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This Training is being Recorded.

Please feel free to ask questions as they come up, but we will have Chat Box Check-Ins throughout the training.

LIVE TRANSCRIPTION IS AVAILABLE



Link for Recordings and Power Points – <https://www.maine.gov/doe/learning/specialed/pl>

Housekeeping

- Please take a moment and make sure your name is correctly displayed.
- Let other participants know who is here by dropping your name, position and district in the chat box.



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The Written Notice

Maine DOE
Office of Special Services
Monitoring Team

Updated 2/2023





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Supervision, Monitoring, and Support Team Newsletter Sign-Up



Supervision, Monitoring, and Support Team Newsletter

Our team is developing a newsletter that will be sent out quarterly with an assortment of information. This newsletter is meant to support educators in the field by sharing ideas, articles, and/or other news that we think may be helpful.

"The Maine Department of Education - Office of Special Services & Inclusive Education is dedicated to improving results for students with disabilities by providing leadership, support and oversight to local education agencies. The Office of Special Services and Inclusive Education is committed to ensuring the provision of a free appropriate public education in the least restrictive environment for children with disabilities (ages 3 to 22) as well as early intervention services to infants and toddlers (birth through age 2). Our work is accomplished through collaboration with families, school districts, public and private agencies, and other programs." -MDOE-OSSIE website

* Required

1. Enter your email to receive the quarterly newsletter from the Supervision, Monitoring, and Support Team *

Please check your response for accuracy. An error in email address will prevent the newsletter from reaching you.



<https://forms.office.com/g/nV0KHG0DAj>



Procedural Manual



Special Education Required Forms Procedural Manual



Updated 8/1/2020

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<https://www.maine.gov/doe/learning/specialed/manual>

Maine Unified Special Education Regulations (MUSER)



05-071 Chapter 101

Maine Unified Special Education Regulation Birth to Age Twenty

Effective Date:

August 25, 2017



<https://www.maine.gov/doe/cds/muser>

Advanced Written Notice

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Advanced Written Notice

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



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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.



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))

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:	



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.



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/IFSP 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.



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.



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.



Chat Box Check In



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Let's talk about the Written Notice



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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



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.*



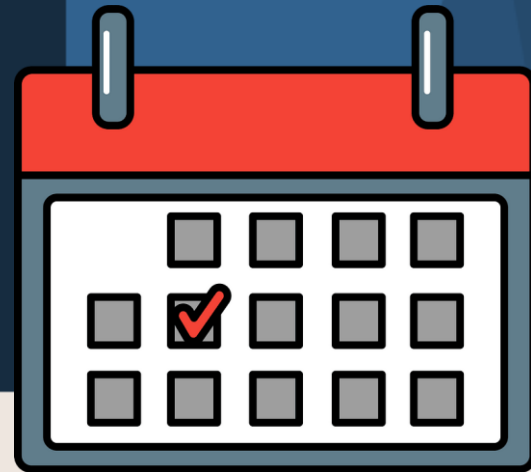
Written Notice

- 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.



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.



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



Procedural Manual – Written Notice

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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



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



Written Notice: Purpose of the Meeting

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))

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



Written Notice: Purpose of the 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
 - 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



Section 1

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:**



Section 1

Directions:

This section is used to:

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

Directions:

- Record determinations of the IEP meeting or agreement including, but not limited to:
 - Evaluations
 - Eligibility
 - Transition Plan
 - Goals Reviewed or Developed
 - Accommodations/Modifications/Supplementary Aids/Services added or removed
 - Services (frequency/intensity)
 - Related Services (frequency/intensity)
 - ESY
 - Educational Setting
- Be specific; parents should be able to go to Section 1 and easily find each determination that was made, including refusals.
- Determinations are not by a majority vote but by consensus; when consensus cannot be reached, the SAU will make the final determination.
- If the parents have an initial request but, following the discussion, they now agree and form consensus, it is NOT a refusal. If parents continue to request something that the SAU has refused to do, this is a refusal.
- There can be an agreement to implement something sooner (in less than 7 days). This agreement can be documented in the Optional 7-day Waiver form but must be stated in Section 1.



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.



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,



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.



