Prior Written Notice (PWN)

Colorado Parent IEP Training Resource Document

COLORADO
Department of Education

What is prior written notice (PWN)?

The Individuals with Disabilities Education Act (IDEA) requires that the Administrative Unit (AU) (for example, the school district, BOCES, etc.) give parents "prior written notice" (PWN) before it proposes or refuses to take certain actions.

These actions include initiating or changing:

- the identification, evaluation or educational placement of their child (services the child is receiving), or
- how they are providing a free appropriate public education (FAPE) to the child.

The notice is given before the action is taken (or not taken) but after the decision is made.

See pages 7 – 8 of Colorado's Procedural Safeguards Notice, April 2024 (PSN) for more information on PWN.

How must a PWN be written?

- The PWN must be in clear language that is understandable to the general public.
- The PWN must be in the parent's native language or other mode of communication unless it is clearly not feasible to do so. Sign language, braille, oral, and augmentative and alternative communication (AAC) are examples of other modes of communication.
- The PWN must give enough detail for parents to take part in decisions in an informed way.
- The PWN may not always be a separate notice. The PWN may be embedded in the Individualized Education Program (IEP).
- You can view sample forms of a Prior Written Notice of Special Education Action and a combined IEP Amendment and Prior Written Notice under Supporting Documents on CDE's IEP Forms & Procedural Safeguards page.

What if I disagree with the decision that the PWN describes?

- If parents disagree with what is being proposed or refused and the matter cannot be resolved by the IEP team, they can consider the dispute resolution options described in the Procedural Safeguards Notice.
- IDEA's dispute resolution options include:
  - Mediation
  - State Complaint
  - Due Process Complaint
  - Learn more on CDE's Dispute Resolution page.

What must a PWN include?

Prior Written Notice must include:

- A description of the action proposed or refused;
- An explanation of why;
- A description of the information the school used to make its decision;
- A description of other options considered and why they were rejected;
- Other factors relevant to the decision;
- A statement that parents have protection under IDEA's procedural safeguards; and
- Where parents can get assistance in understanding IDEA's requirements.

34 C.F.R. § 300.503(b).

What if a school denies a request and does not give the parents Prior Written Notice?

- If the school denies a request and does not provide PWN when it is required, the parents should ask for it. The PWN provides important documentation of the basis for the actions proposed or refused.

Where can I learn more about Prior Written Notice?

- Learn more from the Colorado Department of Education's (CDE) Parent IEP Training.
- Contact CDE's Office of Special Education.
    - **Phone:** 720-926-1453
    - **Email:** Parents_ESSUquestions@cde.state.co.us
- Right to Receive Prior Written Notice (Part B of IDEA) (Center for Parent Information & Resources)

This CDE resource document is meant for informational purposes only, is not legally binding, and is not to be confused with legal advice. If you are seeking legal advice, please contact your legal counsel.