

Prior Written Notice

Prior written notice is required before a school district proposes or refuses to initiate or change the identification, evaluation, or educational placement of a child with a disability.

The PWN is a summary of what was discussed at the IEP team meeting or the evaluation planning meeting.

The use of the word “propose” may be confusing because it could be interpreted to mean that PWN is required before the school considers or suggests or thinks about proposing an action.

However, we believe that in recent TEA guidance, “propose” means “decided.”

Remember that the purpose of PWN is to document decisions made by ARD committee and to give parents adequate notice before the decision is implemented. The district cannot make any decisions about placement or IEP content prior to an ARD meeting.

Circumstances Requiring Prior Written Notice:

Proposal or refusal to initiate or change something related to:	YES	NO
Identification of the student:		
Screening		X
Response to Intervention/PST/SAT/Intervention Strategies		X
Referral for initial evaluation	X	
Eligibility for special education	X	
Category of disability	X	
Evaluation of the student:		
Collection of new data for initial evaluation and reevaluation	X	
Reevaluation of existing data (REED)		X
Parent requests Full & Individual Evaluation	X	
Parent requests an Independent Education Evaluation (IEE) and district agrees		X
Parent requests an Independent Education Evaluation (IEE) and the district refuses	X	
Refusal to evaluate	X	
Evaluation of progress on the annual goals		X
Administration of statewide or schoolwide assessments		X
Determination of eligibility upon completion of an initial evaluation or reevaluation	X	
Eligibility issues/questions	X	
Educational Placement:		
Initial educational placement into special education	X	
Relocation of the special education program (placement is NOT the same as location)		X
Move to more restrictive environment	X	
Move to less restrictive environment	X	
Dismissal from special education	X	
Any change in education placement	X	
Transfer of student to another school or district		X
Graduation with a regular diploma	X	
Disciplinary removal for more than 10 consecutive days	X	
Disciplinary removal for not more than 10 school days		X
Relocation to DAEP for more than 10 days (provided after MDR)	X	
A series of disciplinary removals that constitute a pattern of removals	X	
Provision of FAPE:		

Deletion or addition of a related service	X	
Increase or decrease in special education services or related services	X	
Changes, additions, or deletions in annual goals and objectives on an existing IEP	X	
Change in how a student will participate in statewide/districtwide assessments	X	
Review and revision of the IEP	X	
Changes, additions, or deletions to classroom accommodations	X	
Increase or decrease to supplementary aids and services or supports to school personnel	X	
Consideration of the 11 Autism Strategies/Supplement	X	
Refusal to increase or decrease a related service	X	
Consideration of ESY if done at a separate meeting	X	

The notice must include:

- **A description of the action proposed or refused**

WHAT: Write 1-2 sentences describing what is going to be done with their child.

Sample PWN statements for a **(re)evaluation:**

- (initial)The school district is proposing to conduct an evaluation. Specific assessments are documented in the attached evaluation plan
- (reevaluation with existing information) The school district is proposing to conduct a 3 year evaluation using existing data including behavior logs, reading test results, observations, and teacher reports.
- An evaluation is being requested to determine if Billy's reading and math difficulties are related to a disability.
- Jessie has displayed aggressive behavior at school and at home for more than 6 months. An evaluation to determine if Jessie has a disability due to his emotional or behavior problems is being requested.
- Lacina's speech is not at the level of clarity expected for her age. A communication evaluation is being requested to determine if Lacina is eligible for speech therapy.
- The school district is denying your request for an evaluation for special education for your child Xavier.
- (FBA) A Functional Behavior Assessment (FBA) will be conducted to analyze Jessie's behaviors.
- (Transition) A transition assessment will be conducted to gather information to help prepare your child after leaving high school.

Sample PWN statements for an **IEP:**

- The school district is proposing to implement the IEP discussed at the IEP team meeting on (insert date). Please see attached IEP.
- Due to Billy's below grade level academic skills, he will receive direct special education services for reading and math indicated in the attached IEP.
- Jessie is displaying severe aggressive behavior that is disruptive in the regular education classroom. Jessie will receive direct special education services in a special education classroom for part of the school day to help her develop appropriate social skills.
- Lacina will receive direct speech therapy.

UNACCEPTABLE PWN STATEMENTS:

- The annual IEP is due.
- See attached IEP.
- Billy is being evaluated for special education.
- Jessie needs an IEP.

- **An explanation of why the action is proposed or refused**

Why: Write 1-2 statements explaining why the action is being taken for the specific child.

Sample PWN statements for a **(re)evaluation:**

- Billy's reading and math skills are more than 2 years below grade level even after receiving small group instruction and additional direct instruction on specific skill deficits over approximately 4 months.
- Positive behavior interventions using a behavior contract and opportunities to earn special privileges for maintaining behavioral self-control have not been effective in helping improve Jessie's behavior.

