

ILLINOIS STATE BOARD OF EDUCATION SPECIAL EDUCATION

Instructions for Required Notice and Consent Forms



ILLINOIS STATE BOARD OF EDUCATION

Special Education Department

100 North First Street

Springfield, Illinois 62777-0001



Illinois State Board of Education

Darren Reisberg, Chair of the Board
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TO: Superintendents
Special Education Directors
Regional Offices of Education
Interested Parties

FROM: Barbara Moore
Director, Special Education Department

SUBJECT: Required Special Education Notice and Consent Forms

The enclosed Special Education Forms and Instructions: Required Notice and Consent Forms and Instructions represents the December 2021 update of this document.

The forms and notices may also be viewed and downloaded from our [website](#). The forms are available in the following languages:

- English
- Spanish
- Arabic
- Chinese
- French
- Korean
- Polish
- Gujarati
- Russian
- Tagalog
- Urdu
- Vietnamese

Questions about the forms may be addressed to the Special Education Department 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. The information enclosed contains instructions concerning the purpose of each form and its use, and additional information.

In 1985, Public Act 84-463 (which became Article 14-8.02(g) of the School Code of Illinois (ILCS)) 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 (IDEA) and 23 Illinois Administrative Code (IAC) 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.

GENERAL INSTRUCTIONS FOR USE WITH ALL REQUIRED NOTICE AND CONSENT FORMS

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 initial evaluation (Form 34-57B).
- Obtain parent/guardian consent to conduct a reevaluation (Form 34-57C).
- Notify parent/guardian of the assessments needed for an evaluation (Form 34-57B/C).
- 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 (IEP) Amendment (Form 34-57G).
- Obtain parent/guardian consent to excusing an IEP 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).
- Notify school districts that a student has delegated their rights to make educational decisions (Form 34-57K).
- Obtain parent/guardian consent to invite an outside agency to secondary transition meetings (Form 34-57L).
- Obtain parent/guardian agreement to extend evaluation timelines for student suspected of having a specific learning disability (SLD) (Form 34-57M).
- Notify parent/guardians of the termination of special education services (Form 34-57N).
- Notify parent/guardians of the non-implementation of services (Form 34-57O).

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 adding copies, using district letterhead, adjusting space, and adding 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 their entirety; be sure to complete all blanks or boxes before providing the form to the parents/guardians.
7. Parent/guardians must be provided with a signed copy of the consent forms for an initial evaluation or reevaluation (Form 34-57B or 34-57C) and initial provision of special education and related services (Form 34-57F).
8. The *Explanation of Procedural Safeguards* (34-57J) must be provided to parents/guardians only one time a school year, except that a copy also must be given upon an initial request for an evaluation, upon a disciplinary removal that constitutes a change in placement, or upon request.
9. Notice and Consent forms must be provided in the native language of the parent or other mode of communication used by the parent. If the native language or other mode of communication of the parent is not a written language, the public agency must take steps to ensure that the notice is translated orally or by other means to the parent in his or her native language or other mode of communication and that the parent understands the content of the notice.

REQUIRED NOTICE AND CONSENT FORMS INSTRUCTIONS

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

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

When a request for an evaluation is received by a district, a response for evaluation determination must be ascertained and the parent/guardian given this notification within 14 school days.

If an evaluation/reevaluation is determined to be necessary, form 34-57A is to be utilized in conjunction with the *Parent/Guardian Consent for Initial Evaluation (34-57B)* or *Parent/Guardian Consent for Reevaluation (34-57C)*, whichever is appropriate to the situation.

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 (parent of a child or by an employee of a State Education Agency, another state agency, a Local Education Agency (LEA), or a community service agency) 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 the 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. 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; if unsuccessful, the district may consider an evaluation.
6. 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.
7. Include a copy of this completed form in the student's temporary record.

ADDITIONAL INFORMATION

1. 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.
2. 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.
3. Per the state regulation at 23 IAC §226.130(b), a district's use of a process that determines how the child responds to scientific, research-based interventions as part of the evaluation procedure (described in 34 Code of Federal Regulations (CFR) §300.304) shall not be used as the basis for denying a parent's request for an evaluation.

