

SPECIAL EDUCATION FORMS AND INSTRUCTIONS

**Required Notice and Consent Forms
and Instructions
(Updated January 2008)**

TO: Superintendents
Special Education Directors
Regional Offices of Education
Interested Parties

FROM: Elizabeth Hanselman
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SUBJECT: Required Special Education Notice and Consent Forms

The enclosed *Special Education Forms and Instructions: Required Notice and Consent Forms and Instructions* represents the January 2008 update of this document, bringing Illinois into compliance with IDEA 2004 and 23 Illinois Administrative Code Part 226. All previous versions of these forms and notices are now obsolete. These are the official versions of the state-required forms and are ready for immediate implementation.

Some of the forms and notices have experienced only minor changes while others have undergone more revisions. Also, three new additional forms are included: *Parent/Guardian Notification of Individualized Education Program Amendment*, *Parent/Guardian Excusal of an Individualized Education Program Team Member and Delegation of Rights to Make Educational Decisions*. The accompanying instructions, corresponding to each form and notice, will be helpful in allowing all parties to understand the purpose and use of each form.

The forms and notices may also be viewed and downloaded from our website at www.isbe.net/spec-ed. Additional hard copies suitable for large scale duplicating may be obtained from the ISBE Springfield office at 100 North First Street, Springfield, Illinois 62777. The forms will be available in Spanish and several other languages in the near future.

Questions about the forms may be addressed to the Special Education Services Division at 217/782-5589.

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FOREWORD

All school districts and cooperative agreements in Illinois have been required to provide official written notice to parents of suspected and eligible special education students regarding a broad range of topics since the advent of the Education of All Handicapped Children Act (PL 94-142) in 1975. Use of these forms, court decisions, and amendments to federal and state statutes has resulted in the need to revise the notice requirements and forms over time. On December 3, 2004, the reauthorization of the Individuals with Disabilities Education Act (IDEA - formerly known as PL 94-142) was signed and became effective. Revisions in this law and state Special Education regulations necessitate revisions to the notice and consent requirements and forms.

The information enclosed contains a copy of each form as well as corresponding instructions concerning the purpose, use and additional information.

GENERAL INSTRUCTIONS FOR USE WITH ALL REQUIRED NOTICE AND CONSENT FORMS

PURPOSE:

In 1985 Public Act 84-463 (which became Article 14-8.02 of *The School Code of Illinois*) required the development of uniform notices within special education to be used by all school districts. The forms in this manual have been developed to obtain required informed consent from parent(s)/guardian(s) as well as provide proper parent/guardian notification of specific types of proposed or refused actions for a child being considered for or receiving special education and related services. The forms and procedures incorporate various requirements of the Individuals with Disabilities Education Act and 23 Illinois Administrative Code 226. When completed according to the instructions, these forms provide consistency and assist school districts in providing parent(s)/guardian(s) proper notification and required explanations of proposed actions including written explanation of parent rights.

FORM USE:

The required Notice and Consent forms are to be used to:

- ◆ Notify parent/guardian when a school district receives a request for an evaluation and the district's determination regarding the request (Form 34-57A).
- ◆ Obtain parent/guardian consent to conduct an evaluation (Form 34-57B).
- ◆ Obtain parent/guardian consent to conduct a reevaluation (Form 34-57C).
- ◆ Notify parent/guardian of a conference(s) in which they are being requested to participate (Form 34-57D).
- ◆ Notify parent/guardian of recommendations made at a conference (Form 34-57E).
- ◆ Obtain parent/guardian consent for the initial provision of special education and related services (Form 34-57F).
- ◆ Notify parent/guardian of an Individualized Education Program Amendment (Form 34-57G).
- ◆ Obtain parent/guardian consent to excusing an Individualized Education Program team member (Form 34-57H).
- ◆ Notify parent/guardian and student of age of majority transfer rights (Form 34-57I).
- ◆ Notify parent/guardian of "*Explanation of Procedural Safeguards*" (Form 34-57J).
- ◆ Delegation of Rights to Make Educational Decisions (Form 34-57K)

INSTRUCTIONS:

1. Local school districts may transfer the forms onto their own letterhead. Spacing may also be adjusted as needed.
2. Districts may add additional copies for local district personnel who need the information for their records.
3. Copies of all notices for a given child must be maintained in the student's official temporary record.
4. The content of the forms cannot be altered with the exception of the addition of increased copies, district letterhead, spacing adjustments, and identifying information that the district feels is necessary for the parent/guardian and/or student. Space has been left toward the top of each form for the addition of identifying information.
5. Cooperatives/districts may prepare an accompanying cover letter to personalize these required forms. Information previously explained in telephone contact can be confirmed in a cover letter or appendix to the form.
6. The forms must be completed in full being sure to complete all blanks or boxes before giving the form to the parents/guardians.
7. Parent/guardians must be provided with a signed copy of the consent form evaluation (Form 34-57B or 34-57C) and initial provision of special education and related services (Form 34-57F).
8. The *Explanation of Procedural Safeguards* must be provided to parents/guardians, only one time a year, except that a copy also must be given upon an initial request for an evaluation, a receipt of the first written complaint or first due process complaint to the Illinois State Board of Education, upon a disciplinary removal that constitutes a change in placement, or upon request.

