# Prior Written Notice

**Special Education Resource** 

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**COLORADO** CHARTER SCHOOL INSTITUTE

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## **Introduction to Prior Written Notice**

An essential part of every IEP and every decision made about a student in special education is a Prior Written Notice (PWN).

A PWN is the part of the Procedural Safeguards that ensures that parents have been provided notice of any decisions made by the IEP team that proposes to initiate or change; or refuses to initiate or change the evaluation, identification, placement (LRE), and free appropriate public education (FAPE) of a student.

The Prior Written Notice must contain the following information:

- A description of the school's action proposed or refused,
- An explanation of why actions are proposed or refused,
- A description of evaluation, procedure, assessments, record, or report used as a basis for the proposed or refused action,
- A description of any other options the IEP team considered and the reasons for the rejecting those options,
- A description or any other factors relevant to the proposed or refused action,
- Sources for the parent to contact with any questions regarding provisions of the PWN requirements,
- Acknowledgement of provision of Procedural Safeguards.

All sections of the PWN must be completed. Do not leave blanks. N/A should be used if a section has no applicable response. It is best practice to provide information for each section.

Included you will find examples of PWN for a variety of situations. Be sure that your PWN is individualized for your student.

### **Circumstances that Require a Prior Written Notice**

IEP Procedural Guidance Exceptional Student Services Unit Technical Assistance CDE

Depending on the situation, different PWN forms are required, in addition to the embedded short prior written notice in a standard IEP. There are also embedded PWN forms in some additional CDE approved forms. Please contact your coordinator if you have questions about when to use a separate PWN form.

- Referral for Initial Evaluation (Prior Notice and consent for Evaluation)
- Collection of new data for initial evaluation and reevaluation (Prior Notice and consent for Evaluation)
- Determination of eligibility upon completion of an initial evaluation or reevaluation (Prior Notice and Consent for Initial Provision of Services)
- Questions regarding eligibility
- Refusal to conduct an evaluation
- Initial provision of special education services (Prior Notice and Consent for Initial Provision of Services)
- Any change to educational placement
- Termination of special education and related services
- Graduation with a regular diploma
- Disciplinary removal for more than 10 consecutive school days
- A series of disciplinary removals that constitute a pattern of removals
- Disciplinary removal to an Interim Alternate educational setting for not more than 45 school days
- Deletion or addition of related services
- Change in annual goals on an existing IEP
- Increase or decrease in special education services or related services
- Change in how a student will participate in state and district assessments
- Review and revision of the IEP
- Increase or decrease of supplementary aids and services or supports to the school personnel
- Refusal to Increase or decrease related services
- Consideration of ESY if done at a separate meeting

#### PWN for Initial Evaluation

Susan Smith Legal Name of Student	9/9/2012 DOB	000000000 SASID Student ID (SASID)	03/1/2022 Date			
PRIOR WRITTEN NOTICE & CONSENT FOR EVALUATION 300.9 AND 300.300 AND 300.503						
DearMrs. Smith Your consent and assistance are requested to determine if your child has a disability, or continues to have a disability, requiring special education services.						
The school is proposing the follow X To evaluate your child for special e 300.300(a) To reevaluate your child for specia 300.300(c)	education eligibility.	□ Based on a review of existing information, no additional evaluation data are needed to determine if your child is or continues to be eligible for special education services or to determine your child's educational needs. 300.305(a)				
Areas to be evaluated: Academic, cognitive, speech/languag	le	Reason: 300.305(d)(1)(i) If you disagree, you may request an assessment. 300.305(d)(1)(ii)				
grade level even after receiving small additional direct instruction for her sk months through the MTSS/RTI proce noticed that there may be some proce	Reason: 300.305(d)(1)(i) Susan's reading and math skills are more than 2 years below grade level even after receiving small group instruction and additional direct instruction for her skill deficits for approximately 4 months through the MTSS/RTI process. Her teachers have noticed that there may be some processing issues that are impacting her ability to learn new material. They are also					
This proposal is based on the following evaluation procedures, tests, records or reports: 300.503(b)(3) Teacher and parent reports, work samples, review of MTSS/RTI progress monitoring records, formal and informal assessments, district and state assessments						
Other options considered and reasons(s) rejected were: 300.503(b)(6) Delaying the evaluation and providing continued general education interventions with extra assistance. We rejected this option because the team has determined that there has been no improvement after 4 months of intensive interventions by the reading and math specialists We are concerned that waiting will likely cause her to be further behind.						
Any other factors considered by th Susan has severe asthma and at time						
Sincerely, Mrs. Anderson, Special I Name/Title	Education Teacher 1-555-5	555-5555 Phone				
Parents of a child with a disability hav assistance in understanding this infor			procedural safeguards or			
	Consent for Special	Education Evaluation				
We request your consent because: X This is an initial evaluation and will be used to determine whether your child is a child with a disability and to determine special education needs. 300.300(a) This is a reevaluation and will be used to decide your child's continued eligibility and/or education needs. 300.300(c)						
X I give my consent for the evaluation or re-evaluation. I understand my consent is voluntary and may be revoked for any evaluation or reevaluation that has not yet been conducted. 300.9(a),(b),(c),(1) and (2) I refuse consent for the evaluation. I agree that no additional evaluation data are needed.						
Mary Smoith		3/2/2022				

