



What Everyone Needs to Know About... Notice

Clear communication between schools and parents is key to a positive and productive relationship. What information do parents need from the school? When does this information need to be provided? What situations specifically require clear communication? Great amounts of time are spent discussing and deciding the specialized instruction and supports that a child with a disability may need. The function of notice is to ensure clear communication occurs when key decisions are made.

Notice is written information given to the parent by school personnel to explain an action the school wants to take, or is refusing to take. Notice must include the following information:

- A description of the action proposed or refused by the school.
- An explanation of why the district proposes or refuses to take the action.
- A description of each evaluation procedure, assessment, record, or report the district used as a basis for the proposed or refused action.
- A statement that the parent has protection under the procedural safeguards and how a copy of the procedural safeguards can be obtained.
- Sources for the parent to contact to obtain assistance in understanding the law.
- A description of other options that the Individualized Education Program (IEP) team considered and the reasons why those options were rejected.
- A description of other factors relevant to the district’s proposal or refusal.

Notice must always be given before any decision that involves informed [consent](#) is requested or made. Notice should not be confused with consent, the process of obtaining formal permission from the [parent](#) to complete the activity. Notice includes the provision of [Procedural Safeguards Notice](#) when it is appropriate for the parent to understand their rights.

The IDEA & MARSE

The [Individuals with Disabilities Education Act](#) (IDEA) and [Michigan Administrative Rules for Special Education](#) (MARSE) are the foundation of special education accountability requirements in Michigan.

Written [Notice](#) must be given to the parents of a child with a disability within a reasonable time before the public agency--

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

Common Situations That Require Notice

Evaluation	<ul style="list-style-type: none"> • Prior to requesting consent • When a public school says “No, not now...” • Following a written request for an evaluation • When no further information is necessary to continue eligibility
Identification	<ul style="list-style-type: none"> • Prior to identification as a student with a disability • Following a parent’s refusal to give consent • Following a request for change in eligibility
Educational Decisions	<ul style="list-style-type: none"> • Prior to convening the IEP team • Any change to a student’s placement, including graduation and disciplinary changes of placement • Any change to the continuum of Special Education programs and services offered by the district • Proposal or refusal to provide a particular educational setting or special education program
The Provision of FAPE	<ul style="list-style-type: none"> • Any time the contents of an IEP are changed • Following revocation of consent • Following enrollment of a student who was receiving special education in a previous district

Related regulation, rule and guidance

[Individuals with Disabilities Education Act](#) (IDEA 2004)

[Michigan Alliance for Families - Notice](#)

[Michigan Administrative Rules for Special Education](#) (MARSE)

[Right to Receive Prior Written Notice](#)

NOTE: While the content of this page reflects general aspects of the law regarding students with disabilities as of the date of its creation, it is not intended to constitute or serve as legal advice for any particular student scenario. Schools should consult legal counsel for advice with regard to specific situations