

# Instructions to Special Education Forms



## Form 7 - Notice of Local Educational Agency Refusal

In order to ensure that LEAs comply with the federal regulations governing parental notice, Form 7 includes all the information required to fully inform parents when an LEA intends to decline a request(s) for a student's (1) identification, (2) evaluation, (3) educational placement or (4) the provision of FAPE as defined by an IEP. (For purposes of the prior written notice requirement, a change in "identification" means a change in the eligibility category. A change in "evaluation" means a refusal to initiate or change an evaluation plan.)

The prior written notice requirement assumes that the following situations will be "refusals to changes in educational placement." (1) where the change would require a change in the IEP; (2) where the change would result in moving a student to a more or less restrictive educational environment; (3) where the student's opportunities to participate in nonacademic and extracurricular activities would be reduced or expanded; and (4) where the new placement option is not the same option on the continuum of alternative placements. Refusals to change methodology or personnel require prior written notice only when they fall within one of the above situations.

The purpose of the prior written notice requirement is to give parents information about LEA refusals in time to consider the decision and to determine how to respond. Form 7 does not apply when an LEA has not decided, in advance of a scheduled meeting, to make specific proposals, or to decline specific parental requests. In those cases, Form 7 would be used only after the LEA decision has been made, possibly at the end of the meeting or shortly thereafter. For example, if a meeting is scheduled simply to review progress, and a decision is proposed during the meeting to change the IEP, but does not reach consensus. Form 7 would be used at the end of the meeting or shortly thereafter if the decision of the LEA was to refuse this change and, therefore, would not be documented in amendments to the current IEP. In any case, either through the refusal using Form 7, or the documentation of changes using Form 2, Form 5 and Form 5b, prior written notice must be given before a decision is scheduled for implementation. During this period, the parent has time to consider the significance and impact of the district's decision.