Susan Smith	9/9/2012	000000000	03/1/2022
Legal Name of Student	DOB	SASID Student ID (SASID)	Date
Signature (Parent/Guardian/ESP)		Date	
X Date consent received by District/Ad	ministrativa Unit· 3/2/2/	122	

X Date consent received by District/Administrative Unit: <u>\_3/2/2022</u>\_\_\_\_\_ X For initial evaluations, a copy of the *Notice of Procedural Safeguards* has been given to the parents.

1/18/08 rev. July 2012

PWN for Refusal of Initial Evaluation

PRIOR NOTICE OF SPECIAL EDUCATION ACTION				
Dear: Mrs. Smith_:				
This notice is a: □ proposal 300.503(a)(1) X⊠ refusal 300.503(a)(2)				
to: X ⊠ initiate 300.503(a)(1) □ change 300.503(1)(2)				
the following aspects of your child's special education: 300.503(a)				
<ul> <li>X ☑ Identification</li> <li>☐ Placement (other than initial placement)</li> <li>☐ Provision of a free, appropriate public education (includes IEP)</li> </ul>				
<b>Through the following action:</b> 300.503(b)(1) Susan's parents have requested an evaluation for her due to concerns in the area of reading. After review of the evaluation request and educational records including progress in general education classroom MTSS interventions. The team has determined that an evaluation for special education services is not warranted.				
<b>This action is proposed/refused because</b> : 300.503(b)(2) Susan is making progress toward her MTSS goal and in her READ Plan and her teacher reports that she is not significantly behind her peers academically.				
<b>This action/refusal is based on the following evaluation procedures, tests, records or reports:</b> 300.503(b)(2) <i>Classroom observations, review of MTSS data, district assessments, attendance records, review of classroom performance, READ Plan</i>				
<b>Other options we considered were:</b> 300.503(b)(6) <i>Increasing time in her reading interventions.</i>				
<b>We rejected these options because:</b> 300.503(b)(6) Susan is making significant progress toward her goals and should be on grade level by the end of the semester.				
<b>Any other factors considered by the team:</b> 300.503(b)(7) Susan has missed several days of school this year and has still made good progress toward her reading goals.				
Sincerely, <u>Mrs. Anderson, Special Ed. Teacher</u> 555-555-5555Name/Title300.503(b)(5)sPhone				
Parents of a child with a disability have protection under the procedural safeguards. For a copy of the procedural safeguards or assistance in understanding this information, please contact the person named above.				

