

Quick Reference Guide



Notice for Provision of Services and Programs

Tips for Developing a Quality and Compliant Individualized Education Program (IEP)



Michigan Department of Education
Office of Special Education and Early Intervention Services

The purpose of the Notice for Provision of Services and Programs is to inform; it is also the evidence of the district’s offer of a Free Appropriate Public Education (FAPE). It is required that the district provide Notice for the Individualized Education Program (IEP) process. Though the Notice document is not part of the IEP form, it is an essential part of the IEP process and aligns with the IEP form. Adopting a uniform standard for the Notice document is beneficial and helps meet compliance requirements.

Reasons for Providing Notice: Notice is sent either to offer a provision of a FAPE or to provide notice that the student was not found eligible for special education. There are two Notice forms—*Notice for Initial Provision of Services and Programs* and *Notice for Provision of Services and Programs*. Use *Notice for Initial Provision of Services and Programs* to conclude the process for IEP team meetings resulting from an initial evaluation. Use *Notice for Provision of Services and Programs* to conclude the process for all other IEP team or related meetings (i.e. reevaluation, annual/review, or amendment). **[§ 300.503(a)]**

Notice for Initial Provision of Services and Programs

The *Individuals with Disabilities Education Act* (IDEA) mandates that the district provide written notice to the parent when the district proposes to initiate or change the educational placement of the student or the provision of a Free Appropriate Public Education (FAPE) to the student; or when they refuse to initiate or change the educational placement of the student or the provision of a FAPE to the student.

You are receiving this notice for: _____
(student name)

You are receiving this notice because we are proposing to implement your student’s initial Individualized Education Program (IEP) with the IEP team meeting date of _____. **Parent consent is required for the initial provision of programs and services within 10 calendar days (see shaded box below to provide consent).** Pending receipt of parent consent, the programs and services will begin on _____ and will be located at _____.

Upon district signature (see bold box below), this notice and the student’s IEP constitute the district’s offer of a FAPE.

Initial Provision of Services and Programs—In cases where an initial IEP is being offered to the student, consent is required from the parent before the IEP can be implemented. The section indicating an offer of an initial FAPE at the top and the Parent Consent section at the bottom are in gray boxes to reinforce their connection.

The date of the IEP team meeting identified on the top left corner of the IEP form must match the IEP team meeting date identified in the Notice form. A district has 7 calendar days to provide Notice to the parent following the conclusion of the IEP team meeting. **[R 340.1722(a)(1)]**

The implementation date is also a requirement for Notice. Establishing the implementation date of an initial IEP must be a thoughtful process. The *Michigan Administrative Rules for Special Education* (MARSE) requires that a district implement an IEP for a student within 15 school days of providing Notice to the parent. **[R 340.1722(a)(2)]**

However, a district must receive parent consent before implementing an initial IEP. If a parent does not provide

Reasons for Providing Notice continues on next page

Checklist

- The IEP team meeting date matches the IEP team meeting date on the IEP form.
- The purpose of the meeting on the IEP form is aligned to the purpose of the Notice for the Provision of Programs and Services.
- During the course of the IEP meeting, if there were options considered but not selected, they are identified in the Notice form.
- If there were other factors relevant to the district’s proposal or refusal, they are indicated on the Notice form.
- If this is the first IEP team meeting for a student placed in a non-resident district, the resident district determined who will be responsible for conducting subsequent IEP team meetings.
- The Notice form was signed and dated within 7 calendar days of the date of the concluded IEP team meeting.
- Procedural Safeguards Notice* was provided to the parent (must be done at least annually).
- Additional sources are identified to assist the parent in understanding their rights.
- If this is an initial IEP, parent consent for implementation was requested.

written consent to the district within 10 calendar days of receiving Notice, the district is not required to implement the initial IEP. **[R 340.1722(a)(3)]**

If a parent does not provide written consent or refusal within 10 calendar days of receipt of Notice, it is recommended that the district (after making additional attempts to contact the parent) inform the parent in writing of the district's decision to close the IEP process without implementation.

You are receiving this notice because your student was found ineligible for special education programs and services at the Individualized Education Program (IEP) team meeting, dated _____.

Ineligible (Initial)—If the IEP team finds the student not eligible, parent consent is not required. The district will meet its obligation for the IEP process upon providing Notice to the parent.

Notice for Provision of Services and Programs

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You are receiving this notice for: _____ (student name)

You are receiving this notice because we are offering the provision of a FAPE. The programs and services will begin on _____ and will be located at _____. This proposal is the result of the Individualized Education Program (IEP) team meeting, dated _____, that was convened for the purpose of:

Check one of the following:

- Annual/Review IEP
- Reevaluation IEP

Check all others that apply:

- Change of Placement
- Suspension/Expulsion
- Graduation
- Other: _____
- Transition
- Change of Eligibility
- Other: _____

Upon district signature (see bold box below), this notice and the student's IEP constitute the district's offer of a FAPE.

