

Best practice suggests sending a Prior Written Notice (PR-01) to the parent for all special education events.

| Steps in the Special Education Process | Required Notification and/or Informed Consent | | | | Notes |
|--|---|-------|-------|-------|--|
| | Guide to Parent Rights | PR-01 | PR-02 | PR-05 | |
| 1. Procedural safeguards must be provided to the parent once a year (see narrative for exceptions to this requirement) | X | | | | |
| 2. Initial referral by the parent for a suspected disability | X | X | | X | |
| 3. Initial referral by district for a suspected disability | X | X | | X | |
| 4. Initial evaluation and the parent agrees to services | X | X | X | | |
| 5. Initial evaluation and the parent refuses services | X | X | X | | |
| 6. a. Initial IEP Meeting | X | X | X | | Section 15 of IEP – Initial IEP |
| 6. b. IEP Annual Review Meeting | X | X | X | | Provide PR-01 after IEP meeting but before implementation of new IEP |
| 7. IEP Amendment without an IEP meeting | X | X | | | Provide PR-01 after the IEP amendment but before implementation of the amended IEP |
| 8. IEP Amendment with Change of Placement | X | X | X | | Section 15 of IEP – IEP Review (Change of Placement) |
| 9. Reevaluation with assessments conducted | X | X | X | X | Provide PR-01 before and after in all instances |
| 10. Reevaluation without new assessments conducted | X | X | X | X | Provide PR-01 before and after reevaluation meeting |
| 11. The parent and district agree, without holding an IEP meeting, that no reevaluation will be conducted | X | X | | | Provide PR-01 before reevaluation is waived Signed Agreement to Waive Reevaluation is required (OP-4) |
| 12. Transfers from out-of-state and team determines to evaluate | X | X | X | X | Provide PR-01 before and after evaluation meeting |
| 13. Transfers from another district in state and team determines to reevaluate | X | X | X | X | Provide PR-01 before and after evaluation meeting |
| 14. Exit from special education (child ages out/graduates) | X | X | X | | <ul style="list-style-type: none"> • Provide PR-01 after the meeting to review the evaluation, but before exiting the child from services • Summary of Performance is required (OP-8) |
| 15. Exit from special education (evaluation done/no longer eligible) | X | X | X | | <ul style="list-style-type: none"> • Provide PR-01 after the meeting to review the evaluation, but before exiting the child from services • PR-06 Evaluation Team Report provides notification |

**PRIOR WRITTEN NOTICE, INFORMED CONSENT AND
NOTICE OF PROCEDURAL SAFEGUARDS**

September 2022

| Steps in the Special Education Process | Required Notification and/or Informed Consent | | | | Notes |
|---|---|-------|-------|-------|---|
| | Guide to Parent Rights | PR-01 | PR-02 | PR-05 | |
| 16. Releasing personally identifiable information | X | | | | Informed written consent required |
| 17. Destruction of personally identifiable information | X | | | | Notification prior to destruction, per district policy |
| 18. Transfer of parental rights | X | X | | | Provide PR-01 before and after IEP meeting Section 15 in IEP - Transfer of Rights at Age of Majority |
| 19. Upon receipt of the first due process complaint | X | | | | |
| 20. Parent files due process complaint and district has not provided parent PR-01 on topic of complaint | X | X | | | |
| 21. Disciplinary change in placement | X | X | | | |
| 22. Revocation of consent | X | X | | | Documentation of revocation with parent written signature is required |

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

The school district must give a copy of the procedural safeguards notice (*A Guide to Parent Rights in Special Education*) to the parent at least once a year, in addition to the instances noted below:

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

2. Initial referral by the parent for a suspected disability

Upon initial referral by the parent for a suspected disability, the district must provide the parent with a copy of the procedural safeguards notice (*A Guide to Parent Rights in Special Education*) and complete Referral for Evaluation (PR-04). For a parental referral, the date of referral is the date that the district received either the verbal or written request from the parent to conduct an evaluation.

