



ARIZONA DEPARTMENT OF
EDUCATION

Arizona Department of Education

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**Exceptional Student Services
Arizona Technical Assistance System (AZ-TAS)**

Frequently Asked Questions about Prior Written Notice

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Purpose: This document was developed to provide school personnel and parents with information, clarification, and guidance relating to using the PWN. To that end, this document outlines when and how the PWN must be provided and how the PWN fits into the overall special education process. Finally, this document suggests general tips to aid in writing effective, compliant PWNs. This AZ-TAS document is meant to be technical assistance and should not be construed as legal guidance. Legal citations are included for reference points.

What is a Prior Written Notice (PWN)?

What is the purpose of providing a PWN?

The regulations that implement the IDEA require a school to provide parents with written notice a reasonable time before the public education agency (PEA) proposes or refuses to initiate or change the identification, evaluation, educational placement of the child, or the provision of a FAPE to the child.ⁱ

The prior written notice is a vital component of the procedural safeguards that schools make available to children with disabilities and their parents. Providing a timely PWN is essential to protecting the rights of children with disabilities and their parents.

The PWN provides a record for the child, parent, and school of the decisions that have been made, the basis for those decisions, and the actions that will or will not be taken as a result of those decisions. The PWN is part of the student's special education record and may be used as a reference document in circumstances such as subsequent staff or parent meetings, as a clarification and reminder to all parties of commitments made or by dispute resolution staff.

When is a PWN required?

Per IDEA 300.503ⁱ, a PWN must be provided in the following circumstances: (1) when the PEA proposes to initiate or change the identification, evaluation, or educational placement of the child or the provision of FAPE to the child; or (2) refuses to initiate or change the identification, evaluation, or educational placement of the child or the provision of FAPE to the child.

Identification

When does identification occur?

Identification occurs when a decision is made to refer a preschool or school-aged child who is not currently identified as a child with a disability under IDEA but is suspected of having a disability, for an evaluation to determine the need for special education services (child find).ⁱⁱ

The purpose of the PWN is to outline for the parent the decision to refer their child to the multidisciplinary evaluation team and the reason(s) for that decision. This proposal is the decision, not yet acted upon, that has been reached before the review of existing data and before the decision is made to collect additional data for possible eligibility for special education and related services.

The PWN is provided **before** the Review of Existing Data.

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Is a PWN required when a student is screened?

No. Screenings are required for preschool, kindergarten, or for newly enrolled school aged children without appropriate records of screening, evaluation, or progress in school.ⁱⁱⁱ In this situation a PWN is not required.

The screening of a student by a teacher or specialist to determine appropriate instructional strategies for curriculum implementation shall not be considered to be an evaluation for eligibility for special education and related services.^{iv} Because this type of screening is not considered to be a proposal or refusal to initiate or change identification, evaluation, educational placement or provision of FAPE, PWN is not required.

Is a PWN required when a student is referred for intervention?

No. Any student can be referred for an intervention team or to receive intervention(s) (child study team, teacher assistance team, etc.). Typically, an intervention team discusses students who are not eligible for or currently receiving specially designed instruction. The intervention process is a general education process and IDEA does not apply; therefore, a PWN is not required.

Is a PWN required when a student is referred for an initial evaluation (by intervention team)?

Yes. This referral constitutes identification, as described in IDEA. The parent must be informed the PEA acknowledges this proposed change in identification with a PWN.^v

Is a PWN required when a parent requests an initial evaluation?

Yes. This referral constitutes identification, as described in IDEA. The parent must be informed the PEA acknowledges this change in identification with a PWN.^v Arizona requires a PEA to respond to a written parent request for evaluation within 15 school days by convening the team to review existing data OR issuing a PWN refusing to evaluate.^{vi}

Evaluation

Is a PWN required prior to collecting additional data?

Yes. The PWN is issued to inform the parent of the team's decision to collect additional data and to inform the parent of the data the team is planning to collect. The team must also obtain informed written consent prior to the collection of additional data.^{vii} The PWN may be provided at the same time parental consent is obtained, but cannot be provided after parental consent is obtained.

