Teachers are…

Caring Understanding FUNNY Sharing
Compassionate determined Passionate
OCD Patient Reliable Family Hard
Working AMAZING Flexible
AVAILABLE RESILIENT patient
DYNAMIC CHAMPION dedicated
Role Models WONDERFUL Possess Purpose
problem solvers Resilient Flexible
Oriented MOTIVATED
Busy Remarkable INNOVATIVE Brave
Creative on the fly Forward Thinkers
Resourceful Innovative Adaptable

The Written Notice

Maine DOE

Office of Special Services

Monitoring Team

Updated 2/16/2022

Maine Department of Education

This training is being recorded.

Please put the following information in the Chat Box:

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

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

Maine Department of Education

Live transcription is available. Click button below.

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Maine Department of Education

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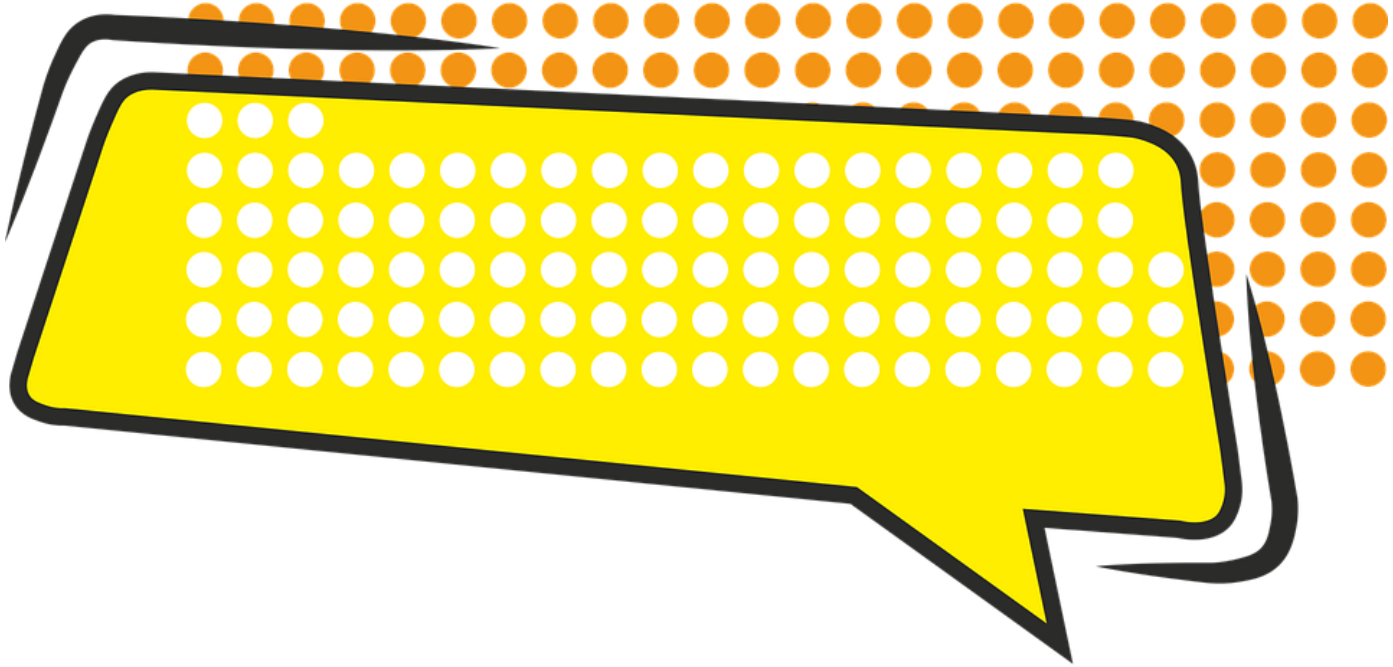
Links to Procedural Manual, MUSER and the PowerPoint are in the Chat Box



Maine Department of Education

Advanced Written Notice

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Maine Department of Education

Advanced Written Notice

The AWN is used to provide notice to parties of an upcoming IEP/IFSP Team meeting.

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Maine Department of Education

Advanced Written Notice

This section is used to:

- Document child specific information.
- Document date, time and location of the IEP meeting.
- Identify the purpose of the meeting.

Directions:

- At least one box must be checked but include all that are relevant.
- "Other" could include Ch 33 review, manifestation determination or similar.
- If child is of transition age (9th grade or 16 or older), invite them and include name in salutation.

Maine Department of Education

Advance Written Notice of IEP/IFSP Team Meetings

Maine Unified Special Education Regulations (MUSER VI.2.A)

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))

Maine Department of Education

Advanced Written Notice

This section is used to:

- Identify the participants who are invited to the IEP meeting.

