

(4.17) What is Prior Written Notice (PWN)?

The district is required to give you a PWN “a reasonable time before” it refuses to initiate or change the identification, evaluation, placement or the provision of a free, appropriate public education (FAPE). The term “reasonable time” is not defined in the law. The notice must contain the service or placement refused by the district, an explanation for the refusal, and a description of each evaluation procedure, assessment, record, or report used by the school district to make their decision. The notice must also inform you of your right to challenge that decision. [34 C.F.R. Sec. 300.503; Cal. Ed. Code Sec. 56500.4.]

If you are not given proper notice before the IEP, you may argue that the district not only violated the prior written notice requirement, but also that the absence of a notice prevented you from meaningful participation in your child’s IEP.