

## **Process for Completion of IEPs**

### **Prior Written Notice and Consent ESC 99**

#### **Definition of Prior Written Notice and Consent:**

Federal and State laws and regulations have specific requirements for requesting parent consent. Consent is always to be “informed consent”. The Prior Written Notice must accompany the request for consent for each proposed special education action. The parent must agree in writing to the action for which his or her consent is sought (K.A.R. 91-40-27(a); 34 C.F.R. 300.300). In determining that informed consent is obtained, the following must be insured:

- a. The parent has been fully informed of all information relevant to the activity for which consent is being sought, in his or her native language, or other mode of communication.
- b. The parent understands and agrees in writing to the carrying out of the activity for which his or her consent is sought, and the consent describes that activity and lists the records (if any) that will be released and to whom.
- c. The parent understands that the granting of consent is voluntary on the part of the parent and may be revoked at any time.
- d. If a parent revokes consent, that revocation is not retroactive (i.e., it does not negate an action that has occurred after the consent was given and before the consent was revoked). (K.A.R. 91-40-1(l); 34 C.F.R. 300.9)

#### **Parent consent is required for the following actions:**

1. **Consent to conduct an initial evaluation** (K.A.R. 91-40-27(a), (f)(3); 34 C.F.R. 300.300(a)).
2. **Consent to conduct a reevaluation** (K.A.R. 91-40-27(a), (f)(3),(g); 34 C.F.R. 300.300(c)).
3. **Consent for the initial provision of services on the IEP** (K.A.R. 91-40-27(a)(f)(3)(g); 34 C.F.R. 300.300(b)).
4. **Consent to make a substantial change in placement (more than 25% of the child's school day)** (K.A.R. 91-40-27(a)(f)(1)(g); K.A.R. 91-40-1(rrr)).
5. **Consent to make a material change in services (25% or more of any one service)** (K.A.R. 91-40-27(a),(f)(1)(g); K.A.R. 91-40-1(mm)).
6. **Consent to add a new service, or to delete a service completely (100%):** (K.A.R. 91-40-27(a),(f)(1)(g))
7. **Consent for evaluation or services in private school** (K.A.R. 91-40-27(f)(2); 34 C.F.R. 300.300(d)(4)).

### **Preparation of the ESC 99 for an IEP or Amendment Meeting:**

- a. Once the new IEP or Amendment record has been created in WebKIDSS, go to the demographics screen and click the button that says “**Enter IEP Data**” located just above the student’s name.
- b. Click “**Enter Forms Data**” in the drop down menu.
- c. On the new screen, click “**Select a Form**”.
- d. Scroll down the drop down menu to “**ESC 99 Notice and Consent**” and click.
- e. When the form appears on the screen, you will see a **copy** of the last ESC 99 completed for that student. Directly under the Form name (ESC 99 Notice and Consent), you will see the “**Clear Form**” button. Click “**Clear Form**”, then “**OK**” and then “**Clear Form**” again, as they appear on your screen. You will now see an ESC 99 with all the necessary demographic information on the student, but otherwise clear.
- f. Enter the **date of the scheduled meeting** in the Date box at the top right side and on the line below the student’s name.

\*\*\* **Do Not Complete** the rest of the ESC 99 prior to the meeting. The information that will be entered on this form is to be decided by the **TEAM** at the meeting. \*\*\*

- g. Click “**Save**” and then “**Display Form**”. The ESC 99 form is now ready to print and bring to the meeting.

**NOTE:** If the IEP Meeting is an initial referral, a re-evaluation, or a change of placement meeting, the Psychologist will prepare the ESC 99 and bring it to the meeting. For all other meetings Annual Reviews, Amendments, it is the Primary Provider’s responsibility.

### **During the IEP meeting:**

- a. Check the appropriate boxes and hand write the necessary information on the ESC 99 as decisions are made during the meeting.

**NOTE:** Please review the **Prior Written Notice and Consent - Attachment** which follows this section, for instruction on completing the individual sections of the form.

- b. When the form is **complete**, ask the parent to **review and sign** the form **if consent is required**. If no consent is required, only a 2 page form will be printed and given to the parent.

Please remember to ask the parent to check the appropriate box in front of his/her name and date the signature. The consent boxes should never be pre-checked by computer.

### Following the Meeting:

- a. Go to the student's new IEP in the WebKIDSS program. It will be the top record that you see in the IEP Records box and the date of the current meeting will be highlighted.
- b. On the "**Demographics**" screen, above the Student's name, click "**Enter IEP Data**"
- c. Click "**Enter Forms Data**" in the drop down menu.
- d. On the new screen, click "**Select a Form**".
- e. Scroll down to the **ESC 99 Notice and Consent** form in the drop down menu and click.
- f. Complete all sections of the form with the information you hand wrote during the meeting. Again, please be sure to review the **directions** at the end of this section for completing the ESC 99.
  - g. If the parent did not attend the meeting, you must make **three (3) attempts, by at least two (2) different methods** (mail, phone, e-mail, note home with the student, etc.) to contact the parent for a signature. The meeting will be your first attempt. Please document the attempts at the top of page 1 of the ESC 99.

### Submit Paperwork to the Cooperative Office:

- a. After making all of the necessary revisions to the IEP and the ESC-99, send **only** the **required** paperwork to the Cooperative Office:
  - IEP Signature page with **original** signatures
  - The **complete** Draft copy of the IEP completed at the meeting
  - ESC-99 Notice and Consent Form with **original** signatures if required
  - Behavior Intervention Plan if a separate behavior plan is utilized
  - Admit/Dismiss Form (if new student, or if adding or deleting a service)
  - Medicaid Form (if applicable and not previously signed this year)
  - ESC-300 Exclusion Form if any legally required member of the Team was unable to attend
- b. It is the Cooperative's expectation that **ALL** required paperwork will be submitted to the Coop office **within 10 school days** following the IEP meeting.

**NOTE:** You **do not** need to print a new copy of the ESC 99 to send to the Cooperative. The hand written copy from the meeting is sufficient.

### IEP Review:

- a. The IEP will be reviewed at the Cooperative Office. If changes or additional information are required, you will be notified by e-mail or through an "IEP Checklist".

1. If there is a discrepancy between the original, hard copy of the IEP and what has been entered into the WebKIDSS IEP, where the WebKIDSS version appears to be in error, you will be notified to make the necessary correction in WebKIDSS.
  2. If it appears that the original, hard copy is in error, you will be asked to complete an amendment to the IEP (626) to correct the error. This will require signatures from the parent, administrator, and the primary provider. A new ESC 99 will also need to be completed.
  3. If the error(s) on the original, hard copy is/are substantial, you will be asked to re-convene the IEP Team and complete an Amendment to the IEP and a new ESC 99 to make the correction(s).
- b. Once the IEP has been reviewed and finalized, a hard copy of the WebKIDSS IEP will be printed and sent to the parent. The IEP will then be “**Adopted**” so no further changes can be made.

**\*\*\* Please do NOT make changes to an IEP after it has been submitted to the Cooperative Office. Do not create a new IEP record until you see that the current record has been “Adopted” . If you do need to make a change, please contact the Coop Office and we will review the existing IEP as soon as possible\*\*\***

*\*Revised 2011*