

GUIDANCE ON REQUIRED CONTENT OF FORMS UNDER PART B OF THE IDEA

Part B of the Individuals with Disabilities Education Act (IDEA) sets forth requirements for States and local educational agencies (school districts) in providing special education and related services to children with disabilities, ages 3 through 21. Part B emphasizes the importance of including parents in decisions regarding the education of their children. Before a school district proposes or refuses to take action regarding the educational program of a child with a disability, the district must provide a “prior written notice” to the parents. The district must also, at specified times, provide parents with a “procedural safeguards notice” which explains their rights under Part B of the IDEA. Further, parents and school personnel must work together to develop an individualized education program (IEP) for each child which sets forth the services that the child will receive to meet his or her unique needs.

In the Individuals with Disabilities Education Improvement Act of 2004 (the 2004 reauthorization of the IDEA), the Congress required the U.S. Department of Education to publish and widely disseminate “model forms,” that are “consistent with the requirements of [Part B of the IDEA]” and “sufficient to meet those requirements.” Specifically, the reauthorization required the Department to develop forms for the: (1) IEP; (2) notice of procedural safeguards; and (3) prior written notice.

Attached to this introduction are the three forms that the Department has, consistent with the instructions from the Congress, developed to assist States and school districts in understanding the content that Part B requires for each of these three types of forms. The content of each of these forms is based upon the requirements set forth in the final Part B regulations. Although States must ensure that school districts include all of the content that Part B requires for each of the documents that they provide to parents, States are not required to use the format or specific language reflected in these forms. States may choose to add additional content to their forms, so long as any additional content is not inconsistent with Part B requirements.

These three forms closely track the language in the regulations. However, where appropriate, the Secretary has, in order to make the forms more user-friendly:

- Used “school district” or “district” in place of “public agency” and “local educational agency.”
- Used “you” in place of “parent” (or the student, where parental rights have been transferred from the parent to the student at the age of majority).

In order to receive a copy of these model forms or the Part B regulations, please contact Mary Louise Dirrigl by either e-mail (mary.louise.dirrigl@ed.gov) or telephone (202-245-7324).