Opportunities for Greatness

Prior Written Notice
Why is PWN Important?

- Prior written notice of certain school district decisions is a procedural safeguard.
- Failure to provide prior written notice is sometimes asserted to be the basis of seeking an exception to the limitations period under IDEA. Claims that arose prior to the one year statute of limitations may be permitted if the parent was prevented from requesting the hearing due to the District withholding information from the parent that was it was otherwise required to provide.
3 Opportunities for Greatness

First:

Are your Prior Written Notices written in complete sentences?
3 Opportunities for Greatness

Second:

Do your Prior Written Notices reflect agenda items rather than decisions?
3 Opportunities for Greatness

Third:

Does your staff still say let’s put that in ’the deliberations’?
PWN: What does the law require?

34 C.F.R. § 300.503(b) provides that PWN must include:

1. A **description** of the action **proposed or refused** by the agency;
2. An **explanation** of why **the agency proposes or refuses** 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;

(Continued)
PWN: What does the law require?

34 C.F.R. § 300.503(b) provides that PWN must include (continued):

4. A *statement* that the parents of a 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 a description of the procedural safeguards can be obtained;

5. *Sources for parents* to contact to obtain assistance in understanding the provisions of this part;

(Continued)
PWN: What does the law require?

34 C.F.R. § 300.503(b) provides that PWN must include (continued):

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* that are relevant to the agency’s proposal or refusal.
The information in this presentation was created by Walsh, Gallegos, Treviño, Russo and Kyle, P.C. It is intended to be used for general information only and is not to be considered specific legal advice. If specific legal advice is sought, consult an attorney.