


ANCHORAGE SCHOOL DISTRICT  
ANCHORAGE, ALASKA

MEMORANDUM

October 8, 2009

TO: SPECIAL EDUCATION AND RELATED SERVICES  
ADMINISTRATORS, STAFF AND TEACHERS

FROM: JERRY SJOLANDER, EXECUTIVE DIRECTOR  
SPECIAL EDUCATION 

SUBJECT: BEST PRACTICE GUIDANCE IN WRITING PRIOR WRITTEN  
NOTICES (PWNs)

In the past few school years, administration has been continually reminded that District teams need to write clear and concise PWNs to facilitate effective communication with parents and guardians regarding special education decisions. The following questions and answers reflect best practices regarding Prior Written Notices and attempt to answer recent questions regarding issuing PWNs and implementation of IEPs.

**Q. What is the District's legal obligation when writing and issuing a Prior Written Notice?**

*A. PWNs must be written in "understandable language" in accordance with the requirements of 34 CFR 300.503(c). That section requires notification be:*

- a. written in language understandable to the general public and*
- b. provided in the native language of the parent, or other communication used by the parent, unless it is clearly not feasible to do so.*

**Q. What does "understandable to the general public really mean?**

*A. Educators should avoid the use of acronyms and educational jargon but also be mindful that the document should be written in a businesslike tone to effectively and efficiently communicate the District's intent. Acronyms and educational terms should be defined if they are required to describe and/or provide foundation for a district's proposal or refusal.*

**Q. What happens if the parent's native language is not written or the parent does not read in that language?**

*A. If the native language or other communication mode of the parent is not a written language, the district must take steps to ensure:*

- a. that the notice is translated orally or by other means to the parents in his or her native language or other mode of communication;*
- b. that the parent understands the content of the notice; and*
- c. that there is written evidence that requirements of (a) and (b) have been met.*

**Q. Where does a team locate a translator for an IEP meeting or translations services for forms?**

*A. Translation service (for translation of a special education meeting) questions are best directed to the ASD English Language Learners Program (formerly Bilingual Education). When a translation of an IEP or PWN is required, the request is forward to the Compliance Director's office, via 742-4272. Copies of most frequently translated Alaska Notice of Procedural Safeguards are located on the ASD District Connection.*

**Q. Why is it so important to be clear and direct in the PWN?**

*A. The PWN is legally required to provide a clear record of district's proposal or refusal. The clarity of the PWN assists to eliminate troublesome factual disputes later about when placements were offered, what placements were offered, and what additional educational assistance was offered to supplement a placement, if any. It also alerts parents to the need to consider seriously whether the particular placement is appropriate under the IDEA.*

**Q. When a parent makes a written request of the IEP team, how is the PWN utilized?**

*A. A PWN must respond directly to the written request received. If, for example, a parent requests a change of placement or a change in the IEP, the PWN must clearly document the IEP team's response to the written request.*

**Q. What is the most frequent professional error regarding the writing or issuance of PWNs?**

*A. The single most frequent error is not responding to the questions in each box on the PWN. The second most frequent error is attempting to include information on the PWN that was not relevant to the District's proposal.*

*A PWN is designed to document a district's decision but it does not need to include all of the information incorporated in the IEP. It does not serve as a meeting minutes document or meeting events summary. The district representative completing a PWN should focus on the question of each part of the notice and provide the documentation required to answer only that question of the document.*

**Q. Recent guidance indicates that implementation of a newly developed IEP or amendment must be held for 5 calendar days, can a parent or guardian waive the 5 days?**

*A. Yes, a parent, surrogate parent or guardian can waive the implementation hold but should be advised that the PWN will then follow the implementation, rather than precede the implementation. The waiver decision must be documented on the PWN so that the student's record reflects the the reason for the discrepancy between the date of the PWN and the implementation date of the IEP or amendment.*

**Q. Who can waive the five days?**

*A. Only the parent, surrogate parent or guardian can waive the 5 day implementation period. A school district representative or team member cannot do so on the parent's behalf.*

**Q. Does the 5 day implementation apply to all circumstances?**

*A. The 5 day implementation period applies to the implementation of a newly developed IEP or amendment, not consent of evaluation or reevaluation.*