Required Notice and Consent Forms and Instructions

**PARENT/GUARDIAN NOTIFICATION OF DECISION REGARDING
A REQUEST FOR AN EVALUATION
ISBE Form 34-57A**

PURPOSE:

Form 34-57A notifies the parent/guardian and the source of the request, if other than the parent or guardian, whether or not a request for an evaluation is necessary at this time and states the reasons and relevant factors for this decision.

FORM USE:

If an evaluation/reevaluation is determined to be necessary, this form is to be utilized in conjunction with the Parent/Guardian Consent for Evaluation or Parent/Guardian Consent for Reevaluation, whichever is appropriate to the situation. When a request for an evaluation is received by a district, a response for evaluation determination must be ascertained and parent/guardian given this notification within fourteen school days.

The date on the letter should be the date it is mailed. Use of this notice does not preclude follow-up phone contacts with the parent/guardian or the inclusion of other written information with the notice.

INSTRUCTIONS:

1. This form must be sent to the parent/guardian regardless of the source of the request each time a student is referred for an evaluation.
2. The individual making the request for an evaluation and their title are identified on this form.
3. State reason(s) the individual making this request for an evaluation believes this child may have a disability and need for special education services - such as academic and non-academic performance, medical information, any special programs, services, or other information as provided by the requesting individual.
4. Regardless of the determination reached, the reasons and relevant factors must be completed to indicate why an evaluation or reevaluation is deemed necessary or not necessary at this time.
5. This form should be used when it is determined that an initial evaluation or reevaluation is not necessary or when the parents and school district agree that a routine three year reevaluation is not necessary. In this situation, ISBE forms 34-57B, 34-57C, and 34-57B/C need not be completed.
6. This form should be used when it is determined that an initial evaluation or reevaluation is necessary. Additionally, if it is determined that an initial evaluation is necessary, ISBE forms 34-57B and 34-57B/C must be completed. If it is determined that a reevaluation is necessary, ISBE forms 34-57C and 34-57B/C must be completed.

7. The documentation included in the “reasons and relevant factors” section could include the districts' plan to address the potential need for an evaluation in the future. For example, general education interventions may be appropriate, and if unsuccessful, the district may consider an evaluation.
8. Insert name and phone number of the local school district/special education cooperative contact person on the form. The contact person should be knowledgeable of special education procedures and communicate well with the parent/guardian.
9. Include a copy of this completed form in the student's temporary record.

PARENT/GUARDIAN CONSENT FOR INITIAL EVALUATION
ISBE Form 34-57B

PURPOSE:

Form 34-57B provides informed consent for the evaluation.

FORM USE:

This form is used to obtain consent to conduct initial evaluations. The evaluation process should be sufficient in scope to determine whether a student has a disability, whether the disability adversely affects his/her educational performance in the general education curriculum, and to make a determination of the nature and extent of the student's need or specially design instruction and any necessary related services.

INSTRUCTIONS:

1. Form 34-57B is a two page form.
2. Informed parent/guardian consent for an evaluation is required but may only be obtained after the IEP team has completed ISBE form 34-57B/C.
3. The evaluation cannot be initiated until ten (10) days after consent is obtained. When applicable, the district may seek agreement from the parent(s) to waive the ten calendar interval requirement.
4. Delay in parent returning the notice does not change the date of referral and/or the subsequent sixty-school-day timeline.
5. Any evaluation recommended by the district must be documented on ISBE form 34-57B/C and is the financial responsibility of the district.
6. The "sources from which data will be obtained" box on ISBE form 34-57B/C should contain, at a minimum, the title of the individual who will obtain the additional data.
7. The parent is requested to list any applicable data/reports/evaluations on ISBE form 34-57B/C and provide a copy to the district
8. The IEP team may use multiple copies of ISBE form 34-57B/C as necessary to document their determinations.
9. This form must be used to obtain parent consent anytime an IEP team recommends an initial evaluation. The parent/guardian checks the appropriate consent box and must sign and date the document.

