

When to Provide Prior Written Notice, Informed Consent, and Procedural Safeguards Notice (*Whose IDEA Is This?*)

Steps in the Special Education Process	Action Required		
	Notification or Informed Consent	Prior Written Notice to Parents PR-01	Whose IDEA Is This?
1. Procedural safeguards must be provided to the parents once a year			X
2. Procedural safeguards must be provided upon request of the parents			X
3. Initial referral for a suspected disability		X	X
4. Initial evaluation	Informed consent (Parent Consent for Evaluation PR-05 form)	X	
5. Eligibility determination		X	
6. IEP meeting	Notification (Parent Invitation to Meeting PR-02 form)	Provide after an IEP, if parents do not agree or do not attend the meeting	
7. Reevaluation with assessments conducted	Informed consent (Parent Consent for Evaluation PR-05 form)	Provide before, and provide after if the district proposed or refused to change the category of disability or the child's eligibility	
8. Reevaluation without further assessments conducted	Notification	Provide before, and provide after if the district proposed or refused to change the category of disability or the child's eligibility	
9. Parents and district agree , no reevaluation conducted		Not required, but may be provided	
10. Transfers from out-of-state or transfers from out-of-district and team determines to reevaluate	Informed consent (Parent Consent for Evaluation Pr-05 form)	Provide prior to evaluation and after an IEP, if parents do not agree	If moved from out-of-state
11. Change of placement	Informed consent (IEP PR-07 form)	Provide after an IEP, if parents do not agree	
12. Change in the type and amount of services		Provide after an IEP, if parents do not agree	
13. Exit from special education	Notification (Summary of performance if graduating or aging out of special education)	X	
14. District refuses services requested by parents		X	
15. District proposes/refuses to change disability category		X	
16. Releasing personally identifiable information	Informed consent (Written consent)		
17. Destruction of personally identifiable information	Notification prior to destruction		
18. Transfer of parental rights	Statement included in IEP PR-07 form		X
19. Upon receipt of the first due process complaint or upon receipt of first state complaint in school year			X
20. Disciplinary change in placement		X	X
21. Revocation of consent		X	

When to Provide Prior Written Notice, Informed Consent, and Procedural Safeguards Notice (*Whose IDEA Is This?*)

1. Procedural safeguards must be provided to the parents once a year

The school district must give a copy of the **procedural safeguards notice (*Whose IDEA Is This?*)** to the parents at least once a year, except as noted below:

- Upon initial referral or the parents request for evaluation
- Upon request by the parents
- Upon receipt of the first due process complaint or state complaint in a school year
- Upon a change in placement for disciplinary action

2. Procedural safeguards must be provided upon request of the parents

The school district must give a copy of the **procedural safeguards notice (*Whose IDEA Is This?*)** to the parents whenever the parents request.

3. Initial referral for a suspected disability

On the date of the referral, the district must provide the parents with a copy of the **procedural safeguards notice (*Whose IDEA Is This?*)** For a parental referral, the date of referral is the date that the district received either the verbal or written request from the parents to conduct an evaluation. For a district referral, the date of referral is the date that the screening or review team decided that an evaluation should be conducted. (See [Evaluation – 6.2 Request and Referral for Initial Evaluation](#).)

Within 30 days of the date of initial referral by the parents for a suspected disability, the district must provide **Prior Written Notice to Parents PR-01 form** to the parents if the district does not suspect a disability.

4. Initial evaluation

Within 30 days of the date of initial referral by the parents for a suspected disability, the district must provide **Prior Written Notice form PR-01** to the parents and receive written **informed consent (Parent Consent for Evaluation PR-05 form)** from the parents prior to conducting any assessments as part of an initial evaluation. A description of any evaluation procedures the district proposes to conduct must also be provided to the parents. (If the notice relates to an action proposed by the district that also requires parental consent, the district may give notice at the same time it requires parental consent.)

5. Eligibility determination

If the evaluation team determines that a child is not eligible for special education and related services the district will provide the parents **Prior Written Notice to Parents PR-01 form** once this determination is made. If the evaluation team determines that a child is eligible for special education and related services, see Item number 6. IEP Meeting.

6. IEP Meeting

The district must use the required **Parent Invitation PR-02 form** to notify and invite the parents to an IEP meeting. Districts must take steps to ensure that one or both parents are present at each IEP meeting or are afforded the opportunity to participate. This requires that the district:

- Notify the parents of the IEP meeting early enough to ensure that they have an opportunity to attend: and
- Schedule the meeting at a mutually agreed upon time and place.

