Q1. Must a Prior Written Notice (PR-01) be provided for each IEP meeting held or IEP amendment done?

A1. Yes, if the district is holding a meeting where the district is proposing a change or refusing a change to the identification, evaluation or educational placement of the child or the provision of a free appropriate public education (FAPE) to the child even if a change never takes place.

Please see the Federal Regulations at 34 C.F.R.300.503 which states:
Written notice that meets the requirements of paragraph (b) of this section must be given to the parents of a child with a disability a reasonable time before the public agency—(1) Proposes to initiate or change the identification, evaluation, or educational placement of the child or the provision of FAPE to the child; or (2) Refuses to initiate or change the identification, evaluation, or educational placement of the child or the provision of FAPE to the child.

Q2. When should I send a Prior Written Notice (PR-01) when I am holding an IEP meeting?

A2. The Prior Written Notice (PR-01) must be provided after the IEP meeting but before the implementation of the new IEP. The **prior** in the Prior Written Notice (PR-01) is referring to the outcome of the meeting which will result in the implementation of the IEP.

Q3. Must I use the Prior Written Notice form, PR-01, or can I simply put all of the required information in an email or in a letter and send it to the parent?

A3. The Prior Written Notice form (PR-01) is a required form. Therefore, all districts in the state must use this form when providing a parent prior written notice. If a district wishes to change the form or use a different form for providing a parent prior written notice the district would need to submit that alternative form to the Ohio Department of Education, Office for Exceptional Children (ODE/OEC) and have the form approved by ODE/OEC prior to it being used.

Q4. What must be included in the Prior Written Notice (PR-01)?

A4. The Prior Written Notice (PR-01) contains a series of six questions that must be answered in order for the district to be in compliance. In answering the six questions the district summarizes the discussion of the IEP team where the team proposed changes to the IEP or where the team refused proposed changes to the IEP. If a proposal for a change is made during the meeting and after discussion everyone on the team agrees with the proposed change, this change will be documented on the Prior Written Notice by answering the questions found on the form. If a proposal for change is made during the meeting and after discussion there is not agreement about the proposed change, this non-agreement will be documented on the Prior Written Notice by answering the questions found on the form.

Q5. The Prior Written Notice form (PR-01) does not contain a check box, under the heading “Type of Action Taken” for an IEP meeting where all IEP team members agree with the IEP. Which box should be checked?

A5. Since there isn't a box designated for an IEP meeting where all IEP team members agree with the IEP, the district would check the "Other" box. Then under question number two the district would begin the answer for this question with the words, "At the IEP meeting on _____ (date) the following proposed action (or refused action) was agreed upon by all members of the IEP team." In this way the reader understands the circumstances under which the form was completed.

Q6. Must the district have written documentation that the parent received the Prior Written Notice (PR-01)?

A6. There is no law or rule that requires a district to have written documentation showing that the parent received prior written notice. It is a recommended practice, however, to keep this type of documentation in the event that a parent would file a formal written complaint or request a due process hearing.

Q7. Under section 14 of the IEP (PR-07) there is an asterisk that states that the IEP serves as Prior Written Notice if there is agreement on the IEP. Do I need to do anything with this language?

A7. When the IEP is signed, the sentence that follows this asterisk can simply be crossed out.

Q8. The procedural safeguards notice, *Whose IDEA is This?* contains language that states that the IEP (PR-07) serves as Prior Written Notice when the IEP team is in agreement with the IEP. Do I need to do anything with this language?

A8. On January 21, 2014, the Ohio Department of Education, Office for Exceptional Children provided an addendum for the *Whose IDEA Is This?*. The district will insert the addendum into the procedural safeguards notice before providing the notice to the parents.

Q9. Must a Prior Written Notice (PR-01) be provided when a child transfers from another district or out of state?

A9. See A1.

Q10. Must we have a Prior Written Notice (PR-01) per change if there are multiple changes to an IEP?

A10. No. You will summarize the proposed changes that occurred or didn't occur during the IEP meeting on one Prior Written Notice (PR-01).

Q11. How can a district ensure that the Prior Written Notice (PR-01) is properly written and received by the parent prior to implementation of the IEP?

