

Thanks for joining us for today's webinar—

**Notice of Recommended Educational Placement/Prior Written  
Notice: Lessons Learned in the Field**

The Handout can be accessed at [www.pattan.net](http://www.pattan.net). Click on the Training Tab, then on Calendar, and scroll down to today's date. Click on today's session, then click on Handout. You will be able to download it and print it.

This session will be recorded and archived for later viewing.

Notice of Recommended Educational Placement/Prior  
Written Notice

*Lessons Learned in the Field...*

Cathy Skidmore, Hearing Officer, ODR

Diane Funsten, PaTTAN East

November 30, 2017



# PaTTAN's Mission

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The mission of the Pennsylvania Training and Technical Assistance Network (PaTTAN) is to support the efforts and initiatives of the Bureau of Special Education, and to build the capacity of local educational agencies to serve students who receive special education services.

# PDE's Commitment to Least Restrictive Environment (LRE)

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Our goal for each child is to ensure Individualized Education Program (IEP) teams begin with the general education setting with the use of Supplementary Aids and Services before considering a more restrictive environment.

# Important Parental Right

**NOTICE OF RECOMMENDED  
EDUCATIONAL PLACEMENT/PRIOR  
WRITTEN NOTICE (NOREP/PWN)**

## NOREP/PWN: Purpose

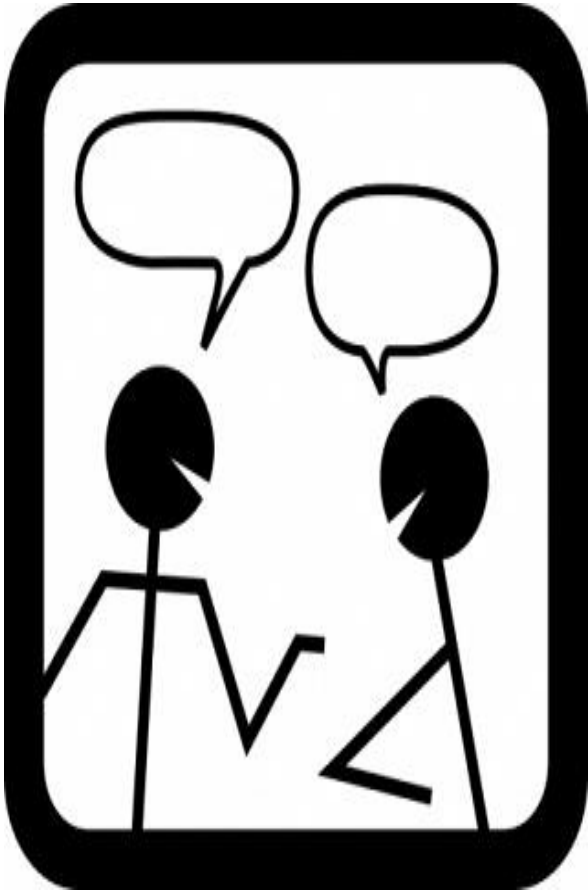
- Provides vehicle for LEA to ensure parent participation in special education process
- Summarizes for parents the recommendations of the LEA for the child's educational program and other actions taken by the LEA
- Outlines the recommended educational placement for the student and other options that were considered by the IEP team

## NOREP/PWN: When Required

### Required for these Types of Action

- Proposal of initial provision of special education/related services
- Refusal to initiate evaluation
- Proposal/Refusal to change identification, evaluation, placement of child or provision of FAPE
- Disciplinary change of placement
- District-initiated due process hearing/expedited due process hearing
- Graduation from high school
- Exiting high school due to exceeding age eligibility for a FAPE
- Exiting special education
- Extended School Year (ESY) services
- Response to request for independent educational evaluation (IEE) at public expense

# Let's Talk: Understanding the NOREP/PWN



1. Review the list of Types of Action taken by the LEA on the NOREP/PWN on previous slide.
2. Talk with a colleague about which actions require the LEA to issue
  - Parental Consent
  - Procedural Safeguards Notice



# NOREP/PWN: **When is Parental Consent Required?**

- **Proposal of initial provision of special education/related services**
  - Refusal to initiate evaluation
  - Proposal/Refusal to change identification, evaluation, placement of child or provision of FAPE
  - Disciplinary change of placement
  - District-initiated due process hearing/expedited due process hearing
  - Graduation from high school
  - Exiting high school due to exceeding age eligibility for a FAPE
  - Exiting special education
  - Extended School Year (ESY) services
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# NOREP/PWN: When is the PSN Also Required?

