

## Prior Written Notice

Prior Written Notice is one of the important rights in special education for parents. These rights are in a federal law called the Individuals with Disabilities Education Act (IDEA). When a child receives special education services, this law says that schools must notify parents in writing before taking a specific action or before refusing to take an action that parents have requested. For more information, also read the ALLIANCE handout called Informed Parent Consent.

### When does the school need to give prior written notice to parents?

The school must tell parents in writing whenever the school proposes or refuses to change the child's

- identification;
- evaluation;
- educational placement or program; or
- free appropriate public education (FAPE)

If you have asked the school district to do something, such as evaluate your child or change your child's special education services, the district may either agree to your request or refuse it. If the school refuses, the school district must tell you in writing how they reached their decision. They will also tell you what you can do if you disagree with their decision.

### What is in the written notice?

The notice the school sends to parents must include:

- what the school wants to do or refuses to do;
- why the school wants to do something, or refuses to do it (for instance, place a child in more regular education classes);
- other options school staff considered and why those options were rejected;
- each test or record the school used in making its decision;
- any other information the school considered in making this decision;

- how parents can get a written copy of their legal rights, if they are not given to them. These rights are called procedural safeguards.
- who to contact for help in understanding your rights.

### What else do I need to know?

1. The notice you are given must also:

- be written in language that the general public can understand; and
- be written in your native language or communicated in other ways that parents understand, unless it is not feasible to do so.

2. If a parent does not have a written language the school must:

- translate the information orally or provide it in the way the parent communicates;
- be sure that the parent understands the notice; and
- write down that it has done these two things.

### Some Real Life Examples

The following examples show three different parents receiving appropriate prior written notice concerning their children.

*Mr. and Mrs. Jones receive a notice from their son's school. The school wants to change Sam's Individualized Education Program (IEP). Sam spends most of his day in a special education classroom. School staff believe that Sam can go back to a regular education classroom with help from a special education teacher. The change means that Sam would go from being in a special education classroom four hours a day to being in the general education classroom six hours a day, with three hours of special education help in this new classroom.*

*The notice states that Sam's class work shows that he is getting close to doing work at his grade level. The help Sam has received this year and his hard work make it possible for him to go back to the*



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regular education classroom with help. Recent testing shows how well Sam is doing. For these reasons, the school feels this change is right for Sam.

Enclosed with the notice is another paper. It tells Sam's parents about their legal rights and whom they can contact for help in understanding their rights.

After an IEP meeting to talk about physical therapy services, Ms. Romero sends a letter to her son's school saying that her son, Carlos, needs more physical therapy services. She wants the school to increase therapy from two times a week to four times a week.

The school sends a notice to her that says they do not agree. School staff explain that they looked at therapy records and talked to the therapist who works with Carlos. These therapy reports show that Carlos is making good progress and will meet his therapy goals for the year. This is why they do not agree to increasing the services. Ms. Romero also receives information about her legal rights and what she can do if she disagrees with the school.

Mr. Tran receives a notice from his daughter's school. It is written in Vietnamese, his native language. The notice states that school staff believe that April may have a learning disability. They want to test her to see if this is so.

The notice also says that her teacher has been giving April extra help. A special education teacher, who works in the class with other students, has looked at April's work, too. The two teachers say they need to know more about why April is having difficulty in school.

By looking at April's class work and grades, the teachers know she is having trouble with reading, writing and talking. They want to test her in these areas. They also want to do psychological testing to get an idea of how much April can learn.

The notice ends by stating that the school needs written consent from Mr. Tran before they can test April. Enclosed with the notice is another paper, also in Vietnamese, that tells Mr. Tran his legal rights and whom he can contact for help in understanding his rights.

### For More Information

If you want to know the exact language in the part of the IDEA that talks about Prior Written Notice, it can be found in: Section 300.503 of IDEA.

For a copy of the IDEA regulations go to: [www.taalliance.org](http://www.taalliance.org).

If you do not have access to the Internet, call the ALLIANCE National Center, at (888) 248-0822.