

The following tips are compiled from the monthly updates. They are sorted by topical areas, and will be updated quarterly.

Assistive Technology

Ensuring Access to Assistive Technology Devices

Originally printed in the March 2011 Monthly Update

Assistive technology devices, like any other piece of equipment, have the potential for needing repairs or replacement. When students require an assistive technology (AT) device, a district is required to provide the device within a reasonable amount of time after implementing the IEP. And, the AT needs to be working properly. Having a plan in place to repair or replace devices will help district staff know how to respond to a broken device, and will let parents know that the district is working towards a solution. Some things to keep in mind:

- When developing a student's IEP, the IEP team should discuss whether a *specific* device is required or a *type* of device is required. If a specific type of device is required, know if it will take more time to repair or replace that device, and consider having a backup up plan in the event the device does not work properly.
- Know who to go to for repairs or replacements. Is there a district nearby that uses a similar or the same device? Is there someone in the area that can make repairs or provide parts? Will you need to go the manufacturer directly?
- Know how much repairs or replacement devices will cost. Talk to your business manager to learn how the purchasing process works in your district, and to make sure that there are funds available for unexpected repair or replacement costs.
- Know how much time it will take to make repairs or replace a device, and keep parents informed. Have an alternative in place for the student for the time it will take to make repairs or replace a device.

The Special Education Technology Center (SETC) is one of OSPI's state needs projects, and assists school districts and parents with the special technology needs of children with disabilities. The SETC can assist you with questions, planning, staff development, and has a lending library available for district use. Information about the SETC can be found on OSPI's website at:

<http://www.k12.wa.us/SpecialEd/stateneeds/SpecEdTechCtr.aspx>.

Who does assistive technology evaluations? What types of assessments are used?

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This depends on the student's unique needs and the information obtained about the student's ability to access his educational program. The information could come from a review of the existing data, evaluations by related services providers or others with knowledge about the student. The Special Education Technology Center (SETC) is one of OSPI's state needs projects, and assists school districts and parents with the special technology needs of children with disabilities. The SETC can assist you with questions, planning, staff development, and has a lending library available for district use. Information about the SETC can be found on OSPI's website at: <http://www.k12.wa.us/SpecialEd/stateneeds/SpecEdTechCtr.aspx>. Depending on the student's particular needs, the ESDs may also be a source for technology information.

Consent

Initial Consent for Special Education Services

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Districts know they must receive a parent's informed written consent before the district may begin providing a student with special education services. However, trying to obtain parent consent at an IEP meeting becomes difficult when parents do not agree with the IEP, or if the parent disagrees with proposed placement options after the IEP meeting. Consider the regulatory language regarding obtaining parent consent for initial services at WAC 392-172A-03000(d):

If the parent of the student refuses to consent to the initial provision of special education and related services, or the parent fails to respond to a request to provide consent for the initial provision of special education and related services, the school district:

- Will not be considered to be in violation of the requirement to make available FAPE to the student for the failure to provide the student with the special education and related services for which the school district requests consent; and
- Is not required to convene an IEP team meeting or develop an IEP.

Given this language, consider whether the evaluation group should address and obtain parent consent at the eligibility meeting. If done prior to IEP development this may assist both district staff and parents in understanding that informed consent is for the purpose of receiving special education services, and is not an agreement or disagreement about particular services, the delivery of services, or the IEP team's decisions about placement.

Revocation of Consent for Continued Services

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Parents have the right to revoke consent for continued special education. However several issues have come up that call into question the voluntary nature of some parent revocations. When a parent revokes consent for special education, that revocation is voluntary. After a district receives a written revocation, they must provide the parent with a prior written notice. The purpose of prior written notice is to explain the effects of a revocation, and to set a future end date for services, so that a parent understands the implications of revocation and can change their decision, prior to the date services will stop.

