

Example Prior Notice Statements

1-1. Description of the action proposed or refused:

As you are aware (student) has been receiving instruction and interventions based upon (his/her) needs through a response to intervention (RtI) process. Based upon the response data we are recommending a comprehensive evaluation be conducted. The evaluation process is required to determine if (student) is an individual with a disability requiring special education services. If eligible, an individual education program (IEP) will be written addressing the skill areas affected by the disability.

1-2. Description of the action proposed or refused:

(Student) has been making steady progress in meeting the annual goals set by the IEP team over the past two and an half years. It is now time to look at the skills he has learned in the general curriculum and set new target skill for him to obtain.

1-3. Description of the action proposed or refused:

(Student) was part of our district's free developmental screening and at that time his over all scores in the major area of Motor, Concepts, and Language were in potential delay. Our district used the Developmental Indicator for the Assessment of Learning 3rd edition (DIAL 3). We are requesting your permission to conduct an initial evaluation of your child's current developmental functioning in order to determine possible eligibility for services.

1-4. Description of the action proposed or refused:

At conference time you indicated that you had medical information that you would like the team to consider when determining continued eligibility. If you would provide us a copy of the test results we will include the information in the review of all evaluation data during the meeting. Per our conversation on (date) it was agreed the following areas would be assessed:

- Ability - Scores and evaluation report information from the ability evaluation administered on (date) will be used for determining continued eligibility.
- Achievement
- Behavior – At the request of the parent
- Observation
- Review of existing data

1-5. Description of the action proposed or refused:

This notice is to inform you that (student) is on track to graduate with a signed diploma. We would like to meet to discuss and develop a summary of performance that (student) will have for future use along with discussion of student transitioning off the IEP. He is scheduled to graduate on (date) at which time the district will no longer be responsible for (student's) educational program.

1-6. Description of the action proposed or refused:

The district has received your written request to discontinue all of (student) special education and related services currently being provided. The district is required to notify you that all services will be discontinued within 5 day from this notice. Services will cease on (date) per your written request. By revoking (canceling) your consent for your child to receive special education and related services the school district will not provide your child with the special education and related services. The school district:

1. Is not in violation of the requirement to make a free appropriate public education (FAPE) available to your child for its failure to provide those services to your child; **and**
2. Is not required to have an individualized education program (IEP) meeting or develop an IEP for your child for the special education and related services for which your consent was requested.

1-7. Description of the action proposed or refused:

We would like to meet to review and discuss evaluation results and decide if (student) continues to be in need of special education services. Items that will be discussed at the meeting include the following:

- Evaluation results will be discussed and explained. A copy of all evaluation reports are enclosed for you to review prior to the meeting. Call or bring any questions you may have to the meeting.
- The team will decide if (student) is eligible for special education services by completing an eligibility document. When completed, a copy of the team's decision (eligibility document) will be provided to you.
- If eligible, an Individual Education Program (IEP) will be written by the team.
- Present levels of performance will be written for each skill area affected by (student) disability using the functional (skill based) evaluation information and your input.

- Consideration will be given to special factors such as communication, behavior, assistive technology, physical education and state/district assessment.
- In planning for (student) exit from school in a couple years, the team will discuss and develop a transition plan. Any plans you and (student) may have discussed would be helpful in completing this plan.
- Annual goals and accommodations will be developed to address skill areas impacting (students) instructional program.
- The team will determine what related services are needed, if any, to benefit from (students) instructional program.
- Based upon the program developed, the team will determine the extent of the specially designed instruction needed and the location in which instruction can best be provided (least restrictive environment).
- The team will also discuss if (student) meet the guidelines for extended school year services.

1-8. Description of the action proposed or refused:

Prior Written Notice/consent for evaluation was sent to you by the district on (date) and again on (date). The notice requests your signature (consent) to initiate reevaluation procedures for (student). Should you have any questions or concerns regarding the request please contact (teacher) at (phone number). If we have not received the signed consent form from you by (date---5 days from date sent), the district evaluation team will begin to conduct the evaluations as indicated below.

1-9. Description of the action proposed or refused:

On (date) you were informed that all rights would transfer to (student) when (he/she) turns age 18. This notice is to inform you that as of (birthday) all rights will transfer. Special education notices will be provided to (student). They will continue to be provided to you as the parent as well.

