

# PRIOR WRITTEN NOTICE: Frequently Asked Questions

**Q1.** When should I send a Prior Written Notice when I am holding an IEP meeting?

**A1.** You should send a Prior Written Notice *before* the IEP meeting as a **Notice of Meeting**, and you should send a second Prior Written Notice *after* the IEP meeting as a **summary** of proposals and/or refusals of change to the identification, evaluation, educational placement, or the provision of a free appropriate public education (FAPE). The **Prior** in the Prior Written Notice serves two purposes. The first is prior to the meeting being held. The second is after the meeting, but prior to the implementation of the IEP.

**Q2.** Must a Prior Written Notice (PWN) be provided for each IEP meeting held or IEP amendment done?

**A2.** Yes, if the district is holding a meeting where the district is proposing a change or refusing a change to the identification, evaluation or educational placement of the child or the provision of a free appropriate public education (FAPE) to the child. Provide a Prior Written Notice even if a change never takes place.

Please see the Federal Regulations at 34 C.F.R.300.503 which states: Written notice that meets the requirements of paragraph (b) of this section must be given to the parents of a child with a disability within a reasonable time before the public agency—(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.

**Q3.** What must be included in the Prior Written Notice?

**A3.** In answering the questions on the Prior Written Notice form, the district summarizes the discussion of the IEP team proposed changes to the IEP or refused proposed changes to the IEP. The Prior Written Notice must include the following seven components:

1. a description of the action proposed or refused by the school;
2. an explanation of why the school proposes or refuses to take the action;
3. a description of each evaluation procedure, assessment, record, or report the school used as a basis for their decision;
4. a statement that the parents of a child with a disability have protection under the procedural safeguards and, how the parents can obtain a copy of them;
5. sources for the parents to contact to obtain assistance in understanding these provisions;
6. a description of other options that the IEP Team considered and the reasons why those options were rejected; and
7. a description of other factors relevant to the school's proposal or refusal.

**Q4.** Must the district have written documentation that the parent received the Prior Written Notice?

**A4.** There is no law or rule that requires a district to have written documentation showing that the parent received prior written notice. It is a recommended practice, however, to keep this type of documentation in the event that a parent would file a formal written complaint or request a due process hearing.

**Q5.** Must we have a Prior Written Notice for each change if there are multiple changes to an IEP?

**A5.** No. You will summarize the proposed changes that occurred or did not occur during the IEP meeting on one Prior Written Notice.

**Q6.** How can a district ensure that the Prior Written Notice is properly written and received by the parent prior to implementation of the IEP?

**A6.** The district will create its own process for implementation of this federal requirement.

**Q7.** Can a district create a standardized format in the Prior Written Notice to use for all IEP meetings?

**A7.** No. They must be individualized per each meeting.

**Q8.** If the IEP team takes notes during the IEP meeting, may the team complete a more abbreviated form and write “see attached meeting notes”?

**A8.** Maybe, as long as the meeting notes address **all 7** components required under IDEA. (See A3)

**Q9.** If the district has provided a Prior Written Notice prior to conducting a reevaluation and the reevaluation does not change anything on the current IEP, but the category of disability is changed due to the reevaluation, must the district provide the parent with a Prior Written Notice?

**A9.** Yes, if the district is holding a meeting where the district is proposing a change or refusing a change to the identification, evaluation or educational placement of the child or the provision of a free appropriate public education (FAPE) to the child even if a change never takes place.

Please see the Federal Regulations at 34 C.F.R.300.503 which states: Written notice that meets the requirements of paragraph (b) of this section must be given to the parents of a child with a disability a reasonable time before the public agency—(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 provision of FAPE to the child.

**Q10.** Since the Prior Written Notice must be received by the parent prior to the implementation of the IEP can the notice be written towards the conclusion of the IEP meeting and handed to the parent before they leave the meeting?

**A10.** Yes, as long as all members of the IEP team have discussed and reached a conclusion on any proposal or refusal to initiate or change the identification, evaluation or educational placement of the child or the provision of FAPE to the child, a Prior Written Notice may be completed.

**Q11.** Can the Prior Written Notice be sent home to the parent with the final copy of the IEP?

**A11.** Yes, the Prior Written Notice may be sent home to the parent with the final copy of the IEP. The IEP, however, cannot be implemented until the parent receives the Prior Written Notice, so there may be some time that elapses between the conclusion of the IEP meeting and the implementation of the new/revised IEP.

**Q12.** If a district does not provide the parent with a Prior Written Notice at the conclusion of the IEP meeting, but sends the Prior Written Notice to the parent a day or two after the meeting, how does this impact the official “Meeting Date” and the “Effective Dates” of service?

**A12.** The “Meeting Date” = the date the IEP meeting is held. *This date will be on the cover page of the IEP.*

The “Effective Dates” = the date the IEP is implemented or goes into effect after the IEP meeting. *This date(s) will be on the services page of IEP and should be documented in PWN. The IEP team will continue to provide services under last year’s IEP until the new IEP goes into effect.*

## **Hypothetical Scenario 1**

The Special Education Unit has determined that **five school days**, is the timeline. Which means the written notice **must be given to the parents five school days before** the district proposes or refuses to initiate or change the identification, evaluation, or educational placement of the child or the provision of a free appropriate public education to the child. The annual IEP meeting is held on Monday, November 16, 2015 (Meeting Date). The five school days start on the 17<sup>th</sup>. The 21<sup>st</sup> and 22<sup>nd</sup> fall on Saturday and Sunday so they are not included in the count. The fifth day is Monday, November the 23<sup>rd</sup>. The updated IEP will start November 24<sup>th</sup> (Effective Date). During the five days, November 16 to 23, the team will continue to implement the IEP from 2014.

### **The Meeting Date – November 16, 2015**

**The Effective Date – November 24, 2015 (until the next annual IEP meeting in November, 2016)**

## **Hypothetical Scenario 1a**

Parents have **the option to waive the five-day** notice requirement. This is determined **at the IEP meeting**. If the parent waives the five days, this should be documented in writing with parent signature. The annual IEP meeting is held on Monday, November 16, 2015 (Meeting Date). The updated IEP will start the next day, November, 17, 2015 (Effective Date).

### **The Meeting Date – November 16, 2015**

**The Effective Date – November 17, 2015 (until the next annual IEP meeting in November, 2016)**

## **Hypothetical Scenario 1b**

When a service provider's schedule does not align with the Effective Date, they can write in the service time the next date they are scheduled to work with the student. The annual IEP meeting is held on Monday, November 16, 2015 (Meeting Date). The service provider's next scheduled session with the student is Monday, November 23, 2015 (Effective Date). This should be documented in the Prior Written Notice and on the services page of the IEP and explained to the parents during the meeting.

### **The Meeting Date – November 16, 2015**

**The Effective Date – November 23, 2015 (until the next annual IEP meeting in November, 2016)**