Sometimes parents may be applying for other programs within the district, or for acceptance in another district. In addition to non-resident transfers from one district to another, other district programs include: alternative programs, homeschool retrieval programs, and online programs. Personnel responsible for talking to parents may not suggest, or imply, that a parent can not apply to these other programs due to eligibility for special education services. They may not require revocation as a condition of acceptance into a program. Nor can they suggest that it would be easier if parents would just revoke consent for special education, to make the application process faster and more likely to result in acceptance. Districts need to make sure that anyone responsible for processing or acting on applications are aware of both special education rules regarding revocation and prohibitions against discrimination under Section 504 of the Rehabilitation Act, and other federal and state non-discrimination issues.

Days

Calculation of Days

Originally printed in the May 2011 Monthly Update

As districts near the end of the school year, it is a good time to remember how to calculate days. Unless specified as a school day or business day, a day is a calendar day. When a requirement is related to calendar days, districts must meet these requirements even if school is not in session.

Examples:

- An IEP team must develop an IEP 30 days after a student is determined eligible. So if eligibility is determined on May 25, the IEP must be developed by June 24.
- A district receives a request for a due process hearing on June 15. The district must hold a resolution session with the parent within 15 days after receiving the request, or, by June 30. Prehearing conferences and other matters will occur during summer break, even if a continuance of the actual hearing date is granted at the request of one of the parties.
- Investigation timelines for citizen complaints are 60 days after we receive a complaint. This means that even during summer break, we will need a response from the district within 20 days.

Please note, when developing an IEP for a student who will be transitioning from Part C to Part B, the IEP needs to be developed by the student's third birthday. If an eligibility determination is reached less than 30 days prior to the student's third birthday, the timeline is shortened. If eligibility is determined more than 30 days prior to the student's birthday, the 30 day timeline applies.

Dispute Resolution

Implementing Agreements and Completing Corrective Actions in Citizen Complaints and Due Process Decisions

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The following dispute resolution options are recognized under the Individuals with Disabilities Education Act (IDEA): Mediation Agreements; Resolution Agreements; Citizen Complaints; and, Due Process Hearings. Implementation of decisions issued in a citizen complaint or a due process hearing are reviewed by OSPI. Allegations that a district has not implemented a resolution or mediation agreement may also be raised in a citizen complaint. Failure to implement due process hearing and citizen complaint decisions can result in further corrective actions or other sanctions, which can include fund withholding. Districts should have internal systems in place to address implementation of agreements and decisions. The following are suggested ways to make sure that a district is addressing implementation of dispute resolution options:

Mediation and Resolution Agreements:

- Review the agreement and determine who needs to be informed of the agreement and any actions that are needed. This can include both special education and general education staff with responsibility for implementing the IEP.
- Make sure that all dates for implementation are calendared when there is more than one activity to be completed.
- Follow-up with documentation to the parent regarding step(s) taken to implement the agreement and completed activities.

- If needed, review the events that led to the request for mediation or request for hearing that resulted in an agreement. If there are steps that the district can take to address any of the procedural issues, consider follow-up written guidance, or staff training that can prevent the same issues from recurring for other students.

Citizen Complaints:

- Review the decision. If there are corrective actions in the decision, they will address any student specific corrective actions and/or any district specific actions that are designed to prevent the violations from recurring.
- Inform any staff of the complaint decision and any steps that are needed to complete the corrective actions. This can include both special education and general education staff with responsibility for implementing the IEP.
- Make sure that any required corrective actions are calendared and completed before the dates for implementation and documentation required for OSPI.
- Make sure that corrective actions are being implemented. If there is a legitimate need for an extension, notify OSPI of the request and the reasons, to see if an extension for one or more corrective actions can be granted.
- Provide documentation of corrective actions to the OSPI contact person within required timelines.
- Implement any student specific and district specific required actions.
- Provide all final documentation to OSPI.