A district must provide **Prior Written Notice to Parents PR-01 form** after an IEP meeting, if the parents do not agree with the IEP or any portion of the IEP or do not attend the meeting.

A district must provide **prior written notice** to the parents and receive **written informed consent** from the parents before the initial placement of a child in special education. The **IEP PR-07 form** serves as prior written notice unless the parents disagree with the IEP. Written informed consent to initiate special education and related services is provided through the parents' signature on the IEP form.

When to Provide Prior Written Notice, Informed Consent, and Procedural Safeguards Notice (*Whose IDEA Is This?*)

7. **Reevaluation with assessments conducted**

A district must provide **Prior Written Notice to Parents PR-01** form and obtain **informed parental consent (Parent Consent for Evaluation PR-05 form)** before conducting any tests or assessments as part of a reevaluation of a child with disabilities, unless the district has provided notice and the parents have failed to respond to reasonable attempts to obtain consent.

The district must provide **Prior Written Notice to Parents PR-01** form after the reevaluation is completed **if the district proposed or refused to change the category of the disability or the child's eligibility**.

8. **Reevaluation without further assessments conducted**

The district must provide Prior Written Notice to Parents PR-01 before conducting any reevaluation.

If the evaluation team determines that no additional data are needed to determine that the child continues to be a child with a disability and to determine the child's educational needs, the **district** must notify the child's parents no further assessments are necessary. **The notification** must include:

- The team's determination and the reasons for the determination; and
- The right of the parents to request an assessment to determine whether the child continues to be a child with a disability and to determine the child's educational needs.

The **Prior Written Notice to Parents PR-01** form may be used for this notification as long as it includes the information listed directly above.

The district must provide **Prior Written Notice to Parents PR-01** form after the reevaluation is completed **if the district proposed or refused to change the category of the disability or the child's eligibility**.

9. **Parents and district agree, no reevaluation conducted**

If the IEP team, including the parents, agrees that a reevaluation of a child is unnecessary, the district **may, but is not required to, provide Prior Written Notice to Parents PR-01 form.**

10. **Transfers from out-of-state or transfers from out-of-district and team determines to reevaluate**

Upon the enrollment of a child with an existing IEP from another district or state, the district must convene the IEP team and determine if the team will accept the existing IEP or change the existing IEP. If the parents disagree with the IEP team on the IEP that will be implemented by the district, then **Prior Written Notice to Parents PR-01 form** must be provided to the parents. (See [IEP – 7.1 General](#).)

Transfer from out-of-state

If the child moved into the district from another state, the district must provide the parents with a copy of the **procedural safeguards notice (*Whose IDEA Is This?*)**.

If the district determines that a new evaluation is necessary for a child who transfers from out-of-state, the evaluation is considered an initial evaluation and the district must provide **Prior Written Notice to the Parents PR-01** form and obtain written parental consent (**Parent Consent for Evaluation PR-05 form**). See [Evaluation – 6.2 Request and Referral for Initial Evaluation](#).

Transfer from out-of-district

If the child transfers into the district from another district in the state, the district provides the parents with a copy of the **procedural safeguards notice (*Whose IDEA Is This?*)** if the sending school district had not provided the parents with a copy during the current school year.

If the IEP team refers a child who transfers from another district in the state for additional evaluation, the evaluation is considered to be a reevaluation. The district must provide **Prior**

When to Provide Prior Written Notice, Informed Consent, and Procedural Safeguards Notice (*Whose IDEA Is This?*)

Written Notice to the Parents PR-01 form and obtain written parental consent (**Parent Consent for Evaluation PR-05** form). See [Evaluation – 6.5 Reevaluation](#).

11. Change of placement

The district must provide **Prior Written Notice to Parents PR-01 form** after an IEP meeting, if the parents do not agree with the IEP team's proposed change of placement on the continuum of alternative placement options. The district may not change the child's placement until the parents consent to the proposed change of placement.

12. Change in the type and amount of services

The district must provide **Prior Written Notice to Parents PR-01 form** after an IEP meeting, if the parents do not agree with the changes in the types and amount of services being proposed. The district may then proceed to implement the IEP.

