

Written Notice must be given to the parents of a child with a disability a reasonable time (generally 10 days) before the public agency (school district):

1. Proposes to initiate or change the identification, evaluation, educational placement or the provision of FAPE of the child; or
2. Refuses to initiate or change the identification, evaluation, educational placement or the provision of FAPE of the child.

Content of Notice must include:

1. A description of the action proposed or refused by the agency (school district).
2. An explanation of why the agency proposes or refuses to take action.
3. A description of each evaluation procedure, assessment, record, or report the district used as a basis for the proposed or refused action.
4. A statement that the parents of a child with a disability have protection under their procedural safeguards, and if this notice is not an initial referral for evaluation, how to obtain a copy of the procedural safeguards.
5. Sources the parent can contact to understand this provision.
6. A description of other options that the IEP Team considered and the reasons why those options were rejected.
7. A description of other factors that are relevant to the agency's proposal or refusal.

Notice in understandable language:

1. Notice must be provided in language that is understandable to the general public
2. Notice must be provided in the native language or other mode of communication used by the parent, unless it is clearly not feasible to do so.
3. 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:
 - a. That the notice is translated orally or by other means to the parent in his or her native language or form of communication
 - b. That the parent understands the content of the notice, and
 - c. That there is written evidence that these requirements have been met.

When is a Notice of Action Required Under the Category of Free Appropriate Public Education (FAPE)?

Examples that Trigger a Notice of Action

- Changes made to the present level- Since the present level is the basis for decision making for the IEP goals, etc, it would be necessary to complete a NOA for changes in present level.
- Changes made to special considerations
- Changes made to annual goals, objectives, and benchmarks
- Changes made in services including accommodations and modifications
- Changes made in placement
- Changes related to the provision of alternate state or district-wide assessments (e.g. changing from MAP to MAP-A)
- Developed or revised a Behavior Intervention Plan (BIP)
- Decisions about Extended School Year services (ESY)

Examples that Do Not Trigger a Notice of Action

- Any change that is not a required IEP component does not require a notice of action including:
- Changes made when the MAP test will be given at a different grade and for a different subject
- Changes made when the child has changed grade levels or has had a birthday and his/her age has changed
- Changes made because child's address or phone number has changed.
- Change made to the type of IEP (initial or annual)

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