PARENT/GUARDIAN CONSENT FOR REEVALUATION
ISBE Form 34-57C

PURPOSE:

Form 34-57C provides informed consent for the reevaluation.

FORM USE:

This form is used to obtain:

- Consent to conduct a reevaluation; or
- Obtain agreement that no additional data are needed.

This form must be used to obtain parental agreement with the IEP team's determination that no additional evaluation data is needed. When the IEP team determines no additional evaluation is needed, then parental agreement and not parental consent is required

INSTRUCTIONS:

1. Form 34-57C is a two page form.
2. Parent/guardian consent or agreement may only be obtained after the IEP team has completed ISBE form 34-57B/C. Upon the IEP team making a decision, the parent/guardian checks the appropriate agreement or consent box and must sign and date the document.
3. The reevaluation cannot be initiated until ten (10) days after consent is obtained. When applicable, the district may seek agreement from the parent(s) to waive the ten calendar interval requirement.
4. The date of the meeting that considered the most recent evaluation results determines the three-year reevaluation due date. The meeting conducted to consider the current reevaluation results must be no later than the date of the meeting convened three years prior.
5. Any evaluation recommended by the district must be documented on ISBE form 34-57B/C and is the financial responsibility of the district.
6. The "additional evaluation data needed" box on ISBE form 34-57B/C does not need to include the names of specific diagnostic instruments but should include general information regarding the type of instruments and/or procedures to be utilized.
7. The "sources from which data will be obtained" box on ISBE form 34-57B/C should contain, at a minimum, the title of the individual who will obtain the additional data.

**PARENT/GUARDIAN NOTIFICATION OF
CONFERENCE
ISBE Form 34-57D**

PURPOSE:

Form 34-57D informs the parent(s)/guardian(s) of the date, time, and location of the conference to discuss the educational needs of their child, the purpose of that conference, and those persons, identifying name and/or title, who have been invited to attend.

FORM USE:

This form provides the parent(s)/guardian(s) notice each time a conference is scheduled to:

- ◆ Review a child's educational status and determine what additional data, if any, are needed to complete an evaluation;
- ◆ Review an evaluation to determine, reconsider or change a child's eligibility for special education and related services;
- ◆ Review a child's eligibility and needs for special education and related services ;
- ◆ Review and/or develop a child's IEP and determine the child's educational placement;
- ◆ Consider postsecondary goals and transition services (beginning at age 14 1/2);
- ◆ Consider the relatedness of a child's disability to behaviors that resulted in a disciplinary code violation;
- ◆ Consider the need for a functional behavioral intervention assessment for the child;
- ◆ Review a need to create or revise a behavior intervention plan for the child;
- ◆ Review the child's recent change of placement due to suspension
- ◆ Determine the location of the interim alternative educational setting;
- ◆ Review anticipated date of graduation;
- ◆ Other.

PARTICIPANTS:

- ◆ Insert the names and/or titles of all individuals on the IEP team that will be invited for the purpose(s) identified on the form.
- ◆ Be sure to list all required personnel including students age 14 ½ and older when addressing needed transition services.

ADDITIONAL INSTRUCTIONS:

1. This form must be dated and mailed at least ten (10) calendar days prior to the scheduled conference. When applicable, the district may seek agreement from the parent(s) to waive the ten calendar interval requirement.

2. A choice of dates and times may be offered to the parent/guardian either by letter or phone prior to sending this notice. In such cases, this form can be used to confirm selected time/date.
3. The conference for which this notice is sent may be multipurpose. If this is the case, ALL boxes which apply or which may apply must be checked to ensure documentation of notice. For adequate notice to occur, parents must be notified in advance of any intended purpose(s) of a conference.
4. The form should list all individuals and/or their titles who are being invited to the conference. If any district personnel are unable to attend, the conference must still include the necessary participants.
5. Insert name and telephone number of the local district/special education cooperative contact person on the form. The contact person should be knowledgeable of special education procedures and communicate well with the parent/guardian.
6. Include a copy of this completed form in the student's temporary record.

**PARENT/GUARDIAN NOTIFICATION OF
CONFERENCE RECOMMENDATIONS
ISBE Form 34-57E**

PURPOSE:

Form 34-57E summarizes and notifies the parent/guardian of any recommendations made at the conference(s).

