



IEP

Prior Written Notice

Prior Written Notice is one of the important rights in special education for parents in the Individuals with Disabilities Education Act (IDEA). When a child receives special education services, this law says that schools must notify parents in writing before taking a specific action or before refusing to take an action that parents have requested.

When does the school need to give prior written notice to parents?

A public agency must give parents written notice each time it:

- Proposes to initiate or change the identification, evaluation, educational program, or educational placement of a child or the provision of a free appropriate public education (FAPE) to a child; or the provision of early intervention services to the child and the child's family for IFSP services only;
- Refuses to initiate or change the identification, evaluation, educational program, or educational placement of a child or the provision of FAPE to a child;
- When written notice relates to an action that requires parental consent, the public agency may give written notice at the same time.

What is included in the written notice?

Written notice must:

- Describe the action(s) that the public agency proposed or refused to take;
- Explain why the public agency is proposing or refusing to take the action(s);
- Describe each evaluation procedure, assessment, record, or report the public agency used in deciding to propose or refuse the action(s);
- Include a statement that parents have protections under the procedural safeguards provisions in IDEA;
- Tell parents how they can obtain a description of the procedural safeguards if the action that the public agency is proposing or refusing is not an initial referral for evaluation;
- Include resources for parents to contact for help in understanding the IDEA;

- Describe any other choices that the child's Individualized Family Service Plan (IFSP) team or Individualized Education Program (IEP) team considered and the reasons why those choices were rejected; and
- Provide a description of other reasons why the public agency proposed or refused the action.

What else do I need to know?

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 communicated in other ways that parents understand, unless it is not feasible to do so.

If a parent does not have a written language the school must:

- translate the information orally or provide it in the way the parent communicates;
- be sure that the parent understands the notice; and
- write down that it has done these two things.

CITATION: 34 CFR Assistance to States for the Education of Children with Disabilities, Sec. 300.503

SOURCE: Adapted from: *Parental Rights Maryland Procedural Safeguards Notice*, Infants and Toddlers/Preschool Special Education and Special Education, Maryland State Department of Education, Updated January 2010

RESOURCES

- Maryland Procedural Safeguards Notice
http://www.msde.maryland.gov/NR/rdonlyres/D182E222-D84B-43D8-BB81-6F4C4F7E05F6/22796/MarylandProceduralSafeguardsNotice_updatedjanuary2.pdf
- IDEA Part B
<http://idea.ed.gov/>