Directions:

- Attendees should be identified by name and role.

parents or agency. Members and participants invited to attend the IEP/IFSP Team meeting will include the following:

Title	Name
Administrator/CDS Site Director:	
Administrator/CDS Site Director contact #:	
Special education teacher(s)/CDS providers:	
Regular education teacher(s):	
Evaluator(s):	
Representative of outside agencies:	
Child or adult student:	
CDS staff:	
CDS case manager:	
Other:	

Maine Department of Educatio

Advanced Written Notice

This section is used to:

- Document the SAUs attempt to promote parent(s) participation and attendance.

Directions:

- Schools must make reasonable efforts to schedule the IEP meeting at a mutually agreed on time and place.
- As a rule of thumb, if the SAU is having difficulty convincing a parent to attend, it should make multiple attempts in addition to sending the AWN to schedule the IEP meeting so that parents have an opportunity to attend.
- If the SAU makes these attempts and the parents do not attend, the SAU may proceed to hold the IEP meeting.

Parental Participation

If the SAU is unable to convince the parent to attend, records of attempts to arrange a mutually agreed upon time and place must be documented. (MUSER VI.2.H.(4)) (Type or provide handwritten documentation of at least two attempts to gain parents attendance at IEP meetings when appropriate.)
1.
2.

Maine Department of Education

Advanced Written Notice

This section is used to:

- Document the parent's willingness to waive the 7-day notice of the IEP meeting.

Waiver of 7 Day Advance Notice of IEP Meeting

Each SAU or IEU must take steps to ensure that one or both of the parents of a child with a disability are present at each IEP/IFSP Team meeting, or are afforded the opportunity to participate. These steps include notifying the parents of the meeting early enough, but at least 7 days prior to the meeting to ensure that they will have an opportunity to attend and scheduling the meeting at a mutually agreed on time and place.

If you have not been provided notice of the meeting at least 7 days before the meeting date, your signature waiving your rights to the timeframe is required below before the IEP/EFSP Team meeting may be convened.

_____ _____

Signature of parent/guardian for waiver Date

Parents must sign here whenever the IEP meeting is held less than 7 days from when notice was provided.

Maine Department of Education

Advanced Written Notice

This section is used to:

- Identify any enclosures, if any, included in the AWN.

Directions:

- If Procedural Safeguards, evaluation reports or other items are enclosed with AWN, record that information here.

Enclosures may be included within this document and may be recorded below.

Maine Department of Education

Advanced Written Notice

- There 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.

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Chat Box Check In

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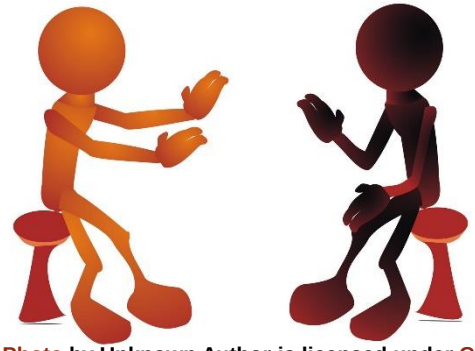
Let’s talk about the Written Notice



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Maine Department of Education

Written Notice

(MUSER) Appendix 1, 34 CFR §300.503

page 220

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 State Requirements – Italicized

Federal Statutory or Regulatory Requirements – Not Italicized

Maine Department of Education

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

Procedural Safeguards
34 CFR §300.504

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

Written Notice

- The WN is based on Federal Law from Individuals with Disabilities Education Act (IDEA).
- “You” refers to the parent(s).
- The WN allows parents to review decisions before implementation of the IEP, and potentially change their mind.
- Courts and hearing officers view the Written Notice as a critical document that provides a written record of how and why decisions are made.

Maine Department of Education

Written Notice

- The federal regulations require that this notice be provided to the parent in a “reasonable time” before any actions are implemented.

- Maine Unified Special Education Regulations (MUSER) require that this notice be provided at least 7 days prior to implementation of any proposed or refused changes.

Maine Department of Education

Written Notice

- This form is used to meet the requirements to notify parents at least 7 days prior to the date upon which the SAU takes any proposed action or refuses to act with regard to:
  - referral
  - evaluation
  - identification
  - programming
  - placement
  - informed consent for initial placement of services
  - provision of early intervention services or free appropriate public education to a child

Maine Department of Education

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

Procedural Manual – Written Notice

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Maine Department of Education

Written Notice

The WN describes the Team decisions, including any that were proposed and/or rejected, any data that supports those decisions and the district's 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 any decisions that affect FAPE or Early Intervention Services. This includes an SAU decision to not convene an IEP meeting.

