

Prior Written Notice

The Prior Written Notice (PWN) is part of the **Notice of Special Education Procedural Safeguards for Students and Their Families**.

The details of a Prior Written Notice (PWN) can be found under:

- Code of Federal Regulations 34 CFR 300.503
 - Washington Administrative Code WAC 392-172A-05010
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Did You Know?!

A Prior Written Notice (PWN) is provided to the parent, from the school district, and is a procedural safeguard for the parent of any student who is receiving services through the Individuals with Disabilities Education Act (IDEA).

Did You Know?!

The Prior Written Notice (PWN) is **not** a meeting invitation and is **not** given/filled out before a meeting. The invitation (notice) of an Individualized Education Program (IEP) meeting is **different** than the Prior Written Notice (PWN).

Did You Know?!

A Prior Written Notice (PWN) is given to the parent **before** an action or refusal of an action, takes place.

Example: The parent makes a request for a specific accommodation and the school district denies the request.

Did You Know?!

The Prior Written Notice (PWN) is provided to the parent **after** a school district decision is made but **before** the school district decision is carried out.

Did You Know?!

The Prior Written Notice (PWN) is to be written and received by the parent in a "reasonable time" before the school district takes any action or refuses any request. The 'burden' to prove the school district was compliant and the PWN was received by the parent, is the school district.

Did You Know?!

A "reasonable time" is not defined however the Office of Special Education Programs (OSEP) says, "enough time to fully consider the change and respond to the action before it is implemented." Please review **Letter to Chandler, 59 IDELR 110 (OSEP 2012)**.

Did You Know?!

The Prior Written Notice (PWN) must be made in writing however, there is no requirement for how it is provided.

Example: Staff notes provided to the parent could be the Prior Written Notice (PWN) if it includes the required elements.

Did You Know?!

The Prior Written Notice (PWN) has **seven** required elements that can be found under Washington Administrative Code WAC 392-172A-05010 and the Code of Federal Regulations 34 CFR 300.503. The Prior Written Notice (PWN) must provide sufficient content, as required by the regulations.

Did You Know?!

The school district must send the parent a Prior Written Notice (PWN) if they are denying a parent request. The Prior Written Notice (PWN) must explain why they are denying the parent request.

Did You Know?!

A parent can, and should, disagree, in writing, if they do not believe the Prior Written Notice (PWN) is accurate or complete.

Did You Know?!

The Prior Written Notice (PWN) is to be written in language that is understandable to the general public, or, provided in the native language of the parent or other mode of communication used by the parent, **unless it is clearly not feasible to do so.**

Did You Know?!

A Prior Written Notice (PWN) is required after every Individualized Education Program (IEP) meeting. The PWN will outline all important information that was discussed during the meeting.

Did You Know?!

A Prior Written Notice (PWN) is to be sent to the parent if the parent is requesting an Individualized Education Program (IEP) meeting and the school district is refusing.

Did You Know?!

A Prior Written Notice (PWN) is required when an Individualized Education Program (IEP) is changed, without a meeting.

Special Education Caselaw decisions are available to review. Several are listed regarding the Prior Written Notice (PWN).

- **Mesa County Valley School District, 68 IDELR 84 (SEA CO 2016)** where the Court found the PWN failed to provide sufficient detail.
- **Constellation Schools: Elyria Community, 116 LRP 11802 (SEA OH 2015)** where the Court found a PWN was not issued for a placement change.
- **Letter to Chandler, 59 IDELR 110 (OSEP 2012).** OSEP explains that Districts must provide PWN sufficiently in advance of implementing a proposal or refusal to provide FAPE to allow parents the opportunity to fully assess the change and respond.