



PWVN

A PEATC
Do You Know

Factsheet for Virginia's Parents

“Prior Written Notice” is confusing to many people because it sounds legal and it sounds like the school must give you this information **BEFORE** they have a meeting. Many schools provide this notice before an eligibility or IEP meeting.

However, this notice must also be given to you **AFTER** a meeting, if you do not agree with something the school is proposing or if the school does not want to do what you are asking.

You must be informed in writing whenever the school district:

Proposes to begin or change identification, evaluation, or placement of your child; or,

Refuses to begin or change the identification, evaluation, or placement of your child

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Do You Know What is Prior Written Notice?

The Individuals with Disabilities Education Act (IDEA) provides procedural safeguards, which are legal rights and protections given to you and your child. One of those safeguards is the document called Prior Written Notice (PWN). This written notice must be given to you before the school initiates certain actions.

The school system is supposed to automatically provide you with prior written notice of any changes. In practice, though, school personnel sometimes the school tells you a decision over the telephone, in a meeting, or in a one-on-one conversation. If you want the notification in writing, you may ask the school system to provide it. And it is best that you put your request in writing.

For example, you may have asked for an IEE at public expense. The school system may tell you on the phone that it has denied your request. You may ask for prior written notice of this denial. The school must then put its decision in writing and explain the reasons for the decision. This information can be helpful if you pursue the IEE through a due process hearing. You will then have in writing the school system's reasons for denying the IEE.

What needs to be included in a PWN Letter?

The school district must provide the notice in understandable language. The notice must include:

- A description of the action that the school is proposing or refusing to take
- An explanation of why the district is proposing or refusing to take that action
- Each evaluation procedure, assessment, record, or report the school district used in deciding to propose or refuse the action
- Any other choices the IEP Team considered and why those choices were rejected
- Other reasons the school district proposed or refused the action
- Resources for you to contact for help in understanding Part B of IDEA.

Sample Letter Requesting Prior Written Notice

Today's Date (include month, day, and year)

Your Name
Street Address
City, State, Zip Code
Daytime telephone number

Name of Person to Whom You Are Writing
Title
Street Address
City, State, Zip Code

Dear (name),

At our meeting (or) during our phone conversation on (date), we discussed my child's (evaluation, eligibility, placement, IEP, services, etc.). I requested (_____). . . and was denied (or) I was told the school intends to (_____). . . but I have never received any information about this decision in writing. In accordance with the IDEA regulations, I am requesting prior written notice regarding (be very specific about the issue/decision you want the school to respond to. Bullet or number the items.)

According to the IDEA, at 34 CFR §300.503, prior written notice must include the following:

1. A description of what the school is proposing or refusing to do;
2. An explanation of why the school proposes or refuses this action;
3. A description of any other options the school considered and the reasons why those options were rejected;
4. A description of each evaluation procedure, test, record, or report the school used as a basis for this decision;
5. A description of any other relevant factors that went into this decision;
6. Information on how I can obtain a copy of procedural safeguards available to me under the law and a full explanation of the safeguards, and
7. Information on sources I can contact for help in understanding IDEA's regulations.

I look forward to receiving a detailed response to my request as soon as possible. Thank you for your assistance.

Sincerely,

Your name

cc: the principal, supervisor, or special education administrator
other members of the meeting

Resources

Virginia Department of Education --

www.doe.virginia.gov/special_ed/regulations/state/procedural_safeguards/model_written_prior_notice.pdf



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