

Prior Written Notice Checklist

Written notice must be given to the parents of a child with a disability 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 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). The notice 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. 34 C.F.R. 300.503(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.

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.

Other relevant factors

Example: The District has a duty to offer the least restrictive program appropriate for your son. Based on the information included here, your child does not require such a restrictive type of support. In fact, your child has made progress towards his goals, is appropriately interacting with his peers and school staff, and is on track to graduate with his peers this June with his current less restrictive program.

- **Provide Timely PWN Even if Pursuing or Awaiting Additional Information**
 - *Los Angeles Unified Sch. Dist., OAH Case No. 2012060029*
- **Send PWN Restating IEP Offer and Proposing an Additional IEP Meeting Following Any IEP Held without Parents in Attendance**
- **Employ PWN to Ensure Parental Participation, Not in lieu of IEP Meetings**
 - *Clovis Unified Sch. Dist., OAH Case No. 2013090883*
 - *Fresno Unified Sch. Dist., OAH Case Nos. 2013010033/2012120631*
- **Interpret “Reasonable Time” as 15 Calendar Days When Possible**
- **Utilize PWN and Offer IEP Meeting in Response to Notice of Unilateral Placement**
 - *Fullerton Jt. Union High Sch. Dist., OAH Case No. 2010040952*
- **Provide PWN in Response to All Parent Requests Taken under Consideration During IEP Meeting**
- **Address All Components of PWN when Proposing Assessment**
 - *Cloverdale Unified Sch. Dist., OAH Case No. 2012010507*
- **Provide PWN in Response to Every Request for Assessment or Independent Educational Evaluation and do so Within 15 Days**
- **Employ PWN in Response to Parent Revocation of All Special Education**
 - 34 C.F.R. 300.300(b)(4); 73 Fed. Reg. 73,008 (2008)
- **Give PWN before Proposing to Exit a Student Following Reassessment**
- **Include Transition Information in PWN when Appropriate**
 - *Fresno Unified Sch. Dist., OAH Case Nos. 2013010033/2012120631*
- **Utilize PWN to Reiterate IEP Offer for Unsigned IEPs**
- **Send PWN when Proposing to Exit a Student from Special Education Upon Graduation**
 - *Los Angeles Unified Sch. Dist., OAH Case No. 2011110413*
- **Address All Components of PWN during IEP Meetings**
 - *San Francisco Unified Sch. Dist., OAH Case No. 2013050168*

A public educational agency must send prior written notice when it proposes or refuses to initiate or change the identification, evaluation, or educational placement of the child or the provision of FAPE to the child. 20 U.S.C. § 1415(b)(3).

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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