

Prior Written Notice:

Legal Requirements and Best Practices

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PRIOR WRITTEN NOTICE

DISCLAIMERS

- We are in an ever-changing field, so it is important to note that the information and recommendations in this training are current as of the date of the presentation.
- No *procedural* recommendations presented here are intended to contradict or override district operating guidelines or direction given to participants by their SPED Directors.



3 LEVELS OF COMPLIANCE



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AGENDA

1. TEA Resources/Guidance
2. Legal Description
3. General Guidelines and Best Practices
 - a. "Post-ARD PWN"
4. Child Find and PWN



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TEA RESOURCES/GUIDANCE

TEA PWN RESOURCES & GUIDANCE

- [TEA PWN Webpage](#)
- [TEA PWN Legal Requirements and Best Practices recorded webinar](#)
- ◆ [TEA PWN Webinar Handout](#)
- [Special Education PWN Quick Guide](#)



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LEGAL DESCRIPTION

WHEN IS PWN REQUIRED?



THE TEXAS LEGAL FRAMEWORK
for the Child-Centered Special Education Process

The LEA ***MUST*** provide PWN to the parent ***BEFORE*** it:

- Proposes or refuses to initiate or change the identification of the child
- Proposes or refuses to initiate or change the evaluation of the child
- Proposes or refuses to initiate or change the educational placement of the child



WHEN IS PWN REQUIRED? (CONTINUED)



THE TEXAS LEGAL FRAMEWORK
for the Child-Centered Special Education Process

The LEA **MUST** provide PWN to the parent **BEFORE** it:

- Proposes or refuses to initiate or change the provision of a free appropriate public education to the child
- Ceases the provision of special education and related services due to the parent's revocation of consent for services



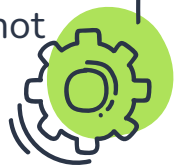
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TIMELINE AND MANNER



THE TEXAS LEGAL FRAMEWORK
for the Child-Centered Special Education Process

- The LEA **must** provide the parent with PWN at least 5 school days before the LEA proposes or refuses the action, unless the parent agrees to a shorter timeframe.
- The LEA must provide PWN in language understandable to the general public and in the native language of the parent or other mode of communication used by the parent, unless clearly not feasible to do so.



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REQUIRED CONTENTS



THE TEXAS LEGAL FRAMEWORK
for the Child-Centered Special Education Process

The LEA ***MUST*** include in its PWN:

- A description of the action proposed or refused by the LEA
- An explanation of why the LEA proposes or refuses to take the action
- A description of each evaluation procedure, record, or report the LEA used as a basis for the proposed or refused action



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REQUIRED CONTENTS (CONTINUED)



THE TEXAS LEGAL FRAMEWORK
for the Child-Centered Special Education Process

The LEA ***MUST*** include in its PWN:

- A statement that the parent has protection under the procedural safeguards of the IDEA Part B
- Sources for the parent to contact to obtain assistance in understanding the provisions of IDEA Part B
- A description of other options that the ARDC considered and the reasons why those options were rejected



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REQUIRED CONTENTS (CONTINUED)



THE TEXAS LEGAL FRAMEWORK
for the Child-Centered Special Education Process

The LEA ***MUST*** include in its PWN:

- A description of other factors that are relevant to the LEA's proposal or refusal
- (If the LEA is proposing to conduct an evaluation, it must also include in the PWN a description of any evaluation procedure it proposes to conduct.)



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GENERAL GUIDELINES
& BEST PRACTICES

GENERAL PWN GUIDANCE

- All PWNs should be individualized and based on the data and outcomes for each specific student and situation
 - ◆ Do not over-rely on templates or exclusively use canned verbatim statements for every PWN
- Use plain, easily understandable language
- Include any parent suggestions, recommendations, requests, etc.



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"POST-ARD PWN"

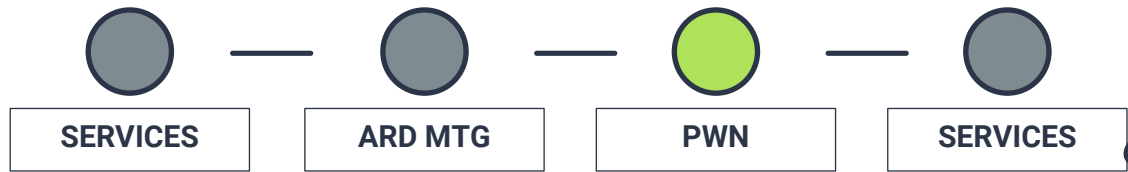
2 Key Considerations:

1. Must be provided IN WRITING
 - a. **The 5 day timeframe does not begin until the parent has a *written* copy of the PWN**
2. Must be provided PRIOR TO implementation/changes
 - a. Think of a timeline (see next slide)



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"POST-ARD PWN"



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"POST-ARD PWN"

- **DON'T**: *"The ARD discussed updated IEP goals."*
 - ◆ This is past-tense. It is also about what adults did together...not what the district is going to do for the student.
- **DO**: *"The district will implement updated IEP goals agreed to by the ARD committee."*

[Link to PWN Examples Document](#)

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"POST-ARD PWN"

- Best practice: Provide a copy of the PWN to parents at the conclusion of the ARD meeting
- If there are multiple meetings for one ARD (in the event of recess or reconvene), the PWN is *generally* not provided until the ARD is fully concluded
- Anything new or changed during the ARD cannot begin to be implemented until parents waive the ~~5 days or until the 5 days have passed~~



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CHILD FIND & PWN

CHILD FIND & PWN

→ *Current best practice recommendation:*

- ◆ If a campus considers an evaluation but does proceed, ***PWN and Notice of Procedural Safeguards should be provided to the parent at that time***
 - This is already being done for parent requests (as it is a legal requirement), *but it is also recommended practice when the evaluation consideration is LEA initiated*



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THANK YOU!

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