

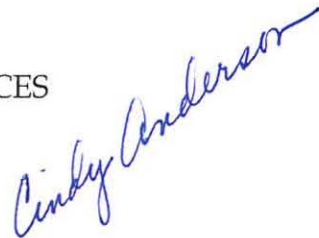
ANCHORAGE SCHOOL DISTRICT
ANCHORAGE, ALASKA

MEMORANDUM

January 26, 2012

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

FROM: CINDY ANDERSON, EXECUTIVE DIRECTOR
SPECIAL EDUCATION



SUBJECT: AVOIDING COMMON ERRORS IN DRAFTING PWN'S

Overview

The team member completing a PWN should focus on the purpose of each part of the notice. Each section of the PWN form represents a different federally mandated component of the notice and therefore each section is of equal importance.

Learning from common errors

The following information is designed to assist teams to review their own practice and to ensure compliance with the federal regulations requiring issuance of legally compliant PWN's.

The most common errors are summarized below – each are identified in a simple “glitch” and “fix” fashion...

The most common error is failing to address parent requests with a PWN.

GLITCH: not responding specifically to a parent request (change of placement, change in the IEP content) or concern regarding implementation of the IEP or student progress.

FIX: convene an IEP team, as required by law, to discuss parental concerns regarding the student's evaluation results, IEP design or implementation, or the student's progress. The team discussion about that request should be addressed in a PWN so the parent has written notice regarding the decision.

Common sense really needs to be applied here - during the course of an IEP meeting it is typical for the parent to participate in the team discussion regarding all parts of the IEP. Not every comment or topic must be addressed

in the PWN. Best practice guides us to differentiate typical discussion and parent input from succinct requests or statements of disagreement.

Rationale: Teams are required to respond to parent requests and provide notice of the response in a PWN.

Another common error is failing to fully address each section of the PWN.

GLITCH: including information about what has already occurred as a part of the District proposal.

FIX: use “future tense” language and use the PWN to identify the next action that will be taken. Examples include:

- *The District will implement the IEP dated XXX on XXX.*
- *The District will implement the amendment dated XXX on XXX.*
- *The District will implement the Behavior Plan developed XXX on XXX.*
- *The District will provide special education services to XXX during the period of time the student remains suspended from the school district.*
- *The District will not complete an evaluation for special education.*

Rationale: Section one of the PWN is to give parents or guardians **prior notice** of a plan the District will undertake or refuses to undertake.

GLITCH: not providing the reasons for a decision.

FIX: document the deliberation of the team that led to the decision described in the first box. Significant topics of discussion, as well as the underlying reasons for the decision, should be included in this section of the PWN.

Rationale: The second section on a PWN requires the District to identify the reason for a proposed or refused action.

GLITCH: omitting important information regarding documents or oral reports used in the decision.

FIX: Be sure to identify with specificity, all information used by the team for consideration during the team meeting. If, for example, state testing results were discussed by the team, then the PWN should indicate which testing as well as the date of that testing.

Rationale: Section three needs to be clear about what documents (evaluations, progress reports, outside assessment, participants in discussion) were used in making the team decision.

GLITCH: forgetting to address and identify “other options considered” on the PWN.

FIX: remember there is always an opposite or opposing option to what the team determined. Teams should not use “NA” or “not applicable” as such language is inaccurate and can lead to the conclusion that the team pre-determined a decision in advance of the discussion.

Rationale: Federal regulations require that the team deliberate about each decision of the IEP team. Equally, the federal regulations require the District’s notice include a listing and explanation of all “other options considered”, located in section four.

GLITCH: forgetting to identify other relevant factors that were discussed in the IEP meeting.

FIX: include information in the final section of the PWN that discusses “other relevant factors”. This section should include information such as:

- *documentation of the parent’s participation in the meeting;*
- *documentation that a current copy of the Notice of Procedural Safeguards was offered to the parent during the meeting;*
- *information regarding any additional meetings that may be planned – such as an evaluation planning meeting to discuss whether evaluations are required or an FBA/BIP meeting; and*
- *any information that documents the reason for a delay in scheduling the meeting*

Rationale: The final section should be used to document any factors that are not part of the other sections of the PWN. This allows for documentation of specific actions that demonstrate the IEP team followed policy or regulations that meet the parent’s rights.

GLITCH: using N/A or leaving a section of the PWN blank.

FIX: include pertinent information for each box of the PWN as discussed in a meeting.

Rationale: Federal regulations require the District complete each of the sections of a PWN and do not allow the District to determine some sections are not applicable.

Additional Tips

1. Be sure to prepare and issue the PWN after the IEP or other team meeting. A PWN is required to be written and issued after the meeting concluded. **The District requires**

that a PWN be issued within 5 business days of the meeting's conclusion. When PWNs are prepared prior to an IEP team meeting, the resulting documentation (wrong date on a PWN) could mistakenly indicate to a parent that the team decision was pre-determined.

2. Double-check that the person and contact information for the team member issuing the PWN is accurate.

The team should always discuss the question of "who should issue this PWN?" and the answer to the question should reflect the person most knowledgeable of the decision made and that staff member's contact information should be listed on the PWN. For example,

- *A PWN documenting the team's decision to exit a student from special education services might best be issued by a school psychologist;*
- *A PWN documenting a change in service model for a student receiving speech services might best be issued by the student's SLP;*
- *A PWN addressing a parent request for change of placement might best be issued by the principal or case manager.*

3. Teams should reference district policy and procedural guidance as the rationale supporting their decisions. Teams should not reference "federal law" as the reason for a proposed action. These decisions include, but are not limited to:

- *The timing of an annual review*
- *The decision to proceed without parent at a meeting when the parent has been provided the appropriate number of opportunities to participate and the District can provide documentation of their attempts to include parent in the decision-making.*
- *Acceptance of a parental revocation of consent.*
- *Conducting a re-evaluation.*

Additional questions regarding PWNs have been responded to in "Best Practices Guidance in Writing Prior Written Notices". These memoranda are to be considered companion guidance for teams and replace prior guidance.