

Understanding Prior Written Notice

When Your School District Refuses a Requested Methodology

READING IS A RIGHT, NOT A PRIVILEGE

If your school district refuses to provide the Structured Literacy instruction your child with dyslexia needs, federal law requires them to explain why—in writing, with specific details.

This handout explains what a legally valid Prior Written Notice (PWN) must contain under IDEA. Use it to hold your district accountable.

What IDEA Requires in Every Prior Written Notice

Under federal law (34 C.F.R. § 300.503), when a district refuses a requested methodology, the PWN must include all six of these elements:

1. Exactly What the District Is Refusing

The PWN must clearly identify the specific instructional methodology or program requested (by name) and state that the district is refusing to provide it.

✗ Not Acceptable:

"The team discussed reading instruction."

✓ Required:

"The district refuses to provide Structured Literacy instruction delivered by a teacher trained to the IDA Knowledge and Practice Standards (e.g., Wilson Reading System)."

2. Why the District Refuses

The district must explain the educational reasoning—not administrative convenience or cost—behind the refusal.

✗ Not Acceptable:

"Our teachers use best practices."

"We don't have staff trained in that program."

"It's too expensive."

✓ Required:

"Based on [specific assessments], the district believes that [specific alternative approach] will be equally effective because [educational rationale based on data]."

3. What Data Supports the Refusal

The district must identify every evaluation, assessment, record, or report it used to determine the requested methodology is unnecessary.

✗ Not Acceptable:

"Progress monitoring data."
"Teacher observations."

✓ Required:

"DIBELS assessment dated [date], WIAT-4 results from [date], classroom curriculum-based measurements from [dates], showing [specific data points]."

4. What Alternatives Were Considered

The PWN must describe other options the IEP team considered and explain why each was rejected.

✗ Not Acceptable:

"The team considered various approaches."

✓ Required:

"The team considered: (1) Orton-Gillingham tutoring 3x/week—rejected because [reason]; (2) Wilson Reading System—rejected because [reason]; (3) READ 180 in small group—rejected because [reason]."

5. Other Relevant Factors

The district must explain any other factors that are relevant to its decision.

✓ Examples of Relevant Factors:

- Staff training and qualifications
- Fidelity of implementation concerns
- Research supporting the alternative approach
- How the alternative addresses the child's specific deficits

6. Procedural Safeguards Notice

The PWN must include or reference the procedural safeguards notice, informing you of your rights to challenge the decision.

⚠️ **Red Flags: When a PWN Is Legally Insufficient**

- **Vague language:** "We use research-based practices" without naming the specific program
- **No data:** Failing to cite specific assessments or provide actual scores/metrics
- **Administrative excuses:** "We don't have trained staff" or "It's not in our budget"
- **Circular reasoning:** "We refuse because our current approach is appropriate" without explaining why
- **Generic statements:** "The student is making progress" without quantifying that progress or comparing it to expected growth

What Parents Should Demand

If the district refuses your requested methodology, demand a PWN that answers these questions:

1. **What exactly are you refusing to provide?** (Name the specific methodology/program)
2. **Why do you believe it's not necessary?** (Educational reasoning, not logistics)
3. **What data supports your position?** (Specific assessments with dates and scores)
4. **What did you consider instead and why did you reject it?** (All alternatives discussed)
5. **What makes your alternative appropriate?** (How it addresses the specific deficits and what research supports it)
6. **Who is qualified to deliver your alternative?** (Staff training and credentials)

The Bottom Line

A legally sufficient Prior Written Notice must pass this four-part test:

1. **Specific:** Names the exact methodology/program being refused
2. **Data-driven:** Cites actual assessment results, not generalizations
3. **Educationally justified:** Explains why the alternative is appropriate based on the child's needs, not district convenience
4. **Comprehensive:** Addresses all six IDEA-required elements

If your district's PWN fails any part of this test, they have violated federal law.

WYO Right to Read

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This handout provides general information about federal special education law.
For specific legal advice about your child's situation, consult with a special education attorney or advocate.