Due Process Hearing Decisions:

- Review the decision and determine who needs to be informed of the decision and actions that are needed as part of the order. This can include both special education and general education staff with responsibility for implementing the IEP.
- In addition to any student specific actions, review the conclusions to determine whether there are procedural violations, because the district must also take steps to address these procedural violations to prevent the same issues from recurring for other students.
- Implement the order. Make sure the steps outlined in the order are calendared and completed before the dates required for implementation in the due process decision.
- Provide staff training, written guidance, or take other steps to address procedural violations noted in the decision.
- Document steps taken to implement the decision.
- Address both student specific and district systemic actions taken to address the decision in the iGrants form package 267-Federal IDEA B application.

Resolution Meetings for Due Process Hearing Requests

Originally printed in the April 2011 Monthly Update

When parents request a due process hearing, districts must have a meeting scheduled within fifteen days of receiving the parent's notice of a hearing request. When the due process hearing request involves discipline, the timeline for the resolution meeting is seven days from the district's receipt of the request. OSEP has been very clear that the initial meeting must meet the timeline, even if the parent has indicated they cannot or will not participate within that time frame. Districts do not have to convene the resolution meeting if: 1) the parents and district have a written agreement to waive the resolution meeting; or 2) the parents and district have agreed in writing to mediate. This is important because meeting timelines for convening resolution meetings is one of the compliance indicators and can affect a district's determination regarding timely compliance.

OSEP states that the district should schedule and convene the meeting within the fifteen day (or seven day for discipline) timeframe. For non-discipline related hearing requests, the district can schedule a second meeting or continue to try to resolve the issues identified in the due process request within the 30 day time frame.

Districts should take the following steps when the district receives the parent's due process hearing request:

- Check the calendar so that you can determine meetings dates within the time frame.
- Identify which team members will attend the resolution meeting and identify potential dates.
- Notify the parents of potential dates and invite them to the resolution meeting. (You may not have an attorney present at this meeting unless the parent is inviting an attorney to the meeting.)
- Notify the ALJ assigned to your case of the resolution meeting date.
- Notify the ALJ assigned to your case if you and the parents have a written agreement to waive the resolution meeting or a have written agreement to mediate. Waiving the resolution meeting affects the timelines for the beginning of the 45 day hearing.
- If the parents will not participate in the resolution agreement (and there is no agreement to waive the resolution meeting) notify the ALJ. This also can affect the timeline for the beginning of the 45 day hearing.
- Notify the ALJ if after the resolution meeting (or mediation) the parties cannot reach agreement. This also can affect the timeline for the beginning of the 45 day hearing.
- Finally, if the parties do reach a written agreement through the resolution process, notify the ALJ that the dismissal is based on a written resolution agreement.

More information on resolution meetings, and forms for use to document waivers and agreements are on OSPI's website in the dispute resolution section. Please look for "Information on Resolution Sessions".

Enrollment

Information on Part Time Enrollment

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We receive many calls from parents and districts with questions about part-time enrollment. The regulations addressing part-time enrollment are available at [WAC 392-134](#). Districts are encouraged to familiarize themselves with these regulations. Based on the regulations, parents who have enrolled their child in a private school, or who are homeschooling their child are **entitled** to enroll to take any course, receive any ancillary service, and take or receive any combination of courses and ancillary services which is made available by a public school to full-time students who are residents of the district. When the student is enrolled in a private school, the ability to part-time enroll is for any course, ancillary service, or activity not offered in the private school. Districts may also choose to allow part-time enrollment of non-resident students by following the non-resident attendance laws (Choice).

The following are questions we have received:

If a parent wishes to part-time enroll their child for only one of the services available to them, don't they have to access all of the special education services or provide us with a revocation of special education services?

No. Under the part-time enrollment rules, a parent is entitled to enroll the student to take **any** course, receive any ancillary service or a combination of courses or services. Again, when the student is enrolled in a private school, the student can enroll in courses or receive ancillary services not offered by the private school. Districts should describe in the IEP the services the student would receive if full time enrolled, and then address the special education services, including any supplemental supports and accommodations the student will receive during his or her part-time attendance.