PARENT/GUARDIAN CONSENT FOR INITIAL EVALUATION

ISBE Form 34-57B

Form 34-57B provides informed consent for an initial evaluation. Per the federal regulation at 34 CFR §300.300, a public agency proposing to conduct an initial evaluation to determine if a child qualifies as a child with a disability under §300.8 must, after providing notice consistent with §§300.503 and 300.504 to the parent of the child, obtain informed consent, consistent with §300.9, from the parent of the child before conducting 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 of specially design instruction and any necessary related services.

INSTRUCTIONS

1. Form 34-57B is a one-page form and is completed in conjunction with form 34-57B/C.
2. Informed parent/guardian consent for an evaluation is required but may only be obtained after the IEP team has completed the *Parent/Guardian Consent for Evaluation - Identification of Needed Assessments* form (34-57B/C).
3. Any evaluations recommended by the district must be documented on ISBE form 34-57B/C and are the financial responsibility of the district.
4. The "Sources from Which Data Will Be Obtained" section on ISBE form 34-57B/C should contain, at a minimum, the title of the individual who will obtain the additional data.
5. The parent is requested to provide to the district any applicable data/reports/evaluations to be included on ISBE form 34-57B/C.
6. The IEP team may use multiple copies of ISBE form 34-57B/C as necessary to document its determinations.
7. 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.

ADDITIONAL INFORMATION:

- Parental consent for initial evaluation must not be construed as consent for initial provision of special education and related services.
- For initial evaluations only: If the child is a ward of the state and is not residing with the child's parent, the public agency is not required to obtain informed consent from the parent for an initial evaluation to determine whether the child is a child with a disability if—
 - (i) Despite reasonable efforts to do so, the public agency cannot discover the whereabouts of the parent of the child;
 - (ii) The rights of the parents of the child have been terminated in accordance with state law; or
 - (iii) The rights of the parent to make educational decisions have been subrogated by a judge in accordance with state law and consent for an initial evaluation has been given by an individual appointed by the judge to represent the child (34 CFR §300.300(a)(2)).
- Upon completion of the assessments identified, but no later than 60 school days following the date the parent signs the written consent to perform the needed assessments, the determination of eligibility shall be made and the IEP meeting shall be completed. If fewer than 60 school days remain in a school year after the date of parental consent, *the eligibility determination shall be made and the IEP meeting shall be completed prior to the first day of the following school year.* (105 ILCS 5/14-8.02(b)).

PARENT/GUARDIAN CONSENT FOR REEVALUATION

ISBE Form 34-57C

Form 34-57C provides informed consent for the reevaluation, which must occur at least once every three years, unless the parent and the public agency agree that a reevaluation is not necessary.

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. Parental agreement (not parental consent) is required when the IEP team determines no additional evaluation is needed.

INSTRUCTIONS

1. Parent/guardian consent or agreement may only be obtained after the IEP team has completed ISBE form 34-57B/C.
2. The IEP team may use multiple copies of ISBE form 34-57B/C as necessary to document its determinations.
3. Any evaluations recommended by the district must be documented on ISBE form 34-57B/C and are the financial responsibility of the district.
4. 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.
5. 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.
6. The parent/guardian should check the appropriate agreement or consent box and must sign and date form 34-57B/C after the IEP team completes it.

ADDITIONAL INFORMATION

- Under 34 CR §300.300(c)(2), the public agency need not obtain informed parental consent for the reevaluation if the public agency can demonstrate that it made reasonable efforts to obtain consent for the reevaluation, and the child's parent has failed to respond to the request for consent.
- If the parent and public agency agree that a reevaluation is not necessary, the district must complete form 34-57A.
- The date that a meeting is convened to consider 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.

PARENT/GUARDIAN NOTIFICATION OF CONFERENCE

ISBE Form 34-57D

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 persons identified by name and/or title who have been invited to attend the meeting.