1-10. Description of the action proposed or refused:

Per our conversation on (date), we reviewed and agreed the IEP developed in the (transferring school district) will be implemented as written. Comparable services will be provided in the area of articulation. (30 minutes once per week instead of 15 minutes two times per week.) All other services will remain the same.

2-1. Explanation of why the course of action is being proposed or refused:

(Student) has made significant progress over the past three years in (his/her) instructional program. New educational targets/goals need to be set so (student) continues to progress towards learning the skills required in the general curriculum appropriate to (his/her) age and grade level.

2-2. Explanation of why the course of action is being proposed or refused:

At the meeting we will discuss the evaluations with you and answer any questions you may have regarding the results. The specific scores that are required for eligibility will also be reviewed with you. If you have any questions, evaluation staff will be available to answer them. All the information gathered through the evaluation process will be used to develop an appropriate program for (student).

2-3. Explanation of why the course of action is being proposed or refused:

The evaluation process is required to determine if (student) continues to be an individual with a disability requiring special education services and if eligible, to develop an individual education program addressing the skill areas affected by the disability. In order to begin the evaluation process we will need your written consent. As soon as this signed consent form is returned to the district, we will begin conducting the evaluations listed below. All evaluations will be completed within 25 school days after which you will be receiving another notice to set up a meeting to review and discuss all the evaluation results.

2-4. Explanation of why the course of action is being proposed or refused:

The reading interventions implemented have not resulted in sufficient progress to prevent (student) from continuing to fall behind in the general curriculum. Since reading is so important in all core subjects (student) may require specialized instruction in order to stay on track and acquire the skill necessary at (his/her) age and grade level.

2-5. Explanation of why the course of action is being proposed or refused:

In order to determine if (student) continues to be a student with a disability and what new skills to target for the next few years, we need to conduct a comprehensive reevaluation. As discussed on the phone, (date), you requested the district to conduct additional behavior evaluations. After discussing this request with (student) teachers, there was no evidence of interfering behaviors in the educational setting; therefore, we can not support the need for additional evaluation in this area. However, your concerns regarding behavior will be discussed at the IEP meeting.

2-6. Explanation of why the course of action is being proposed or refused:

(Student) will be exiting (aging out) of the district's educational program on June 30, 20-- at which time the district will no longer be responsible for providing or paying for (student) future educational costs.

2-7. Explanation of why the course of action is being proposed or refused:

In discussing your request with (student) teachers, the team could see no beneficial reason for moving her from the general classroom setting to the resource room for math as requested. She currently is working at grade level (4.2) and is receiving C+ for the quarter. She has some difficulty with fractions, but is provided a conversion chart to use as a guide. (Student) is very willing to ask for assistance from the paraprofessional and/or teacher when having difficulty. The district team has determined it would not be in (student) best interests to remove her from her peers at this time.

2-8. Explanation of why the course of action is being proposed or refused:

Due to the scores on the DIAL 3 and the importance of early intervention services, the district feels there is a need for further testing to determine possible eligibility for special education services. (Student) is currently enrolled and attending our district's general education preschool program and (Teacher name), his teacher, also has concerns dealing with his possible developmental delays. Our district must receive your signed permission in order to conduct this evaluation.

2-9. Explanation of why the course of action is being proposed or refused:

Specific educational rights that transfer to (student) at age 18 are the right to:

- Receive notice of, attend, and participate in IEP meetings
- Give consent to evaluate or change their educational placement
- Review educational records
- Request mediation or due process hearing

3-1. Description of other options that the IEP team considered and the reasons why those options were rejected:

The district evaluation team considered administering a new ability test for use in determining continued eligibility. However, the scores from the two previous evaluations were very consistent and we do not feel another evaluation is necessary.

3-2. Description of other options that the IEP team considered and the reasons why those options were rejected:

The IEP team will consider and discuss (students) program needs as the IEP is developed.

3-3. Description of other options that the IEP team considered and the reasons why those options were rejected:

The IEP team considered your request for residential placement at a State supported facility; however, (student) does not meet the entry criteria for such placement at this point in time. Admission will be pursued at (location(s)). If denied at these other locations, placement can be pursued for (student) at the State supported facility.

3-4. Description of other options that the IEP team considered and the reasons why those options were rejected:

The district staff discussed the option of removing (student) from study hall to receive additional assistance in (area) but rejected that option. (Student) uses his study hall time to complete classroom assignments. It was felt that he needed that time and access to district staff to keep up with work in other classes.