What is the difference between part-time enrollment and services to private school students using proportional share?

When a student is part-time enrolled, the services to be delivered are described in the student's IEP. Those courses and services are provided on the public school grounds, or a site under the control of the public school. Transportation to the public school is not required, unless it is needed as a related service. Districts may not require unilaterally enrolled private school students to part-time enroll to receive special education services. Part-time enrollment is at the election of a parent.

When a student will be receiving equitable services under IDEA's unilateral enrollment proportional share process, the services or other supports are described in a services plan. Services may occur at the site of the public or private school, depending upon the decisions made about the location of services through the consultation process. The district must provide transportation, if the student needs to be transported to participate in the proportional share services. The cost of transportation may be included in calculating whether the district is meeting its proportional share costs.

Can a parent use part-time enrollment to change his or her Least Restrictive Environment (LRE)?

No. The part-time enrollment provisions do not change the determination of LRE.

A final note: Do not confuse a student who is homeschooled with a student who is participating in an alternative education program. Some district alternative programs are provided to parents who have been providing home school services to students. When a student is attending a district's alternative program, the student may be once again full-time enrolled in a district. It is critical that district alternative education program administrators coordinate with their district special education administrators.

Individualized Education Program (IEP)

Accommodations

Originally printed in the December 2011 and January 2012 Monthly Updates

Students who are eligible for special education may need accommodations that allow them to participate in state-wide testing and in their general education settings. These accommodations can be provided across settings and in general education classes. IEP teams determine what accommodations are needed as part of the IEP development process. When determining what accommodations a student may need teams should consider the following questions:

What accommodations are needed to allow the student to access his or her general education program?

Often, teams agree to the list of accommodations that parents request. Sometimes, IEPs contain so many accommodations that implementation can be difficult. Teams should look at the accommodations to determine which ones are appropriate for the student. The participation of a general education teacher is critical in assisting the team in determining what accommodations are appropriate, and in determining the settings for particular accommodations.

Are the listed accommodations clear to providers, parents, and students?

When determining accommodations, the team should be clear about the extent of the accommodation. Does preferential seating mean near the front of the class? What does "as needed" mean and who determines who needs it, the provider or the student? If providing extra time for homework assignments, what does that mean? Does it mean to the end of the year, within a week? Is extra time needed for any homework assignment, or is it needed for certain types or lengths of assignments.

Developing accommodations that are appropriate to the student and being specific about the implementation requirements assists all providers to meet their responsibilities for implementing IEPs. Make sure that providers are aware of the accommodations specific to their classroom, and make sure they understand their obligations to implement the IEP. Again, general education teacher involvement in IEP development and their input into the needs of particular students will assist in addressing the accommodations a student needs.

Completing Annual IEPs

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Meeting annual IEP timelines is important. Equally important is parent participation in the IEP team process. For a majority of IEP team meetings, the annual meeting is the one time all team members meet with the parent. It is an opportunity for all team members to provide input. OSPI receives questions about requirements for completing annual IEPs when parents disagree with the IEP. Here are the following suggestions:

What to do:

- Schedule the meeting in advance of the annual due date, especially when the team is aware that there may be disagreements.
- Ensure that all team members can attend, and that the meeting is scheduled at a mutually agreeable time and place with the parent. If after scheduling a meeting, a team member cannot attend, be sure to follow the procedures for excusal, or if there is not consent/agreement by the parent and district, then reschedule the meeting. If the district cannot convince the parent to participate, either personally or by other means, and it has documented its efforts to obtain participation, the district can hold the meeting.
- If after the meeting, there are still areas on the IEP needing to be addressed, schedule another meeting.
- If after the meeting or meetings, the district believes it has offered FAPE, prepare the prior written notice to be provided to the parent, including proposals and refusals, and state the date the IEP will be implemented.