Within 30 days of the date of initial referral by the parent for a suspected disability, the district must provide Prior Written Notice (PR-01) to the parent if the district does or does not suspect a disability. If the district does suspect a disability, they will also provide the parent with a Parent Consent for Evaluation (PR-05).

3. Initial referral by district for a suspected disability

Upon initial referral by district personnel for a suspected disability, the district must provide the parent with a copy of the procedural safeguards notice (*A Guide to Parent Rights in Special Education*) and complete Referral for Evaluation (PR-04). For a district referral, the date of referral is the date that the screening or review team decided that an evaluation should be conducted.

If the parent agrees with a referral for an initial evaluation, the district will also provide the parent with a Prior Written Notice (PR-01) and a Parent Consent for Evaluation (PR-05). If the parent disagrees with a referral for an initial evaluation and will not provide consent for an evaluation, the district will provide the parent with a Prior Written Notice (PR-01).

4. Initial evaluation and the parent agrees to services

When the district completes the initial evaluation and finds the child eligible for services and the parent agrees to the child receiving services from the district, the district will provide the parent a Parent Invitation (PR-02) early enough to allow the parent to attend the IEP meeting. The district will provide the parent with a Prior Written Notice (PR-01).

5. Initial evaluation and the parent refuses services

When the district completes the initial evaluation and finds the child eligible for services and the parent refuses those services and participation in an IEP team meeting, the district will provide the parent a Prior Written Notice (PR-01).

6. a. Initial IEP Meeting; b. IEP Annual Review Meeting

The district must use the required Parent Invitation (PR-02) to notify and invite the parent 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. If the child, who is the subject of the IEP meeting, will be 14 years of age prior to the expiration of the new or revised IEP, the child must also be invited to the IEP meeting. The child's name may be added to the parent invitation to fulfill this requirement. In sending the invitation the district must:

- Notify the parent 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 (PR-01) to the parent after an IEP meeting, and before the implementation of the new or revised IEP.

A district must provide Prior Written Notice (PR-01) to the parent and receive written informed consent from

the parent before the initial placement of a child in special education. Written informed consent to initiate special education and related services is provided through the parent signature on the IEP (PR-07) and the Prior Written Notice (PR-01).

7. IEP Amendment

The district will contact the parent and ask if the parent would agree to discuss a proposed change to their child's IEP without holding an IEP team meeting. If the parent agrees, district personnel will discuss the proposed changes with the parent and revise the child's IEP accordingly.

The district must provide Prior Written Notice (PR-01) to the parent prior to implementation of the amended IEP along with a copy of the amended IEP. The amended IEP will not be implemented until the parent has received their copy of the Prior Written Notice (PR-01).

8. IEP Amendment with Change of Placement

The district must use the required Parent Invitation (PR-02) to notify and invite the parent to an IEP meeting. Districts must take steps to ensure that one or both parents are present at the IEP meeting where change of placement will be discussed or are afforded the opportunity to participate. The district will obtain and document parental consent in Section 15 of IEP – IEP Review (Change of Placement)

The district must provide Prior Written Notice (PR-01) to the parent.

9. Reevaluation with assessments conducted

A district must provide Prior Written Notice (PR-01) to the parents and obtain informed parental consent using the Parent Consent for Evaluation (PR-05) from the parents before conducting any tests or assessments as part of any 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 (PR-01) to the parents after the reevaluation is completed.

10. Reevaluation without new assessments conducted

The district must provide Prior Written Notice (PR-01) to the parent before conducting any reevaluation.

If the IEP 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 parent no further assessments are necessary. The notification must include:

- The team's determination and the reasons for the determination; and
- A statement of the right of the parent 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 (PR-01) may be used for this notification as long as it includes the information listed directly above.

The district must provide Prior Written Notice (PR-01) to the parent after the reevaluation is completed.

