

PRIOR WRITTEN NOTICE

Authorities: 34 CFR Part 300; 19 TAC Chapter 89

	<b>Additional Resources</b>
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	<b>FEDERAL AND STATE REQUIREMENTS</b>
<a href="#">Practice</a>	The local education agency (LEA) must comply with the <a href="#">PARENT</a> and the <a href="#">ADULT STUDENT AND TRANSFER OF RIGHTS</a> frameworks, as appropriate.
<a href="#">Practice</a>	The LEA must comply with the <a href="#">CHILDREN WHO ARE INCARCERATED</a> framework, as applicable.
<a href="#">Practice</a>	The LEA must comply with the <a href="#">CONSENT</a> frameworks, where applicable.
	<b>WHEN PRIOR WRITTEN NOTICE IS REQUIRED</b>
<a href="#">Document</a>	<p>The LEA must provide prior written notice to the parent before it:</p> <p><b>Citations:</b></p> <p><a href="#">89.1050(h)</a></p> <p><a href="#">300.503(a)</a></p> <p><a href="#">89.1050(g)</a></p> <p><a href="#">89.1075(h)</a></p>
<a href="#">Practice</a>	<ul style="list-style-type: none"> <li>Proposes or refuses to initiate or change the identification of the child;</li> </ul> <p><b>Citations:</b></p> <p><a href="#">89.1050(h)</a></p> <p><a href="#">300.503(a)</a></p> <p><a href="#">89.1050(g)</a></p> <p><a href="#">89.1075(h)</a></p>
<a href="#">Practice</a>	<ul style="list-style-type: none"> <li>Proposes or refuses to initiate or change the evaluation of the child;</li> </ul> <p><b>Citations:</b></p> <p><a href="#">89.1050(h)</a></p> <p><a href="#">300.503(a)</a></p>

	<b>FEDERAL AND STATE REQUIREMENTS</b>
	<a href="#">89.1050(g)</a> <a href="#">89.1075(h)</a>
Practice	<ul style="list-style-type: none"> <li>Proposes or refuses to initiate or change the educational placement of the child;</li> </ul> <b>Citations:</b> <a href="#">89.1050(h)</a> <a href="#">300.503(a)</a> <a href="#">89.1050(g)</a> <a href="#">89.1075(h)</a>
Practice	<ul style="list-style-type: none"> <li>Proposes or refuses to initiate or change the provision of a free appropriate public education to the child; or</li> </ul> <b>Citations:</b> <a href="#">89.1050(h)</a> <a href="#">300.503(a)</a> <a href="#">89.1050(g)</a> <a href="#">89.1075(h)</a>
Practice	<ul style="list-style-type: none"> <li>Ceases the provision of special education and related services due to the parent's revocation of <a href="#">CONSENT FOR SERVICES</a>.</li> </ul> <b>Citations:</b> <a href="#">89.1050(h)</a> <a href="#">300.300(b)(4)(i)</a> <a href="#">89.1050(g)</a> <a href="#">89.1075(h)</a>
<b>TIMELINE AND MANNER</b>	
Document	<p>The LEA must provide the parent with prior written notice at least five school days before the LEA proposes or refuses the action, unless the parent agrees to a shorter timeframe.</p> <b>Citations:</b> <a href="#">89.1050(h)</a> <a href="#">300.503(a)</a>

	FEDERAL AND STATE REQUIREMENTS
	<p><a href="#">89.1050(g)</a></p> <p><a href="#">89.1075(h)</a></p>
Document	<p><a href="#">When a school district initiates the referral for a full individual and initial evaluation of a child or if a parent submits a written request to the LEA's director of special education services or to an administrative employee, such as a campus administrator, for a full individual and initial evaluation, the LEA must, not later than the 15th school day after the date of receipt, provide the parent with:</a></p> <p><b>Citations:</b></p> <p><a href="#">300.503(a)</a></p> <p><a href="#">89.1011(b)</a></p>
Document	<ul style="list-style-type: none"> <li>• Prior written notice of its proposal to conduct an evaluation, a copy of the <a href="#">Notice of Procedural Safeguards</a>, <a href="#">a copy of the Overview of Special Education for Parents form created by the Texas Education Agency (TEA)</a>, and an opportunity to give written <a href="#">CONSENT FOR INITIAL EVALUATION</a>; or</li> </ul> <p><b>Citations:</b></p> <p><a href="#">300.504(a)(1)</a></p> <p><a href="#">89.1011(b)(1)</a></p> <p><a href="#">89.1011(c)</a></p>
Document	<ul style="list-style-type: none"> <li>• Prior written notice of its refusal to conduct an evaluation, <a href="#">a copy of the Overview of Special Education for Parents form created by TEA</a>, and a copy of the <a href="#">Notice of Procedural Safeguards</a>.</li> </ul> <p><b>Citations:</b></p> <p><a href="#">300.504(a)(1)</a></p> <p><a href="#">89.1011(b)(2)</a></p> <p><a href="#">89.1011(c)</a></p>
Document	<p>If the prior written notice is in response to a parent's revocation of <a href="#">CONSENT FOR SERVICES</a>, the LEA must provide prior written notice before ceasing the provision of special education and related services to the child.</p> <p><b>Citations:</b></p> <p><a href="#">300.300(b)(4)(i)</a></p>

