



Prior Written Notice

Training and Activities

**Disclaimer: This presentation reflects current federal and state compliance requirements included in the Arizona ESS monitoring system. It does not include local PEA policy, procedure and practice that may exceed compliance requirements.



When?

Prior written notice must be given to parents a reasonable time before the public agency proposes or refuses to initiate or change the:

- Identification
- Evaluation
- Educational placement
- Provision of a free appropriate public education (FAPE)



What?

- The prior written notice (PWN) is a vital component of parents' procedural safeguards.
- PWN communicates information from the public education agency (PEA) to the parents.
- PWN is a record of the PEA's decisions that have been made but have not yet been acted upon.
- PWN gives parents notice so they may seek resolution if they disagree with a decision.



Content

A PWN must include the following items:

- a description of the action proposed or refused by the school;
- an explanation of why the school proposes or refuses to take the action;
- a description of each evaluation procedure, assessment, record, or report the agency used as a basis for the proposed or refused action;



- a statement that the parents of a child with a disability have protection under the procedural safeguards provided in the IDEA and how a copy of those procedural safeguards may be obtained;
- sources for parents to contact to obtain assistance in understanding the IDEA;
- a description of other options considered by the IEP team and the reason why those options were rejected; and
- a description of other factors that are relevant to the school's proposal or refusal.



Language Requirements

- PWN must be written in language understandable to the general public.
- PWN must be provided in the native language or in the mode of communication used by the parent, unless it is clearly not feasible to do so.
- If the parent's native language or other mode of communication is not a written language, the school must take steps to ensure that the notice is translated orally and that the parent understands the content of the notice.
- The school must maintain written evidence that these steps were undertaken.





Initial Referral

- The purpose of this PWN is to outline for parents the decision to initially refer the child to the multidisciplinary evaluation team (MET) and the reasons for the referral.
- PWN is provided before the review of existing data.
- PWN comes before the evaluation begins.



Evaluation: Collection of Additional Data

- The first PWN for evaluation is required when the team has made a decision regarding the collection of additional data.
- The team must obtain informed written parental consent to collect additional data.
- PWN comes before any new evaluation data is collected.



Evaluation: Eligibility Determination

- The second PWN for evaluation is required when the team has determined whether the child is a child with a disability.
- The purpose of this PWN is to inform the parents:
 - Whether the child meets the criteria for a particular disability
 - Whether the disability is impacting the child's ability to successfully access the general curriculum
 - Whether the child needs special education and related services in order to make progress
- PWN is provided after the eligibility determination has been made.



Initial Placement

- PWN is required for initial placement in special education.
- For initial placement in special education, schools must obtain the parent's informed written consent **before the delivery of any services.**



Educational Placement

- PWN is required to document decisions about a child’s educational placement along the continuum of alternative placements.
- PWN is required when a student exits special education altogether:
 - The multidisciplinary evaluation team (MET) determines the child is no longer eligible as a child with a disability.
 - Parents revoke consent for special education services.
 - Graduation from high school with a regular high school diploma or “aging out” of special education.
- PWN is required for disciplinary removals that constitute a change of placement.



Provision of Free Appropriate Public Education (FAPE)

- PWN is required before providing FAPE after an IEP has been developed or amended.
- PWN is required when the team has determined what constitutes special education and related services for this student.
- PWN is required when a parent requests additions or modifications to FAPE that the school refuses.



Provision of FAPE (continued)

- The purpose of the PWN is to outline for the parents the actions proposed or refused as a result of the IEP review and revision or amendment, such as:
 - Special education and related services
 - Measurable annual goals
 - Supplementary aids and services
- PWN must be given prior to the implementation of these decisions.





Activity

- Each group will be given a scenario.
- Each group will be given a template.
- With the scenario and template provided, draft a PWN with your group for this student's parents.



Let's Trade

- Swap your group's PWN with another group's.
- Make calls on the PWN using the modified student file form and guide steps—be sure your group comes to consensus.
- Any place your group has made an out call, explain the reason for the out call and rewrite the statement in the comments to make the component compliant.
- Once complete, give the PWN back to the group that created the PWN.



Let's Talk

- Talk with the group that reviewed your PWN to discuss areas of discrepancy and be sure you understand the calls that were made.
- Whole group—Any questions on calls made and clarifications?



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