

Understanding Prior Written Notice – WAC 392-172A-05010

Prior Written Notice v. Meeting Invitations

Prior Written Notice (PWN) must be sent every time a district proposes or refuses to initiate a change to the identification, evaluation, educational placement of or provision of FAPE to a student. Often, *but not always*, these decisions are made during IEP meetings. PWN is not a meeting invitation; which is how the district notifies the team, including the parent, of the meeting particulars. PWN is a document the district uses to inform the parent of any decisions the team has made that affect the identification, evaluation, educational placement of or provision of FAPE to a student. In addition, PWN must be sent by a district after a parent files a due process hearing, if the district didn't provide the parent with PWN addressing the parent's hearing request PWN is sent AFTER a decision is made but PRIOR TO implementing the decision. For example:

January 1 st	January 15 th	After the meeting, ideally within one or two days after the meeting.	A reasonable time <u>after</u> you provide the parent PWN
Send invitation to meeting (after selecting a mutually agreeable time and place.)	Hold the meeting, at which time options are discussed and decisions are made. (These are your proposals and refusals.)	Provide PWN to parent explaining the team's decision(s), the action the District is taking/refusing to take, and the date on which the change will take effect.	Implement changes outlined in PWN. Make sure that you allow enough time for the parents to receive the PWN before implementation. Depending on issues, (such as placement changes) the implementation date may need to be later, giving the parents time to exercise their due process option.

Drafting Prior Written Notice

- In the “**Description of the proposed or refused action**” section, consider:
 - Listing *every action* discussed during the meeting. Actions will include issues related to the identification, evaluation, educational placement of or provision of FAPE to a student.
 - List and identify each meeting participant. This will help you document that you had a properly assembled team for your meeting, if you do not have documentation of the participants elsewhere.
- In the “**The reason why we are proposing or refusing to take action is**” section:
 - State the action(s) that you are taking/refusing to take.
 - State *each reason* why you are proposing/refusing to take action.
- In the “**Description of any other options considered and rejected**” section, describe *in detail* each of the other options that were considered and rejected.
- In the “**Reasons why we Rejected**” section:
 - State *each reason* why you rejected the other options.
 - Do not list options or reasons that are *unavoidable*. For example, if you are preparing a PWN following an annual IEP meeting, don't write that you considered and rejected the option of not holding the meeting – You don't have the option of not holding the meeting!
- In the “**Description of Each Evaluation Procedure, etc.**” section:
 - List each evaluation, test, record or report that the team used in making the decisions to take or refuse to take actions, if applicable.
 - If PWN is being sent to inform the parent of an evaluation, include the areas in which the student will be evaluated or reevaluated (eg: cognitive, behavioral, reading, etc.), either in the PWN or a referenced document.

Other Requirements and Tips

- PWN is **required**. It is a highly effective way to communicate with parents and assists in demonstrating that the team considered the parents' input and requests when making decisions about what is needed to provide FAPE.
- Describe the facts (who said what and when) of the meeting in a neutral tone; avoid making emotional, judgmental or speculative statements.
- PWN must be in the parent's native language or other mode of communication used by the parent.
- In general, complete all of the sections; use N/A only if the section is clearly not applicable.
- PWN should be sent following EVERY DECISION. While most decisions occur at a meeting, you would want to document your refusal to hold meeting in response to a parent's request.