Procedural Manual p. 87

Maine Department of Education

Written Notice

This section is used to:

- Document pertinent child-related information.
- Indicate relevant dates.

Directions:

- You must enter date of IEP Team meeting OR the date of agreement for amendment without Team meeting.
- If parent requested a copy of the amended IEP/IFSP enter date sent to parent.

Written Notice

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

Date Sent to Parent:	DO NOT LEAVE BLANK		SAU:	
Child's Name:				
Date of Birth:				
Parent/Guardian Name:			School Address:	
Parent/Guardian Address:			City, State Zip:	
Parent/Guardian City, State Zip:			School Contact:	

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

Maine Department of Education

Written Notice

This section is used to:

- Indicate the 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.]

Maine Department of Education

Written Notice

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
    - when parental consent for services is revoked.
  - IFSP annual or 6-month review (MUSER VI.1.B.) is checked:
    - 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 Education

Written Notice

This section is used to:

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

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:**

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Maine Department of Education

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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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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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.

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So…

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Section 1

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):

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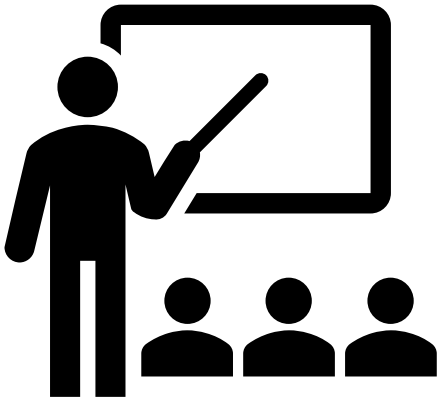
Written Notice: Timeline Consideration

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.*



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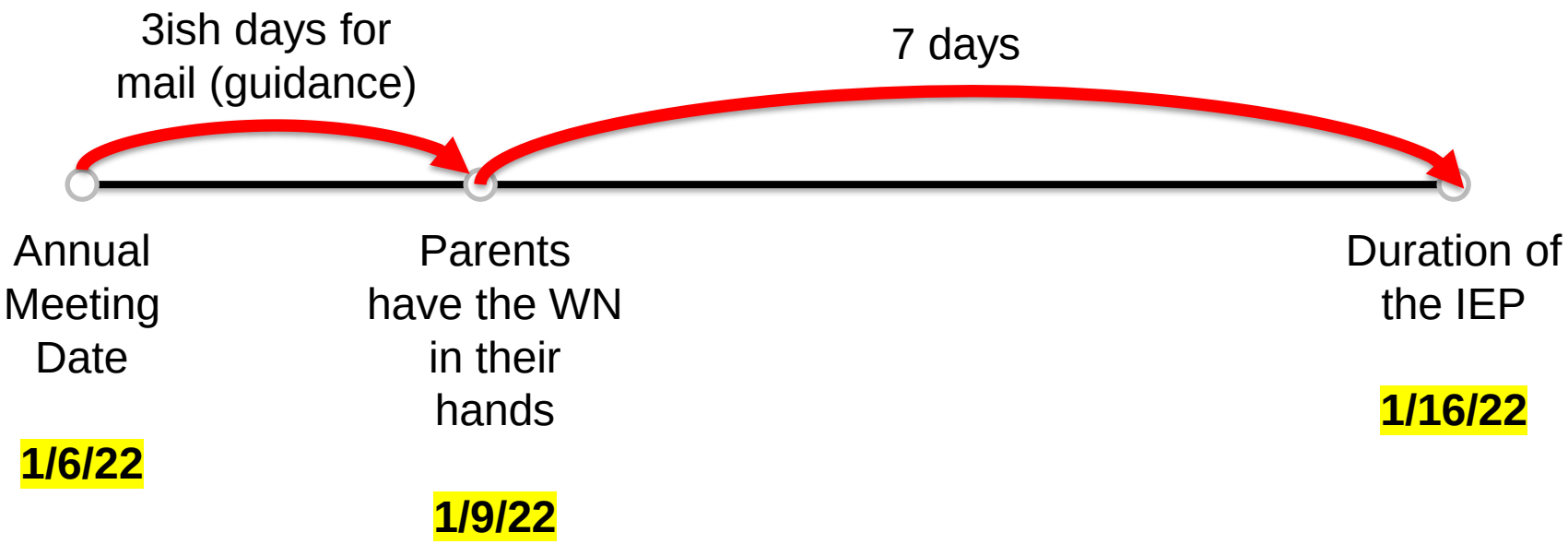
Written Notice: Timeline Consideration



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Written Notice: Timeline Consideration

- 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.