Is a PWN required when eligibility is determined? (initial or reevaluation)

Yes. This PWN is issued to inform the parent of the team's decisions regarding eligibility and the proposed actions to be taken as a result of the team's decision.

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Is a PWN required when a parent requests an independent education evaluation (IEE)?

No. Although the request for an IEE does require the PEA to provide the parent with certain information, PWN is not required pursuant to the IDEA or its implementing regulations. However, a PEA may refuse an IEE request only by filing a Due Process Complaint.

Is a PWN required when a parent requests an evaluation?

Yes. Anytime a PEA proposes or refuses to conduct an evaluation it must document the reason(s) why through a PWN. Arizona requires a PEA to respond to a written parent request for evaluation within 15 school days by: convening the team to review existing data OR issuing a PWN refusing to evaluate.^{vi} If the team meets to conduct the review of existing data and determines which additional data is needed, the PWN can be provided for both actions and at the same time parent consent is obtained.

Educational Placement

When does a change in Educational Placement occur?

A change in educational placement occurs when:

- a student is first placed into special education; informed consent from the parent is required
- a student is determined no longer eligible for and/or no longer in need of special education services
- a student requires a change in his/her least restrictive environment (LRE)
- a student graduates with a regular high school diploma
- a student ages out of eligibility for special education
- a student will experience a change in LRE due to a disciplinary decision
- a parent or student who has reached the age of majority has revoked consent for special education services
- the educational placement is not substantially and materially similar to the former placement

Is a PWN required when a student is initially placed into special education?

Yes. A change in placement occurs when the team determines a student requires special education services in order to access and make progress in the general curriculum. The purpose of this PWN is issued to inform the parent of the team's decision to provide the student with special education and related services. The PWN

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is what documents the team's decision and informs the parent of the initial placement.^v The PEA must also obtain informed written parental consent prior to providing the student with special education and related services.

Is a PWN required when changing a student's educational placement?

Yes. A PWN is required when there is a change in placement.^v Any change to a student's least restrictive environment is a change to his/her placement. However, PWN is not required when there is a change in location, such as moving from one campus to another without any other changes to the student's IEP as long as the student's LRE has not changed. A change in educational placement occurs when the educational placement is not substantially and materially similar to the former placement.

Is a PWN required when a student is exited from special education (determined no longer eligible)?

Yes. A PWN is provided when the team decides that a student is no longer eligible or in need of special education services following an evaluation.

Is a PWN required when a student graduates from high school with a regular high school diploma?

Yes. When the student graduates with a regular high school diploma they are no longer eligible to receive a FAPE. Additional information can be found in the [AZ-TAS graduation document \(Frequently Asked Questions About Graduation of Students with Disabilities in Arizona's Schools\)](#).

Is a PWN required when a student ages out of special education (reaches the age of 22 without earning a regular high school diploma)?

Yes. When the student reaches the maximum age for provision of services this is a change in placement as the student is no longer eligible to receive a FAPE. Additional information can be found in the [AZ-TAS graduation document \(Frequently Asked Questions About Graduation of Students with Disabilities in Arizona's Schools\)](#).

Is a PWN required when a parent revokes consent for special education services?

Yes. When a parent (or student who has reached the age of majority) has revoked consent for special education services, this is a change in placement. FAPE is no longer provided, per the parent's request, and therefore a PWN is necessary.

Is a PWN required when a student transfers in from another school?

No. When a student with a disability enrolls into a new school, the receiving PEA is required to provide comparable special education services.^{viii} Because the receiving PEA has not changed the student's identification, evaluation, educational placement, or provision of FAPE, no PWN is required. A PWN would be required when the IEP team determines that changes to the transfer IEP must be made to provide the student with a FAPE, or when the PEA decides to conduct an evaluation.

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Is a PWN necessary when a student is removed for more than 10 consecutive school days, or 10 cumulative school days constituting a pattern of behavior, for disciplinary reasons?