13. Exit from special education

The district must provide **Prior Written Notice to Parents PR-01 form** whenever a child exits special education. In addition, for a child whose eligibility for special education terminates because the child is graduating with a regular diploma or exceeding the age eligibility for special education, the school district must provide the child with a **summary of the child's academic achievement and functional performance (Summary of Performance)** which shall include recommendations on how to assist the child in meeting the child's postsecondary goals.

14. District refuses services requested by parents

The district must provide **Prior Written Notice to Parents PR-01 form** to the parents any time the district refuses the request of the parents to provide special education and related services to the child.

15. District proposes/refuses to change disability category

The district must provide **Prior Written Notice to Parents PR-01 form** to the parents any time the district proposes or refuses to change the child's disability category. The ETR and the Documentation of eligibility can be considered a Prior Written Notice if all the elements required in a Prior Written Notice are present in the ETR and determination of eligibility.

16. Releasing personally identifiable information

The district must obtain **written parental consent** prior to releasing any personally identifiable information about the child to any person or agency not entitled by law to see it and to a representative of any participating agency that is likely to be responsible for providing or paying for transition services.

17. Destruction of personally identifiable information

The school district must inform the parents when personally identifiable information collected, maintained and used are no longer needed to provide educational services to the child. The information must be destroyed at the request of the parents. However, a permanent record of a child's name, address, telephone number, grades, attendance record, classes attended, grade level completed, and year completed shall be maintained without time limitation.

This **notification may be in writing or provided verbally**. If provided verbally, the school district should document this notification in the child's education record.

18. Transfer of parental rights

One year before the child's 18th birthday, the district must notify both the child and the parents of the parental rights under Part B that will transfer to the child upon reaching the age of majority and provide the child with a copy of the **procedural safeguards notice (Whose IDEA Is This?)**. This notification is documented on the child's **IEP PR-07 form**.

When to Provide Prior Written Notice, Informed Consent, and Procedural Safeguards Notice (*Whose IDEA Is This?*)

19. Upon receipt of the first due process complaint or upon receipt of the first state complaint in the school year

The school district must give the parents a copy of the **procedural safeguards notice (*Whose IDEA Is This?*)** upon receipt of the parents' first due process request. The Ohio Department of Education, Office for Exceptional Children gives the parent a copy of the **procedural safeguards (*Whose IDEA Is This?*)** upon the parents' filing of the first state complaint within the school year.

20. Disciplinary change in placement

Whenever a change of placement occurs due to disciplinary action, a copy of the **procedural safeguards notice (*Whose IDEA Is This?*)** and **Prior Written Notice PR-01** form must be provided.

21. Revocation of consent (must be in writing)

The parents may revoke consent for and remove the child from all special education and related services. The revocation of consent for the continued provision of special education and related services must be in writing.

Actions the school district takes when consent is revoked:

- Continue to implement the child's IEP as written, until the district provides the parents with prior written notice.
- Provide **Prior Written Notice to Parents PR-01** form that includes the following:
 - A summary of the educational needs of the child;
 - A summary of all of the supports and services the child will no longer receive; and
- A statement that none of the rights and protections provided to children with disabilities will be provided to the child once the child is exited from special education; and
- Once prior written notice is provided to the parents, the district will no longer implement the child's IEP and will treat that child as any child without a disability.

The school district does not need to provide *Whose IDEA Is This?* when a parent revokes consent.

Note: The parents may not revoke consent for only a part of an IEP. The parents must revoke consent for the entire IEP. If the parents disagree with any part of an IEP, they must follow conflict resolution procedures; i.e., administrative review, mediation, IEP facilitation, complaint or due process hearing.

Actions the school district will NOT take when consent is revoked:

- A three-year reevaluation;
- An annual IEP meeting; and
- Discipline procedures as outlined in IDEA.

Note: The school district will treat the child whose parents have revoked consent just as they would treat any child without a disability and will not be liable for providing the child a free appropriate public education (FAPE), per the new federal regulation.

The district will continue to conduct child find activities on a regular basis and will include all children whose parents have revoked consent for special education and related services. This means the district will continue to periodically ask the parents if they would like the district to evaluate their child for a suspected disability. This would be considered an initial referral. If the parents agree to the evaluation and the child is found eligible for services, the district will create an IEP and serve the child.

The school district is not required to amend the child's education records to remove any references to the child's receipt of special education and related services because of the revocation of consent.