

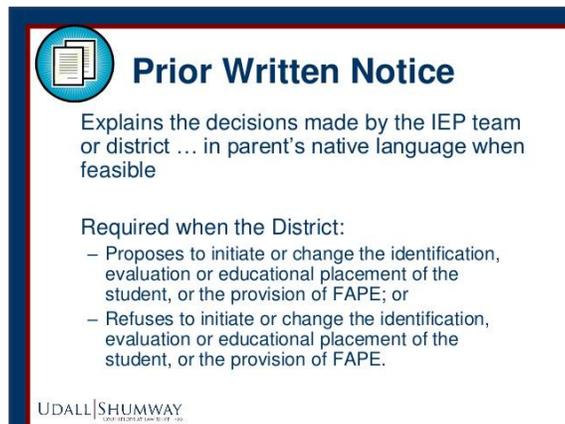
Using Care & Clarity When Completing “Prior Written Notice” (PWN)

The Massachusetts IEP Forms N1 and N2 provide “guiding questions” for staff completing Prior Written Notice (PWN). Making sure that your responses to these “guiding questions” are clear and concise may prove to be less confusing to parents and helpful in keeping the district free from litigation.

A recent case involving the Seattle Public Schools serves as an example of the problem a lack of clarity in a PWN may create. In this case, the PWN included a statement from the parent specific to limiting her son’s bus ride to less than 40 minutes each way. Despite the fact that the IEP Team was not in agreement with the request, the manner in which the parental concern was included in the PWN made it appear to be part of the district’s proposal. As a result, the Hearing Officer found that, due to the manner in which the information was listed in the PWN, the district was bound to the transportation time limit.

Below are a few tips from school attorneys which may be helpful when completing a Prior Written Notice form ...

- ✓ ***The simpler the better*** ... avoid compound sentences that may inadvertently create confusion regarding what the district is proposing ... Some suggest that responses should be in a simple “checklist format.”
- ✓ ***Carefully note parental requests*** ... Clearly state parental requests at the outset of the PWN, noting that the requests will be addressed in the District’s proposed actions
- ✓ ***Make sure any rejected requests are for educationally sound reasons*** ... “we don’t provide such services” or “we provide no more than 30 minutes of that service,” surprisingly, have shown up on some PWNs, and have proven to be problematic for the district. Careful consideration must be given as to why such a request is not educationally “needed” for the student to make meaningful academic progress.
- ✓ ***Double check dates*** ... Make sure that a typo in the date is corrected prior to forwarding to parent ... in one case a PWN listed an effective date prior the date that the notice was sent ... this could create a request for compensatory services. If, by chance, an incorrect date is noticed after the PWN is sent, call the parent to explain the error (keep note of the call).



 **Prior Written Notice**

Explains the decisions made by the IEP team or district ... in parent’s native language when feasible

Required when the District:

- Proposes to initiate or change the identification, evaluation or educational placement of the student, or the provision of FAPE; or
- Refuses to initiate or change the identification, evaluation or educational placement of the student, or the provision of FAPE.

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