Yes. A PWN must be provided when the removal of a student is in excess of 10 consecutive or cumulative school days (for similar behaviors). This is considered a change of placement.^{v, ix}

Is a PWN required when a student is placed in an Interim Alternative Educational Setting (IAES)?

Yes. Removal to an IAES^x is a change in placement. Therefore, PWN is required.^v Exception to this in the event the IAES placement is for less than 10 school days.

FAPE

What constitutes a change in the provision of FAPE?

Changes in FAPE may include (not exhaustive):

- Review/revision of the IEP
- Changes to services
- Changes to LRE
- Changes to transition plans
- Changes to ESY
- Addenda to the IEP

Is a PWN required in every instance where a student's IEP is changed?

A PEA is required to provide PWN before implementing a change in the provision of FAPE to a student. FAPE means, among other things, special education and related services that are provided in conformity with a student's IEP. Therefore, a proposal to change a student's IEP would require a PWN.^v

Is PWN required when the PEA refuses to make a change to a student's IEP?

Yes. The IDEA requires that PWN be issued when a PEA refuses to take an action as well as when it proposes to initiate an action that is related to the provision of a FAPE. Because decisions regarding changes to a student's IEP are decisions impacting the provision of FAPE.^v

Timeline

How soon after a proposal/refusal is a PWN required to be provided to parents?

The IDEA and state regulations do not define a specific timeframe. However, OSEP guidance states: “such notice must be given to parents a reasonable time before the agency implements that action, but after the agency’s decision on the proposal or refusal has been made”.^{xi} Prior written notice must be given to the parent(s) of a child with a disability within a reasonable time before the PEA proposes or refuses an action related to the identification, evaluation, educational placement, or provision of FAPE. What is reasonable is a fact intensive determination.

PWN Content

What are the required components of a PWN?

IDEA requires:

- a description of each action proposed or refused by the agency
- an explanation of why the agency proposes or refuses to take each action
- a description of other options the team considered and the reasons why those options were rejected specific to each action proposed or refused
- a description of evaluation procedure, assessment, record, or report(s) used as a basis for each proposed or refused action
- a description of other factors that are relevant to each action proposed or refused
- a statement that the parents of a child with a disability have protection under the procedural safeguards if the PWN is not for an initial referral for evaluation
- the means by which a copy of a description of the procedural safeguards can be obtained which includes a contact name or position and phone number
- sources for parents to contact to obtain assistance in understanding their procedural safeguards

PWN Language Requirements

What if the parent’s primary language is not English?

A PWN must be provided in the parent’s native language or other mode of communication, unless it is clearly not feasible to do so. If the native language or other mode of communication is not a written language, the PEA must take steps to ensure that: (a) the notice is translated orally or by other means to the parent in his or her native language or other mode of communication; (b) the parent understands the

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content of the notice; and (c) there is written evidence that the PEA met these requirements.^{xii}

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Additional Resources

- [ADE/Program Support and Monitoring training materials](#)
- [Practical suggestions; PWN](#)
- [ESS Key Definitions](#)

Citations

- i IDEA 300.503 - Prior notice by the public agency; content of notice
- ii [300.111 Child Find](#)
- iii [R7-2-401\(D\)\(5\) Special Education Standards for Public Agencies Providing Educational Services](#)
- iv [20 U.S.C 1414\(a\)\(1\)\(E\)](#)
- v IDEA 300.503(a) - Prior notice by the public agency; content of notice
- vi R7-2-401(E)(4) Special Education Standards for Public Agencies Providing Educational Services
- vii 34 C.F.R. Part 300, Analysis of Comments and Changes, Subpart E–Procedural Safeguards. Federal Register, Vol. 71, No. 156 p 46691 (August 2006)
- viii [300.323\(e\) When IEPs must be in effect](#)
- ix IDEA 300.536 Change of placement because of disciplinary removals
- x IDEA [300.530](#)
- xi 34 C.F.R. Part 300, Analysis of Comments and Changes, Subpart E–Procedural Safeguards. Federal Register, Vol. 71, No. 156 p 46657-46658 (August 2006)
- xii IDEA 300.503(c) - Prior notice by the public agency; content of notice