What not to do:

- Do not call the parent a day or two before the annual due date, to inform them that their only option is to meet right away, and that the meeting will go forward without their participation.
- Do not call the parent a day or two prior to the meeting to inform them that not all team members can attend, but that the case manager will be sure that everybody signs the IEP.
- Do not ask the parent to review and sign the IEP without a meeting with assurances that the “entire” team will meet later.
- Do not tell a parent that without their signature noting their participation, the district cannot provide the student with services.

IEP Amendments

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After an IEP team develops a student's annual IEP, the parent and the school district can agree to make changes through an amendment. These changes can be made by the entire IEP team, or if the parent agrees, the amendment can be made without the entire IEP team present. If the IEP is modified using an amendment, either the district can note those changes on an amendment form, or it can revise the current copy of the IEP with the amendments incorporated into a revised document. A parent can request that the entire IEP be modified. Keep the following tips in mind when using an amendment process.

- Amendments do not extend the annual date of the IEP.
- Amendments are not retroactive.
- Do not amend the IEP and then ask the parent if they agree to an amendment. Either convene the entire IEP team, or obtain the parents agreement to amend the IEP without the entire IEP team BEFORE amending the IEP.
- Make sure that the document, whether an amendment form, or a revised IEP with the amendments contained in the entire document, clearly explains what areas are amended, including changes to the summary of services, if needed.
- Make sure that all team members are aware of the amendment, and make sure that all providers are aware of any changes to their responsibilities.

IEP Meeting Facilitations

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Sound Options is available to conduct IEP meeting facilitations at a parent's or a district's request. An IEP meeting facilitator is NOT a mediator and he or she is not a member of the IEP team. The facilitator's role is to ensure that during an IEP meeting, the IEP team addresses all matters on the meeting agenda, and assist the meeting process so that all team members participate and are provided an opportunity to provide input so that the IEP team can reach decisions about a student's program. Both a parent and a district must agree to the use of an IEP team meeting facilitator.

To request an IEP team meeting facilitator, call 1-800-692-2540 (Seattle area: 206-842-2298; TTY: 1-800-633-6388). Please be sure that when you finalize your IEP meeting date, all district IEP team members will be attending the meeting. If they are not attending the meeting, follow the rules for excusing team members. Team members should discuss the anticipated length of the meeting directly with Sound Options. Finally, OSPI is providing the IEP facilitator at no cost to parents and districts, and the facilitator service is intended to be available at no cost for one IEP team meeting facilitation per student per year. If the team requires an additional facilitation to complete the process, OSPI and Sound Options will review the request for an additional facilitation, on a case by case basis. Nothing prevents districts from paying for additional IEP meeting facilitations. For more information contact Beth Hebert at bethh@somtg.com.

Progress Reporting

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IEP teams must address how a district will measure a student's progress towards meeting annual goals and when the district will provide periodic reports on the progress the student is making towards meeting his or her annual goals. Many districts provide progress reporting at the same time the district issues progress and grade reports to all students. However, the general education progress report, or report card alone, is not a progress report that describes the progress a student is making towards an annual goal. Progress reporting is an important component that informs parents and IEP teams whether an IEP may need to be adjusted prior to the annual date to address lack of expected progress, or to address more than expected progress.

At the IEP team meeting:

- For each goal, determine when the district will provide progress reporting and what the district is using to measure progress. Document this in the IEP.
- Make sure that the periodic reporting is no less frequent than identified in your district's procedures.

After the IEP meeting:

- Use the data and methods described in the IEP provide progress reporting to address how the student is or is not making progress.
- Keep the data that is used to address progress.
- Make sure that progress reporting occurs consistent with the frequency described in the IEP.

Using progress reporting in the manner it is intended can resolve future disputes over the provision of special education services to address annual goals, and the appropriateness of the services.