FORM USE:

At the conference(s), it will be determined that the student:

- ◆ Is eligible or continues to be eligible for special education and related services as listed in the IEP;
- ◆ Is not eligible for special education and related services as listed in the IEP;
- ◆ Requires a change in eligibility as listed in the IEP conference summary report;
- ◆ Will receive the special education and related services as listed in the IEP;
- ◆ Requires a change of special education and/or related services/educational placement as indicated in the IEP;
- ◆ Requires a placement in an alternative educational setting as documented in the IEP;
- ◆ Will be discontinued from special education and related services due to determination of ineligibility or reaching the age of 22;
- ◆ Is recommended for graduation;
- ◆ Will be assessed with the IAA;
- ◆ Other.

ADDITIONAL INSTRUCTIONS:

1. ALL boxes that apply should be checked which summarize recommendations determined at the conference(s).
2. Insert name and phone number of the local district/special education cooperative contact person on the form. The contact person should be knowledgeable of special education procedures and communicate well with the parent/guardian.
3. When applicable, the district may seek agreement from the parent(s) to waive the ten calendar interval requirement prior to initiating or changing a child's placement.
4. Include a copy of this completed form in the student's temporary record.

**PARENT/GUARDIAN CONSENT FOR INITIAL PROVISION OF SPECIAL
EDUCATION AND RELATED SERVICES
ISBE Form 34-57F**

PURPOSE:

Form 34-57F provides the parent/guardian consent for initial special education and related services.

FORM USE:

Form 34-57F is used to obtain a parent/guardian's voluntary written consent when a student has been determined eligible for special education and related services, an IEP has been developed, and the student has been recommended for initial special education services. It is also used if a parent/guardian does not give consent for special education and related services programming as indicated in the IEP and exempts the local school district of any violation of a free and appropriate public education (FAPE) for the child.

ADDITIONAL INSTRUCTIONS:

1. The district must ensure that parents understand that the services will be provided in accordance with the conference recommendations and the date of initiation in the IEP.
2. The initial provision of services must occur as soon as possible, but no more than ten (10) calendar days, following development of the IEP. In some instances, such as a child turning three, services may have to begin prior to the ten calendar days. When applicable, the district may seek agreement from the parent(s) to waive the ten calendar interval requirement.
3. Insert name and phone number of the local school district/special education cooperative contact person on the form. The contact person should be knowledgeable of special education procedures and communicate well with the parent/guardian.
4. Include a copy of this completed form in the student's temporary record.

**PARENT/GUARDIAN NOTIFICATION OF INDIVIDUALIZED
EDUCATION PROGRAM AMENDMENT
ISBE Form 34-57G**

PURPOSE:

Form 34-57G notifies the parent/guardian of changes that have been made to the IEP when the school district and the parent/guardian agree not to reconvene the IEP meeting for the purposes of making changes to a student's IEP. A written document to amend the student's current IEP must be completed.

FORM USE:

Form 34-57G is used to provide written documentation of IEP changes.

ADDITIONAL INSTRUCTIONS:

1. It is recommended that this form be used only for IEP changes that do not significantly change a student's services and/or placement.
2. The form should be used to document that the parent and school district agreed to make changes to an IEP without reconvening the IEP meeting.
3. This can not take the place of an annual review meeting.
4. The form must be attached to the child's IEP.
5. The district should communicate with the parent/guardian about the changes to the IEP. The date of contact, district personnel and title, and the mode of communication should be documented on the form.
6. The actual changes and an explanation of the changes should be documented. The district should ensure that the written documentation of the changes reflects the communication that took place with the parent/guardian.
7. Include a date that the changes will begin.
8. The name, title, and phone number of a district contact person should be included.
9. This form must be attached to the student's current IEP.
10. A copy of the student's current IEP, along with this form should be given to the parent/guardian.

**PARENT/GUARDIAN EXCUSAL OF AN
INDIVIDUALIZED EDUCATION PROGRAM TEAM MEMBER
ISBE Form 34-57H**

PURPOSE:

Form 34-57H provides the written documentation for the excusal of one of the required team members. A required team member is described in the regulations as, the general education teacher, special education teacher, LEA representative, and/or an individual who can interpret the instructional implications of evaluation results, who may be a member of the team already identified.

A school district and the parent/guardian may agree, in writing, to excuse an IEP team member in whole or part under the following circumstances:

- ◆ If the attendance of the member is not necessary because the member's area of curriculum or related services is not being modified or discussed in the meeting, or
- ◆ If the meeting does involve a modification to or discussion of the special and related services but the team member submits, in writing, input into the development of the IEP prior to the meeting.

FORM USE:

Form 34-57H is used to provide written documentation for the excusal of an IEP team member. Allowing team members to be excused from attending an IEP meeting is intended to provide additional flexibility to parents in scheduling meetings.