INSTRUCTIONS

1. Districts must complete each section of the form to indicate the name, title, and contact information for the personnel parents need to contact in regard to persons they want to participate, interpretation services, student records, and the provision of the procedural safeguards.
2. The conference for which this notice is sent may be multipurpose. If this is the case, ALL boxes that apply, or that may apply, must be checked to ensure documentation of notice. Parents must receive adequate advance notice of any intended purpose(s) of a conference.
 - Review your child's educational status and determine what additional data if any are needed to complete your child's evaluation.
 - Review your child's recent evaluation to determine initial eligibility for special education and related services.
 - Review your child's recent evaluation to determine (reconsider or change) continued eligibility for special education and related services.
 - Review your child's need for special education and related services and placement and develop an initial IEP.
 - Review and/or revise your child's IEP to determine special education and related services and placement.
 - Consider postsecondary goals and transition services (beginning at age 14 1/2).
 - Consider the need for a Functional Behavioral Assessment (FBA) for your child and a need to create or revise a Behavioral Intervention Plan.
 - Consider relatedness of your child's disability to a disciplinary code violation(s).
 - Review your child's anticipated date of graduation.
 - Review/consider other areas (e.g. termination of placement, aging out).

PARTICIPANTS

- Insert the names and/or titles of all individuals on the IEP team who will be invited for the purpose(s) identified on the form. Guidelines for mandatory IEP participants can be found at 34 CFR §300.321, 34CFR §300.30, and 23 IAC §226.210.

The public agency must ensure that the IEP team for each child with a disability includes —

(1) The parents of the child;

- *“Parent” means a biological or adoptive parent of a child; a foster parent, unless state law, regulations, or contractual obligations with a state or local entity prohibit a foster parent from acting as a parent; a guardian generally authorized to act as the child's parent or authorized to make educational decisions for the child (but not the state if the child is a ward of the state); an individual acting in the place of a biological or adoptive parent (including a grandparent, stepparent, or other relative) with whom the child lives or an individual who is legally responsible for the child's welfare; or a surrogate parent who has been appointed in accordance with §300.519 or Section 639(a)(5) of the Act.*

(2) Not less than one regular education teacher of the child;

- *The general education teacher who serves as a member of a child's IEP team shall be a teacher who is, or may be, responsible for implementing a portion of the IEP, so that the teacher can participate in discussions about how best to instruct the child.*

(3) Not less than one special education teacher of the child or, where appropriate, not less than one special education provider of the child;

(4) A representative of the public agency who —

- (i) Is qualified to provide, or supervise the provision of, specially designed instruction to meet the unique needs of children with disabilities;*
 - (ii) Is knowledgeable about the general education curriculum; and*
 - (iii) Is knowledgeable about the availability of resources of the public agency.*
 - (5) An individual who can interpret the instructional implications of evaluation results, who may be a member of the team described in paragraphs (a)(2) through (a)(6) of this section;*
 - (6) At the discretion of the parent or the agency, other individuals who have knowledge or special expertise regarding the child, including related services personnel as appropriate; and*
 - (7) Whenever appropriate, the child with a disability.*
- If the child is receiving only speech and language services, the speech and language pathologist shall fulfill the role of the special education teacher.
 - Be sure to list all required personnel, including those for students age 14½ and older, when addressing needed transition services.

ADDITIONAL INFORMATION

1. This form must be dated and mailed at least 10 calendar days prior to the scheduled conference. When applicable, the district may seek agreement from the parent(s) to waive the 10-calendar day 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. Districts must take steps to ensure that one or both of the parents of a child with a disability are present at each IEP team meeting or are afforded the opportunity to participate.
4. The form should list all individuals and/or their titles who are being invited to the conference. The conference must 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.
7. In accordance with 105 ILCS 5/14-8.02f, an LEA) must provide parents/guardians with all written material that will be considered at a child's IEP eligibility meeting or a meeting to review a child's IEP at least three school days prior to such a meeting.
8. In accordance with 23 IAC §226.530(b), each parent/guardian must be provided with notice about the availability of interpretation services at IEP team meetings; an explanation of how parents can request an interpreter; notice that a parent has the right to request that the interpreter provided by the school district serve no other role in the IEP meeting than as an interpreter, and that the school district should make reasonable efforts to fulfill this request; and a point of contact for any questions or complaints about interpretation services.

