

Special Education Prior Written Notice

Under IDEA, parents of children with disabilities have rights known as procedural safeguards. These rights apply to all parts of the special education process. Parents should receive a copy of the Procedural Safeguards Manual at least once each school year.

What is a Prior Written Notice (PWN)?

A PWN provides information about actions the school or Area Education Agency (AEA) are proposing or refusing. It must be given to you after the IEP decision is made and before the action starts. This means a Prior Written Notice is required for each IEP. The school must provide this notice in the parent's native language. Verbally telling you about a change does not satisfy the Prior Written Notice requirement.

There is no specific time frame for when the PWN must be provided to you. Iowa only requires that it be provided to you in a reasonable amount of time following the IEP meeting. You should be given the PWN with enough time before any changes occur to consider your right to dispute a school's proposed or refused action. It may be helpful to ask the district when you can expect to receive a PWN after each IEP meeting. You should not be given the PWN before the IEP meeting because this means the decisions were made before you were given the opportunity to participate.

A Prior Written Notice (PWN) must include the following information:

- A description of the action that was proposed or refused
- An explanation of why the AEA or school proposes or refuses the action
- A description of each evaluation procedure, assessment, record, or report used by the AEA or school to propose or refuse an action
- A description of other options that the IEP team considered and why they decided to reject those options
- A statement including parental procedural safeguards
- Sources for the parents to contact if they need help understanding the law

Why do I receive a PWN?

PWN gives you the opportunity to respond to any changes the school wants to make to your child's program before the changes begin. It also forces the school to explain why they are making changes or refusing to provide something you have requested.

When Should I receive a PWN?

You should receive a PWN in the following situations:

- When the AEA or school proposes or refuses to make a change in the identification, evaluation, or educational placement of a child
- When the AEA or school proposes or refuses to make a change in how it is providing FAPE to the child

Am I always entitled to a PWN?

No. There are some circumstances in which the AEA or school does not have to provide a PWN. These include:

- A change in a qualified service provider
- Changes to the goals and objectives which do not result in a change of services
- A change in the location of a service not under the school's control
- A change in the location of a service and the change does not alter the service

What can I do if I do not receive a Prior Written Notice?

Failure to provide a PWN within a reasonable time is a procedural violation of the IDEA. You can request a PWN from the school. If the school still does not provide one, you may be able to include this procedural violation in a due process complaint. Failure to provide PWN may result in the denial of FAPE. If you were still given the opportunity to meaningfully participate in the IEP process and your child did not experience an educational loss, it is likely the failure to provide a PWN did not result in a denial of FAPE.

Additional helpful information may be found at the following links:

<https://www.askresource.org/resources/prior-written-notice>

<https://iowaideainformation.org/special-education/procedural-safeguards/prior-written-notice/>

The most current Procedural Safeguards Manual from the Iowa Department of Education can be found at this link:

<https://educate.iowa.gov/media/2041/download?inline>

The manual can be found in other languages at this link: <https://educate.iowa.gov/pk-12/special-education/parent-information>