

Notice in Understandable Language

Universal Academy open-enrollment charter school must give the parent prior written notice (provide the parent certain information in writing), within a reasonable amount of time before it:

- 1) proposes to initiate or to change the identification, evaluation, or educational placement of the student, or the provision of a free appropriate public education (FAPE) to the student; or
- 2) refuses to initiate or to change the identification, evaluation, or educational placement of the student, or the provision of FAPE to the student. (34 CFR §89.1050(h); TAC §300.503(a))

Universal Academy open-enrollment charter school must provide prior written notice regardless of whether the parent agreed to the change or requested the change. (OSEP Letter to Lieberman).

The prior written notice must be:

- 1) written in language understandable to the general public; and
- 2) provided in the parent's native language or other mode of communication the parent uses in accordance with the school's policy on use of parents' native language, unless it is clearly not feasible to do so. (34 CFR §300.503(c)(1)).
- 3) if the native language or other mode of communication of the parent is not a written language, the LEA must take steps to ensure that the notice is translated orally or by other mode of communication and that the parent understands the content of the notice. (34 CFR §300.503(c)(2)).
- 4) a parent may elect to receive prior written notices by an electronic mail communication, if the LEA makes that option available. (34 CFR §300.505).

Content of Notice

The prior written notice must:

- 1) describe the action that the open-enrollment charter school proposes or refuses to take;
- 2) explain why the open-enrollment charter school is proposing or refusing to take the action;
- 3) describe each evaluation procedure, assessment, record, or report the open-enrollment charter school used in deciding to propose or refuse the action;
- 4) include a statement that the parent has protections under the procedural safeguards provisions in Part B of IDEA;
- 5) tell the parent how the parent can obtain a description of the procedural safeguards if the action that the open-enrollment charter school is proposing or refusing is not an initial referral for evaluation;
- 6) include resources for the parent to contact for help in understanding Part B of IDEA;
- 7) describe any other options that the child's ARD committee considered and the reasons why those options were rejected; and
- 8) provide a description of other reasons why the open-enrollment charter school proposed or refused the action.

(34 CFR §300.503(b)(1)-(7)).

Timeline and Manner

The prior written notice must:

- 1) the LEA must provide the parent with prior written notice at least five school days before the LEA proposes or refuses the action, unless the parent agrees to a shorter timeframe.
- 2) if a parent submits a written request to the LEA's director of special education services or to an administrative employee for an initial evaluation, the LEA must, not later than the 15th school day after the date of receipt provide the parent with:

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3) prior written notice of its proposal to conduct an evaluation, a copy of the Notice of Procedural Safeguards, and an opportunity to give written consent for initial evaluation; or

4) prior written notice of the school's refusal to conduct an evaluation and a copy of the Notice of Procedural Safeguards.

(34 C.F.R. §300.503(a); §300.300(b); §300.505; TAC §89.1050(h)).

Notification for Homeless Children or Children in Substitute Care

Universal Academy open-enrollment charter school will provide notice to a student's educational decision-maker and caseworker regarding events that may significantly impact the education of a child, including:

- 1) requests or referrals for an evaluation under Section 504, Rehabilitation Act of 1973 (29 U.S.C. Section 794), or special education under Section 29.003 of the Texas Education Code;
- 2) admission, review, and dismissal committee meetings;
- 3) manifestation determination reviews required by Section 37.004(b) of the Texas Education Code;
- 4) any disciplinary actions under Chapter 37 for which parental notice is required;
- 5) citations issued for Class C misdemeanor offenses on school property or at school-sponsored activities;
- 6) reports of restraint and seclusion required by Section 37.0021; and
- 7) use of corporal punishment as provided by Section 37.0011

(TEC 29.007(a)(9))