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

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

INSTRUCTIONS

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

- Is eligible or continues to be eligible for special education and related services under the category of: _____
- Is not eligible for special education and related services.
- Will receive the special education and related services as listed in the IEP.
- Requires and will receive the postsecondary goals and transition services (beginning at age 14½) as listed in the IEP.
- Requires and will receive a FBA and Behavioral Intervention Plan.
- Was determined that the disciplinary code violation(s) was related to your child's disability.
- Was determined that the disciplinary code violation(s) was not related to your child's disability.
- Is recommended for graduation.
- Other (e.g., termination of placement, aging out): _____

ADDITIONAL INFORMATION

1. ALL applicable boxes that summarize recommendations determined at the conference(s) should be checked.
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 10-school day interval requirement prior to initiating or changing a child's placement.
4. The school district shall provide a copy of the IEP team's report to the parent at the conclusion of the meeting.
5. Include a copy of this completed form in the student's temporary record.
6. The parent shall be entitled to receive copies of any evaluation reports upon request.

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

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

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 appropriate public education (FAPE) for the child.

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 10 school days, following development of the IEP. In some instances, such as a child turning 3, services may have to begin prior to the 10-school day interval. When applicable, the district may seek agreement from the parent(s) to waive the 10-school day interval requirement. The 10-school day waiver must be documented on form 34-57E.
3. Beginning January 1, 2022, children who received early intervention services prior to their third birthday and are found eligible for an IEP and whose birthday falls between May 1 and August 31 may continue to receive early intervention services until the beginning of the school year following their third birthday.
4. 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.
5. Include a copy of this completed form in the student's temporary record.

ADDITIONAL INFORMATION

- A public agency may not use a parent's refusal to consent to one service or activity to deny the parent or child any other service, benefit, or activity of the public agency.
- The parent/guardian has the right to choose to take the extended option and then reverse their decision and deny this option at a later date, so that the child will start early childhood education services prior to the beginning of the next school year.

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

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.

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. Use of this form cannot 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 must 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

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 (or service provider, as applicable), LEA representative, and 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 INFORMATION

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 comply with the regulations.

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

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 18th birthday. This form provides notice that the transfer of rights will occur automatically on the student's 18th birthday.

ADDITIONAL INFORMATION

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 notice 10 days prior to the date of any conference (23 IAC §226.690(a)(1)).

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

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 INFORMATION

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

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 INFORMATION

1. All of the rights and responsibilities for special education services that are given to parents will transfer to the eligible student at the age of majority, unless the school district is notified otherwise, such as with 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. The form 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 signed form must be provided to the school district.

CONSENT FOR AGENCY INVITATION TO THE TRANSITION MEETING ISBE Form 34-57L

Form 34-57L provides the school district notice that a parent/guardian and/or student who has reached the age of majority has provided **prior** written consent to invite an outside agency representative to an IEP meeting for the purpose of addressing transition planning and services.

FORM USE

Transition services should be coordinated with outside agencies for students 14½ years of age and older as a component of the IEP, when appropriate. This form is to be completed prior to inviting an outside agency to an IEP meeting. Outside agencies must be invited to an IEP meeting when transition services are listed in the IEP that are likely to be provided or paid for by an outside agency. Giving consent is voluntary on the part of the parent/guardian and/or a student who has reached the age of majority, is valid for one year from the signature date, and may be revoked at any time.

INSTRUCTIONS

1. Contact parent/guardian and/or the student when an outside agency representative should be invited to an IEP meeting to obtain permission to invite an outside agency.
2. Complete prior to inviting an outside agency to an IEP meeting.
3. Mark the appropriate agency/agencies that need to be invited to an IEP meeting where transition services will be discussed.
4. School personnel should sign and provide a contact phone number on the lines provided.
5. Parent/guardian and/or student should choose "I DO" or "I DO NOT" and sign and date the document.
6. This consent form must clearly identify the period of time for which consent is provided. Consent should not carry across multiple school years (i.e., consent is valid for only one year from date of signature) as outside agency involvement may change over time for a student.
7. Include a copy of the completed form in the student's temporary records until the IEP meeting has been held.
8. This form should be attached to the IEP after the IEP meeting where transition services have been discussed.