3-5. Description of other options that the IEP team considered and the reasons why those options were rejected:

The IEP team has considered and rejected placement in a 24 hour residential setting. (Student) has adequate skills to acquire and maintain employment. Activity of daily living skills such as cooking, laundry, shopping, and cleaning are also adequate to live independently. Since assistance with budgeting and financial management can be provided through outside sources, it would not be in (students) best interests to be bound by a 24 hour residential placement.

3-6. Description of other options that the IEP team considered and the reasons why those options were rejected:

Many strategies have been implemented at school to assist (student). He has stabilizing chair in the classroom, has attended reading recovery and receives direct instruction to develop his reading skills. One to one assistance is provided to (student) understand and complete his classroom assignment. Colored overlays are used when he reads, however, (student) continues to struggle with academic and speech despite the use of these strategies. The team will discuss new strategies or additional strategies needed for (student) to show progress.

4-1. Description of the evaluation procedure, assessment, record or report to be used as a basis for the proposed or refused action:

Thank you for providing copies of the medical information for the team's consideration when determining continued eligibility. We will also use the scores from the current ability, achievement, and behavior evaluations to support continued eligibility. The scores must meet the criteria established by South Dakota Administrative Rule. We will review the criteria when completing the eligibility document. If eligible, the skills identified through the evaluation process will be used to develop (student's) individual education program.

4-2. Description of the evaluation procedure, assessment, record or report to be used as a basis for the proposed or refused action:

Information documented on the incident report of (date) summarized the events that took place, teacher statements, interview with individuals present and (students) personal statement as to how the event transpired were all considered in the districts decision.

4-3. Description of the evaluation procedure, assessment, record or report to be used as a basis for the proposed or refused action:

The following data was use by the district in its decision not to evaluate (student) for special education services at this time:

Pre-school screen data indicated no evidence of articulation errors.

All sounds and sound productions are at the appropriate age level.

Conversational speech is clear and intelligible.

4-4. Description of the evaluation procedure, assessment, record or report to be used as a basis for the proposed or refused action:

The district reviewed all educational records received from (name of the out of state school district) to include (student's) evaluation reports, eligibility document and current IEP. Based upon a review of this data, the district must initiate a reevaluation to determine if (student) meet the South Dakota eligibility requirement for special education services.

4-5. Description of the evaluation procedure, assessment, record or report to be used as a basis for the proposed or refused action:

The following documentation was reviewed by the district and used to determine what areas to evaluated: daily and quarterly grades, attendance records, input from (student's) teacher regarding participation in academic classes, non academic and (her/his) social skills. Input from (student's) parents regarding (her/his) behavior at home was also considered.

5-1. Other factors relevant to the proposal or refusal:

(Student) has been having difficulty returning completed assignments. The assignment notebook has helped however; sometimes the work turned in is incomplete. We need to discuss other options to ensure works is finished and turned in on time.

5-2. Other factors relevant to the proposal or refusal:

You have indicated that (student) has been having a difficult time completing homework. As part of the behavior evaluation we will be gathering functional (skill based) data, specifically the number of times assignment have not been turned in or time they have not been complete. We will discuss options that can be implemented to resolve this issue at the meeting.

5-3. Other factors relevant to the proposal or refusal:

The district has reviewed and declined your recent request. However, if you would like to further discuss the issue of removing (student) from the general classroom setting we would be glad to set up a meeting with the IEP team.

After evaluations are completed and reports have been received, the district will contact you to set up a time to meet, go over the evaluation results, determine eligibility and if individualized instruction is required. Please bring any concerns and/or ideas you may have for your child's education to the meeting.

5-4. Other factors relevant to the proposal or refusal:

Per our conversation on (date) you said that the testing we discussed and evaluation plan for (student) was sufficient and there were no other areas of concern you have or wanted to have addressed at this time.

5-5. Other factors relevant to the proposal or refusal:

At (student's) parent/teacher conference, you expressed concerns with (student) organizational skill and his inability to sit still at home. You also indicated that he does not bring home his take-home reading books to practice. All of these issues will be addressed at the meeting following the initial evaluation.

5-6. Other factors relevant to the proposal or refusal:

Please contact the district if you have pursued guardianship and parental rights will be maintained. We will need a copy of the guardianship for the educational record.

5-7. Other factors relevant to the proposal or refusal:

(Student) is currently receiving (medication) to assist in managing (his/her) behavior. (Student) has been on this medication since (date).