4)
- ☐ Other (e.g., MUSER IX.1.B or MUSER IX.3.D(1)(a))

Examples of other: manifestation determination, 30-day program review, and parent request.

*You can check more than one box above

**Post-secondary goals and transition services are checked off for transition planning discussions

Maine Department of Education

Written Notice: Purpose of the Meeting

This section is used to:

- Indicate the purpose of the IEP meeting.

Directions:

- **Purpose(s) of Meeting:** Check all boxes that are pertinent to the actions that are proposed.
  - Initial referral/eligibility (MUSER IV.2.D.) is checked when an **initial referral** is made, including discussion of the need for initial evaluation(s) *(also check evaluation/re-evaluation box),* or at a meeting to determine **eligibility.**
  - Annual review and other IEP program/placement changes including transition (MUSER XV) and revocation of consent for continued placement (MUSER XV) is checked:
    - for every annual IEP meeting (MUSER IX.3.D(1)(a))
    - when there are any changes to program/placement

Maine Department of Education

Written Notice: Purpose of the Meeting

- IFSP annual or 6 month review (MUSER VI.1.B.)
  - only for children birth to 2
  - for every annual IFSP meeting
  - for every 6 month IFSP review
- Evaluation/re-evaluation (MUSER V.1.A(4)(i) & V.3.D.) is checked when an evaluation or re-evaluation is proposed or refused by the SAU and to review any completed evaluations.
- Post-secondary goals and transition services (MUSER IX.3.A(1)(h)) is checked **ONLY** when transition services are being discussed; BUT **must** be discussed at least once annually.
- Transfer student (MUSER IX.3.B(5)(a)(i) and (ii)) is checked when a child transfers from one SAU to another or when entering an SAU from another state.
- CDS/public school transition (MUSER VI.2.C(2)) is checked when a child transitions from CDS to Kindergarten.
- Transition from Part C to Part B (MUSER VI.2.C(1)) is checked when a child is exiting Part C (birth to 2 years) and entering Part B (3 to 5 years), no later than 90 days prior to 3rd birthday.
- Consent for Initial Placement (MUSER V.1.A(4)(a)(ii)) is checked when the child is first determined eligible for special education services.
- Amendments after the annual IEP meeting (MUSER IX.3.C(4)) is checked for any amendment to the IEP.
- Other (e.g., MUSER IX.1.B or MUSER IX.3.D(1)(a)) is checked for other purposes such as:
  - Manifestation determination meetings
  - 30-day program review
  - Parent request
  - Amendments after the annual IFSP meeting
  - Revocation of consent for continued placement of the IFSP

Maine Department of Educati

Written Notice: Purpose of the Meeting

- ☐ Initial referral/eligibility (MUSER IV.2.D)
- ☐ Annual review and other IEP program/placement changes including graduation and revocation of consent for continued placement (MUSER XV)
- ☐ IFSP annual or 6-month review (MUSER VI.1.B.)
- ☐ Evaluation/re-evaluation (MUSER V.1.A (4)(i) & V.3.D.)
- ☐ Post-secondary goals and transition services (MUSER IX.3.A(1)(h))
- ☐ Transfer student (MUSER IX.3.B(5)(a)(i) and (ii))
- ☐ CDS/public school transition (MUSER VI.2.C(2))
- ☐ Transition from Part C to Part B (MUSER VI.2.C(1))
- ☐ Consent for Initial Placement (MUSER V.1.A(4)(a)(ii))
- ☐ Amendments after the annual IEP meeting (MUSER IX.3.C(4)
- ☐ Other (e.g., MUSER IX.1.B or MUSER IX.3.D(1)(a))

- Annual review and other IEP program/placement changes including transition (MUSER XV) and revocation of consent for continued placement (MUSER XV) is checked:
  - for every annual IEP meeting (MUSER IX.3.D(1)(a))
  - when there are any changes to program/placement

- *It would be appropriate to check Annual at those meetings which do reflect the actual annual reviews, and where annual dates WOULD be updated and changed.*
- *However, it would also be appropriate to check this box for those meetings where there will be program changes made, but the annual dates do NOT change.*

Maine Department of Education

Written Notice: Purpose of the Meeting

Written Notice must be given in accordance with MUSER Appendix 1, 34 CFR 300.503 for:

