



## 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](http://www.msde.maryland.gov/NR/rdonlyres/D182E222-D84B-43D8-BB81-6F4C4F7E05F6/22796/MarylandProceduralSafeguardsNotice_updatedjanuary2.pdf)
- IDEA Part B  
<http://idea.ed.gov/>