Section 1

Dear ,

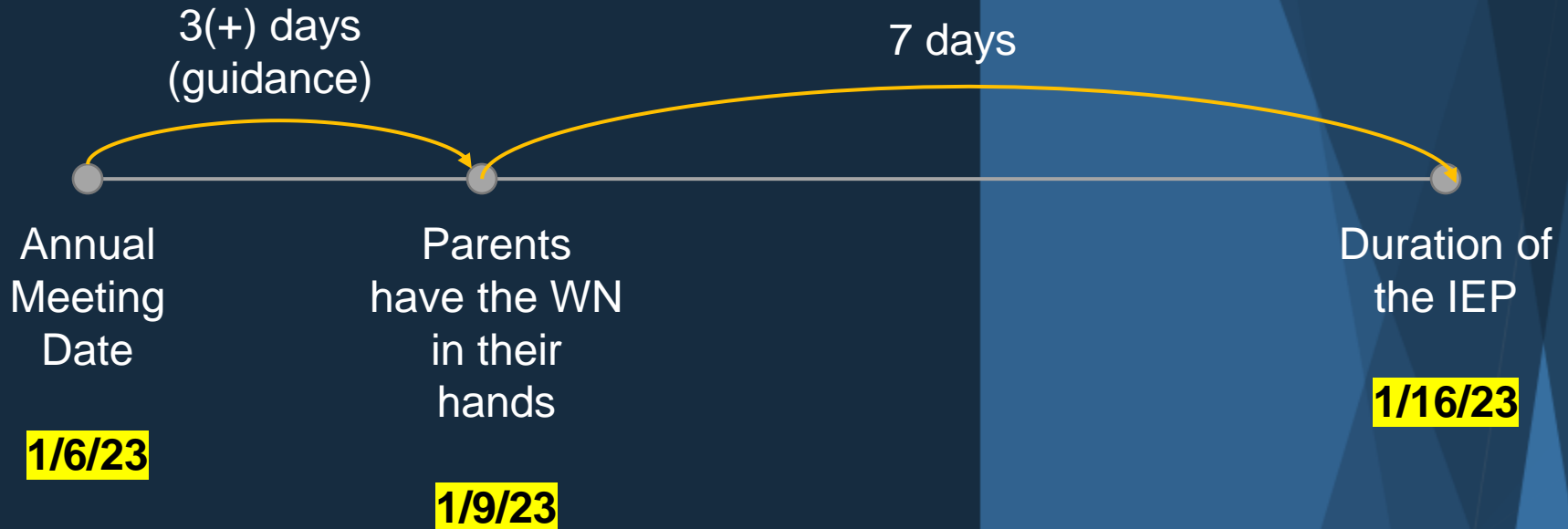
At least 7 days prior to the date upon which the school unit proposes or refuses to initiate or change the identification, evaluation or educational placement or provision of early intervention services for your child age birth to 2 years, or a free appropriate public education (FAPE) to your child age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



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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



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.

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



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)]

So...



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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.**

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):



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.



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 (state, local, curriculum), observations, parent/teacher reports, clinical opinions, progress reports or similar, related service provider report(s). 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):



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



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:



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)



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.

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).



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. This will ensure that what was recorded and determined is reflective of the parent(s) wishes.

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.

- These should align, not mirror section #3A in the IEP.

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.



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>



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.	



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: _____



Enclosures

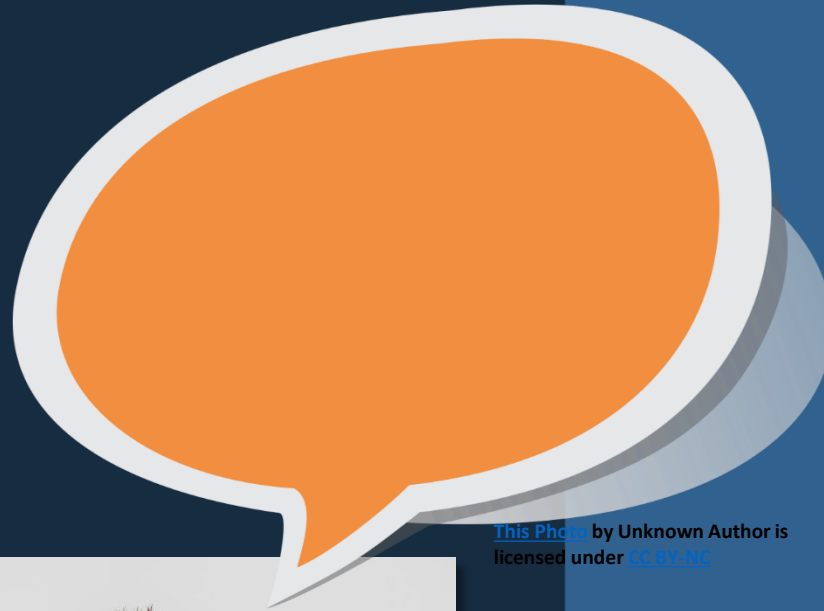
Enclosures may be included within this document and recorded below:

Could include:

- ❖ Parental Consent to Evaluate
- ❖ Procedural Safeguards
- ❖ Eligibility forms



Chat Box Check In



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The U.S. Supreme Court's ruling in [Andrew 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.”