#### PWN for Initial Consent for Special Education Services

Susan Smith Legal Name of Student	9/9/2012 DOB	State Student ID (SASID)	Date		
Prior Written Notice	& Consent for Initial Provi	SION OF SPECIAL EDUCATION AND RELAT	ED SERVICES 300.300(B)		
This consent "opens the door" to special education services. It provides the Administrative Unit permission to provide special education services once they are agreed upon by the IEP Teams, it is not an agreement regarding what specific services will be provided (for example in a resource room or in the general education classroom).					
Dear _Mary Smith		:			
The team has found Susan Sm	ith eligible to receive special ed	lucation services.			
ECEA. She requires significant	hat Susan qualifies for an IEP a t specialized services and supp	led because: as a student with a specific learning disabil orts through special education to make ad the RTI process, she continues to lag furth	lequate progress toward grade		
300.503(b)(3)	nts, review of academic records	ne following evaluation procedures, test s, classroom observations, classroom obse rts			
Other service options consid 300.503(b)(6) The team considered continuing Susan has participated in RTI fo	g MTSS/RTI in the general edu	cation classroom without providing special	lized supports and services.		
Other factors considered wer 300.503(b)(7)					
Susan has asthma and often re	equires an inhaler during the sci	hool day.			
Please return this form to:	Mrs. Anderson, Special Edu Name	ucation Teacher _1-555-555-5555 Phone			
		ocedural safeguards. For a copy of the pr e person named above. 300.503(b)(4)	ocedural safeguards or		
		ecial Education and Related Service	25		
<ul> <li>I give my consent for the provision of special education services and an Individualized Education Program will be developed. I understand my consent is voluntary and may be revoked for any reason before special education services begin. 300.9(a), (b), (c)(1) and (2) and 300.300(b)(4)</li> </ul>					
□ I refuse to give my consent for the provision of special education services.					
Mary Smith		3/5/2022			
Signature Parent/Guardian/ESP	ict/Administrativo Unit	Date			
-Date consent received by DISI		_JJZUZZ	1/18/08; Rev July 2012		

PWN Does Not Qualify for Special Education

PRIOR NOTICE OF SPECIAL EDUCATION ACTION				
Dear: Mr. and Mrs. Smith:				
This notice is a: ☐ proposal 300.503(a)(1)				
to: ⊠ initiate 300.503(a)(1) □ change 300.503(1)(2)				
the following aspects of your child's special education: 300.503(a)				
<ul> <li>Identification</li> <li>Placement (other than initial placement)</li> <li>Provision of a free, appropriate public education (includes IEP)</li> </ul>				
<b>Through the following action:</b> 300.503(b)(1) On November 5, 2021 the multidisciplinary team completed a comprehensive evaluation of your child, Susan, to determine if she qualified for special education and related services under a disability category as defined by IDEA and ECEA. Susan did not meet the eligibility criteria and is making adequate progress in the general education program.				
<b>This action is proposed/refused because</b> : 300.503(b)(2) Susan does not meet the eligibility requirements as a child with a disability under the IDEA and ECEA regulations.				
<b>This action/refusal is based on the following evaluation procedures, tests, records or reports:</b> 300.503(b)(2) Both formal and informal assessments were administered in the child's suspected area of disability to measure abilities and achievement. The team conducted classroom observations, reviewed previous achievement tests, RTI and MTSS progress, and input from the parents and teachers.				
<b>Other options we considered were:</b> 300.503(b)(6) The team considered whether additional assessments were needed.				
<b>We rejected these options because:</b> 300.503(b)(6) <i>The team decided that assessments were comprehensive enough to determine a disability and no other assessments are necessary at this time.</i>				
<b>Any other factors considered by the team:</b> 300.503(b)(7) <i>No other factors were considered.</i>				
Sincerely, <u>Mrs. Anderson, Special Education Teacher</u> 555-555-5555Name/Title 300.503(b )(5)Phone				
Parents of a child with a disability have protection under the procedural safeguards. For a copy of the procedural				

Parents of a child with a disability have protection under the procedural safeguards. For a copy of the procedura safeguards or assistance in understanding this information, please contact the person named above.