<b>FEDERAL AND STATE REQUIREMENTS</b>	
<a href="#">Practice</a>	<p>The LEA must provide prior written notice 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 it is clearly not feasible to do so.</p> <p><b>Citations:</b></p> <p><a href="#">89.1050(h)</a></p> <p><a href="#">300.503(c)(1)</a></p> <p><a href="#">89.1050(f)</a></p>
<a href="#">Document</a>	<p>If the native language or other mode of communication of the parent is not a written language, the LEA must take steps to ensure that the notice is translated orally or by other means to the parent in the parent's native language or other mode of communication and that the parent understands the content of the notice.</p> <p><b>Citations:</b></p> <p><a href="#">300.503(c)(2)</a></p> <p><a href="#">89.1050(f)</a></p>
<a href="#">Practice</a>	<p>A parent may elect to receive prior written notices by an electronic mail communication, if the LEA makes that option available.</p> <p><b>Citations:</b></p> <p><a href="#">300.505</a></p>
<b>REQUIRED CONTENTS</b>	
<a href="#">Practice</a>	<p>The LEA must include in its prior written notice:</p> <p><b>Citations:</b></p> <p><a href="#">300.503(b)</a></p>
<a href="#">Document</a>	<ul style="list-style-type: none"> <li>• A description of the action proposed or refused by the LEA;</li> </ul> <p><b>Citations:</b></p> <p><a href="#">300.503(b)(1)</a></p>
<a href="#">Document</a>	<ul style="list-style-type: none"> <li>• An explanation of why the LEA proposes or refuses to take the action;</li> </ul> <p><b>Citations:</b></p> <p><a href="#">300.503(b)(2)</a></p>

<b>FEDERAL AND STATE REQUIREMENTS</b>	
<a href="#">Document</a>	<ul style="list-style-type: none"> <li>A description of each evaluation procedure, assessment, record, or report the LEA used as a basis for the proposed or refused action;</li> </ul> <p><b>Citations:</b></p> <p><a href="#">300.503(b)(3)</a></p>
<a href="#">Document</a>	<ul style="list-style-type: none"> <li>A statement that the parent has protection under the procedural safeguards of the Individuals with Disabilities Education Act (IDEA) Part B, and if the notice is not an initial referral for evaluation, the means by which a copy of the <a href="#">Notice of Procedural Safeguards</a> can be obtained;</li> </ul> <p><b>Citations:</b></p> <p><a href="#">300.503(b)(4)</a></p>
<a href="#">Document</a>	<ul style="list-style-type: none"> <li>Sources for the parent to contact to obtain assistance in understanding the provisions of IDEA Part B;</li> </ul> <p><b>Citations:</b></p> <p><a href="#">300.503(b)(5)</a></p>
<a href="#">Document</a>	<ul style="list-style-type: none"> <li>A description of other options that the <a href="#">ADMISSION, REVIEW, AND DISMISSAL COMMITTEE</a> considered and the reasons why those options were rejected; and</li> </ul> <p><b>Citations:</b></p> <p><a href="#">300.503(b)(6)</a></p>
<a href="#">Document</a>	<ul style="list-style-type: none"> <li>A description of other factors that are relevant to the LEA's proposal or refusal.</li> </ul> <p><b>Citations:</b></p> <p><a href="#">300.503(b)(7)</a></p>
<a href="#">Document</a>	<p>If the LEA is proposing to conduct an evaluation, it must also include in the prior written notice a description of any evaluation procedure it proposes to conduct.</p> <p><b>Citations:</b></p> <p><a href="#">300.304(a)</a></p>

Last Updated : ~~Wed, Apr 05, 2023~~ ~~Tues, Feb 18, 2025~~