



Arc Guide to Prior Written Notice

At most meetings between parents and school staff, they discuss information and make some decisions about the student and their services. When decisions are made and the school makes an offer, refuses to do something and/or makes a change to the Individualized Education Program (IEP), the school must give the parents a Prior Written Notice (PWN). This guide will provide information on the PWN.

In general, the PWN is a summary of team discussions and decision-making for parents. It gives information on what was discussed at meetings, how decisions were made and what decisions were made. It is a comprehensive summary of information and decisions. It helps parents make informed decisions about what the school district is proposing.

Examples of a few situations when a PWN is given include when:

- the school decides to evaluate a student for special education
- an IEP is being proposed
- the school decides to not to provide services.

The PWN

- Must be in writing and use clear, easily understood language
 - There should not be special words or a bunch of letters
 - Evaluations should include the complete name of the test and the purpose of the test
- Given to parents at least 14 calendar days before any action will happen
- Provide information on what action will be taken or not and the reasons why

Specifically, the PWN must include:

- The action(s) proposed or refused - what the school is suggesting or what the school decided not to do. If more than one action if being proposed or refused, the PWN must explain each action. The answer to this question should not be "see IEP". Some questions this statement could answer are:
 - What is the school planning to do? What is the school refusing to do?
 - What is the school proposing to change? What is the school refusing to change?
 - What is the school requesting permission to do?
 - If the school wants to do an evaluation, what is the evaluation? What is it for? Who is doing it?



- Explanation - why the school is doing the action or why the school is not doing the action. Some questions this statement could answer are:
 - How was the decision determined?
 - Why was the decision made?
 - What are team members hearing about the student? What are the team members noticing about the student?
- Sources of information - what information the school used to make the decision
 - Was information received from others?
 - What was the information?
 - Who said it?
- Other options considered - other options that were thought about or discussed
 - What other ideas were discussed?
 - Why is the team not recommending other options?
 - Is the team not recommending something the parents wanted? Why not?
- Other relevant factors - other things that were used to make the decision
 - Is there anything else that has not been listed in the PWN? What is it?
 - Are there any unique situations?
 - If the answer is “None,” then “none” or something similar should be stated.
- Places the parents can contact to get help to understand the PWN
- Parental rights
 - The school will not proceed without the parents’ consent if the PWN is about an initial (first) evaluation or initial (first) IEP
 - The school will proceed without the parents’ consent unless the parents provide a written objection within 14 calendar days of the school giving the parent the PWN. This objection can be given by denying permission on the signature page which is included with the PWN.
 - If parents object to the proposed action, the school must offer a conciliation conference. The school will contact the parents offering a conciliation conference. The parents may request a mediation or facilitated IEP. The parents or the school may request a due process hearing. (It is suggested that parents call The Arc Minnesota to talk to an advocate to discuss options.)

There may be a signature page attached to the PWN or it may be a separate document. On the signature page, there are usually two boxes. The boxes state:

- I agree with the proposal and I give permission to the school district to proceed.
- I do not agree with the proposal and I do not give permission to proceed. Sometimes, there is a third box that states:



- I agree with some of the proposals and object to the following (specify your objections):

The signature page should also have the contact name and number of the person the parent can call for more information.

The PWN must be provided to parents in the native written language of the parents unless it is not possible or it does not make sense to provide notice in their native language. In all situations, the school must make sure the parent understands the notice.

In most situations, a copy of the IEP is included with the PWN.

For further information or advocacy services, contact The Arc Minnesota at 952-920-0855 or toll-free at 833.450.1494 or visit www.arcminnesota.org. (Please note: *This document is not legal advice, and should not be construed as such. Thus, no information herein should replace the sound advice of an attorney.*)

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