It is important to emphasize that the IEP team should consist of individuals who are necessary to develop an IEP taking into account the best interests of the child and his/her needs. Although, this form is to be used to document an excusal of only the "required" team members, the district should make every effort to ensure that other team members are present at the meeting. If one of the other invited individuals is unable to participate, that team member is encouraged to submit, in writing, input into the development of the IEP prior to the meeting.

ADDITIONAL INSTRUCTIONS:

1. The district should communicate with the parent/guardian about the excusal prior to sending the written notice. The type of communication should be noted on this form.
2. This notification should be received by the parent/guardian prior to the meeting.
3. Some instances may not allow prior notice (e.g. staff absent on the day of the meeting). In these instances, the parent can agree to continue with the meeting by agreeing to excuse the team member(s) or may request that the meeting be rescheduled.

4. Indicate the appropriate excusal section on the form. The IEP team member's name and area should be included on the document.
5. The parent/guardian's signature is required to demonstrate agreement with the excusal of the IEP team member.
6. This form should include the name, title, and phone number of a district contact person.
7. Once excusal of a team member, whose curriculum or services will be discussed, is approved, the excused member must submit, in writing, input into the development of the IEP prior to the meeting.
8. A signed copy of this notice and the written input of the excused team member should be attached to the student's IEP.
9. A school district should not "routinely" excuse IEP team members as this would not be in compliance with the regulations.

ISBE 34-57INST (1/08)

**PARENT/GUARDIAN AND STUDENT NOTIFICATION OF
TRANSFER OF RIGHTS DUE TO AGE OF MAJORITY
ISBE Form 34-57I**

PURPOSE:

Form 34-57I provides the parent/guardian and student notice of the transfer of rights when the student reaches the age of majority (18 years of age).

FORM USE:

Form 34-57I must be sent to the parent/guardian and student one year prior to the student's eighteenth birthday. This provides notice that the transfer will occur automatically on the student's eighteenth birthday.

ADDITIONAL INSTRUCTIONS:

1. All of the parental rights discussed in this document will transfer to the eligible student at the age of majority, unless the school district is notified otherwise.
2. If a student with a disability has been determined to be incompetent under State law, the student's parent/guardian must provide the district with a copy of the court order. This document will identify the individual designated to represent the student's educational rights.
3. The parent/guardian retains the right to receive ten (10) day notice prior to the date of any conference.

**PARENT/GUARDIAN EXPLANATION OF
PROCEDURAL SAFEGUARDS
ISBE Form 34-57J**

PURPOSE:

The *Explanation of Procedural Safeguards* summarizes and notifies the parent/guardian regarding the procedural safeguards to which they and their child are entitled.

FORM USE:

The *Explanation of Procedural Safeguards* must be utilized upon:

- ◆ An initial request for an evaluation;
- ◆ Upon receipt of the first written State complaint;
- ◆ Upon receipt of the first due process complaint;
- ◆ Upon a disciplinary removal that constitutes a change in placement; and
- ◆ Upon parental request.

ADDITIONAL INSTRUCTIONS:

District and cooperative procedures must be developed and implemented to provide parents/guardians with a copy of the procedural safeguards at the appropriate times noted above.

DELEGATION OF RIGHTS TO MAKE EDUCATIONAL DECISIONS
ISBE Form 34-57K

PURPOSE:

Form 34-57K provides the school district notice that a student, who has reached the age of majority (18 years of age), has delegated his/her parent or other individual to represent his/her educational interests.

FORM USE:

Form 34-57K must be provided to the student at the meeting convened to review his/her IEP during the school year in which he/she turns 17 years of age. If the student and his/her parents do not attend the meeting, this form must be mailed to both parties, along with ISBE form 34-57I. The optional section may be used by districts to keep verification that the student had been offered the opportunity to delegate his/her rights.

ADDITIONAL INSTRUCTIONS:

1. All of the parental rights will transfer to the eligible student at the age of majority, unless the school district is notified otherwise, such as the provision of this form.
2. This document will identify the individual designated to represent the student's educational rights.
3. The Delegation of Rights will remain in effect for one year after the date of execution. It may be renewed annually with the written authorization of the student and the person the student delegates to represent his/her educational interests.
4. A student may terminate the Delegation of Rights at any time and assume the right to make decisions regarding his or her education. When a student decides to terminate the Delegation of Rights, the district may seek to have this termination be in writing.
5. It shall be signed by the student or verified by other means, such as audio or video or other alternative format compatible with the student's disability showing that the student has agreed to the terms of the delegation.
6. The designee, responsible for representing the student's educational interests, must accept the delegation by providing his/her signature.
7. The form must be provided to the school district.