

This instruction document is intended to provide technical assistance to individuals completing the Prior Written Notice - Part C form, which is posted on the Minnesota Department of Education's (MDE) due process forms webpage. Prior written notice is required to be provided to the parents of a child with a disability a reasonable time before the district proposes or refuses to initiate or change the identification, evaluation, or educational placement of the child or the provision of FAPE, including screening or an interim IFSP, to the child or after the parent withdraws consent for services in writing.

The notice must be written so that it is understandable to the general public. It must also be provided in the native language or other mode of communication used by the parent, unless it clearly is not feasible to do so. If the native language or other mode of communication of the parent is not a written language, the district must take steps to ensure:

1. That the notice is translated orally or by other means to the parent in his or her native language or other mode of communication;
2. That the parent understands the content of the notice; and
3. That there is written evidence that these requirements have been met.

Timeline for Providing Prior Written Notice

When a district proposes or refuses to initiate or change the identification, evaluation, or educational placement of a student, including screening, or the provision of FAPE, or the parent withdraws consent in writing, the district must serve prior written notice on the parent. The district must serve the notice on the parent within a reasonable time that allows the parent to respond to the notice before the district takes or refuses to take the actions described in the notice. This timeframe may vary based on individual circumstances.

Student Information

Document the student's name, MARSS number, school and/or district, and date of birth. When recording the school/district please record the entity that will be providing the services. This entity may be the school or district. Address the notice to the student's parent or legal guardian.

Screening Checkbox

Part C federal regulations require a prior written notice to be given to parents for screening procedures. Check the screening check box if the notice relates to screening procedures, either proposed or already administered, to the infant or toddler.

District Action

The sections on *District Action* or *No District Action* each contain the same two prompts for notice details required by law. Document the team decisions related to each prompt. Both prompts must be addressed for each proposal and for each refusal. If the notice addresses only proposals or only refusals, then only the prompts under the appropriate heading need to be

addressed. Create as much space on your notice as necessary to include all of the required information. Some notices will be very short – others will be very long.

1. Description of actions

Provide a brief description of the proposals and/or refusals, including proposals to conduct screenings. These descriptions should be clear and succinct. Simply referring to an attached IFSP is not sufficient. For example: “The district is proposing to add 60 minutes per week of fine motor skills service;” “The district is refusing the parents’ request to provide at home services for the child;” or “The district is proposing to screen the infant for a disability and eligibility for early intervention services under Part C of the IDEA.” There will often be multiple descriptions of proposals and refusals in a single notice. If the notice concerns an evaluation, state areas that will be assessed and the tests that will be used.

2. Explanation why

For each proposal or refusal described above, briefly explain why the district is making the proposal or refusal. These explanations should be succinct in most cases. For example, “The child is not making progress towards learning to sit unassisted,” or “the child is on track to reach feeding and fine motor skills goals within the month, so no additional services are necessary.”

Eligibility Determination Checkbox

Federal law requires districts to provide parents with prior written notice when the district determines that a child is not eligible for services under Part C of the IDEA. Check this box if the district determined that a child is not eligible for services. If this determination is made record the determination that the child is not eligible under the *District Refusals* section of the form, include a description of the district’s refusal and explain why the district is refusing to provide services due to the eligibility determination.

Signature of Case Manager

Include the name and signature of the child’s case manager and the date.

Requirements for Prior Written Notice

Part C federal regulations require that the prior written notice include the following information:

4. The action the district is proposing or refusing;
5. The reasons for taking the action; and
6. Notice that parents are protected by procedural safeguards, including a description of mediation, how to file a complaint, how to request a hearing, and applicable timelines for these procedures.

Applicable Citations:

Minn. Stat. § 125A.091	34 C.F.R. § 303.421
Minn. Stat. § 125A.43	34 C.F.R. §§ 303.430-434
Minn. R. 3525.3750	34 C.F.R. § 303.442
34 C.F.R. § 303.320	34 C.F.R. § 303.447
34 C.F.R. § 303.322	