
When a district proposes or refuses to initiate or change the identification, evaluation, or educational placement of a pupil, or the provision of Free Appropriate Public Education (FAPE) to the pupil, the district must serve prior written notice to the parent. The district must serve the notice to the parent within a reasonable time, and in no case less than 14 calendar days before the proposed effective date of change or evaluation. If the notice only includes a refusal of a request, it must be served to the parent within 14 calendar days of the date the request was made. (Minnesota Rule 3525.3600)

What does that mean?

Anytime the school makes a proposal, refusal or change to special education and related services, the school must provide proper notice to the parent before taking any action.

In general, what is required for Prior Written Notice (PWN)?

The notice must be:

- Written in language understandable to the general public.
- Provided in the native language or other mode of communication used by the parent, unless it is clearly not feasible to do so (if the native language or other mode of communication is not a written language, there are certain steps the school must take).

The notice must inform the parents that:

- The school will not begin with the initial placement and provision of special education and related services without prior written consent (permission) from the parents.
- Except for the initial placement and provision of services, the district will proceed with the proposed placement and provision of services unless the parent objects in writing using the district's response form or otherwise in writing within 14 calendar days after the receipt of the prior written notice.
- If they refuse to provide prior written consent for initial evaluation or initial placement or object in writing to any proposal, or if the district refuses to initiate or change the identification, evaluation, or educational placement or the provision of a free appropriate public education to the pupil, the parent may request a conciliation conference or another dispute resolution procedure.

Contents of a Prior Written Notice

Overall, the notice must be clear, concise, specific and readily understood.

- Description of actions: there should be a brief discussion of everything the school is currently proposing to do or refusing to do. There may be one thing or many things. Each must be listed. It is not enough to say "see attached IEP (Individualized Education Plan)."
- Explanation of why: the school must briefly explain why the district is proposing or refusing each proposal. The explanation must actually answer the question "why?"
- Description of each evaluation procedure, assessment, record, or report the school used to make its decision.

For further information or advocacy services, contact Arc Greater Twin Cities at 952-920-0855 or visit www.arcgreatertwincities.org. Tell us what you think about this Arc Guide. Please complete a short survey online at <http://arcgreatertwincities.org/resources.aspx>. Thank you!

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- With an initial referral for evaluation, the notice must contain a statement of the procedural safeguards (rights) the parents have.
 - If it is not an initial referral, the notice must inform the parents how the procedural safeguards document may be obtained.
 - Sources (places) the parent can contact to obtain assistance to understand their rights.
 - Description of data sources: the school must list procedures, tests, records, reports, parent input, teacher recommendations, etc. that were used to make the decision.
 - Description of other options available and the reasons those options were rejected: this addresses all other ideas and suggestions thought about, offered, or discussed. The information should also state reasons they were rejected, why they wouldn't work, and why the proposed action is better or more feasible.
 - Description of other factors: any other information that was discussed or considered. This would include information that is pertinent but not listed in the other areas/boxes. It should be stated if there were no other factors.
 - The name, title and telephone number of the school contact should the parents need additional information.

Prior Written Notice and Parent Consent

A parent consent form must accompany the Prior Written Notice. The parent consent form is the parent response to the Prior Written Notice. The parent consent form must:

- State if the parent consent form was given or mailed.
- Must be dated in relation to the Prior Written Notice. For example, it may say, "This form pertains to the prior written notice dated _____."
- Include check boxes of agreement or disagreement.
- Have a space for parent signature(s) along with the date.
- Inform the parents that they have 14 calendar days to respond.

Prior Written Notice and the IEP

The IEP should be included with the prior written notice form.

State Recommended Prior Written Notice Form

<http://education.state.mn.us/mdeprod/groups/compliance/documents/form/011292.pdf>

This form should be used along with the parent consent/objection form.

<http://education.state.mn.us/mdeprod/groups/compliance/documents/form/011290.pdf>

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