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/>



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



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.



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.



What if 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.



Questions?



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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.



Templates and Exemplars



*The following templates and exemplars are guidance and only examples of what could be in each section

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.**
- **Think of this as your outline or table of contents for the IEP being developed, so each section of the IEP should be discussed, and determinations made.**

- 1. 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**
- 2. Disability: Determinations of disability only at initial and reevaluation**
 - **Mention the form used to determine Adverse Effect**
- 3. Considerations: Document those the Team agreed applicable**
 - **Behavior, ELL, communication needs, etc.**
- 4. Academic and Functional/Developmental Evaluations, Strengths and Needs:**
 - **List evaluations completed and/or data collected to make determinations**
- 5. Measurable annual goals: Determined by the Team**
- 6. Supplemental Aids, Services, Modifications, and/or Supports: Determined by the Team**
- 7. Special Education and Related Services: Determined by the Team**
 - **Specifics to be determined at the local level**



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:**
 1. **Marisol True and John Exemplar gave permission to waive their right to 7-day notice. Joe Exemplar's new IEP will begin on 12/18/2022.**
 2. **Marisol True and John Exemplar accepted a copy of their Procedural Safeguards at the meeting.**
 3. **Reevaluation due 8/1/2023**
 4. **The Team determined the following considerations:**
 - a. **Academic needs**
 - b. **Behavior needs**
 - c. **Speech and language needs**
 - d. **Functional needs**
 5. **Behavior, reading comprehension and fluency, speech and language goals**
 6. **Addition of read aloud of math problems as an accommodation**
 7. **Special education services include:**
 - a. **Academic SDI**
 - b. **Behavior SDI**
 - c. **Speech and Language**
 8. **Extended School Year Services will be determined by May 2023.**



Written Notice: Section 2 Template

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

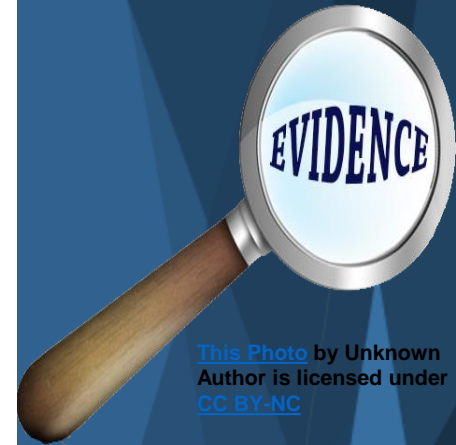
- ***Should be descriptions and evidence of all determinations made by the Team during the IEP meeting.***
 1. **Child Information:** Parental waiver noted for IEP begin date
 2. **Disability:** Determinations of disability and what data and evaluation scores supported the decision of the Team, determined at the initial or reevaluation review only.
 3. **Considerations:** Provide specific data that the IEP Team considered in order to determine necessary goals, services, accommodations.
 - a. Document why the team agreed upon these considerations
 4. **Academic and functional/developmental evaluations, strengths and needs**
 5. **Measurable annual goals:** These were addressed, based on the data the team considered.
 - a. Goals should be written to address distinctly measurable and persistent gaps that can be reasonably achieved within one year.
 6. **Supplementary aids, services, modifications, and/or supports:** Determined by the team and data that supports the decision.
 - a. Only need to document changes made (deletions or additions), after the initial.
 7. **Special Education and Related Services:** All services that have been determined by the team and data that supports the decision.



