



What's the Big IDEA? #4

The Individuals with Disabilities Education Act (IDEA) is a law ensuring services to children with disabilities throughout the nation. IDEA governs how states and public agencies provide early intervention, special education, and related services to more than 6.5 million eligible infants, toddlers, children, and youth with disabilities. This series is designed to offer information about IDEA as amended in 2004. Each fact sheet will focus on a different aspect of IDEA.

Prior Written Notice – Part 1

*Prior Written Notice (PWN) may be **the** most important of all of the Procedural Safeguards guaranteed under IDEA – the federal special education law. Be aware that a PWN is **not the same thing as a Notice of Meeting**. A Notice of Meeting is sent to you before the Individualized Education Program (IEP) meeting and tells you the date, time and location of the meeting, lists the school personnel who will be attending the meeting, and states the purpose of the meeting.*

What is a Prior Written Notice (PWN)?

Prior Written Notice is a written document that must be provided to a parent whenever the school proposes or refuses to initiate or change a child's:

- Identification (eligibility for services, need for services, and/or change of disability category)
- Evaluation (initial evaluation, re-evaluation)
- Educational placement
- IEP

As part of your preparation for your child's IEP, Parents Reaching Out advises you to write out your concerns and proposals. (See our *Handbook of Parental Rights and Special Education Procedures* for copies of helpful forms to use.) During the IEP meeting, the team must address each of your concerns and proposals, either in the IEP or in the PWN.

As the Baca family prepares for their son's IEP meeting, they realize that they are very concerned about Daniel's fine motor skills. They write down their concerns. "Daniel is in the 5th grade and he still has trouble with handwriting and cutting with scissors. We have noticed that Daniel's 7-year-old brother can do these tasks easily and we are concerned that Daniel has not mastered these skills." The Bacas write down their proposal of an evaluation for Occupational Therapy services. During their son's IEP meeting, the Baca family presents their concerns and proposals. As the team discusses the Baca's concerns, Daniel's teacher confirms that Daniel has difficulty with copying from the chalkboard and tries to avoid handwriting tasks. The teacher has already made some accommodations, such as reducing the amount of copying Daniel has to do and allowing him to use the computer to complete some assignments. Although there has been some improvement, Daniel is still struggling with written language tasks. The team agrees that an OT evaluation could provide useful information, so it is recorded on the PWN as an accepted proposal based on the parents' and teacher's observations. The Baca family now has evidence in writing that the school will provide an OT evaluation for their son. The school can be held accountable for following through with evaluation.



If the team had rejected the Baca family's request, the proposal would still need to be recorded on the PWN and the team would need to note that the proposal was rejected and list the reasons why the school rejected the parents' proposal. This is helpful because if the Baca family wants to challenge the school's rejection, they have the school's position already stated in writing.

Most of the time, the PWN is completed during your child's IEP meeting. In this case, the document describes the proposals made by both the school and the parent, whether they are accepted or rejected, and the reasons for the acceptance or rejection.

As the parent, you can disagree with the school's proposals. For example, Valerie currently receives special education services for four hours a week in a Resource Room setting. Her teachers feel she has not made sufficient progress and would like to increase her special education hours to 15 hours a week, with placement in a self-contained special education classroom for those hours. Valerie's mom does not want to increase Valerie's special education hours. She wants the number of hours to stay the same and she would like the Resource teacher to use a multi-sensory reading program. When there is a disagreement like this between the school and the parent the best practice is to document the disagreement in the PWN, implement the elements of the IEP that both parties agree on, and start a process to resolve the dispute.



Why is the PWN so important?

- PWN is a **communication tool**. It should reflect all proposals. It lets the IEP participants know that they are equal participants in the process and that decisions are made jointly.
- You have in writing what the school proposes to do and why. If the school does not follow through, you have evidence that the school was supposed to take a particular action.
- If you have made a proposal that the school has rejected, you have the reasons for their refusal stated in writing.
- You may object to all or part of the district's proposals. If you do, the district should begin the dispute resolution process. If the district doesn't begin the process, you may initiate it.
- It provides you with information on how to get a written copy of your legal rights.
- The PWN tells you who you can contact if you need help understanding your rights. ***Remember, a family liaison at Parents Reaching Out can help you understand your rights under IDEA.***
- It also fully documents all items brought up by the school and the parent at an IEP meeting and the action that will or will not be taken to meet the needs of your child.

For more information about Prior Written Notice, consult our *Handbook of Parental Rights and Special Education Procedures*. You can call us at 1-800-524-5176 to request a copy or you can download it from our website: parentsreachingout.org

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