

281—41.503(256B,34CFR300) Prior notice by the public agency; content of notice.

41.503(1) Notice. Written notice that meets the requirements of subrule 41.503(2) must be given to the parents of a child with a disability within a reasonable time before the public agency:

- a. Proposes to initiate or change the identification, evaluation, or educational placement of the child or the provision of FAPE to the child; or
- b. Refuses to initiate or change the identification, evaluation, or educational placement of the child or the provision of FAPE to the child.

41.503(2) Content of notice. The notice required under subrule 41.503(1) must include the following:

- a. A description of the action proposed or refused by the agency;
- b. An explanation of why the agency proposes or refuses to take the action;
- c. A description of each evaluation procedure, assessment, record, or report the agency used as a basis for the proposed or refused action;
- d. A statement that the parents of a child with a disability have protection under the procedural safeguards of this chapter and, if this notice is not an initial referral for evaluation, the means by which a copy of a description of the procedural safeguards can be obtained;
- e. Sources for parents to contact to obtain assistance in understanding the provisions of this chapter;
- f. A description of other options that the IEP team considered and the reasons why those options were rejected; and
- g. A description of other factors that are relevant to the agency's proposal or refusal.

41.503(3) Notice in understandable language.

a. The notice required under subrule 41.503(1) must be written in language understandable to the general public, and must be provided in the native language of the parent or other mode of communication used by the parent, unless it is clearly not feasible to do so.

b. 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 the following:

- (1) The notice is translated orally or by other means to the parent in the parent's native language or other mode of communication;
- (2) The parent understands the content of the notice; and
- (3) There is written evidence that the requirements in subparagraphs 41.503(3) "b"(1) and (2) have been met.

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