

What Is Prior Written Notice?

Prior written notice refers to messages that you'll receive from the school system at specific times. At its heart, prior written notice is meant to inform you, as parents, as fully as possible about any actions the school system is proposing to take (or refusing to take) with respect to your child's identification as a "child with a disability" as defined by IDEA and State policy; your child's evaluation; your child's educational placement; and the school system's provision of a free appropriate public education (FAPE) to your child.

Prior written notice includes notifying you of upcoming meetings far enough in advance to ensure that you have the opportunity to attend and scheduling those meetings at a mutually agreed-on time and place.

The school will tell me about upcoming meetings?

Yes. The notice regarding meetings that the school provides to you will:

- Include the **purpose, time, and location** of the meeting;
- Indicate **who will attend** the meeting; and
- Let you know that **you may invite individuals with knowledge or special expertise** about your child.

Some gatherings are not considered "meetings" that require schools to give you prior written notice. Meetings that do not require that parents be given notice are: informal or unscheduled conversations between school system staff; conversations on issues such as teaching methodology, lesson plans, or coordination of services; and the preparations and activities of school staff developing a proposal (or a response to a parent proposal) that will be discussed at a later meeting.

Are meetings the only time the school will provide parents with prior written notice?

No, there are other times when school systems will need to provide parents with prior written notice. These instances include whenever the school system:

- **Proposes** to initiate or change the identification, evaluation, or educational placement of your child or the provision of FAPE to your child; or





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- **Refuses** to initiate or change the identification, evaluation, or educational placement of your child or the provision of FAPE to your child.

This means that the school system must give you prior written notice before it may take action or refuse to take action with regard to identifying your child as a “child with a disability,” evaluating your child, determining your child’s placement, or changing it. Notice is also required regarding providing FAPE to your child—in other words, the school system must provide prior written notice a reasonable time before it begins providing FAPE to your child, refuses to provide FAPE, or changes (or refuses to change) what that free appropriate public education involves (the services and supports that your child receives).

You may choose to receive prior written notice by email communication, if the school makes that option available.

What type of information will the notice include?

Prior written notice is meant to give parents a full explanation of what the school system is proposing or refusing to do, so that parents have the opportunity to meet with school personnel, discuss what’s proposed (or refused), provide input, and agree or disagree. That’s why IDEA requires that prior written notice contain specific information, as follows:

- A description of the action proposed or refused by the school.
- An explanation of why the school proposes or refuses to take the action.
- A description of each evaluation procedure, assessment, record, or report the school used as a basis for its decision.
- A statement that the parents of a child with a disability have protection under IDEA’s procedural safeguards and, if this isn’t a referral for the child’s initial evaluation, how the parents can obtain a copy of them.

- Sources for parents to contact to find help in understanding these provisions.
- A description of other options that the IEP team considered and the reasons why those options were rejected.
- A description of other factors relevant to the school’s proposal or refusal.

What else should I know about prior written notice?

Parents may also find it useful to know that IDEA requires that prior written notice be written in language understandable to the general public; and 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.

If the native language or other mode of communication of the parent is not a written language, the school must take steps to ensure that: the notice is translated orally or by other means to the parent in his or her native language or other mode of communication; the parent understands the content of the notice; and there is written evidence that these requirements have been met.

What is the timeframe for receiving prior written notice?

Prior Written Notice must be provided within a reasonable time before a school refuses to initiate or change one of the required actions. **In Texas, reasonable notice has been defined as at least five school days.** This means that a student’s new or revised IEP cannot be implemented until at least five school days after the school provides the prior written notice, unless the parent or adult child agrees otherwise.

You can learn more about Prior Written Notice on the Texas Legal Framework website at <http://framework.esc18.net/display/webforms/ESC18-FW-Summary.aspx?FID=124>



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