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What if you hold the meeting, but the parent/guardian is not in attendance?

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What if you hold the meeting but, the parent/guardian is not in attendance?

Can you call them later and share with them the details of the meeting?

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Consider the following:

- If you contact the parent/guardian after the meeting, you are getting input from them after the fact.
- This would most likely change the outcome of the meeting.
- You would need to write an amendment to the IEP and complete a new Written Notice to capture this conversation.

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What are the two times when a parent/guardian could NOT waive their 7-day notice?

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POLL HERE

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Parents cannot waive their 7-day notice if:

- it's an initial IEP
- 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

Section 2

This section is used to:

- Explain why the SAU is proposing or refusing the above action(s).

Directions:

- For each determination in Section 1, there must be a specific and detailed corresponding explanation in Section 2. The reader should be able to clearly understand each proposal or refusal.

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

Maine Department of Education

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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Section 3

This section is used to:

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

Directions:

- Evaluations: name, date, scores. Also, assessments, observations, reports, clinical opinions, progress reports or similar. However, evaluation reports do not need to be included if eligibility is not being determined at the meeting.

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

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Maine Department of Education

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

Section 4

This section is used to:

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

Directions:

- In reviewing the determinations in Section 1, document other alternative options that were available/presented to the team and not chosen, such as LRE options, continue or change program, eligibility criterion, ESY or similar.

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

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Maine Department of Education

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

Section 5

This section is used to:

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

Directions:

- Include other factors that impact educational programming, such as, medication or other health conditions, change in residence, ELL learners, family related factors, attendance or similar. Conversations related to COVID could also be included here.

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

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Section 6

This section is used to:

- Describe the points made by the parent including their description of their child's progress. It is also intended to provide the name, title and phone number of the person(s) or agencies to contact to obtain a copy of the Procedural Safeguards or assistance around them.

Directions:

- Input from parent prior to a meeting can be included. If parent did not attend, and did not provide input, you could document that here.

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

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).

Maine Department of Education

Section 3A of the IEP

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

Prompt – Concerns of the parents…

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.

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Section 6 of the Written Notice

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

Prompt – Description of the points made by the parent…

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.

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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.	

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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

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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

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Chat Box Check In

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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/

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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 etc.
- The discussion and changes should be documented in the written notice in detail

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Written Notice Importance in Case Law

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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Commonly Asked Questions –

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Do the words “Least Restrictive Environment” need to appear in the Written Notice?

No, we do not look for that level of specificity, but if your director wants that documented, feel free to include it. However, there does need to be clear documentation that LRE for the child was discussed at every IEP Team Meeting.

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Where should the conversation of COVID-19 be documented in the Written Notice?

The impact of COVID-19 should be noted in the WN in a way that best documents the team discussion. It can be noted in Section 3, 4 or 5, and could be included in Section 6 if there are Parent Concerns.

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What is the parent waives their right to 7-day notice?

Only the parent can waive this right, and it needs to be documented in the WN that “the *parent* waived their right”. It is not a team decision.

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Questions?

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Upcoming Office Hours
2nd & 4th Wednesdays, 3:00-4:00

Writing Compliant Transition Plans

March 9: Transition Assessments

March 23: Transition Activities and Services

April 13: Beyond Compliance

April 27: Extended Eligibility – Robust Programming

Open Q&A: February 18 from 11:30-12:00

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https://www.maine.gov/doe/calendar

Resources

Professional Development Calendar –

https://www.maine.gov/doe/calendar

Link for Recordings and Power Points –

https://www.maine.gov/doe/learning/specialed/covid19/Administrators/Virtual%20Meeting%20Archives

Special Education Resources –

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

Special Education Laws and Regulations –

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

Special Education Forms and Reporting –

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

Written Notice "Fun Facts"

MUSER – Written Notice

Procedural Safeguards 34 CFR §300.503 (MUSER pg. 220-221)

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.*

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.*

Notice in understandable language

The notice must be:

1. Written in language understandable to the general public; **and**
2. Provided in your native language or other mode of communication you use, unless it is clearly not feasible to do so.

If your native language or other mode of communication is not a written language, your SAU must ensure that:

1. The notice is translated for you orally by other means in your native language or other mode of communication;
2. You understand the content of the notice; **and**
3. There is written evidence that 1 and 2 have been met.

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Contact Hour

Contact hour(s) certificate will be sent to you.

If you are watching this as a recording, please email: Jennifer.Gleason@maine.gov for your certificate.

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Please know how much we at Maine DOE appreciate each one of you and the incredible work you continue to do on behalf of your students.

This team is so proud to stand with you!

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