Transfer Procedures for Students Moving Into Your District

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OSPI continues to receive questions about required procedures for students who transfer from programs within the state and from programs out of the state of Washington. OSEP provided guidance on this issue prior to IDEA 2004. The guidance was codified into rule in 2006. Any student who transfers from another school district with a current IEP, whether from Washington State or another state, should be provided services that are comparable to the services on the current IEP, and that will provide a free appropriate public education to the student. The determination of what are comparable services is done through consult with the parents. The provision of comparable services continues until the district adopts the student's IEP from the previous school district or develops, adopts and implements a new IEP in accordance with IEP development rules. While comparable services do not necessarily mean the exact replication of the services, they should approximate as close as possible, the services and placement options.

What is the requirement for annual IEPs? Is it the meeting date or the effective date?

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Based on the regulations at 392-172A-03105(3):

Each public agency must ensure that the IEP team:

- a) Reviews the student's IEP periodically, but not less than annually, to determine whether the annual goals for the student are being achieved; and
- b) Revises the IEP, as appropriate, to address:
 - i. Any lack of expected progress toward the annual goals described in WAC [392-172A-03090](#) (1)(b) and in the general education curriculum, if appropriate;
 - ii. The results of any reevaluations;
 - iii. Information about the student provided to, or by, the parents, as described under WAC [392-172A-03025](#);
 - iv. The student's anticipated needs; or
 - v. Other matters.

IEPs must be reviewed and revised annually, or sooner through an IEP meeting. Additionally, district's should provide prior written notice to parents addressing the decisions a reasonable time before implementation (to preserve a parents right to "stay put" in a due process proceeding). Best practice would be to schedule the IEP team meeting with enough time prior to the expiration of the IEP and on or before the anniversary of the IEP meeting to ensure that the IEP team has enough time to review and revise the IEP. Example: Last IEP meeting was held on January 4. Implementation of the IEP began January 10. The IEP is effective January 10 through January 9 of the following year (assuming it is not revised prior to that date). The following year, the meeting must be held no later than January 4, and the effective date of the IEP must be no later than January 10.

What is the requirement for designating a student's course of study?

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IEP teams are required to address: the transition services including courses of study needed to assist the student in reaching his or her post-secondary goals. See: 392-172A-03090(1)(j)(ii). So depending on the post-secondary goals, what are the courses of study needed to address his or her post-secondary goals related to education, training, employment, and if appropriate independent living skills? Does the student need to participate in vocational training? Is the student planning to attend a four-year college? The post-secondary goals need to be reviewed annually in order to determine the courses of study for the student. This is not necessarily a recital of the "classes" in which a student will be enrolled. It should address the types of courses the student will need to meet his post-secondary goals. Please see OSEP's revised questions and answers related to IEPs and secondary transition.

Private Placement

Parentally Placed Private School Children

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Annual Count of Eligible Parentally Placed Private School Children: Under the IDEA 2004, school districts/ESAs are responsible for conducting an annual count of special education eligible students unilaterally placed by their parents in approved private, non-profit elementary or secondary (**K-12**) schools located within the district/ESA. This count must occur annually on a **district selected date between October 1 and December 1** selected by the district (WAC 392-172A-04015). This student count is part of the calculation that the district will use to determine the amount of IDEA Part B funding that must be expended on special education services to parentally placed private school children in the next school year.

Districts are to count children who:

- Are enrolled in grades K-12; and,
- have been evaluated and found eligible for special education and related services (1) but **are not** receiving services OR (2) **are receiving** a service(s) not offered by the private school through either (a) **a services plan** or (b) **an IEP with part-time/dual enrollment in the school district**.

The district should maintain a record of students and schools included on the count, as well as the count date. The results of this count are reported in the following year's federal fund application (form package 267) as part of the proportionate share calculation.

Consultation with Private Schools under IDEA: The US Department of Education updated its publication titled [Individuals with Disabilities Education Act \(IDEA\): Provisions Related to Children with Disabilities Enrolled by Their Parents in Private Schools](#) in March 2011. Districts may find the following description (pgs. 5-6) of the IDEA consultation process from this document helpful as they design this year's process.

