



Facts-on-Hand Prior Written Notice

FAPE-24

*“Facts-on-Hand” is a new, easy to read series on special education. **Prior Written Notice** is one of the important parent rights in the Individuals with Disabilities Education Act (IDEA). The IDEA is the federal special education law. When your child receives special education services, there are times when the school must give you written notice before acting. More details are below. For related information, also read Facts-on-Hand, **Informed Parent Consent**.*



When does the school need to give me **Prior Written Notice**?

1. Prior Written Notice must be given to you before your child’s school:
 - evaluates your child or decides your child’s eligibility for special education services;
 - makes changes to your child’s identification, evaluation, or educational placement or plan; and
 - makes changes to how your child is given a free appropriate public education (FAPE).

2. You can also ask the school to do any of the things listed above. If the school refuses, they must also give you written notice to explain their decision.

What is in the written notice?

The letter the school sends you must tell you:

- what the school wants to or refuses to do;
- why the school wants to or refuses to do something;
- the choices the school considered and why those choices were rejected;
- each test or record the school used in making their decision;

- any other items that were important in making their decision;
- how you can get a written copy of your legal rights, called procedural safeguards, if they are not given to you; and,
- whom to contact for help in understanding your rights.

What else do I need to know?

1. The notice you are given must also:
 - be written in language that the general public can understand; and
 - be written in your native language or other way of communicating, unless it is not possible to do so.
2. If you do not have a written language the school must:
 - translate the information orally or provide it to you in your way of communicating;
 - show that you understand the notice; and
 - write down that they have done these two things.

Some Real Life Examples

The following examples show three different parents receiving appropriate prior written notice concerning their children.

Mr. and Mrs. Jones receive a letter from their son’s school. The school wants to change Sam’s *Individualized Education Program* (IEP). Sam spends most of his day in a special education class. The school feels that Sam can go back to a regular class with help from a special education teacher. The change means Sam would go from being in the special education class four hours a day to being in the general education class

Sept. 2001



Families and Advocates Partnership for Education (FAPE)

FAPE Coordinating Office: PACER Center, Inc. 8161 Normandale Blvd., Minneapolis, MN 55437
952-838-9000 voice ~ 952-838-0190 TTY ~ 952-838-0199 fax ~ 1-888-248-0822 toll-free

Web site: www.fape.org ~ E-mail: fape@pacer.org

Readers are encouraged to copy and share this information, but please credit PACER Center.

six hours a day, with three hours of special education help in this class.

The letter says that a review of Sam's class work shows that he is getting close to doing work at his grade level. The help Sam has received this year and his hard work make it possible for him to go back to the regular class with help. Recent testing shows how well Sam is doing. For these reasons, the school feels this change is right for Sam.

Enclosed with the letter is another paper that tells Sam's parents about their legal rights and whom they can contact for help in understanding their rights.

After an IEP meeting to talk about physical therapy services, Ms. Romero sends a letter to her son's school saying that her son, Carlos, needs more physical therapy services. She wants the school to increase therapy from two times a week to four times a week.

The school writes back and tells her they do not agree. In their letter they tell her why. They explain they looked at therapy records and talked to the therapist who works with Carlos. The therapy reports show Carlos is making good progress and is expected to meet his therapy goals for the year. This is why they do not agree to increasing the services. Ms. Romero also receives information about her legal rights and what she can do if she disagrees with the school.

Mr. Tran receives a letter from his daughter's school. It is written in Vietnamese, his native language. The letter says the school thinks April might have a learning disability. They want to test her to see if this is so.

The letter goes on to say that her teacher has been giving April extra help. A special education teacher, who works in the class with other students, has looked at April's work, too. The two teachers say they need to know more about the cause of April's problems.

By looking at April's class work and grades, the teachers know she is having trouble reading, writing and talking. They want to test her in these areas. They also want to do psychological testing to get an idea of how much April can learn.

The letter ends by saying the school needs written consent from Mr. Tran before they can test April. Enclosed with the letter is another piece of paper, also in Vietnamese, that tells Mr. Tran his legal rights and whom he can contact for help in understanding his rights.

For More Information

If you want to learn about the exact language in the federal regulations, the part of the IDEA that talks about Prior Written Notice can be found in: Section 300.503.

For a copy of the IDEA regulations go to www.fape.org.

Other Resources

The National Information Center for Children and Youth with Disabilities (NICHCY)
800-695-0285, www.nichcy.org

The Technical Assistance Alliance for Parent Centers (The Alliance)
888-248-0822, www.taalliance.org

Funding for the FAPE Project comes from the U.S. Department of Education, Office of Special Education Programs (Cooperative Agreement No. H326A980004). This document was reviewed by the U. S. Office of Special Education Programs (OSEP), the OSEP Project Office, and the FAPE Project Director for consistency with the Individuals with Disabilities Education Act Amendments of 1997. The contents of this document do not necessarily reflect the views or policies of the U.S. Department of Education, nor does mention of other organizations imply endorsement by those organizations or the U.S. Government.