

# Prior Written Notice (PWN)

One of the most important documents to know and understand.

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

Code of Federal Regulations, 34 CFR 303.421

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

Prior Written Notices (PWN) must be issued anytime a school district: *"(1) Proposes to initiate or change the identification, evaluation, or educational placement of the child or the provision of FAPE to the child; or (2) Refuses to initiate or change the identification, evaluation, or educational placement of the child or the provision of FAPE to the child."*

Code of Federal Regulations, 34 CFR 300.503  
Washington Administrative Code, WAC 392-172A-05010

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## Well Written

A Prior Written Notice (PWN) that is well written will provide a comprehensive documentation of actions requested, taken and refused.

## Received by Parent/Guardian

The Prior Written Notice (PWN) is to be written, delivered and received by the parent/guardian in a "reasonable time" before the school district takes action. A "reasonable time" is not defined however the parent/guardian must have enough time to fully consider the change and respond to the action before it is implemented.

### In Writing

The Prior Written Notice (PWN) must be in writing however there is no required format and no signature is required. Verbal notice does not meet the requirements. Meeting minutes can be a PWN if they contain all the required elements of the PWN.

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### Understandable Language

The Prior Written Notice (PWN) is to be provided in an understandable language & translated when necessary.

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### Required Elements

The Prior Written Notice (PWN) has seven (7) required elements.

1. A description of the action proposed or refused by the agency
2. An explanation of why the agency proposed or refused to take the action
3. A description of each evaluation procedure, assessment, record, or report the agency used as a basis for the proposed or refused action
4. A description of any other options the team considered and the reason why those options were rejected
5. A description of other factors relevant to the agency's proposal or refusal
6. A statement that the parents of the child with a disability have protection under the procedural safeguards of this part and, if this notice is not an initial referral for evaluation, the means by which a copy of the description of the procedural safeguards can be obtained
7. Sources for the parents to contact to obtain assistance

Code of Federal Regulations, 34 CFR 300.503 (b)

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## Tips & Myths

- The Prior Written Notice is not a meeting invitation and should not be given or filled out before a meeting.
  - A disciplinary removal for more than 10 days requires a Prior Written Notice (PWN) because it would be considered a change of placement.
  - If the parent requests an IEP meeting and the school district decided to refuse the request, a Prior Written Notice (PWN) is required.
  - When a school district refuses to evaluate a student for Special Education & Related Services a Prior Written Notice (PWN) is required.
  - When a parent/guardian makes a request for an IEP meeting and the school district refuses, a Prior Written Notice (PWN) needs to be sent to the parent/guardian noting the denial.
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## Checklist of Questions

1. Are all parent/guardian requests noted in the PWN?
2. Was the PWN sent to the parent/guardian with enough time before the initiation date for them to respond?
3. Did the parent/guardian look through the PWN, making sure all requests, refusals and discussions are listed?
4. Did the parent/guardian send in writing to the school district any items missing from the PWN or that need correction?