



INFORM. EDUCATE. ADVOCATE.

PARENT INFORMATION CENTER OF DELAWARE

PRIOR WRITTEN NOTICE (PWN) FOR SPECIAL EDUCATION

AT A GLANCE

Among the most important rights parents of children with disabilities have is the right to provide informed consent for issues related to evaluation and the providing of special education and related services to their child. As part of this requirement, the school district must give parents written notice when they propose or refuse to take certain kinds of actions. This notice is called “prior written notice” or “PWN”. It must be given to parents at specific times and include detailed information so informed decisions can be made.

WHY IS PRIOR WRITTEN NOTICE IMPORTANT?

Parents are a central part of the team that makes decisions about special education and related services for their child. In order for parents to make informed decisions, it’s important (and legally required) that parents understand why the school district is proposing or refusing certain kinds of actions regarding special education and related services for their child, as well as the options they have if they disagree with an action proposed or refused by the school district. This written notice is called “prior written notice.”

WHAT KINDS OF FEDERAL AND DELAWARE REQUIREMENTS APPLY TO PRIOR WRITTEN NOTICE?

Federal and Delaware special education regulations specify:

1. When prior written notice must be provided to the parent
2. What information must be included in that prior written notice
3. The steps the school district must take to ensure that the prior written notice is provided in a language that is understandable to the parent

WHEN MUST THE SCHOOL DISTRICT PROVIDE PRIOR WRITTEN NOTICE TO PARENTS?

Once the school district has decided what action it’s proposing or refusing to take, it must (in a reasonable time before it will take that action), provide the parents with prior written notice. The school district must provide written notice regarding the following kinds of actions, or refusal to take one of these actions:

1. Evaluation or reevaluation of the child;
2. Identification of the child as a child with a disability;
3. The educational placement of the child; and
4. The provision of a free appropriate public education (FAPE), including special education and related services, which would include the content of the individualized education program (IEP) for the child.





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WHAT INFORMATION MUST BE INCLUDED IN PRIOR WRITTEN NOTICE TO A PARENT?

The prior written notice that the school district provides to a parent must include all of the following:

1. The action the school district is proposing or refusing to take;
2. An explanation of why the school district is proposing or refusing to take the action;
3. A description of other options that the IEP team considered and the reasons why those options were rejected;
4. A description of each evaluation, assessment, record, or report the school district used as a basis for the proposed or refused action;
5. A description of other factors that are related to the agency's proposal or refusal;
6. A statement that the parents of a child with a disability have protection under the procedural safeguards in the special education regulations, and if the prior written notice is not an initial proposal to evaluate the child, how the parents can get a copy of a description of those procedural safeguards; and
7. Contact information for parents to get help in understanding the requirements in the special education regulations.

WHAT IS THE PROCEDURAL SAFEGUARDS NOTICE AND WHEN MUST THE SCHOOL DISTRICT PROVIDE IT TO PARENTS?

In addition to prior written notice, the school district must provide parents with a document called a procedural safeguards notice that provides a detailed description of all the procedural protections parents have under the special education regulations.

The procedural safeguards document must be provided to parents at all of the following times:

1. When either the parent or the school district requests the first evaluation to determine if the child is eligible to receive special education and related services;
2. The first time during a school year the parent files a complaint with the state or requests a due process hearing about the child's program of special education and related services;
3. If the school district is proposing to change the child's educational placement due to a disciplinary action;
4. If the parent requests a copy of the procedural safeguards notice, however, the school district is not required to provide it to a parent more than once during a school year.

PIC is a statewide non-profit organization with a mission to improve health and educational outcomes for children and youth by empowering them, their families and the professionals who serve them. For more information visit www.picofdel.org or call 302-999-7394