- Lacina's speech clarity is not at a level expected for her age.
- Federal law requires that a reevaluation of each child with a disability is conducted at least once every 3 years and a reevaluation for your child is due.
- Johnny has not made sufficient progress on his IEP goals and continues to demonstrate a need for special education and related services.
- Xavier does not display delays or significant discrepancies in his academic or social skills at this time.
- (FBA) Jessie is displaying frequent, severe aggressive behavior. A FBA will be conducted to analyze the factors that may be contributing to his behavior.
- (Transition) As a 9th grader, Tou is required to have a transition assessment to determine his needs in post-secondary education and training, employment and independent living.

UNACCEPTABLE PWN STATEMENTS:

- Billy needs an evaluation.
- A three year evaluation is due.
- To see if Jessie is eligible for special education.
- Lacina needs speech therapy.
- Johnny qualifies for special education.

Sample PWN statements an IEP:

- Billy received extra help in reading and math within regular education, but his skills are still significantly below grade level and he has difficulties processing information.
- Jessie has difficulty following classroom and school behavior rules and expectations and his aggressive behavior is unsafe and disruptive in the general education classroom.
- Lacina's speech or pronunciation at her age is not clear to teachers and parents and they have difficulty understanding her when she talks.
- Prereferral interventions were unsuccessful and teachers continue to have concerns regarding academic progress.
- Johnny has been identified with a Specific Learning Disability in reading and requires direction instruction in order to make sufficient academic progress.

UNACCEPTABLE PWN STATEMENTS:

- Billy behind his classmates and needs special education.
- Jessie is too aggressive in regular education.
- Lacina needs speech therapy.
- Johnny qualifies for special education.

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

Data used - Describe each evaluation procedure, assessment, record, or report that the team used as a basis for the proposed or refused action.

For an (re)evaluation, the basis for the proposed action or refusal could be parent and/or teacher input, classroom performance, formal assessment results, progress on previous IEP goals and objectives, and/or results of prereferral interventions.

Sample PWN statements for a (re)evaluation:

- Teacher and parent reports, work samples, a review of special help given to Billy in his current classroom and school records were used to make a decision to evaluate Billy for special education.

- Teacher and parent reports, school discipline records, observations by the school social worker, review of data from the behavior interventions were used to make a decision to evaluate Jessie for special education.
- A review of the speech sounds that Lacina has difficulty saying was reviewed for her age level.
- The team used data from prereferral interventions and input from parents and the classroom teacher to determine the areas of assessment.
- (FBA) A review of classroom and school discipline reports, behavior logs and teacher reports were used as the basis for determining the needs for an FBA at this time.

UNACCEPTABLE PWN STATEMENTS:

- The assessment team reviewed the special education referral.
- Jessie may be eligible for special education.
- Prior interventions weren't successful in improving Jessie's behavior.

For an IEP, the basis of the proposed action could include parent and/or teacher input, classroom performance, formal assessment results, progress on previous IEP goals and objectives.

Sample PWN statements for an IEP:

- (annual IEP) Billy's performance on IEP goals and objectives, MAP and MCA measures remain below grade level and Billy has difficulty processing information.
- (initial IEP) The need for special education is based on the results of standardized and informal ability and achievement tests and procedures that included observation, review of school records, teacher and parent reports, identification of an information processing problem and review of work samples.
- Behavior and discipline logs, teacher and parent input, and Jessie's individual positive behavior intervention plan were reviewed.
- Speech samples, teacher and parent report were used to determine the need for speech therapy.
- The team considered input from parents and classroom teachers, progress on previous IEP goals, and current classroom performance to determine current goals and objectives.

UNACCEPTABLE PWN STATEMENTS:

- An IEP team meeting was held.
- Billy meets eligibility criteria for LD.
- Billy continues to have needs in reading and math.
- Jessie hasn't met IEP goals and objectives.

- **A description of other options that were considered and the reasons why those options were rejected**

Options/Rejected: Describe other options that the IEP team considered and reasons why those options were rejected.

Other options considered for evaluation could include delaying evaluation, conducting additional prereferral interventions, conducting different assessment procedures and/or reviewing existing data.

Sample PWN statements for (re)evaluation:

- (initial evaluation) The child study team with input from the parent considered delaying evaluation and providing continued regular education interventions for extra academic

assistance. This option was rejected because Billy's reading and math skills have not improved after 4 months of interventions.

- (reevaluation) The child study team considered if additional formal testing was needed to determine whether Billy continues to be eligible for special education. This option was rejected because sufficient existing information on Billy's academic performance is available and it is not necessary to subject Billy to further formal testing.

- The child study team with input from Jessie's parents considered additional resources such as KOFI and an after school social club to address Jessie's behavior problems. The team including the parents determined that Jessie would benefit from those resources but that they were not sufficient at this time to address Jessie's unsafe behavior and an evaluation for special education was needed.

- The speech clinician, teacher and parent discussed whether Lacina's speech would improve by continuing to expose her to good speech models in her classroom. This option was rejected because Lacina's speech has not improved using this method and she continues to have multiple errors in her speech.

