



TIP SHEET

Prior Written Notice



What is a prior written notice?

A Prior Written Notice (PWN) is a form that can be one of a parent's best tools in advocating for their child's education. Under federal and state law, parents have the right to receive written notice

before a change occurs concerning their child. The PWN is the school district's explanation of a proposed or refused change related to your child's special education and related services.

When is a prior written notice given to parents?

Parents should be provided with a PWN after changes are proposed, but before any changes go into effect. Specifically, the school district must send a PWN when it:

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

What information is included in a prior written notice?

According to state and federal law, the PWN must include:

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

(Source: Parent Center Hub 2020)

How is a prior written notice delivered to parents?

School districts can provide parents with a PWN in many ways. A PWN can be delivered in the following formats: formal letter on letterhead, form letter, fill in the blank form, online system generated form,

e-mail, or embedded within a student's IEP. Providing parents with verbal notice as a substitute for

written notice does not fulfill the prior written notice requirements outlined in state and federal law.

Under state and federal law, parents are provided a reasonable time to consider the information in the PWN before the district actually implements the action. The purpose of PWN is to allow parents

to fully consider a decision about their child's education. However, whether that number of days is reasonable must be based on individual circumstances and may be shortened or lengthened as necessary.

What if I disagree with the action or refusal to act outlined in the prior written notice?

If parents disagree with the proposal, they can appeal that decision through one of the conflict resolution options. For more information on this topic, see the resolving differences tip sheet at <https://www.education.ne.gov/sped/parent-information/>. If parents choose to accept the proposal, the proposed changes will begin on the date given on the notice.

If parents feel strongly about an IEP-related issue and disagree with the IEP team, it is helpful to refer to the PWN of the decisions sent by the school after the IEP meeting. This can help the family understand why the decision was made. It is

essential to understand what the IEP team is trying to communicate in the PWN. Be sure to ask any questions that you have in order to fully understand what the changes that are being proposed will look like for your child at school. This sends a message to the school team that this issue is something that you, the parent, feel strongly about and lets the team know that the parent is familiar with their rights in the Special Education process. For more information on dispute resolution options, see the fact sheet on resolving differences at <https://www.education.ne.gov/sped/parent-information/>.

Key Points

- Prior Written Notice is given to parents before a change is made in your child's special education and related services, or if the district is refusing to make a change requested by the parent.
- Parents can appeal any change listed in a PWN through a dispute resolution process. For more information, see the fact sheet on resolving disputes at <https://www.education.ne.gov/sped/parent-information/>.
- Parents have a reasonable period of time to consider any changes that the school district is proposing

For more information about prior written notice, contact your child's special education teacher, a PTI Nebraska parent/professional at (800) 284-8520 and pti-nebraska.org, or the Nebraska Department of Education at (402) 471-2471 and education.ne.gov/sped/.

The Individuals with Disabilities Education Act (IDEA) is a law that makes available a free appropriate public education to eligible children with disabilities throughout the nation and ensures special education and related services to those children. See <https://sites.ed.gov/idea/> for more information on IDEA.

Rule 51 is the document that outlines regulations and standards for special education programs in Nebraska. Rule 51 can be found on the Nebraska Department of Education's website: https://cdn.education.ne.gov/wp-content/uploads/2017/10/Rule51_2017.pdf.

Rule 55 is the document that outlines rules of practice and procedure for due process hearing in special education contest cases. Rule 55 can be found on the Nebraska Department of Education's website: https://cdn.education.ne.gov/wp-content/uploads/2017/10/Rule55_2012.pdf

SOURCES

Ask Resource Center - Adapted with Permission: <https://www.askresource.org/resources/prior-written-notice>

Center for Parent Information and Resources - Adapted with Permission

<https://www.parentcenterhub.org/notice-prior/>

Nebraska Department of Education:

<https://cdn.education.ne.gov/wp-content/uploads/2017/07/Prior-Written-Notice.pdf>

<https://cdn.education.ne.gov/wp-content/uploads/2017/11/PWN-Guidance-Combined-Final-2017.pdf>