- ☐ Initial referral/eligibility (MUSER IV.2.D)
- ☐ Annual review and other IEP program/placement changes including graduation and revocation of consent for continued placement (MUSER XV)
- ☐ IFSP annual or 6 month review (MUSER VI.1.B.)
- ☐ Evaluation/re-evaluation (MUSER V.1.A (4)(i) & V.3.D.)
- ☐ Post-secondary goals and transition services (MUSER IX.3.A(1)(h))
- ☐ Transfer student (MUSER IX.3.B(5)(a)(i) and (ii))
- ☐ CDS/public school transition (MUSER VI.2.C(2))
- ☐ Transition from Part C to Part B (MUSER VI.2.C(1))
- ☐ Consent for Initial Placement (MUSER V.1.A(4)(a)(ii))
- ☐ Amendments after the annual IEP meeting (MUSER IX.3.C(4))
- ☐ Other (e.g., MUSER IX.1.B or MUSER IX.3.D(1)(a))

[**Reminder**: per LD 489, the Individualized Education Program (IEP) Team for children identified under 619 must make a determination about extended school year (ESY) services at every IEP Team meeting; the IEP Team may make a determination about ESY services based on available data, including information about a child's disability, even if an interruption in service has not occurred; and, in accordance with the federal Individuals with Disabilities Education Act of 2004, 20 United States Code, sections 1400 to 1485 (2008), a regional site may not unilaterally limit the duration of ESY services.]

- Amendments after the annual IEP meeting (MUSER IX.3.C(4)) is checked for any amendment to the IEP.

- An amendment may be an in person team meeting or one where all team members are made aware of a change and allowed input (including the parent) without an in person meeting.
- The amendment box may be checked <u>and</u> the annual box, <u>if</u> there are program and placement changes to the IEP.

Maine Department of Education

Written Notice: Meeting Information

Maine Department of Education

Written Notice

Maine Unified Special Education Regulations (MUSER) Appendix I, 34 CFR 300.503

Date Sent to Parent:	12/19/2020			SAU:	Augusta
Child's Name:	Joe Exemplar			School:	RSU
Date of Birth:	1/2/2009	Grade:	6	School Phone:	207 -433-3333
Parent/Guardian Name:	Mariel True	John Exemplar		School Address:	205 Maine
Parent/Guardian Address:	14 Good Rd	14 Good Rd		City, State Zip:	04333
Parent/Guardian City, State Zip:	Augusta ME 04333	Augusta ME 04333		School Contact:	Susan Good

Date of Team Meeting:	12/17/2020	Date amended IEP/IFSP sent, if parent requested a copy:	
Date of agreement for amendment without Team meeting:			

Written Notice must be given in accordance with MUSER Appendix 1, 34 CFR 300.503 for:

☐	Initial referral/eligibility(MUSER IV.2.D)
☐X	Annual review and other IEP program/placement changes including graduation and revocation of consent for continued placement(MUSER XV)
☐	IFSP annual or 6 month review (MUSER VI.1.B.)
☐	Evaluation/re-evaluation (MUSER V.1.A (4)(i) & V.3.D.)
☐	Post-secondary goals and transition services(MUSER IX.3.A(1)(h))
☐	Transfer student(MUSER IX.3.B(5)(a)(i)and (ii))
☐	CDS/public school transition(MUSER VI.2.C(2))
☐	Transition from Part C to Part B(MUSER VI.2.C(1))
☐	Consent for Initial Placement(MUSER V.1.A(4)(a)(ii))
☐	Amendments after the annual IEP meeting(MUSER IX.3.C(4)
☐	Other (e.g., MUSER IX.1.B or MUSER IX.3.D(1)(a))

[**Reminder:** per LD 489, the Individualized Education Program (IEP) Team for children identified under 619 must make a determination about extended school year (ESY) services at every IEP Team meeting; the IEP Team may make a determination about ESY services based on available data, including information about a child's disability, even if an interruption in service has not occurred; and, in accordance with the federal Individuals with Disabilities Education Act of 2004, 20 United States Code, sections 1400 to 1485

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Chat Box Check In

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Section 1

Dear parent(s) name(s) and child's name if over 18,

At least 7 days prior to the date upon which the school unit proposes or refuses to initiate or change the identification, evaluation or educational placement or provision of early intervention services for your child age birth to 2 years, or a free appropriate public education (FAPE) to your child age 3 through 20 years, you must be provided the following notice (MUSER Appendix 1, 34 CFR 300.503):

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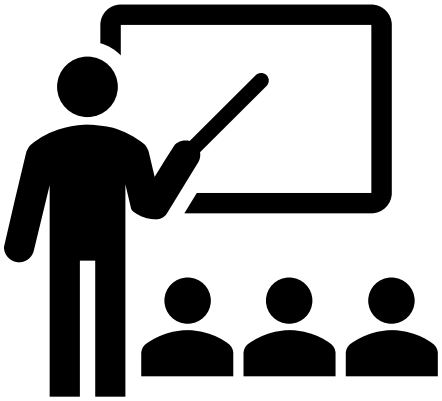
Written Notice: Timeline Consideration

