

SPECIAL EDUCATION: KNOW YOUR RIGHTS

Prior Written Notice

What is Prior Written Notice?

Prior Written Notice, or PWN, is the district's written explanation of a special education decision. It is more than meeting notes or a list of what the team decided. It should tell caregivers what the district proposes or refuses, why it made that decision, and what information it relied on.

PWN is not limited to decisions made during an IEP meeting. It must be provided a reasonable time before the proposed or refused action.

When is it required?

The district must provide PWN when it proposes or refuses to initiate or change something involving evaluation, identification or eligibility, educational placement, or the special education and services provided as part of FAPE.

What must it include?

1. The action the district proposes or refuses
2. Why the district proposes or refuses it
3. Each evaluation, assessment, record, or report used as the basis for the decision
4. Other options the IEP team considered
5. Why those options were rejected
6. Other factors relevant to the decision
7. Where to find procedural safeguards and help understanding IDEA

When the district proposes a change or says no, it must explain the decision in writing.

How To Request a PWN

A general request for PWN may result in a general response. Identify the specific evaluation, service, support, placement, or change the district proposed or refused. If several requests were refused, list each one separately.

Instead of: Please send me Prior Written Notice.

USE:

At the IEP meeting, I requested [specific evaluation, service, support, placement, or change]. The district declined my request. Please provide Prior Written Notice explaining why the request was refused, what information was used, what other options were considered, and why those options were rejected.

Read the response carefully

PWN should help you see the reasoning behind the decision. Compare the explanation with the student's assessments, progress information, outside reports, parent input, and other documentation.

ASK YOURSELF:

- Does the information accurately describe the student?
- Were important records or reports left out?
- Does the reasoning match the assessment data?
- Was performance under support treated as independence?
- Were other options genuinely considered?

A verbal 'no' is not the whole answer. Ask for the decision, the reasoning, and the information used in writing.

Ways You Can Respond

PWN gives you information you can use to respond. The right response depends on whether you need more information, disagree with the reasoning, have additional information, believe more assessment is needed, or disagree with a district evaluation.

1. Request Complete PWN

You do not have to agree or disagree before asking for complete information. A complete PWN gives you the information needed to understand the decision and decide how to respond.

The Prior Written Notice I received does not include all of the information required to explain the district's decision. Please provide a complete Prior Written Notice that identifies:

- the action the district is proposing or refusing
- why the district made this decision
- each evaluation, assessment, record, or report used
- other options the team considered
- why those options were rejected
- any other factors relevant to the decision

2. Disagree with the decision or reasoning

Explain what you disagree with and ask the district to reconsider or reconvene the IEP team.

I disagree with the district's refusal of [specific request]. The information identified in the PWN does not support the conclusion because [brief reason]. Please reconsider the request and respond to the concerns described below.

3. Provide additional information

Submit records, outside reports, parent data, work samples, or relevant research that was missing or not fully considered.

The PWN does not address the attached [report, record, data, or research]. Please add this information to the student's record, consider it in relation to the decision, and reconvene the IEP team if needed.

4. Request additional assessment or reevaluation

Use this when existing information does not adequately explain the student's functioning or educational needs.

The existing information does not adequately assess [area of concern] or explain how it affects the student's educational needs. I am requesting assessment or reevaluation in this area. If the district refuses, please provide PWN for that refusal.

5. Request an Independent Educational Evaluation

An IEE at public expense may be requested when a parent disagrees with an evaluation conducted by the district.

I disagree with the district's evaluation dated [date] because it does not accurately or comprehensively identify my child's educational and functional needs. I am requesting an Independent Educational Evaluation at public expense under 34 C.F.R. § 300.502.

An IEE request is tied to disagreement with a district evaluation. It is not available solely because a parent disagrees with an IEP decision.

Educational decisions are only as sound as the information used to understand the student.