



Prior Written Notice Brief

(Information taken from the CDE IEP Procedural Guidance manual)

The Prior Written Notice provides a clear record for the student, parent, and school of the decisions that have been made; the basis for those decisions; and the actions that have been proposed or refused. The Prior Written Notice may be referenced in any number of circumstances, such as subsequent meetings or dispute resolution situations, or as a clarification and reminder to all parties of commitments made. (The notice must be written in language understandable to the general public and provided in the native language of the parents or other mode of communication used by the parent, unless it is clearly not feasible to do so.[IDEA 300.503 (c)(1) (i) (ii)]). **Providing a timely and correct Prior Written Notice to the parent(s) is essential to protecting the rights of students receiving special education and their parents; this step is a vital component of the procedural safeguards that schools make available.**

The Prior Written Notice must provide information for each of the following elements:

- A description of the school's action(s), proposed or refused
- An explanation of why actions are proposed or refused
- A description of evaluation, procedure, assessment, record or report used as a basis for the proposed or refused action
- A description of any other options the IEP team considered and the reasons for rejecting those options
- A description of any other factors relevant to the proposal or refusal of action
- Sources for the parent to contact with any questions regarding provisions of the prior written notice requirements
- Acknowledgement of provision of Procedural Safeguards

Conditions under which a Public Agency Must Provide Prior Written Notice:

- When the public agency proposes to initiate or change . . .
 1. The identification of a student;
 2. The evaluation of a student;
 3. The educational placement of a student; and/or
 4. The provision of free, appropriate public education (FAPE) to a student.
- When the public agency refuses to initiate or change . . .
 1. The identification of a student;
 2. The evaluation of a student;
 3. The educational placement of a student; and/or
 4. The provision of FAPE to a student

Depending on the situation, different Prior Written Notice forms are required.

Prior Written Notice & Consent for Evaluation is used to:

1. Obtain and document parental consent for an initial evaluation
2. Obtain and document parental consent for reevaluation (the agency may proceed with the reevaluation if the parent does not respond and the agency can demonstrate that it has taken reasonable measures to obtain consent)
3. Provide written notice when the team is proposing that no additional evaluation data are needed.

Prior Written Notice (embedded within the IEP) is used to:

1. Document the other considerations that were made throughout the IEP meeting that were rejected by the IEP team and the bases for making those decisions, as well as other factors that were considered. The considerations that were made by the IEP team in the IEP meeting that were accepted are documented in the IEP itself, along with the bases for making those decisions.
2. Meet the requirement to provide prior written notice to parents before the AU takes any action with regard to a student's identification, evaluation, placement, individualized education plan, or provision of a free, appropriate public education.
3. Provide documentation of specific changes to be made and the timing for those changes.
4. For a reevaluation or annual IEP that does not have major changes.

(NOTE: If the parent requires that notices are translated in a language other than English, completing the Prior Written Notice as described here will require the translation of the entire IEP. Otherwise, the IEP Team should use the Prior Written Notice of Special Education Action and summary those considerations considered and accepted as well as those that were considered and rejected, along with other options and factors considered.)

Prior Written Notice & Consent for the Initial Provision of Special Education and Related Services is used to:

1. Provide written notice when initial placement into special education is proposed; and
2. Obtain and document parental consent for initial provision of special education and related services

(NOTE: If the action includes release of records requiring parent consent, attach *Release of Secure or Confidential Information Form(s)* that identifies the records to be released, and to whom.)

Prior Written Notice of Special Education Action is used to:

1. Meet the requirement to provide prior written notice to parents before the AU takes any action (acceptance or rejection) with regard to a student's identification, evaluation, placement, individualized education plan, or provision of a Free, Appropriate Public Education.
2. Provide documentation of specific changes to be made and the timing for those changes.

Amendment and PWN is used to:

1. Changes to an IEP that do not affect LRE, change identification or providers.
2. Document parent and district agreement that an IEP meeting is not necessary to revise the student's IEP between annual IEP meetings, as permitted by IDEA 2004.