

Prior Written Notice Model Form Guidance

Prior written notice must be provided to a parent before the school proposes or refuses to initiate or change the identification, evaluation, educational placement, or provision of a free appropriate public education (FAPE) to the student. The following is a description of the content that must be included in a prior written notice form under federal and state law.

Actions Proposed and/or Refused¹

- The notice must describe each action that the school is proposing and/or refusing.
- When an evaluation is being proposed, this section documents whether an initial or reevaluation is being proposed. This section also lists the assessment tools the school intends to use and records that will be reviewed as part of the evaluation, including the title of school staff involved with each assessment. The list of assessment tools may be attached to the notice on a separate page.
- When an individualized education program (IEP) is being proposed, a copy of the proposed IEP must be provided with the prior written notice.² For an initial IEP, this section references the attached IEP (including the date of the IEP team meeting), which details the school's proposed actions. For a revised IEP, this section describes changes from the previous IEP and references the attached IEP (including the date of the IEP team meeting).

Explanation (Why)¹

- For each action proposed or refused, the notice must explain why the school is proposing or refusing to take the action.

Sources of Information (Basis)¹

- The notice must describe each evaluation procedure, assessment, record, or report the school used as a basis for the proposed actions. This section lists the sources of information used by the team to make decisions about actions proposed or refused.
- Examples include the student's most recent evaluation report, teacher records and input, parent input, progress reports, report cards, classroom observations, medical or other reports shared by the parents, and district or statewide assessment results.
- Consider including the date of the records or reports that were reviewed.

Other Options Considered¹

- The notice must describe other options that the IEP team considered but ultimately rejected.

¹ 34 C.F.R. § 300.503

² Minn. R. 3525.3600

- Examples include using different assessment tools for an evaluation, changing the type, amount, or location of special education or related services, and adding or removing a modification or accommodation.
- For each option listed, this section must also include an explanation of why the option was rejected by the IEP team.

Other Relevant Factors¹

- The notice must describe other relevant factors to the actions proposed or refused, if any.
- Examples include the student’s need for an accommodation during assessment procedures, information or concerns shared by the parent, or special factors³ like the language needs of a student with limited English proficiency.
- Do not leave this section blank. If no other relevant factors exist, this section may be completed by writing “none.”

Standard Statements¹

- The notice must include a statement that the parent of a student with a disability is protected by the procedural safeguards of the Individuals with Disabilities Education Act (IDEA) and how to get a copy of the procedural safeguards.
- The notice must refer the parent to sources that will help them understand the provisions in the notice. Examples include PACER and ARC.
- The notice must inform the parent of the following²:
 - If the school is proposing an initial evaluation or the initial placement and provision of special education services, it will not proceed without the prior written consent of the parent.
 - If the school is proposing an action other than an initial evaluation or the initial placement and provision of special education services, it will proceed with its proposal unless the parent objects in writing within 14 calendar days of the date the school sent the prior written notice to the parent.
 - If the parent refuses to provide consent or objects in writing to any proposed action, or if the school refuses an action, the parent may request a conciliation conference.

The following is a description of other requirements regarding prior written notice.

Understandable Language¹

- Prior written notice must be written in language understandable to the general public. For example, avoid acronyms or technical terms the parent may not understand.
- Prior written notice must be provided in the parent’s native language or other mode of communication used by the parent, unless it is clearly not feasible to do so. “Native language” means the language usually used by an individual with limited English proficiency.⁴
- If the parent’s native language or mode of communication is not a written language, the school must document that the notice was translated orally or by other means and that the parent understood the content of the notice.

³ 34 C.F.R. § 300.324(a)(2)

⁴ 34 C.F.R. § 300.29

Parental Consent/Objection⁵

- The school must give the notice to the parent at least 14 calendar days before the school proposes to take action. If the notice contains only a refusal of a request, it must be given to the parent within 14 calendar days of the date the request was made.
- If the parent objects, the school must hold a conciliation conference within 10 calendar days of receiving the objection. The parent may also request mediation or a facilitated team meeting to resolve disagreements.
- The school may not override the written refusal of the parent to consent to an initial evaluation or reevaluation or to the initial provision of special education services.

⁵ Minn. Stat. § 125A.091; Minn. R. 3525.3600