

What is Prior Written Notice?

Prior Written Notice (PWN) is a procedural safeguard under the Individuals with Disabilities Education Act (IDEA). It is one of the protections that parents are entitled to. PWN is a written explanation of a change the school district or Area Education Agency (AEA) wants to make or refuses to make in a child's Individualized Education Program (IEP).

It is important that parents understand what the school plans to do (or *not* do) for their child. A PWN must give parents the information they need within a reasonable time after an IEP meeting is held to allow for parents to actively participate in making decisions about their child's educational program and services. PWN is an important tool for parents as it allows for a parent to disagree with a proposed or refused action.

When should a PWN be provided to a family?

Parents should receive written notice after a proposed change has been discussed as a team at an IEP meeting and before any changes are made. Parents may ask for written notice if the school tells them of changes they plan to make through a phone call, a meeting, an email or a conversation.

Under IDEA, schools are only required to provide parents with a PWN in four situations. A PWN must be provided when the school:

1. **Proposes** to make a change in the identification, evaluation or educational placement of a child.
2. **Refuses** to make a change in the identification, evaluation or educational placement of a child.
3. **Proposes** to make a change to how a child is being provided a Free and Appropriate Public Education (FAPE).
4. **Refuses** to make a change in how the child is being provided FAPE.

What 7 things must be included in a PWN according to IDEA?

1. A description of the action proposed or refused by the school or AEA,
2. An explanation of why the school proposes or refuses to take action,
3. A description of each evaluation procedure, assessment or report used to make a decision,
4. A statement telling that parents of a child with a disability have protections under the procedural safeguards and how parents can get a copy of those safeguards,
5. Sources for parents to get help understanding these provisions or procedural safeguards,
6. A description of other options considered and the reasons why they were rejected, and
7. A description of other factors important to the school's proposal or refusal. [§300.503(b)]

All letters or notices schools send must be written in the parents' native language. If parent's native written language or communication mode is not available, the school must take steps to verbally translate the notice for the parents. If parents do not understand the notice they should keep asking questions until they do understand what the school is proposing or refusing.

If parents make a request relating to the identification, evaluation, placement or provision of FAPE, and do not see the request identified in the PWN, they could request an additional PWN that includes their request(s).

What is the implementation date and why is it important?

The implementation date indicates the date that the proposed or refused actions will begin taking place. The implementation date on the PWN should allow reasonable time for parents to review the proposed or refused actions. There is no definition of reasonable time in the law. Best practice is considered 5-10 business days and can depend on the situation.

If the implementation date has passed or is the same date that parents receive the written notice, parents may consider a request to the IEP team that the date be extended to allow reasonable time for consideration. A parent signature on the PWN is not required for changes to go into effect.

What if parents disagree with what is being proposed or refused in the PWN?

If parents disagree with what is being proposed or refused, they can appeal the decision through one of the dispute resolution options described in the Procedural Safeguards Manual.

“Stay put”, also referred to as Child’s status during proceedings, is a provision under IDEA that prevents the IEP from changing until the dispute is resolved (Individuals with Disabilities Education Act, 20 U.S.C. §300.518 (2004)). Unless the school district and the parent agree, stay put is a requirement that the child remain in the current educational placement until the dispute is resolved. Stay put is automatically invoked when a parent files either a due process complaint or a request for a state mediation.

If a parent does not appeal the changes proposed or refused in the PWN, the school or AEA will move forward with those changes. The changes will begin on the implementation date documented in the prior written notice.

What are some ways that a parent can advocate to ensure that the PWN is provided with the necessary documentation and in reasonable time that allows parents to consider what is being proposed or refused?

Prior to the end of the IEP meeting, parents can request that the team collectively review all of the proposals and refusals made during the IEP meeting. This will help to make sure that all members of the team are in agreement about what is being proposed and refused. Parents can also ask who will be writing the PWN and when they can expect to receive the PWN.

Related Resources

Look for the following resources on the ASK website:

- [Sample Letter Requesting Prior Written Notice](#)
- [We Still Disagree– What is the Next Step: Dispute Resolution Options in Special Education](#)
- [Dispute Resolution Comparison Chart \(Iowa Department of Education\)](#)
- [Procedural Safeguards Manual: Rights of Parents of Students with Disabilities Ages 3-21](#)

ASK Essential Questions

- Have I received a Prior Written Notice explaining the changes being proposed or refused by the school or AEA?
- Do I need to ask any follow up questions to fully understand what is being proposed or refused in the PWN?
- When and how will I receive the PWN?