

To:

Re:

Subject: **The school district does not intend to act:**

- Refusal to Evaluate
- Finding of No Eligibility
- Refusal of Requested Services
- Other: _____

[Please specify.]

Notice Date:

The school district has recently discussed this student with you. We now write to tell you of our determination that your child is not eligible for special education services. We have described our reasons for this determination on page two of this memo.

As you know, special education regulations provide protection to you and your child. You will find specific information about your legal rights within the enclosed *Parents' Rights Brochure* including sources that you may contact for help in understanding your rights. You should carefully review this brochure and the enclosed material.

The school district staff is available to speak to you or meet with you about your rights and the school district's refusal to act. We strongly encourage you to call us if you have any questions. Please contact us through the district contact person listed below. Thank you.

District Contact Person:

Contact Information:

Enclosures:

- Parents' Rights Brochure*
- Other:

Re:

Notice Date:

Directions to School Staff:

This notice must be sent to parents in their native language or other mode of communication used by the parent. School districts must ensure that parents understand the content of this notice. (Federal Regulation §300.503)

Describe any refusal to initiate or change the identification, evaluation, educational placement or the provision of special education services by answering the following questions:

1. *What action is the school district refusing to take?*
2. *Why is the school district refusing to act?*
3. *What rejected options were considered and why was each option rejected?*
4. *What evaluation procedure, test, record or report was used as a basis for the refusal to act?*
5. *What other factors were relevant to the school district's decision?*
6. *What next steps, if any, are recommended?*

[SAMPLE] Narrative Description of School District Refusal To Act

After completing an Initial Evaluation, at a Team meeting held on [date], the Team determined that [student] is not eligible for special education services. The Team (including the parent) carefully reviewed assessment data before determining that [student] does not have a specific learning disability. Evaluation results were conclusive and his/her parents expressed satisfaction with the school evaluation.

The school system used a variety of assessment techniques as a basis for this decision. The Team reviewed formal and informal assessments and relied on parent input to make their determination. Assessments performed were as follows:

- *Reading assessments - showed [student] needed to be taught basic sound-symbol relationships.*
- *Specific learning disability assessments - indicated no pattern of errors that would indicate a reading disability.*
- *Educational assessment - specified that [student] is making gradual progress in all curriculum areas and in school.*
- *Classroom observation – showed [student] worked cooperatively and successfully with peers and with teacher support on class assignments as long as he/she had written directions and materials read or reviewed orally.*

Team members concluded that [student]'s school performance could be improved by providing supportive reading services. The reading coordinator was at the Team meeting and suggested a variety of ways that [student] could access more reading support and services during the school day. [Student]'s parents, classroom teacher and reading specialist will meet on [date] to finalize plans for these additional supports and services.

[Student]'s teacher will continue reviewing written directions and materials with him/her until he/she is able to independently and accurately sound out these materials.

[Parents] have the right to take advantage of any dispute mechanism available to refute the Team's Finding of No Eligibility and contact information for the Bureau of Special Education Appeals (BSEA) and the Department of Education Problem Resolution System (PRS) is included in the enclosed Parents' Rights Brochure. Alternatively, the parents may notify the district directly of their dispute with this finding, in which case the district will contact the BSEA. School district personnel remain committed to working with [student] and his/her parents to ensure [student]'s improved reading skills and continued school success.

To:

Re:

Subject: **The school district proposes the following:**

- An Evaluation
- An IEP/Amendment
- A Placement
- Other: *Finding of No Eligibility*

Notice Date:

The school district has recently discussed this student and, with your input, has determined that this student no longer requires special education services. We have described our actions and our reasons for these actions on page two of this memo.

As you know, special education regulations provide protection to you and your child. You will find specific information about your legal rights within the enclosed *Parents' Rights Brochure* including sources that you may contact for help in understanding your rights. You should carefully review this brochure and the enclosed material before making any decisions.

The school district staff is available to speak to you or meet with you about your rights and the school district's proposal. We strongly encourage you to call us if you have any questions. Please contact us through the district contact person listed below. Thank you.

Document Return Date: *not applicable*

Date When Special Education Services Will Be Terminated: **(added line)**

District Contact Person:

Contact Information:

Enclosures:

- Parents' Rights Brochure*
- Other:

Re:

Notice Date:

Directions to School Staff:

This notice must be sent to parents in their native language or other mode of communication used by the parent. School district must ensure that parents understand the content of this notice. (Federal Regulation §300.503)

*Describe one or more of the following actions: Initial Evaluation, Reevaluation, Emergency Evaluation, Extended Evaluation Period, IEP, IEP Amendment, Placement (**include the specific placement location and transportation requirements, if any**), Graduation or any other proposal used to initiate or change the identification, evaluation, educational placement or the provision of special education services by answering the following questions:*

- 1. What action is the school district proposing to take?*
- 2. Why is the school district proposing to act?*
- 3. What rejected options were considered and why was each option rejected?*
- 4. What evaluation procedure, test, record or report was used as a basis for the proposed action?*
- 5. What other factors were relevant to the school district's decision?*
- 6. What next steps, if any, are recommended?*

[SAMPLE] Narrative Description of School District Proposal

At [student]'s recent Team Meeting held on [date], Team members reviewed evaluation data and current performance information and found that [student]'s emotional impairment no longer prevents him/her from making effective progress in school. [Student] has learned many sound strategies to help him/her build and maintain satisfactory relationships with other students and his/her teachers. Team members including [student]'s parents were quite pleased that [student] had made such important progress and no longer requires special education services. Therefore, the school district is proposing to terminate [student]'s special education services on [date], the final day of second term.

The Team reviewed a variety of current and past assessments to help them make the Finding of No Eligibility. The assessments reviewed are as follows: a psychological assessment performed during [student]'s last school year, current educational testing including the most recent MCAS test results and an educational assessment that included current teacher reports and an adjustment counselor report. Reports document that [student] is a student with solid intellectual and educational abilities who is acquiring age/grade appropriate knowledge and skills. [Student]'s most significant gains have been in the area of social/emotional development that has allowed him/her to participate fully and appropriately within school activities.

The Team considered whether [student] would be best served by remaining on his/her Behavioral Intervention Plan. Ultimately the Team felt [student] would be better served by attending optional bi-monthly group counseling sessions and by meetings with the adjustment counselor at [student]'s request because his/her teachers and counselor report that his/her behavior toward others is appropriate throughout the entire school day. His/her parents report that [student] is no longer resistant about attending school and is speaking positively about school and his/her schoolmates. He/she is also quite proud of his/her new abilities to control his/her behavior and to seek teacher/counselor assistance as needed.

The Team also felt that [student] will benefit by independently using newly learned skills during the second half of grade six before moving on to junior high next year. In this way, school personnel who know [student] will be able to support [student]'s independent efforts to maintain his/her positive behavior skills.

[Parents] have the right to take advantage of any dispute mechanism available to refute the Team's Finding of No Eligibility and contact information for the Bureau of Special Education Appeals (BSEA) and the Department of Education Problem Resolution System (PRS) is included in the enclosed Parents' Rights Brochure. The district requests that if [parents] do choose to appeal this Finding to the BSEA that they notify the district of their intentions. Alternatively, the parents may notify the district directly of their dispute with this finding, in which case the district will contact the BSEA. If [parents] choose to appeal this decision to the BSEA, the services currently in place for [student] will be maintained until the dispute is resolved.