PRIOR NOTICE OF SPECIAL EDUCATION ACTION
Dear:_Mrs. Smith:
This notice is a: ⊠ proposal 300.503(a)(1) □ refusal 300.503(a)(2)
to:
the following aspects of your child's special education: 300.503(a)
<ul> <li>Identification</li> <li>Placement (other than initial placement)</li> <li>Provision of a free, appropriate public education (includes IEP)</li> </ul>
<b>Through the following action:</b> 300.503(b)(1) Though Charter School Institute and (name of school) believes that you/your child remains eligible for special education services, the proposed discontinuation of services is based exclusively on your previously provided written revocation of consent. The revocation of consent releases Charter School Institute and <u>(name of school)</u> from all requirements to provide a free and appropriate public education to your child from the time you revoke consent until the time, if any, that your child is evaluated and deemed eligible as a student with a disability, and you provide consent again for placement and the provision of special education and related services.
This notice is provided to inform you, as parent of the student with a disability, of the implications of your decision to revoke consent for the continued provision of special education services. Special education means specially designed instruction, at no cost to the parents, to meet the unique needs of a child with a disability. Eligibility for special education is determined based on evaluations showing the need for specialized instruction in order for the student to benefit from his/her education. Written notice of your child's eligibility and the special education and related services proposed for your child already has been provided in your copies of educational records, such as those provided during your IEP meeting participation, evaluation reports and the complete IEP document. If you need additional copies of any of these important documents, please ask your student's case manager.
<b>This action is proposed/refused because</b> : 300.503(b)(2) As stated in IDEA regulations, parents have the right to refuse special education services and supports for their child through written revocation.
<b>This action/refusal is based on the following evaluation procedures, tests, records or reports:</b> 300.503(b)(2) <i>The parents provided the school with a written refusal for special education and related services.</i>
<b>Other options we considered were:</b> 300.503(b)(6) Because of your written revocation of consent, we did not consider any other options for placement.
We rejected these options because: 300.503(b)(6) N/A
Any other factors considered by the team: 300.503(b)(7) Along with specialized instruction and related services as specified in your student's most recent IEP there are many rights and protections under IDEA 2004 offered to special education students that are not available to students in general education. As a result of your written revocation of consent for your child to continue to receive special education and related services, <u>(name of school)</u> will discontinue serving your child under IDEA including as follows:

Your child will no longer be identified under IDEA as a child with a disability.

Your child will no longer have an Individualized Educational Plan (IEP).

Your child will only be entitled to the accommodations that are available to non-disabled children under relevant State standards.

Your child will no longer be entitled to discipline protections for students with a disability. Your child will be subject to the school's Student Code of Conduct and will be disciplined as a general education student. Your child will be required to meet all general education standards for grading, promotion/retention and graduation. Any special education and related services stated in any previous IEP, settlement agreement administrative or court order, or any other agreement will not be provided.

Sincerely, <u>Mrs. Anderson, Special Education Teacher</u> Name/Title 300.503(b)(5) 555-555-5555 Phone

Parents of a child with a disability have protection under the procedural safeguards. For a copy of the procedural safeguards or assistance in understanding this information, please contact the person named above.

#### PWN No Longer Qualifies

Susan Smith Legal Name of Student	<u>9/9/2012</u> DOB	1234567890 State Student ID (SASID)	May 5, 2022 Date	
	Prior Notice of	F SPECIAL EDUCATION ACTION		
Dear:Mrs. Smith	:			
This notice is a: ★ proposal 30 □ refusal 300				
to: □ initiate 300. ★ change 300				
the following aspects of your of		00.503(a)		
<ul> <li>Identification</li> <li>Placement (</li> </ul>	nother than initial placement)			
	a free, appropriate public ed	lucation (includes IEP)		
Through the following estion.	200 502/6)/1)			
	hat your child, Susan, no long special education supports a	ger meets the eligibility requirements as and services. The multidisciplinary team cation classroom.		
This action is proposed/refuse	d because: 300 503(b)(2)			
		lata as well as the student's performance	e in the general education	
disability and upon review, deter	mined that no additional info	am conducted a comprehensive evaluati rmation/assessments were needed to de ity requirements outlined in IDEA and EC	etermine that Susan no longer	
	ts, review of educational reco	procedures, tests, records or reports: ords, current State and District assessme ples, classroom observations		
Other options we considered we are a section 504 plan.	vere: 300.503(b)(6)			
We rejected these options bec Susan has made significant impl without accommodations or moo	rovement in the areas of read	ding. She is currently performing at the le	evel of her grade level peers	
Any other factors considered by the team, $200 E02(h)(7)$				
Any other factors considered by the team: 300.503(b)(7) Susan has been receiving special education services since 1 <sup>st</sup> grade.				
Sincerely, <u>Mrs. Andeerso</u>				
	300.503(b)(5)	Phone procedural safeguards. For a copy of the	e procedural safeguards or	
		the person named above. 300.503(b)(4)		