MUSER IX.3.G

> G. *Copy of IEP to Parents. A complete copy of the Individualized Education Program shall be provided to the parent within 21 school days of the IEP Meeting at which the IEP was developed.*

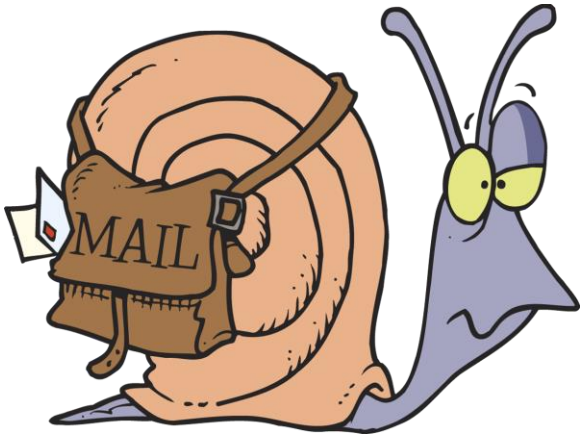


Maine Department of Education

Duration of the IEP

Parents have right to 7 day notice (WN)

- Parent(s) must have the WN 7 calendar days prior to effective date
- 3 days for mail



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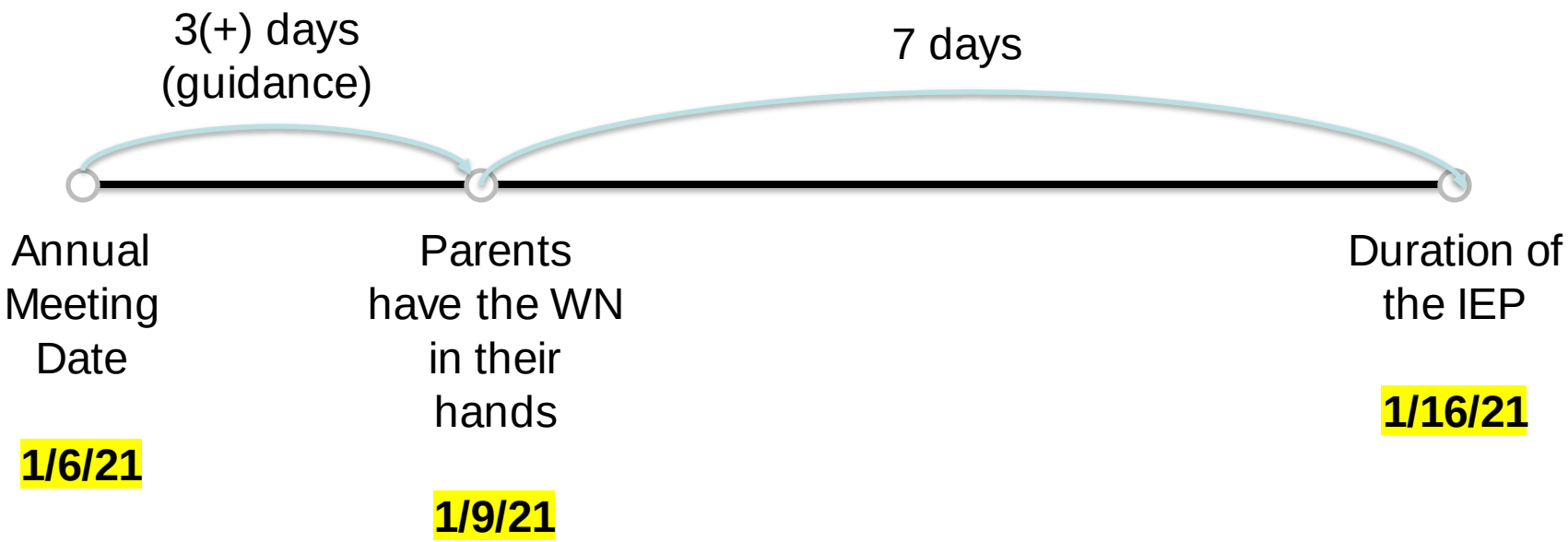
Duration of the IEP



Maine Department of Education

Duration of the IEP

- Parent(s) can waive their right to 7 day notice
  - Implement IEP sooner than 7 days
  - 7 Day Waiver form (optional)
- Must be documented in the Written Notice

1. **Describe the action(s) regarding the referral, evaluation, identification, programming or placement proposed or refused by the SAU:**
   - The child's parents waived their right to 7-day notice prior to the IEP implementation, and agreed to make the IEP effective starting the next day.

Maine Department of Education

Duration of the IEP

- Parents cannot waive 7 day notice during an Initial IEP.
- Parents cannot waive 7 day notice if they do not attend the meeting.

