

PRIOR WRITTEN NOTICE (PWN) CHECKLIST



When to Provide PWN?

Written notice must be given to the parent of a child with a disability within a reasonable time before the public agency: (1) Proposes to initiate or change the identification, evaluation, or educational placement of the child or the provision of a FAPE to the child; or (2) Refuses to initiate or change the identification, evaluation, or educational placement of the child or the provision of FAPE to the child. (34 C.F.R. 300.503(a).)

What Must PWN Contain?

The PWN must be: (i) Written in language understandable to the general public; and (ii) Provided in the native language of the parent or other mode of communication used by the parent, unless it is clearly not feasible to do so. (24 C.F.R. 300.504(c).)

Pursuant to 34 C.F.R. 300.503(b), the notice must include all of the following:

Description of Action

Example: “The School District is denying your request for a one-to-one aide during class, recess, lunch, and passing periods.”

Explanation

Example: “The School District does not believe your child needs a one-to-one aide in order to access and benefit from the educational program designed by the IEP team, because he is currently making progress towards his goals with support from his general education teacher and the classroom aide. The team is also concerned your child would become overly dependent on adult support with this level of restrictive service.”

Basis for Action

Example: “In reaching its decision, the School District considered your child’s most recent assessments, IEP, latest report card and progress reports, information provided at the last IEP Team meeting, and all available input from Parents and staff.”

Procedural Protections

Example: “As parents of a child with a disability, you are entitled to certain procedural safeguards under the IDEA, including this prior written notice. For your convenience, we have enclosed a copy of these procedural safeguards with this notice.”

Sources for Assistance

Example: “If you require assistance in understanding the procedural safeguards, please contact the following agency: California Department of Education, P.O. Box 944272, Sacramento CA, 94244-2720.” We also recommend including your SELPA.

Other Options Considered

Example: “In addition to your request for one-to-one aide support, during the most recent IEP meeting, the IEP team discussed whether a more restrictive placement would be appropriate. It was determined that it would not as it would be overly restrictive and would limit your child’s opportunities to interact with non-disabled peers or participate in next month’s senior class events, which we know he has been anticipating.”

DISCLAIMER: As the information contained herein is necessarily general, its application to a particular set of facts and circumstances may vary. For this reason, this document does not constitute legal advice. We recommend that you consult with your counsel prior to acting on the information contained herein.

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