A11. The district will create its own process for implementation of this federal requirement.

Q12. Can a district create a standardized Prior Written Notice (PR-01) to use for all IEP meetings?

A12. No. They must be **individualized** per each meeting.

Q13. If the IEP team takes notes during the IEP meeting, may the team complete a more abbreviated PR-01 form and write "see attached meeting notes"?

A13. No. The PR-01 is a required form that must be completed in full.

Q14. If the district completes an evaluation team report (ETR) at the same meeting as an IEP, do we complete one PR-01 for the entire meeting or one PR-01 for the ETR meeting and one PR-01 for the IEP meeting?

A14. If a Prior Written Notice (PR-01) is required at the end of the evaluation meeting, please see the chart entitled, *Prior Written Notice, Informed Consent and Notice of Procedural Safeguards,* then two forms are required due to the fact that the answers will be different when written for the ETR meeting and the IEP meeting.

Q15. If the district has provided a Prior Written Notice (PR-01) prior to conducting a reevaluation and the reevaluation does not change anything on the current IEP, but the category of disability is changed due to the reevaluation, must the district provide the parent with a Prior Written Notice (PR-01)?

A15. Yes, please see A1 above.

Q16. Since the Prior Written Notice (PR-01) must be received by the parent prior to the implementation of the IEP can the notice be written towards the conclusion of the IEP meeting and handed to the parent before they leave the meeting?

A16. Yes, as long as all members of the IEP team have discussed and reached a conclusion on any proposal or refusal to initiate or change the identification, evaluation or educational placement of the child or the provision of FAPE to the child, a Prior Written Notice (PR-01) may be completed.

Q17. Can the Prior Written Notice (PR-01) be sent home to the parent with the final copy of the IEP?

A17. Yes, the Prior Written Notice (PR-01) may be sent home to the parent with the final copy of the IEP. The IEP, however, cannot be implemented until the parent receives the Prior Written Notice (PR-01) so there may be some time that elapses between the conclusion of the IEP meeting and the implementation of the new/revised IEP.

Q18. If a district does not provide the parent with a Prior Written Notice (PR-01) at the conclusion of the IEP meeting, but sends the Prior Written Notice (PR-01) to the parent a day or two after the meeting how does this affect the "IEP Effective Dates, Start and End" and the "Meeting Date" on the IEP?

A18. The "Meeting Date" will be the date that the members of the IEP team actually met and participated in an IEP meeting. The "Effective Date" will be the date that the IEP is actually implemented. The "End" date for the IEP is one year minus one day from <u>the "Meeting Date" and not from the effective "Start" date on the IEP</u>. If the "Meeting Date" and the effective "Start" date are several days apart, remember that a child must have a valid IEP at all times during a school year. Therefore, the "End" date on the previous IEP must be

the day before the effective "Start" date on the new or revised IEP unless the IEP meeting is held in the summer or over an extended break in the school calendar.

Q19. Must a district provide two Prior Written Notices (PR-01) each time an initial evaluation is conducted, i.e., one prior to conducting the initial evaluation and one at the conclusion of the initial evaluation?

A19. No, please see items numbered 2, 3, 4 and 5 in the chart entitled, *Prior Written Notice, Informed Consent and Notice of Procedural Safeguards.*

Q20. When a district is providing Prior Written Notice (PR-01) because of a change of placement due to disciplinary action when is the prior written notice provided to the parent?

A20: Prior written notice (PR-01) must be provided when the district seeks to change the placement of the student as a result of a violation of the student code of conduct. If the determination is made by the manifestation determination team that the student's behavior was NOT a manifestation of his/her disability, and therefore the student is subject to disciplinary removal, then prior written notice is required after the decision is made, but before the student's placement is changed. Alternatively, where the determination is made by the team that the student violated the student code of conduct under a manifestation of his/her disability and thus, there is no change of placement or removal, then prior written notice is not required.

Q21. Is a prior written notice (PR-01) required when the district is implementing a services plan for a student unilaterally placed by their parents in a nonpublic school?

A21. No, since a services plan does not confer a FAPE and does not make a placement there is no requirement for a prior written notice (PR-01).

Please be advised that this document will be updated on a continual basis.