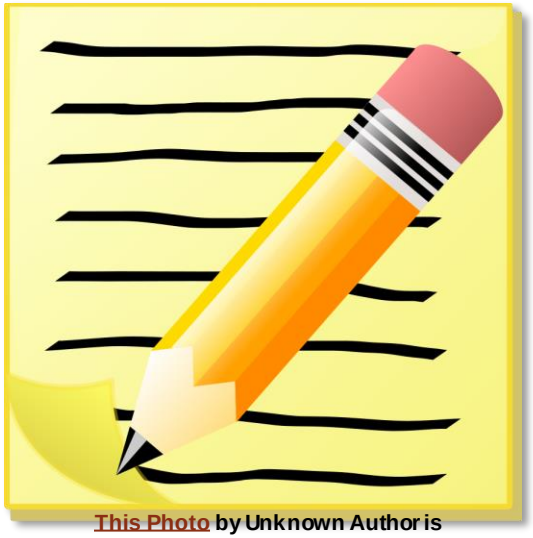
(ii) Consent for services.--An SAU that is responsible for making a free appropriate public education available to a child with a disability under this part must obtain informed consent from the parent of such child before providing special education and related services to the child. The SAU must make reasonable efforts to obtain informed consent from the parent for the initial provision of special education and related services to the child.[34 CFR 300.300(b)(1,2)]

Maine Department of Education

Written Notice: Section 1

1. Describe the action(s) regarding the referral, evaluation, identification, programming or placement proposed or refused by the SAU:

List the proposal(s) or refusal(s) separately in specific terms. What they are and the date that they will start, not WHY, that explanation is in 2.



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Maine Department of Education

Written Notice: Section 1

These proposal(s) or refusal(s) may include:

- Referral of a child for a special education evaluation,
- Eligibility decisions reached about a special education evaluation using an eligibility form(s),
- Agreements reached with parents without a meeting,
- After an IEP meeting to reflect decisions such as special education and related services, LRE, goals developed, ESY, accommodations (+/-), modifications, and supplementary aids.
- Transition planning, if appropriate,
- Determination of when to start the IEP based on parent involvement and approval,

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Written Notice Section 1: Important Points

- Be specific, parents should be able to go to Section 1 and easily find each determination that was made.
- Determinations are made by consensus not majority. If consensus is not reached, the SAU will make the final decision.
- The purpose is *not necessary* to discuss here, as a box on the front page indicated that purpose.
- If the parent (not the Team) agrees to waive their 7 day notice, it needs to be stated here.

Maine Department of Education

Written Notice: Section 1 Template

Child's Name: Date:

Dear ,

At least 7 days prior to the date upon which the school unit proposes or refuses to initiate or change the identification, evaluation or educational placement or provision of early intervention services for your child age birth to 2 years, or a free appropriate public education (FAPE) to your child age 3 through 20 years, you must be provided the following notice (MUSER Appendix 1, 34 CFR 300.503):

1. **Describe the action(s) regarding the referral, evaluation, identification, programming or placement proposed or refused by the SAU:**
   - *Should be statements of all determinations made by the Team during the IEP meeting.*

Section #1 of IEP:

- Child Information: Parental Waiver noted for IEP begin date
  - Parents cannot waive 7-day notice if:
    - It is an initial IEP.
    - If parent doesn't attend the meeting.

Section #2 of IEP:

- Disability: Determinations of disability only at Initial and Triennial
  - Mention the form used to determine Adverse Effect

Section #3 of IEP:

- Document the considerations the Team agreed applicable

Section #4 of IEP:

- Academic and Functional/Developmental Evaluations: Strengths and Needs:
  - List Evaluations performed

Section #5 of IEP:

- Annual Goals that were determined by the Team

Section #6 of IEP:

- Supplemental Aids, Services, Modifications, and/or Supports that were determined by the Team

Section #7 of IEP:

- All services that have been determined by the Team.
- Specifics to be determined at the local level

Maine Department of Educatio

Written Notice: Section 1 Exemplar

Dear , Mr. Exemplar and Ms True

At least 7 days prior to the date upon which the school unit proposes or refuses to initiate or change the identification, evaluation or educational placement or provision of early intervention services for your child age birth to 2 years, or a free appropriate public education (FAPE) to your child age 3 through 20 years, you must be provided the following notice (MUSER Appendix 1, 34 CFR 300.503):

1. **Describe the action(s) regarding the referral, evaluation, identification, programming or placement proposed or refused by the SAU:**
   - Mariel True and John Exemplar gave permission to waive their right to 7 day notice. Joe Exemplar's new IEP will begin on 12/ 18/2020
   - Mariel True and John Exemplar **accepted a copy of their Procedural Safeguards at the meeting.**
   - The Team determined the following considerations:
     - Academic needs
     - Behavior needs
     - Speech and language needs
     - Functional needs
   - Triennial evaluations due 8/1/2021
   - Behavior, reading comprehension and fluency, Speech and language goals
   - Addition of read aloud of math problems as accommodation
   - Special Education Services include:
     - Academic SDI
     - Behavior SDI
     - Speech and Language
   - Extended School Year Services will be determined by May 2021.