11. The parent and district agree, without holding an IEP meeting, that a reevaluation will not be conducted

If the parent and the district agree that a reevaluation is unnecessary, this decision should be documented in writing. The district may but is not required to provide Prior Written Notice (PR-01).

12. Transfers from out-of-state and team determines to evaluate

If the child moved into the district from another state, the district must provide the parent with a copy of the procedural safeguards notice (*A Guide to Parent Rights in Special Education*).

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 (PR-01) to the parent and obtain written parental consent using the Parent Consent for Evaluation (PR-05). (See #3, 4 and 5 above)

13. Transfers from another district in state and team determines to reevaluate

If the child transfers into the district from another district in the state, the district provides the parent with a copy of the procedural safeguards notice (*A Guide to Parent Rights in Special Education*) if the sending school district has not provided the parent with a copy during the current school year.

If the IEP team refers a child who transfers from another district in the state for an evaluation, the evaluation is considered to be a reevaluation. The district must provide Prior Written Notice (PR-01) to the parent and obtain written parental consent using the Parent Consent for Evaluation (PR-05), prior to conducting the reevaluation. (See #8 above)

Upon the enrollment of a child with an existing IEP from another district in the state where the receiving district has determined to accept the evaluation from the child's previous district, the receiving district must convene the IEP team and determine if the team will accept the existing IEP or change the existing IEP.

In either case a Prior Written Notice (PR-01) must be provided to the parent at the conclusion of the IEP meeting and before the IEP is implemented.

14. Exit from special education (child ages out/graduates)

The district must provide Prior Written Notice (PR-01) to the parent at the conclusion of the IEP meeting where it is determined that the child will exit 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, i.e., Summary of Performance (OP-8), which shall include recommendations on how to assist the child in meeting the child's postsecondary goals.

15. Exit from special education (evaluation done/no longer eligible)

The district must provide Prior Written Notice (PR-01) to the parent whenever a child exits special education due to the child being found no longer eligible through the completion of a reevaluation. The district will provide the parent a Prior Written Notice (PR-01) prior to the reevaluation, please see #6 above, and will provide a second Prior Written Notice (PR-01) to the parent at the conclusion of the meeting of the team where the reevaluation is discussed. This notice must be received by the parent prior to exiting the child from special education services.

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 parent when personally identifiable information collected, maintained and used is no longer needed to provide educational services to the child. The information must be destroyed at the request of the parent. 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 parent of the parental rights under IDEA 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. This notification is documented on the child's IEP (PR-07).

19. Upon receipt of the first due process complaint

The school district must give the parent a copy of the procedural safeguards notice (*A Guide to Parent Rights in Special Education*) upon receipt of the parent's first due process request. The Ohio Department of Education, Office for Exceptional Children, gives the parent a copy of the procedural safeguards notice (*A Guide to Parent Rights in Special Education*) upon the parent's filing of the first due process state complaint within the school year.

20. Parent files due process complaint and district has not provided parent Prior Written Notice on topic of complaint

The district must provide Prior Written Notice (PR-01) to the parent within ten days of receiving the parent's filing for a due process hearing if the district has not already provided the parent with a Prior Written Notice (PR-01) on the subject of the due process request. Please refer to 3301-51-05 (K)(8)(f)(i) (a),(b),(c), and (d).

21. Disciplinary change in placement

Whenever a change of placement occurs due to disciplinary action, a copy of the procedural safeguards notice (*A Guide to Parent Rights in Special Education*) and Prior Written Notice (PR-01) must be provided to the parent. The parent must receive the Prior Written Notice (PR-01) prior to any change of placement due to disciplinary action.

22. Revocation of consent

The parent 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 parent with Prior Written Notice (PR-01).
- Provide Prior Written Notice (PR-01) 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 parent, the district will no longer implement the child's IEP.

The school district does not need to provide the procedural safeguards notice (*A Guide to Parent Rights in Special Education*) when a parent revokes consent.