“Consultation is essential for ensuring that LEAs provide parentally placed private school children with disabilities an opportunity for equitable participation in programs assisted or carried out under *IDEA*. LEAs are required to consult with both **private school representatives and parent representatives of parentally placed private school children with disabilities**. The consultation process should occur **throughout the school year** so that parentally placed private school children with disabilities identified through the child find process can meaningfully participate in special education and related services as determined as a result of the consultation process.”

Consultation meetings should include a discussion of the following topics:

- The **child find process**, including:
 - how children suspected of having a disability can participate equitably; and
 - how parents, teachers, and private school representatives will be informed of the process.
- The determination of the **proportionate share** of federal *IDEA* funds, including how that share was calculated.
- **How, where, and by whom special education and related services will be provided** including a discussion of:
 - the types of services, including direct services and alternate service delivery mechanisms;
 - how special education and related services will be apportioned if funds are insufficient to serve all parentally placed private school children with disabilities; and
 - how and when these decisions will be made.
- The **consultation process** among the school district, private school representatives, and representatives of parents of parentally placed private school children with disabilities, including how the process will operate **throughout the school year** to ensure meaningful participation of these children in special education and related services.
- How the LEA will provide a written explanation to the private school representatives if the LEA disagrees with their views on the provision of services or the types of services.

At the **conclusion of the consultation process** for the school year, the district/ESA must obtain a **written affirmation** from the private school representatives who participated in the consultation process that timely and meaningful consultation occurred over the school year. OSERS advises in the Private School Q&A that, “Some have asked if signing an attendance sheet at a meeting is all that is needed to document adequately that timely and meaningful consultation has occurred. Though these attendance sheets provide an accounting of who has attended meetings, the sheets themselves do not provide evidence that ongoing consultation has occurred. Therefore, the written affirmation signed by the representatives of the participating private schools should reflect that those officials have indeed participated in timely and meaningful consultation that has continued throughout the school year. If the representatives do not provide the affirmation within a reasonable period of time, the LEA must forward the documentation of the consultation process to the SEA” (Question A-3).

Additional information about the IDEA consultation process can also be found throughout the [Questions and Answers on Serving Children with Disabilities Placed by Their Parents in Private Schools](#).

Do IEP teams need to offer an IEP to a student attending a private school before developing a services plan?

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No. Parents give consent for the receipt of special education services, not consent for the specific amount or type of services on an IEP. If this is a newly eligible student who is enrolled in a private school, the evaluation group should obtain consent for the receipt of special education services after the eligibility determination. This way, the district knows who has provided consent for services, and can use this information to calculate the number of eligible students for proportional share purposes. The parent can elect to enroll the student full-time or part-time in the resident district (or follow non-resident enrollment procedures if the parent wishes to enroll the student in a non-resident district.) Those students not enrolled by parent election in a public school are the students who will be considered for services using a service plan, through the district's consultation process.

Procedural Safeguards

Prior Written Notice

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Prior written notice was a topic presented at the Special Educator's WASA conference in August and is a procedural area that continues to be addressed in our citizen complaints. The Office of Special Education Programs (OSEP) provided guidance in [Letter to Lieberman](#) about this subject. In addition, OSPI prepared a one page topic paper addressing prior written notice, with an emphasis on its use to address decisions made at IEP meetings in response to districts' and parents' proposals and refusals addressing identification, evaluation, placement and provision of FAPE to a student. Please share this [Understanding Prior Written Notice](#) document with district staff responsible for generating prior written notices.

Transportation

Transportation

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The beginning of the school year raises transportation issues for school districts. When teams address whether the student needs transportation as a related service, some of the considerations are:

- The ability of a student to safely access the regular route and bus.
- Any special procedures required by the student, and the effect of needed procedures to access the regular route and bus.
- Pick-up and drop off locations for a student.
- Communication with the transportation department.

OSEP issued a [question and answer document](#) addressing transportation in November 2009.