MUTUAL WRITTEN AGREEMENT TO EXTEND EVALUATION TIMELINE ISBE Form 34-57M

FOR STUDENTS WITH OR SUSPECTED OF HAVING A SPECIFIC LEARNING DISABILITY

Form 34-57M notifies the parent/guardian of the district's request to extend the 60-school day timeline for conducting an initial evaluation of a student suspected of having a SLD or reevaluation of a student who has SLD. The form includes the reason(s) for the request and proposed length of the extension. The form also documents the mutual written agreement of the school district and the parent/guardian to extend the timeline.

FORM USE

If a district is proposing to extend the 60-school day timeline for an SLD evaluation, as allowed under the federal special regulations at 34 CFR §300.309(c), this form should be used to inform the parent/guardian of the request and obtain written agreement for the timeline extension. As delineated under 34 CFR §300.309(c), such an extension may only occur through mutual written agreement of the child's parents and a group of qualified professionals (as described in 34 CFR §300.306(a)(1)).

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 is to be used in accordance with the federal regulations referenced previously and in the context of the circumstances discussed in the Analysis of Comments and Changes section of the IDEA Part B regulations (34 CFR Parts 300 and 301), as follows:

Models based on RTI typically evaluate the child's response to instruction prior to the onset of the 60-day period [and] ... provide the data the group must consider on the child's progress when provided with appropriate instruction by qualified professionals as part of the evaluation. These data, along with other relevant information, will assist the eligibility group in determining whether the child's low achievement is attributable to a lack of appropriate instruction [in reading or math]...

Based on their review of the existing data and input from the child's parents, the eligibility group must decide on a case-by case basis, depending on the needs of the child and the information available regarding the child, what additional data, if any, are needed to determine whether the child is a child with a disability and the educational needs of the child. If the eligibility group determines that additional data are needed and that these data cannot be obtained within the 60-day timeframe (or the timeframe established by the state), new § 300.309(c) ... allows the extension of the timeframe with mutual written agreement of the child's parent and the eligibility group [emphasis added]. (Federal Register, vol. 71, no. 156, p. 46658)

2. When utilizing this form, district personnel must meet with the child's parent(s) in person or by phone to explain the reason for the request to extend the evaluation timeline, the requirement that there be mutual written agreement by the parent and school district, and the parent's right to refuse to agree to the extension.
3. In the space provided, specify the reason(s) for extending the evaluation timeline. The reason(s) should align with the conditions described under Item 1 above.
4. Where indicated on the form, specify the length of the timeline extension in number of days and the current and proposed evaluation completion date. The timeline cannot be extended indefinitely and cannot have the effect of delaying or denying the provision of FAPE to the student.
5. Prior to providing the form to the parent for signature, affix the signature of an authorized district representative, type or print that person's name and title, and specify the date of signature in the section marked "District Agreement to Extend the Timeline."
6. Include a copy of this completed form in the student's temporary record.

CONFIRMATION OF REVOCATION OF CONSENT & PRIOR WRITTEN NOTICE OF TERMINATION OF SERVICES ISBE Form 34-57N

A parent may revoke consent, orally or in writing, for the district to provide special education services, according to 23 IAC §226.540, but the district must memorialize the parent's oral revocation in a written summary to be provided to the parent within five days of the parent's oral revocation.

The language in 23 IAC §226.540(b) requiring that revocation be given immediate effect is preempted by language in the 34 CFR §300.300(a)(4), which requires a local district to provide prior written notice before terminating special education services. A district should provide prior written notice no later than the "reasonable time" period set out under 34 CFR §300.503(a), which is defined as 10 days under 23 IAC §226.520.

FORM USE

- In response to a parent's oral or written revocation of consent, a district will be expected to document its acknowledgement of the revocation through an appropriate prior written notice to the parent before terminating special education services. In the case of oral revocation, districts may provide similar prior written notice for purposes of providing the written memorialization of the oral revocation, per the requirements of 23 IAC §226.540.
- Include a copy of this completed form in the student's temporary record.