- Proposal of initial provision of special education/related services
- **Refusal to initiate evaluation**
- Proposal/Refusal to change identification, evaluation, placement of child or provision of FAPE
- **Disciplinary change of placement**
  - District-initiated due process hearing/expedited due process hearing
  - Graduation from high school
  - Exiting high school due to exceeding age eligibility for a FAPE
  - Exiting special education
  - Extended School Year (ESY) services
  - Response to request for independent educational evaluation (IEE) at public expense



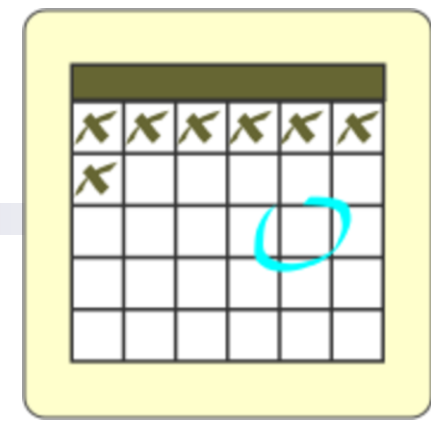
**When parent requests mediation or a due process hearing, LEA must provide PSN, which contains Due Process Complaint Notice.**

# NOREP/PWN: Contents of the PA Form



1. Type of action taken
2. Description of action proposed or refused by LEA
3. Explanation of why LEA proposed/refused to take the action
4. Description of other options IEP team considered and reasons why those options rejected
5. Description of each evaluation procedure, assessment, record or report LEA used in deciding to propose/refuse the action
6. Description of other factors relevant to LEA's proposal/refusal
7. The recommended educational placement for the child and statement that the parents of a child with a disability have protections under the law and how to obtain a copy of the description of the Procedural Safeguards Notice
8. Parent Consent options
9. Sources for parents to contact for help in understanding the provisions of this part

# NOREP/PWN: Timelines for Consent



Notice must be given  
reasonable time before  
LEA proposes/refuses  
action

- Reasonable determined to be 10 calendar days in PA

Consent options for  
parents

- Request meeting with LEA personnel to discuss action/recommendation
- Approval of action/recommendation
- Request for mediation/due process hearing

Parental response

- Parents have 10 calendar days to approve/disapprove of LEA recommendations after receipt of NOREP/PWN

# NOREP/PWN: Timelines for Consent (cont'd)

If parent does not approve the action/recommendation, child remains in current program/placement only if parent requests due process hearing or mediation through the Office for Dispute Resolution

If NOREP/PWN is NOT completed and parent consent is NOT required, the school can proceed as proposed after 10 calendar days

- LEA must wait 10 calendar days for parents to respond to NOREP/PWN
- Impacts on implementation date of the IEP

# NOREP/PWN: Informed Consent



- LEA must ensure parent understands action/recommendation
- IDEA requires NOREP/PWN is
  - Written in language understandable to general public
  - Provided in native language of parent or other mode of communication used by parent
    - Unless clearly not feasible to do so

# NOREP/PWN: Informed Consent



If native language/mode of communication is not a written language LEA must ensure that

- Notice translated orally/other means in native language or mode of communication
- Parent understands content of notice
- Written evidence is available that requirements have been met

34 CFR §300.503(c)

# NOREP/PWN

Scenarios: A Hearing Officer's Perspective



OFFICE FOR DISPUTE  
RESOLUTION



# Options Considered

4. A description of other options that the IEP team considered and the reasons why those options were rejected. If the action proposed or refused is in regard to educational placement, options considered must begin with the regular educational environment with supplementary aids and services (information about supplementary aids and services is available on the PaTTAN website at [www.pattan.net](http://www.pattan.net)):

Options Considered	Reason for Rejection

# Parental Consent on NOREP/PWN

## 8. PARENTAL CONSENT

Directions for Parent/Guardian/Surrogate: Please check one of the options, sign this form, and return it within 10 calendar days. In circumstances when this form is NOT completed and parental consent is NOT required, the school will proceed as proposed after 10 calendar days.

☐ I request an informal meeting with school personnel to discuss this recommendation.

☐ I approve this action/recommendation.

☐ I do not approve this action/recommendation.\* My reason for disapproval is:

I request (Contact the Office for Dispute Resolution at 800-222-3353 for information on Mediation and Due Process Hearing):

☐ Mediation

☐ Due Process Hearing

\* Except for placement in an interim alternative educational setting due to drugs, weapons, or serious bodily injury (§300.530(g), §300.530(i), and §300.531), if you do not approve the action/recommendation, your child will remain in the current program/placement only if you request a due process hearing or mediation through the Office for Dispute Resolution. If you do not request Due Process or Mediation through the Office for Dispute Resolution, the LEA will implement the action/recommendation.

# Parental Consent on NOREP/PWN

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# “Reasonable Time” in PA after NOREP/PWN

*Letter to Pugh* (PDE 2008) opined in part:

- “[T]en calendar days” is the appropriate time period following parental receipt of a NOREP before implementation of proposal.
- “The language [quoted] does not simply imply, it actually requires parents to initiate a proceeding within the 10 calendar days in order to preserve the ‘stay-put.’ The legal authority for such a requirement is plain – the concept of stay-put or pendency does not exist outside of an on-going proceeding.”
- Disputes over the timeliness of due process requests and pendency determinations may need to be resolved by a hearing officer.

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# NOREP/PWN

Questions?



# Contact Information

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