#### PWN Refusal of Parent Request

Susan Smith Legal Name o		<u>9/9/2012</u> DOB	1234567890 State Student ID (SASID)	<u>5/3/2022</u> Date	
Prior Notice of Special Education Action					
Dear:Mrs.	Smith	:			
This notice is a	: □ proposal 300.503(a) × refusal 300.503(a)(2)				
to:	□ initiate 300.503 (a)(1 ★ change 300.503 (a)(2	·			
the following as	<ul> <li>Identification</li> <li>Placement (other that</li> </ul>	pecial education: 300.503 an initial placement) ppropriate public educatio			
•	lowing action: 300.503( are requesting additiona		along with instruction in the Wilson	Reading Program.	
This action is proposed/refused because: 300.503(b)(2) Upon review of Susan's progress in the general education classroom and documented progress toward her IEP goals, the team has determined that she does not require additional supports or services from special education. She currently receives 5 hours of reading support each week in the special education classroom and has reading and writing accommodations in her IEP for all general education classes. Her current reading program uses a multi-sensory approach and progress monitoring as well as classroom assessment show that she has made significant progress in reading during the implementation of her IEP.					
			ures, tests, records or reports: 30 reacher interview, special education		
	ve considered were: 300 n's time in the special ed	D.503(b)(6) ucation classroom outside	of general education.		
We rejected these options because: 300.503(b)(6) Upon review of progress, the team felt that Susan was making the needed progress to close the reading gap between her and her peers. Her accommodations in the general education classroom were ensuring that she maintained her progress in her other classes. Any other factors considered by the team: 300.503(b)(7) . Susan has received intensive reading instruction since 2 <sup>nd</sup> grade and has demonstrated significant improvement over time.					
Sincerely,	Mrs. Anderson, Special Name/Title 300.50				
			ural safeguards. For a copy of the p son named above. 300.503(b)(4)	rocedural safeguards or	

## **Prior Written Notice for Annual IEP**

#### **Proposal:**

Upon reiew of Susan's current progress toward her goals and her classroom performance the IEP team developed a new annual IEP to update her performance and develop new goals. At this meeting the team determined that her current level of service time of 5 hours per week of specialized instruction outside the general education classroom was appropriate.

#### **Explanation of proposal:**

Susan has continued to make significant progress toward her IEP goals as demonstrated through progress monitoring and classroom performance. Due to her progress the team decided to develop new goals to better reflect her current needs.

## Description of each evaluation procedure, assessment, record, or report the team used in making their decision:

Progress of current IEP goals, work samples, review of current district assessments, parent input, parent/teacher/student input, and classroom observations

#### Description of any other options:

The team considered decreasing the amount of time for specialized reading support but determined that continuing the amount of time and increasing expectations closer to grade level standards would help her close the achievement gap sooner.

#### Other factors:

N/A

#### PWN of Action for Annual IEP

Susan Smith	9/9/2012	1234567890	May 5, 2022			
Legal Name of Student	DOB	State Student ID (SASID)	Date			
	Prior Notice of Special Education Action					
Dear:Mrs. Smith	:					
This notice is a: ➤ proposal 300.503(a) □ refusal 300.503(a)(2						
to: □ initiate 300.503 (a)(						
the following aspects of your child's s Identification	pecial education: 300.503	a(a)				
Placement (other than	initial placement) appropriate public educatior	n (includes IEP)				
Through the following action: 300.503 Implementing the annual IIEP prepared f	(b)(1)					
This action is proposed/refused becau The IEP Team made changes to Susan's year and goals for next year.		sent levels and goals and objectives,	to reflect her progress last			
This action/refusal is based on the foll previous IEP progress reports, grades, a						
<b>Other options we considered were: 300.503(b)(6)</b> This Prior Written Notice follows an annual IEP meeting for Susan. The IEP team considered other goals and objectives for Susan but did not consider other services or placement options because susan is finding success with current programming.						
We rejected these options because: 300.503(b)(6) Susan is making progress						
Any other factors considered by the ten None.	am: 300.503(b)(7)					
Sincerely, <u>Mrs. Andeerson, Spec.</u> Name/Title 300.50	3(b)(5)	1-555-555-5555 Phone				
Parents of a child with a disability have p assistance in understanding this informat			cedural safeguards or			

