

# Special Education Prior Written Notice Quick Guide

## What is the purpose of prior written notice?



The purpose of the prior written notice is to ensure that parents/guardians or the adult student are provided all relevant information so that they are fully informed about the actions related to special education identification, evaluation, services, and placements the local education agency (LEA) has proposed or refused to provide.

This includes:

- Providing clear and complete documentation of the proposed or refused actions made;
- Ensuring the parents/guardians or adult student are fully informed of proposed changes to their child's (or their own, if an adult student) educational program; and
- Providing sufficient information to ensure that the parents/guardians or adult student understand the rationale behind an LEA's decision-making regarding a particular proposed or refused action.

## What are the notification requirements?



The LEA must provide prior written notice whenever it proposes or refuses to initiate or change the

- Identification of a student,
- Evaluation of a student,
- Educational placement of a student, or
- Provision of a free appropriate public education to the student. Prior written notice must also be provided to the parent/guardian when
- Ceasing the provision of special education and related services due to the parent's/guardian's or adult student's revocation of consent for services; or
- The student graduates (as this terminates a student's eligibility for special education services and constitutes a change in placement).

Prior written notice must be provided if the LEA is proposing or refusing an evaluation for the child. If the LEA is proposing to conduct an evaluation, the prior written notice **must** include a **description of any evaluation procedures** it proposes to conduct.



The notice must be written in language understandable to the general public and provided in the native language or other mode of communication used by the parent/guardian or adult student unless it is clearly not feasible to do so. If the native language or other mode of communication of the parent/guardian or adult student is not a written language, the LEA must take steps to ensure that the notice is translated orally or by other means to the parent/guardian or adult student in their native language or other mode of communication; and that they understand the content of the notice.



In Texas, the notice must be provided to the parent/guardian or the adult student at least five school days before the LEA proposes or refuses the action unless the parent/guardian or adult student agrees to a shorter timeframe. **In counting school days, the day the prior written notice was provided is not included as part of the five school days.**

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## Required Contents

A description of the action proposed or refused by the LEA

An explanation of why the LEA proposes or refuses to take the action

A description of each evaluation procedure, assessment, record, or report the LEA used as a basis for the proposed or refused action

Sources for parents/guardians or adult student to get help understanding the provisions of IDEA

A description of other options considered by the ARD committee and the reasons why those options were rejected

A description of other factors relevant to the LEA's proposal or refusal

A statement that parents/guardians of a child with a disability have protections under the procedural safeguards of the IDEA and how parents can obtain a copy of the Notice of Procedural Safeguards

## Best Practices

Write individualized descriptions rather than using vague or generic templates.

Write clearly and avoid jargon so that the parents/guardians or adult student can easily understand what the LEA is proposing.

Use the student's name within the notice.

Avoid using terms such as "not applicable" and "none", or leaving sections on forms blank.

Proofread the prior written notice document prior to issuing it to the parents/guardians.

Legal Resources	State Resources
<a href="#">Legal Framework - Prior Written Notice</a>	<a href="#">Child Find, Evaluation, and ARD Supports Network - Prior Written Notice</a>

