

# Prior Written Notice

Prior written notice (PWN) is required when a local education agency (LEA) **proposes or refuses to initiate or change** the following:

- evaluation,
- identification,
- educational placement, or
- provision of a free appropriate public education (FAPE).

LEAs must issue the prior written notice to the student's parents **no later than 10 school days after** the decisions noted above occur, but **before** the decisions take effect. See 34 C.F.R. § 300.503; State Board of Education Rule 0520-01-09-.15(4).

## Prior Written Notice Content

1. Description of the **action(s) proposed or refused** by the LEA.
  - Provide a clear explanation of each proposal and/or refusal that is factually grounded or informative, rather than being written in a vague, generic, and normative format.
2. Explanation of **why** the action is proposed or refused.
  - Provide a detailed rationale for the proposed and/or refused actions so that the parent clearly understands how the individualized education program (IEP) team reached its decision on each specific action.
3. A description of any **other options** the IEP team considered and the reasons for the rejection of those options.
  - Describe in detail all options considered and why each was rejected.
4. A description of each **evaluation procedure assessment, record, or report** the LEA used as a basis for the proposed or refused action.
  - Be clear and specific about the information used.
5. A description of **other factors** that are relevant to the LEA's proposal or refusal.
  - Use this section to document important information and describe in detail any other relevant factors that were used by the IEP team.
6. Statement of the protections available under Individuals with Disabilities

Education Act (IDEA) and the means by which a copy of the **procedural safeguards** may be obtained.

7. Sources to obtain **assistance** in understanding the provisions of IDEA.

### Best Practice Tips:

- Avoid blanks and/or using terms such as not applicable, non, N/A
- Avoid abbreviations and jargon. Write the PWN in language understandable by a reader who is not conversant in special education
- Proofread and avoid “cookie-cutter” PWN statements
- Ensure that the PWN is comprehensive and encompasses all proposed and/or refused actions, even when there is agreement with the proposal
- Document how you send the PWN to the student’s parent