1/18/08

#### PWN of Amendment to IEP

Susan Smith	9/9/12	1234567890	May 8, 2012		
Legal Name of Student	DOB	State Student ID (SASID)	Date		
IEP AMENDMENT & PRIOR WRITTEN NOTICE 300.324(a)(6); 300.503					
Amendments may be used by agreement of the Administrative Unit and the Parent to modify the IEP including, but not limited to: goals; hours of service; accommodations; modifications; transportation needs; assistive technology; or other similar changes to the related services section. 300.324(a)(4)(i) Amendment to IEP Dated:May 5, 2022					
<b>Current IEP:</b> Special Education and Related So Restrictive Environment. Direct So Academic Access is 110 minutes	ervices in the Least ervice time in the area of	<b>Proposed Changes</b> <i>Direct Service Time in the al per week.</i>	rea of Academic Access is 30 minutes		
Rationale for Changes: Include evaluation procedures, tests, records or reports used as the basis for the changes. IEP meeting notes, progress in special education goal in academic access, teacher/parent input were discussed in the IEP meeting and the decision of the team was to reduce the time in this area to 30 minutes per week to allow more time in the general education classroom to practice this skill. The 110 minutes per week indicated in the IEP was a clerical error and required a change to the IEP.					
	Other options considered and rationale for rejecting those options: Leaving the time at 110 minutes but that did not reflect the decision of the IEP team.				
Other factors: No other factors were considered.					
For Agreement Not to Convene an Amendment Meeting ONLY We agree not to convene an IEP Team meeting in order to make the changes proposed above to the student's IEP. 300.324(a)(4)(i)					
Parent's Signature Special Education Director/Designee Signature					
Parents of a child with a disability have protection under the procedural safeguards. For a copy of the procedural safeguards or assistance in understanding this information, please contact the person named below. 300.503(b)(4)					
Case Manager: _Mrs. Andeerson Name	_Special Education Teach		May 8, 2022 one Date		
300.324(a)(4)(ii) Date	Name				

1/16/08; July 2012

#### PWN of Graduation/Completion

Susan Smith	9/9/2004	1234567890		May 8, 2022	
Legal Name of Student				Date	
	PRIOR WRITTEN NOTICI IDEA 300.503, 300.1				
Dear Mrs. Smith and (Parent)		Susan Smith: (Student)			
(, 2, 0, 1, y					
	FOR STUDENTS WHO ARE G	RADUATING WITH A F	REGULAR DIPLOMA		
Graduation with a regular diplo §300.101 & 300.102, and ECEA education and related services	2.08. This means that after g	graduation, this stu	ident will no longer b		
The IEP Team has determined t	hat the following will occur	r at the end of this s	emester: IDEA 300.5	03(b)(1)	
Susan Smith (student name)		3 <u>1, 2022</u> (date)	with a regular diplon	na.	
The termination of special educati IDEA 300.503(b)(3) Graduation requirements, grade r		Ũ			
IDEA 300.503(b)(6) Continuing in the high school prog	Other options considered and reasons rejected: <b>IDEA 300.503(b)(6)</b> Continuing in the high school program until the age of 21 in order to receive additional services and supports. Susan does not require any additional time in the high school program due to successful completion of her high school graduation requirements.				
Other factors considered were: IDEA 300.503(b)(7) No other factors were considered at this time. Susan has met all graduation requirements.					
FOR STUDENTS WHO REACH MAXIMUM AGE will turn 21 years of age during this semester. Turning 21 will permanently end a free, appropriate public education (FAPE) under the federal IDEA §300.101 & 300.102, and ECEA 2.08. This means that at the end of the regular school year semester in which this student turns 21, the student will no longer be entitled to receive special education and related services from a school district or other local education agency. IDEA 300.101(a) and 300.503(b)(2).					
Sincerely, Mrs. Anderson, Specia Name/Title 300.503(b)(5)	al Education Teacher	555-555-5555 Phone			
Parents of a child with a disability have protection under the procedural safeguards. For a copy of the procedural safeguards or assistance in understanding this information, please contact the person named above. <b>IDEA 300.503(b)(4)</b>					