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Written Notice: Section 2

2. Explain why the SAU is proposing or refusing to take the above action(s):

- For each proposal or refusal in Section #1 individually outline WHY the team decided on the action. This should include data and evidence.
- If services are not changing for the child, you still need to record WHY that proposal or refusal was made.
- *This should be written in a way that the parent(s) can understand.*

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Written Notice: Section 2 Template

Child's Name: Date:

2. Explain why the SAU is proposing or refusing to take the above action(s):
   - *Should be descriptions and evidence of all determinations made by the Team during the IEP meeting.*

Section #2 of IEP:

- Determinations of disability and what data and evaluation scores supported the decision of the Team determined at the initial or triennial review only.

Section #3 of IEP:

- Considerations: Provide specific data that the IEP Team considered in order to determine necessary Goals, Services, Accommodations.
- Document why the team agreed upon these considerations.

Section #4 of IEP:

- Academic and Functional/Developmental Evaluations: Strengths and Needs:

Section #5 of IEP:

- Annual Goals that were addressed, based on the data the team considered.
- Goals should be written to address distinctly measurable and persistent gaps that can be reasonably achieved within one year.

Section #6 of IEP:

- Supplementary Aids, Services, Modifications, and/or Supports that were determined by the Team and data that supports the decision.
- Only need to document changes made (deletions or additions), after the initial.

Section #7 of IEP:

- All services that have been determined by the Team and data that supports the decision.

Maine Department of Education

Written Notice: Section #2 Exemplar

2. Explain why the SAU is proposing or refusing to take the above action(s):

- Joe Exemplar annual meeting. *Therefore, no discussion of disability category, forms completed or evaluation results.*
- Mariel True and John Exemplar gave permission to waive their right to 7 day notice. Joe Exemplar's new IEP will begin on 12/ 18/2020. *If parent not in attendance, initial eligibility meeting or parent doesn't give permission then the IEP start date would be 10 days out.*
- The Team determined the following considerations:
  - Academic needs: based on evaluations from 9/2018. WIAT basic reading score 77. STAR reading score is 29 %tile rank. Reading Fluency assessment 79 WPM. Reading Comprehension SDI Assessment 80% accuracy.
  - Speech and language needs: Speech Language pathologist report; /L/ /S/ and /R/ are at 50% accuracy
  - Functional needs/ Behavior needs: Based on data collection. 3 out of 5 intervals measured, Joe is out of seat. 2 out of 5 intervals measured, Joe is off task.
- Triennial evaluations due 8/1/2021. The Team determined that at this time the following evaluations will be completed by 9/1/2021: Cognitive, Academic, Behavior rating scales, ADHD rating scales and Speech and language Rating Scales. If any other concerns arise, the Team will meet again to discuss any other evaluations that may be needed.
- Behavior, reading comprehension and fluency, Speech and language goals.
  - Behavior goal will include increasing Joe's coping skills to remain on task 80% of intervals using tools from his regulation toolbox.
  - Reading comprehension goal will increase from 80% accuracy to 90% accuracy on district reading intervention.
  - Reading fluency goal will increase from 79 WPM to 100 WPM based on data collected from district fluency probes.
  - Speech and Language goal will increase from /L/, /S/ and /R/ 50% accuracy to 80% accuracy
- Addition of read aloud of math problems accommodation. All other accommodations will remain the same.
- Special Education Services include:
  - Academic SDI: Reading Comprehension (60 minutes per week); Reading Fluency (60 minutes per week)
  - Behavior SDI; Coping Skills program (60 minutes per week)
  - Speech and Language: Articulation (60 minutes per week)
- Extended School Year Services will be determined by May 2021.Based on year to date reading data (STAR reading score is 29 %tile rank. Reading Fluency assessment 79 WPM. Reading Comprehension SDI Assessment 80% accuracy) and Behavior data (3 out of 5 intervals measured, Joe is out of seat. 2 out of 5 intervals measured, Joe is off task.) and Speech and language data (; /L/ /S/ and /R/ are at 50% accuracy), the team felt that extended school year services were not necessary at this time but the data will be reviewed by the special educator in May and the parent contacted if there is limited progress.