- The team considered adding an additional assessment to the evaluation plan, but decided against that option because all educational needs could be determined without additional assessment.

- (FBA) The team considered completing a comprehensive reevaluation but after reviewing the evaluation from last year, the team determined that the information accurately reflects Jessie's skills.

- (Transition) The team discussed whether a language interpreter was needed for the evaluation. Based on Tou's English language proficiency, it was determined not to be necessary.

- **UNACCEPTABLE PWN STATEMENTS:**

- The team decided an evaluation was the best option for Billy.

- The parent requested an evaluation.

- Jessie has to be evaluated for special education or he will be transferred to another school.

- Prior interventions were done for 16 weeks and there was no improvement.

- No other options needed to be considered.

- State law requires that a transition assessment be completed before ninth grade.

Other options considered for an IEP could include placement decisions, adding or deleting services, adding accommodations and modifications, location of service provision and/or adding or deleting service time.

Sample PWN statements for an IEP:

- (federal 1 setting, direct service proposed) The IEP team considered whether Billy's special education needs could be met through consultation by the special education to the regular education teacher. This option was rejected because the team determined Billy's reading and math skills are too delayed at this time and would not provide him with sufficient help to make progress.

- (federal 2 setting proposed) The IEP team considered serving Mary in a regular education setting with the support of a teaching assistant at specific times during the school day up to 1 hour/day. This option was rejected because Mary's behavior can be unpredictable and disruptive and would not provide her with adequate support for her behavior. The team also considered placing Mary in a full-day special education classroom. This option was also rejected because Mary is responding to positive social models in her classroom and her behavior does not pose a danger to others at this time.

- (federal 3 setting proposed). The IEP team considered serving Jessie in regular education with services from special education. This option was rejected because Jessie’s aggressive behavior poses a threat to the safety of others. The IEP team also considered placing Jessie in a regular education classroom for science and social studies and in special education classes for other classes. The IEP team also rejected this option due to the frequency and severity of Jessie’s aggressive behavior in all regular education classes based on an analysis of behavior data.
- (federal 1 services using “pullout” model) The IEP team considered whether Lacina’s speech needs could be met by providing speech therapy in the regular education classroom. This option was rejected because Lacina needs a quiet environment to learn to produce and practice how to make correct speech sounds.
- (federal 1 services in a classroom with nondisabled peers in a care and treatment setting) The IEP team considered whether Raven needs to receive special education services in a separate classroom setting to work on his written language skills. The IEP team rejected this option because Raven is making progress on his written language skills within a classroom with nondisabled peers.
- (moving to a more restrictive setting) The IEP team considered continuing to serve Marisol in a resource model of service where she has some classes in regular education with some special education service and she is “pulled out” for special education services in a resource room for reading, math and written language classes. The IEP team reviewed Marisol’s progress in academic areas over the last 3 years. Marisol has made limited progress in academic areas and find that she is more distractible in the regular education classroom and is able to pay attention for longer periods in the small group setting. Marisol also needs alternate curricula in reading. The IEP team including the parents agrees that Marisol needs more intensive services in a separate classroom to make progress in academic areas.
- (considering a more restrictive placement) The team considered placing Johnny in a setting 4 placement but decided against that option because his is making sufficient progress in the setting 3 placement as indicated by progress reports and teacher input.
- (change in service) The team considered reducing Johnny’s service time but decided against that option because Johnny is making progress with the current amount of service time.

UNACCEPTABLE PWN STATEMENTS:

- Billy is being served in regular education (i.e., the least restrictive environment) so no other options needed to be considered.
 - There are no options to consider because the student was court ordered to be in the program.
 - The IEP team considered serving Raoul in the regular education setting but there was no professional time available to provide this option.
 - The IEP team considered placing John in a learning center but the parent did not support this option.
 - No other options are needed.
 - The team considered serving Marianna in regular education but decided she would do better in a pullout model.
 - The IEP team considered serving Lyle in a separate, full day special education setting but decided to serve him in a resource room.
 - The team determined the services proposed in the IEP are best to meet the needs of the student.
- A description of other factors that are relevant to the proposal or refusal

Other factors. If other relevant factors exist, report them in this section. Other factors affecting a proposal could include language and/or cultural issues, communication concerns, health concerns, behavior concerns, and/or assistive technology.

Possible sample PWN statements for (re)evaluation:

- (OHD considerations) Minerva has a diagnosis of ADHD and will need testing sessions broken into smaller segments to obtain optimal results. (ELL) Jose is not a native English language speaker. Some accommodations will be made for the evaluation.
- (vision) Joachim is legally blind. A Braille evaluation will be conducted.
- (DHH) Wyatt uses bilateral hearing aids. His hearing aids will be checked for proper functioning and will be worn for the evaluation.

Possible sample PWN statements for IEP:

- (health factor) Pierre has a health condition that requires frequent restroom breaks. This accommodation is addressed in the attached IEP.
- A statement that the parents of a child with a disability have protection under the procedural safeguards and how a copy may be obtained
- Sources for parents to contact to obtain assistance