Review/Reevaluation IEP—The purpose of the meeting, the IEP team meeting date, and the implementation date identified in *Section 1* of the IEP form must match the documentation on the Notice form.

You are receiving this notice because we are offering the provision of a FAPE. This proposal is the result of the Individualized Education Program (IEP) Amendment, dated _____.

Amendment—If an IEP amendment was held to make minor changes to a student's IEP according to the requirements set forth at § 300.324(a)(4), the district must complete this section, including the date of the amendment in order to meet the obligation of Notice.

You are receiving this notice because your student was found ineligible for special education programs and services at the Individualized Education Program (IEP) team meeting, dated _____, that was convened for the purpose of a reevaluation IEP.

Ineligible (Reevaluation)—If the IEP team finds the student not eligible, the district will meet its obligation for the IEP process upon sending Notice to the parent.

Resources

- *Procedural Safeguards Notice*
www.michigan.gov/documents/mde/May09-ProceduralSafeguardsNotice_278611_7.pdf
- *Michigan Administrative Rules for Special Education (MARSE)*
www.michigan.gov/documents/mde/MARSE-April09_274156_7.pdf
- Michigan Special Education Mediation Program (MSEMP)
<http://msemp.cenmi.org>
- *Individuals with Disabilities Education Act (IDEA, Federal Regulations)*
<http://idea.ed.gov>
- *A Seven-Step Process to Creating Standards-Based IEPs*
www.cenmi.org/documents/sevensteps.pdf

The IEP describes each evaluation procedure, assessment, record, or report used in this offer of a FAPE. In the course of the development of the IEP, other options (e.g., programs and services, supplementary aids and services) considered but not selected were:

Option Considered but Not Selected	Reason Not Selected

No other options were considered.

Options Considered but not Selected: The IEP form and the Notice form are designed to talk to each other. Therefore, it is recommended that a district use the Notice form at the IEP team meeting to capture items that were considered but not selected. The reason for the non-selection is also required. As is always practiced throughout the IEP process, provide an evidence- and data-based decision when providing the reason for non-selection.

Other factors that are relevant to the district's proposal or refusal (describe): _____

There are no other factors that are relevant to the district's proposal or refusal.

Other Factors: Describe any other factors leading to the proposal or refusal of programs and services discussed during the IEP meeting.

If the IEP team has determined that programs and services will be provided in a district other than the student's district of residence:

The resident district authorizes the operating district _____ to conduct subsequent IEP team meetings.

The resident district will conduct subsequent IEP team meetings.

Resident/Operating District: The first IEP team meeting conducted on behalf of a student who is being placed outside of the district must be convened by the resident district. All subsequent meetings may be convened by the operating district if the resident district provides permission on the Notice form.

When a resident district authorizes an operating district to conduct subsequent IEP team meetings, the operating district is in the position to offer a FAPE.

The Procedural Safeguards Notice you received when the district requested your consent for the initial evaluation describes protections under the IDEA. The Procedural Safeguards Notice is also available at www.michigan.gov/documents/mde/May09_ProceduralSafeguardsNotice_278611_7.pdf.

The following sources are available to assist you in understanding your rights:

Procedural Safeguards Notice: *Procedural Safeguards Notice* must be provided to parents at least once a year. **[§ 300.504(a)]**

Additionally, a best practice is to take the time to assist parents in understanding their rights.

Procedural Safeguards Notice continues on next page

The Notice must state that the parent has protection under the procedural safeguards and provide a way in which a copy of the *Procedural Safeguards Notice* can be obtained.

[§ 300.503(b)(4)]

It is also required that a district provide additional resources to parents in order to assist them in understanding their rights. **[§ 300.503(b)(5)]**

<input checked="" type="checkbox"/> Signature of Superintendent or Designee _____	_____ Date
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Signature of Superintendent or Designee: The signature and date on the Notice form and the accompanying IEP form together constitute the provision of Notice.

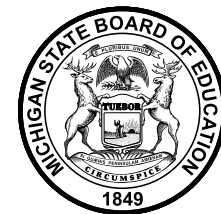
PARENT CONSENT	
<input type="checkbox"/> I give consent for the initial provision of special education programs and services.	
<input type="checkbox"/> I refuse consent for the initial provision of special education programs and services.	
<input checked="" type="checkbox"/> Signature of Parent _____	_____ Date

Parent Consent: Parent consent is required for the initial provision of programs and services. After receiving Notice from the superintendent or designee, the parent has 10 calendar days to provide the district with written consent for special education programs and services.

[R 340.1722(a)(3)]

Parent consent is not required after the initial provision of consent is provided. Should a parent wish to disagree with the outcome of an IEP team meeting, they may enlist their rights as identified in the *Procedural Safeguards Notice*.

Options for disagreeing/dispute resolution may include but are not limited to: requesting additional evaluations, requesting a new IEP team meeting in order to bring different participants to the table, requesting an IEP facilitator, requesting mediation, or filing a due process hearing complaint.



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