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Maine Department of Education

Chat Box Check In

Maine Department of Education

Written Notice: Section 3

3. Describe each evaluation procedure, assessment, record or report the SAU used as a basis for the proposed or refused action(s):

- Record all information used by the team at the meeting to make determinations and support programming based on eligibility of the child
- Documenting introductions of Team members and a confidentiality statement made at the meeting, is recommended
- Evaluations – the description of the evaluation procedure considered by the IEP team must include: names and dates of the evaluations considered, the subtests that were considered and the scores

Maine Department of Education

Written Notice: Section 3

Evaluations, assessments, records, or reports could include:

- Teacher Reports
- Parent Reports
- Assessments (State, Local, Curriculum)
- Related Service Provider Report
- Educational setting
- Observations
- Progress Reports

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Written Notice: Section 3

It is not required to relist all evaluations year after year, only during the year the evaluations were used as a basis for the proposed or refused action(s).

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Written Notice: Section 3 Template

Child's Name: Date:

3. **Describe each evaluation procedure, assessment, record or report the SAU used as a basis for the proposed or refused action(s):**
   - *This section should reflect the Team discussion and supporting data of what decisions were made for the IEP and how they were supported.*

Section #3 of IEP:

- Not addressed in this section

Section #4 of IEP:

- Academic and Functional/Developmental Evaluations: Strengths and Needs: How do the most recent Evaluations and Assessments of the child support the goals (Academic and Functional) developed for the IEP?
- Data collected in the educational setting

Section #5 of IEP:

- Measurable Annual Goals that are supported by data and evaluations.

Section #6 of IEP:

- Supplementary Aids, Services, Modifications, and/or Supports supported by data and evaluations.

Section #7 of IEP:

- Supported by the evaluation data.

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Written Notice: Section 3 Exemplar

3. Describe each evaluation procedure, assessment, record or report the SAU used as a basis for the proposed or refused action(s):

Teacher and Service provider reports:

- Mrs. Good: Joe's Special Education teacher reports that he always tries his best during their time together. They are using a Read 180 program at this time and his comprehension of material has improved from 70% at the beginning of the school year to 80% in December 2020. His reading fluency has also increased form 60 words per minute to 79 words per minute. She feels that he should be able to increase that to 100 words per minute by his next annual meeting. Currently, he is receiving 60 minutes per week for reading comprehension and 60 minutes per week for reading fluency. This is a combination of pull out and push in services. He is making good progress, so she recommends that the program and the SDI time remain the same.
- Mrs. Good is also delivering SDI for his behavior goals. He is working with a district adopted social skills program. It requires him to learn and practice skills for his coping "toolbox" and then he is expected to generalize them to his classroom. She feels that he should be able to generalize these skills with an increase of 80% accuracy by his next annual IEP meeting. Joe has a behavior plan as an accommodation that includes both using coping skills and a measurement of time on task. He earns preferred activity time in the resource room with an 80% weekly score. She is taking interval data on him in the classroom as a measurement. Ms. Good reports that Joe is aware that he struggles with focusing in the classroom and he really wants to improve his ability to be able to focus like other kids do.
- Mr. Speak: Joe's Speech and language Provider reports that he is doing well with his speech sessions. The articulation errors that he is exhibiting are improving with his age and his awareness of his own speech. He tends to self correct with more frequency. In the SPL sessions he is pronouncing /L/ /S/ and /R/ are at 50% accuracy. Mr. Speak is interested in seeing the results of the Speech and Language re-evaluation next summer.
- Ms. Smile: Joe's Guidance counselor reports that he scored 29% tile in the fall STAR reading assessment and 60%tile in the fall math assessment. He just took it again this week, but the scores are not available yet.
- Mrs. General is Joe's general education 6th grade teacher. She reports that Joe still struggles with staying on task in class. As a result, he sometimes can not finish the work assigned. He especially has difficulty with math reading problems. She was wondering if maybe he could have those read aloud to him by an adult in the classroom? She feels that his reading need may be getting in the way of his ability in math. Mrs. general reports that Joe socializes well with his classmates. It does take him some time to settle in and focus after less structured times in his schedule like lunch and Gym. She typically gives him a break by allowing him to walk to the bubbler and this helps him settle down. He currently is on grade level in math and writing and reading at a 4th grade level in reading.
- Based on teacher reports and data, the Team determined that the goals will be increased in rigor but remain the same targets and the services will remain the same based on Joe's progress. An accommodation of read aloud of math problems will be added to his IEP.

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Written Notice: Section 4

4. Describe any other options that the Team, which includes the parent, considered and the reasons why those options were rejected:

- Continue present program vs. change in program
- Discussions around more than one eligibility criterion
- ESY (yes/no) – amount of ESY
- LRE options that were not chosen (general vs. special education)

Maine Department of Education

Written Notice: Section 5

5. Describe any other factors that are relevant to the SAU's proposed or refused action(s) described above:

- Attendance
- Health plan
- Social emotional status
- Disciplinary issues
- Behavior issues
- Relevant family information
- English not the child's first language
- COVID- 19

Maine Department of Education

Written Notice: Section 6

6. Description of the points made by the parent including the parent's description of their child's progress:

- Parent concerns go here and should align not mirror section #3A in the IEP.
- This will ensure that what was recorded and determined is reflective of the parent(s) wishes.

