



## PRIOR WRITTEN NOTICE UNDER THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT (IDEA)

### **What is a prior written notice (PWN) and when should I receive one?**

The education of your child is important and communication is vital. A PWN is a written document that outlines important decisions about your child's education. Through the PWN, the school can ensure that you are up to date on all important decisions regarding the education of your child and document disagreements among you and the school regarding certain actions. While it is always best practice to document any decision regarding your child's education in writing, you must receive a PWN within a reasonable time ***before*** a school district either proposes OR refuses to:

#### ***Initiate* or *change*:**

- The process to identify your child as a student with a disability
- The evaluation of your child – this includes the initial referral process and re-evaluations
- The placement of your child to receive special education and/or related services
- The provision of a free and appropriate public education (FAPE) to your child – FAPE typically involves the type, amount, or location of special education and related services being provided to your child

### **What should be included in a PWN?**

While there is no specific form that is required, the PWN should provide you with enough information to understand the action taken by the school. At a minimum, a PWN should include the following:

- A description of the action proposed/refused by the school
- An explanation why the school proposes or refuses to take certain action(s)
- A description of each evaluation procedure, assessments conducted, record reviewed, or report the school used as a basis for the proposed or refused action(s)
- A statement that the parent(s)/guardian(s) of children with disabilities have certain procedural safeguards and the means by which families can receive a copy of the procedural safeguards.
- A means of obtaining assistance in understanding the contents of a PWN
- A description of other options the IEP Team considered and the reasons these options were rejected; and
- A description of other factors relevant to the school's decision

### **I can't understand what is written in the PWN. What should I do?**

Communication is key! PWN's are intended to provide you with important information regarding your child's education. PWN's must be written in a way that is easy for you to understand and they must be in your native language or other mode of communication you use (unless it is clearly not feasible to do so). If your native language or other mode of communication is not a written language, you are entitled to have the PWN translated orally or by other means you can understand.

### **Are there times a PWN is not required?**

Yes! While certain actions do require a PWN, PWN's are not required in every instance. While not an exhaustive list, PWN's may not be required in the following instances:

- Observations/evaluations conducted as part of the routine school day for general instructional purposes
- Evaluations conducted for progress monitoring of IEP goals/objectives
- Changes in course schedule, classroom assignment, or teacher assignment
- Disciplinary removal from the classroom for less than ten (10) days provided the removal does not constitute a pattern or practice of the school
- General screenings

**Is a PWN required even if I agree with the school's decision?**

Yes. A PWN is required even when the entire team agrees with the initiation or change in the identification, evaluation, placement, or provision of FAPE for your child. Remember, the purpose of the PWN is "to ensure that a parent understands the special education and related services which a [school] has proposed or refused to provide to a student. Even if you agree with the school's decision, a PWN is required in those instances discussed above.

**What if I disagree with the contents of the PWN?**

While the IDEA does not offer specific procedures to dispute the accuracy of information contained in a PWN, you should immediately notify the appropriate party with the issues you believe are missing from a PWN in writing. In some instances, the school will include your specific disagreements in the PWN. Additionally, you should consult with an appropriate party regarding certain administrative review mechanisms or legal actions if the school is unwilling to make necessary and appropriate changes to the PWN.