

A PEATC

Do You Know....



Factsheet for Virginia's Parents Prior Written Notice

What is Prior Written Notice?

The **Individuals with Disabilities Education Act** (IDEA) provides for the right of parents to receive **Prior Written Notice** each time the school **proposes to take or refuses to take certain actions** related to your child. The term prior written notice can be a little confusing. The notice is given to parents after a decision is made, but before the action is taken. The Virginia Department of Education has taken the position that 10 business days is a reasonable timeframe by which **Prior Written Notice** should be provided after a decision is made, but states that there may be circumstances in which schools are able to document why they needed a longer time.

When is Prior Written Notice Required?

Prior Written Notice must be provided every time a school:

- **Proposes or refuses** to initiate (begin) or change the **identification, evaluation, or educational placement** of your child.
- **Proposes or refuses** to initiate or change the provision of a **free appropriate public education** (FAPE).

What Must Be Included in Prior Written Notice?

- A **description of the action** the school proposed or refused.
- An **explanation of why** the school proposes or refuses to take the action.
- A **description of other options** the school considered and the reason(s) for rejecting (declining) these options.
- A description of **other facts** important to the school's proposal or refusal.
- A description of **each evaluation procedure, test, record, or report** the school used as a basis for its decision.
- A statement that you, as the parent of a child with a disability, have **protections under the Procedural Safeguards** in IDEA.
- Information on how to get a copy of the **Procedural Safeguards** if not included with the notice (See also Procedural Safeguard Fact Sheet); and
- **Sources for you to contact for help** in understanding the notice.

Resources on Prior Written Notice

Virginia Department of Education
Guidance on Prior Written Notice in the Special Education Process
www.doe.virginia.gov/special_ed/regulations/state/procedural_safeguards/guidance_prior_written_notice_special_educ_process.pdf

Parents' Guide to Special Education
www.doe.virginia.gov/special_ed/parents/parents_guide.pdf

Regulations Governing Special Education Programs
www.doe.virginia.gov/special_ed/regulations/state/regs_speced_disability_va.pdf

Center for Parent Information and Resources
www.parentcenterhub.org/notice-prior

Contact Us:
8003 Forbes Place, Suite 310
Springfield, VA 22151
800-869-6782 / 703-923-0010
www.peatc.org
Hablamos Español



Factsheet for Virginia's Parents

What if I Can't Understand the Notice?

The school must write the notice in **language that the general public can understand**. The school must provide the notice to you in your **native (primary) language** unless it is clearly not possible to do so. If your primary way of communication is not a written language, the school must take steps to ensure the notice is **translated orally or by other means to you and that you understand the content of the Prior Written Notice**. Ask for help if you need it!

What if the School Does Not Give Me the Notice?

If Prior Written Notice is required and the school does not provide it, **you should ask for it**. You can also ask for Prior Written Notice if the school has told you **over the phone or in an informal conversation** about an action that it proposes to take or refuses to take. You are entitled to Prior Written Notice no matter how you hear about the school's decision. **Not all proposed actions require Prior Written Notice, just those cited earlier.** For example, child study activities, a change in teachers or course schedule, disciplinary removal for not more than 10 days (when there is no pattern), are all actions that don't require Prior Written Notice. When in doubt, ask!

What are the Benefits of Prior Written Notice?

Prior Written Notice is an important right. It ensures that the school has **completely documented** the actions it proposes or refuses to take. It ensures that you and the school **have the same understanding** of what the actions proposed the actions refused are **and why** the decision was made. It provides you with an opportunity to **state** additional **concerns** and ensures that your **consent is obtained** as needed. It also provides you with **important documentation** that that you can use if you decide use **dispute resolution options** such as mediation, a complaint, a due process hearing, or a local option.

Examples of When You Should Receive Prior Written Notice

- The school wants to conduct an initial evaluation of your child.
- You've asked for a behavioral evaluation, but the school has denied the request
- The school has proposed changing your child's placement from a general education classroom to a self-contained classroom.
- You have asked for additional services for your child, e.g., speech and occupational therapy and the school has refused your request]
- The school wants to change your child's identification, e.g., from a child with Autism to a Child with Emotional Disturbance.

There are many more examples of when Prior Written Notice is required.

PEATC's mission focuses on building positive futures for Virginia's children by working collaboratively with families, schools and communities to improve opportunities for excellence in education and success in school and community life.

For more information about us, please contact:

8003 Forbes Place, Suite 310, Springfield, VA 22151
800-869-6782 / 703-923-0010
www.peatc.org



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