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Considerations

Section 3A - Ensure the parental concerns align with the concerns in Section 6 of the Written Notice (WN)

3. CONSIDERATIONS – INCLUDING SPECIAL FACTORS

A. Concerns of the parents for enhancing the education of their child (MUSER IX.3.C.(1)(b)):

Suzie's parents are concerned with her organization skills and difficulty editing written work. They worry that Suzie may not always advocate for herself and hope she will receive accommodations for standardized testing.

Maine Department of Education

Written Notice: Section 6

Written Notice

6. Description of the points made by the parent including the parent's description of their child's progress:

Suzie's parents are excited about her progress in reading and mathematics. They expressed concerns about her organization skills and the difficulty she has editing her written work. They worry that she is not always an advocate for herself. They hope that she will receive accommodations for any standardized testing she does during the year.

Maine Department of Education

Written Notice: Section 4, 5 and 6 Template

Child's Name: Date:

4. Describe any other options that the Team, which includes the parent, considered and the reasons why those options were rejected:
   - *This is really a statement of the Team decision for the least restrictive environment for the student.*

Section #8 of IEP:

- Least Restrictive Environment must be discussed at every IEP meeting
  - Continuum of LRE and offer of FAPE which extends back to General Education
- SPPS LRE Guidelines Pg. 120 (MUSER)

5. Describe any other factors that are relevant to the SAU's proposed or refused action(s) described above:
   - *This is any other factors that might have impacted the decisions of the IEP Team.*

Section #3 of the IEP-

- English Language concerns
- Behavioral concerns that might be addressed outside the school setting as well (counseling)
- COVID-19

6. Description of the points made by the parent including the parent's description of their child's progress:

Section #3 of the IEP-

- Opportunities to be included in the IEP process and describe their child's program.

Maine Department of Education

Written Notice:
Section # 4, 5 and 6 Exemplar

4. Describe any other options that the Team, which includes the parent, considered and the reasons why those options were rejected:

- The team determined that Joe was making progress with his current level of services in reading, behavior and Speech and Language. As a result, they decided to keep the time for SDI services in these areas the same. After his triennial review next fall, they will determine if any adjustment of goals and services are necessary.

5. Describe any other factors that are relevant to the SAU's proposed or refused action(s) described above:

- The Individual Remote Learning Plan will remain on Joe's IEP as an accommodation if the school should need to go to remote learning due to COVID 19.

6. Description of the points made by the parent including the parent's description of their child's progress:

- Mariel True and John Exemplar are happy with Joe's progress in reading this year. They also have seen improvements with his ability to control his behavior at home. They would like the school to send home any materials to help them extend the social skills training to home.

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Written Notice

No section(s) of the Written Notice can be left blank. Instead at least write…

- None at this time
- Not applicable
- Etc.

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Written Notice – Members Attended

Team members attending Team meeting or informed of the changes to the plan as defined in MUSER IX.3.C(4) & (6) and MUSER IX.3.C(4).

Name and Position	Date
1. Only record those that attended the meeting	
2. If no meeting was held, record those who were informed of the decision and when they were informed.	
3.	
4.	
5.	
6.	
7.	
8.	
9.	

Maine Department of Education

Initial Provision of Service

Only needed for initial provision of services

Parental signature for consent for **initial** provision of special education and when appropriate, related services, as stated above (this signature is needed for initial provision of special education and related services only).

Signature needs to be obtained after the Written Notice is completed so the parent(s) can give informed consent. Initial services cannot start until the parents sign the form. Parent(s) have 7 days to consider the agreements made.

Parent Signature: _____

Date: _____

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Enclosures

Enclosures may be included within this document and recorded below:

Could include:

- Parental Consent to Evaluate
- Procedural Safeguards
- Eligibility forms

Maine Department of Education

Procedural Safeguards

As parents of a child with a disability or (suspected disability) you have protections under the procedural safeguards of the MUSER. For initial referrals, a copy of those safeguards is enclosed. For reasons other than initial referrals, 34CFR 300.504 describes circumstances when you are required to be given a copy.