Written Notice: Section 2 Exemplar

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

1. Mariel True and John Exemplar gave permission to waive their right to 7-day notice. Joe Exemplar's new IEP will begin on 12/18/2022. *If parent not in attendance, initial eligibility meeting or parent doesn't give permission then the IEP start date would be 10 days out.*
2. Procedural Safeguards are offered at each annual meeting. *No discussion of disability category, forms completed or evaluation results since it is an annual meeting.*
3. Reevaluation due 8/1/2023. The Team determined that at this time the following evaluations will be completed: Cognitive, academic, behavior rating scales, ADHD rating scales and Speech/Language rating scales. If any other concerns arise, the Team will meet again to discuss any other evaluations that may be needed.
4. The Team determined the following considerations:
 - a. Academic needs: based on evaluations from 9/2020. WIAT basic reading score 77. STAR reading score is 29thtile rank. Reading fluency assessment 79 WPM. Reading comprehension SDI assessment 80% accuracy.
 - b. Functional/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.
 - c. Speech and language needs: Speech and language pathologist report; /l/, /s/, and /r/ are at 50% accuracy.
5. Behavior, reading comprehension and fluency, speech and language goals
 - a. Behavior goals will include increasing Joe's coping skills to remain on task 80% of intervals using tools from his regulation toolbox.
 - b. Reading comprehension goals will increase from 80% accuracy to 90% accuracy on district reading intervention.
 - c. Reading fluency goal will increase from 79 WPM to 100 WPM base on data collected from district fluency probes.
 - d. Speech and language goal will increase from /l/, /s/, and /r/ 50% accuracy to 80% accuracy.
6. Addition of read aloud of math problems as an accommodation. All other accommodations will stay the same.
7. Special education services include:
 - a. Academic SDI: Reading comprehension 60 min/week; reading fluency 60 min/week
 - b. Behavior SDI: coping skills program 60 min/week
 - c. Speech and Language: articulation 60 min/week
 - d. Extended School Year Services will be determined by May 2023. 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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Written Notice: Section 3 Template

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.***

- 1. **Child Information: Not addressed in this section**
- 2. **Disability: Not addressed in this section**
- 3. **Considerations: Not addressed in this section**
- 4. **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?**
 - a. **Data collected in the educational setting**
- 5. **Measurable annual goals that are supported by data and evaluations.**
- 6. **Supplementary aids, services, modifications, and/or supported by data and evaluations.**
- 7. **Special education and related services supported by the evaluation data.**



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):

- **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 2022. His reading fluency has also increased from 60 wpm to 79 wpm. She feels that he should be able to increase that to 100 wpm by his next annual meeting. Currently, he is receiving 60 min/week for reading comprehension and 60 min/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 into 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. Mrs. 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 sessions he is pronouncing /l/, /s/, and /r/ at 50% accuracy. Mr. Speak is interested in seeing the results of the speech and language reevaluation.
- **Ms. Smile:** Joe's guidance counselor reports that he scored at the 29th %tile in the fall STAR reading assessment and 60th %tile in the fall math assessment. He just took it again this week, but the scores are not available yet.
- **Mrs. General:** Joe's general education 6th grade teacher reports that Joe still struggles with staying on task in class. As a result, he sometimes cannot finish the work assigned. He especially has difficulty with math word 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 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. He is reading at a 4th grade level.
- 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, 5 and 6 Template

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.***
 - **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 of 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.***
 - **ELL/MLL concerns**
 - **Behavioral concerns that might be addressed outside the school setting as well (counseling)**
6. Description of the points made by the parent including the parent's description of their child's progress:
 - **Parent opportunity to be included in the IEP process and describe their child's program.**



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 reevaluation 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:
 - None at this time.

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.



Professional Learning Feedback and Contact Hour Form



Feedback and Contact Hours

Complete this form to provide us with feedback and receive your contact hour certificate. Your feedback matters to us!

* Required

1

Did the training content meet your expectations? *

- Yes
 No

2

Do you feel that your knowledge or skills have improved with this PD? *

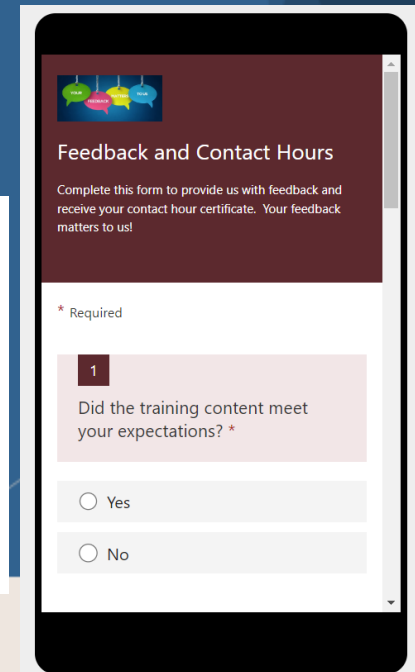


Use the link to complete the form on your computer

OR

Use the QR code to complete the form on your mobile device

<https://forms.office.com/g/by472QQLDJ>



Resources

Professional Development Calendar –

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

Link for Recordings and Power Points –

<https://www.maine.gov/doe/learning/specialed/pl>

Special Education Resources –

<https://www.maine.gov/doe/learning/specialed/supervision>

Special Education Laws and Regulations –

<https://www.maine.gov/doe/learning/specialed/law>

Special Education Forms and Reporting –

<https://www.maine.gov/doe/learning/specialed/forms>



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