ADDITIONAL INFORMATION

- A local district may not request either a state-sponsored mediation or a due process hearing to challenge the parent's revocation.
- Under 34 CFR §300.9(c)(3), *if the parent revokes consent in writing for their child's receipt of special education services after the child is initially provided special education and related services, the public agency is not required to amend the child's education records to remove any references to the child's receipt of special education and related services because of the revocation of consent.*

PARENT/GUARDIAN NOTIFICATION OF NON-IMPLEMENTATION OF SERVICE(S)

ISBE Form 34-570

The state regulation at 23 IAC §226.220(b) states that if, at a meeting to develop or revise a child's IEP, the IEP team determines that a certain service is required in order for the child to receive FAPE and that service is not implemented within 10 school days after the service was to be initiated as set forth by the child's IEP, then the LEA shall provide the child's parent or guardian with written notification that the service has not yet been implemented.

INSTRUCTIONS

1. Complete the grid to include the specific date that each service was required to be initiated, the provider's name and title; and a description of the specific service not being implemented (e.g., instruction outside the general education setting for 600 minutes per week for reading, etc.).
2. Explain the district's procedures for a parent to request compensatory services.

ADDITIONAL INFORMATION

- The notification must be provided to the child's parent or guardian within three school days after the LEA's non-compliance with the child's IEP and must inform the parent or guardian about the school district's procedures for requesting compensatory services (105 ILCS 5/14-8.02f(d-5)).
- "School days" does not include days in which a child is absent from school for reasons unrelated to a lack of IEP services or when the service is available, but the child is unavailable.

APPENDIX A

Checklist of When Prior Written Notice is Required

Events in which the district must provide prior written notice or get consent from parents/guardians:	Required (ISBE Forms 34-57)	Not Required
<p><u>CHILD FIND/IDENTIFICATION</u> Child Find activities School-based screening Use of Multi-Tier Systems of Support/Response to Intervention (MTSS/RTI) intervention strategies Referral for initial evaluation (34-57A) Change in/addition of special education categorical identification (34-57C) Using screening data and conducting preliminary procedures, such as observation of the child, assessment for instructional purposes, consultation with the teacher, and a conference with the child.</p>	 X X 	 X X X X
<p><u>EVALUATION</u> Refusal to conduct an evaluation (34-57A) Collection of new data for initial evaluation or reevaluation (34-57B/C) Initiating the evaluation of a student suspected of having a disability Reviewing existing data as part of an evaluation or a reevaluation Administering a test or other evaluation that is administered to all children Evaluation of progress on annual goals Refusal of request for Independent Education Evaluation Determination of eligibility upon the completion of an initial evaluation or reevaluation Observation for evaluative purposes (34-57B/C) Observations of a student by a teacher or specialist to determine appropriate instructional strategies for curriculum implementation Evaluations used in the performance of an FBA</p>	 X X X X X X X X X X	 X X X X
<p><u>EDUCATIONAL PLACEMENT</u> Initial provision of special education and related services (34-57F) Any change in educational placement/least restrictive environment Termination of special education or related services (34-57E) and (34-57N) Parental transfer of student out of district Graduation with a regular high school diploma Disciplinary changes in placement that would exceed 10 consecutive school days Disciplinary removal for not more than 10 school days. Disciplinary removal to an interim alternative education setting for not more than 45 school days</p>	 X X X X X X X X	 X X

<p><u>PROVISION OF FAPE</u> Deletion or addition of related services Change in annual goals on an existing IEP Increase or decrease in special education services or related services Change in how a student will participate in state/district assessment Any revision in the IEP Increase or decrease in supplementary aids and services or supports to school personnel listed in the student's IEP Refusal to increase or decrease a related service Consideration of extended school year services Implementation of a Behavior Intervention Plan Non-implementation of services (34-57O)</p>	<p>X X X X X X X X X X</p>	
<p><u>OTHER</u> Informal or unscheduled conversations involving public agency personnel and conversations on issues such as teaching methodology, lesson plans, or coordination of service provision Revocation of consent/termination of services</p>	<p>X</p>	<p>X</p>

Note: This checklist is not an exhaustive listing but should be used as a guide to address the most common circumstances an LEA may encounter regarding the provisions of prior written notice and consent.