Sources for parents to contact to obtain assistance in understanding the provisions described in the procedural safeguards or how to obtain a description of the procedural safeguards are Fill in who, where, phone number that the parent can contact at the school district if they have questions or concerns (usually the SAU Special Education Director), the Due Process office of the Maine Department of Education ((207) 624-6644)), http://maine.gov/doe/specialed Maine Parent Federation (1-800-870-7746), the Disability Rights Maine (1-800-452-1948) and Southern Maine Parent Awareness (1-800-564-9696) or KIDSLEGAL (1-866-624-7787).

https://www.maine.gov/doe/CDS/ProceduralSafeguards

Maine Department of Education

Written Notice:
Team members and Provision of Initial Services

As parents of a child with a disability or (suspected disability) you have protections under the procedural safeguards of the MUSER. For initial referrals, a copy of those safeguards is enclosed. For reasons other than initial referrals, 34CFR 300.504 describes circumstances when you are required to be given a copy.

Sources for parents to contact to obtain assistance in understanding the provisions described in the procedural safeguards or how to obtain a description of the procedural safeguards are (the SAU), the Due Process office of the Maine Department of Education ((207) 624-6644)), http://maine.gov/doe/specialed Maine Parent Federation (1-800-870-7746), the Disability Rights Maine (1-800-452-1948) and Southern Maine Parent Awareness (207-324-7955) or KIDSLEGAL (1-866-624-7787).

Team members attending Team meeting or informed of the changes to the plan as defined in MUSER IX.3.C(4) & (6) and MUSER IX.3.C(4).

Name and Position	Date
1. Mariel True- Mother	12/17/2020
2. John Exemplar- Father	12/17/2020
3. Susan Good-Special Education Teacher	12/17/2020
4. Larry Speak- Speech and Language Pathologist	12/17/2020
5. Tina Smile- School Counselor	12/17/2020
6. Carrie General- General Education Teacher	12/17/2020
7. Darren Director- Special education director	12/17/2020
8.	
9.	

Only needed for initial provision of services

Parental signature for consent for **initial** provision of special education and when appropriate, related services, as stated above (this signature is needed for initial provision of special education and related services only).

Parent Signature: _____

Date: _____

Enclosures may be included within this document and recorded below:

Procedural Safeguards

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The U.S. Supreme Court's ruling in *Endrew vs. Douglas County School District*, highlighted the fact that IEP teams must discuss and develop IEP goals for students that are "appropriately ambitious" and that "to met its substantive obligation under the IDEA, a school must offer an IEP that is reasonably calculated to enable a child to make progress appropriate in light of the child's circumstances."

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Therefore it is important to remember –

"IEP teams must demonstrate the following indicators of progress:

- The child is receiving all special education, supplementary aids, and related services outlined in the IEP
- The IEP team is making appropriate modifications as required
- School personnel receive the supports and professional development they need
- Appropriate accommodations are provided
- Measurable IEP goals enable a clear assessment of whether the child is making adequate progress."

https://www.smartersteps.com/2018/11/28/endrew-decision-how-do-you-write-ambitious-iep-goals/

Maine Department of Education

Written Notice Importance in Case Law

Some common mistakes:

- The Written Notice failed to document the team discussion about the child's current lack of progress (either there was no data available, the discussion never happened or the discussion happened and wasn't documented in the WN).
- The lack of progress discussion should prompt the IEP team to look at goals, accommodations/modifications and services, what isn't working, what needs to be done differently…
- The discussion and changes should be documented in the written notice in detail

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Written Notice Importance in Case Law

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Some common mistakes:

- The Written Notice indicates a change of Least Restrictive Environment without indication of the parents disagreement/agreement to the changes
- LRE change happens without 7 day notice
- The District needs to indicate in the Written Notice the disagreement/agreement discussion and why the IEP team made the LRE change.

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Written Notice Importance in Case Law

Well written WNs can support a District if a parent files for Due Process

- If a procedural violation is found in WNs, without an impact on the child's FAPE (the child is still receiving a FAPE), there is general training required about WNs in the corrective action required.

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Written Notice Importance in Case Law

- In general, if violation(s) are found with the Written Notice procedures they are procedural violations.
- If the violation(s) impact the child's FAPE, the WN discussion is looped into the FAPE discussion.

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IRLP and Written Notice

Important:

- An IRLP must be developed with input during an IEP Team meeting.
- An IRLP can be discussed as an amendment to the IEP without a meeting.
- If it is done as an amendment, the written notice must document parent input.
- An IRLP **MUST** include parent input.

Maine Department of Education

IRLP and Written Notice

- Our Guidance is that Team discussion of development and adoption of an Individual Remote Learning Plan (IRLP) be included in the Written Notice.
- Drummond-Woodsum advises (12/3/2020) - “Through best practice, those IRLP’s will be reviewed in advance at an IEP Team meeting, or through a discussion and agreement with the family outside a team meeting, and documented by a Written Notice.”

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Questions?

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Contact Hours

If you would like a contact hour for today please email the following code to: leora.byras@maine.gov

Bubble108

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Maine Department of Education

Contact Information

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