



Guidance for Notice

Author: Michigan Department of Education, Office of Special Education

Last updated: 5/10/17

What is notice?

Notice is written information given to the parent by a district to explain an action the district wants to take, or is refusing to take, with a student who has a disability or is suspected of having a disability. Notice provides the reason(s) that the district is proposing or refusing an activity. Notice must always be given before consent is requested. The parent needs the information in the notice to make an informed decision about providing consent.

When is notice required?

Notice is required when an activity relates to:

1. Identification
2. Evaluation
3. Educational placement
4. Provision of a free appropriate public education (FAPE)

What information must be provided in the written notice?

The notice must include:

- A description of the action proposed or refused by the district.
- An explanation of why the district proposes or refuses to take the action.
- A description of each evaluation procedure, assessment, record, or report the district used as a basis for the proposed or refused action.
- A statement that the parent has protection under the procedural safeguards and how a copy of the procedural safeguards can be obtained.
- Sources for the parent to contact to obtain assistance in understanding the law.
- A description of other options that the individualized education program (IEP) team considered and the reasons why those options were rejected.
- A description of other factors relevant to the district's proposal or refusal.

Is notice the same as consent?

No. Notice is information provided to explain activities that the district wants to complete or the reason(s) the district is refusing to complete an activity. Consent is the process of obtaining formal permission from the parent to complete the activity. Notice should always be provided in writing and prior to requesting consent.

Is notification the same as notice?

No. Notification is a more informal process. It is not required to be in writing. Consent would never be requested following a notification.

Written notice is required in the following examples related to:

Evaluation

- Prior to requesting consent.
- When a district says “No, not now.”
- Following a written request for an evaluation.
- When no further information is necessary to continue eligibility.

Identification

- Prior to identification as a student with a disability.
- Following a parent’s refusal to give consent.
- Following a request for change in eligibility.

Educational Placement

- Any change of placement, including graduation and disciplinary changes of placement.
- Any change in the continuum of placements.
 - The continuum of placements is outlined in § 300.115 of the IDEA and includes instruction in general education classes, special classes, special schools, home instruction, and instruction in hospitals and institutions, as well as resource and itinerant instruction in conjunction with general education class placement.
- Proposal or refusal to provide a particular educational setting.
- Proposal or refusal to provide a requested special education program.



The Provision of FAPE

- Any time the contents of an IEP are changed.
- Following revocation of consent.
- Following enrollment of a student who was receiving special education programs or services in a previous district.