

PARENTAL PRIOR WRITTEN NOTICE (PPWN) AFTER DECISIONS INFORMATION AND EXAMPLES

Disclaimer: South Dakota Department of Education, special education guidance documents are for general information purposes only. Individual Education Program (IEP) teams should not rely upon this information as a basis for making IEP decisions. Remember, IEP decisions should be individualized to the student and copying the examples below may not be appropriate.

[ARSD 24:05:30:04. Prior notice](#)

[ARSD 24:05:30:05. Content of notice](#)

This notice is required prior to implementing any change in identification, evaluation, placement or the provision of Free and Appropriate Public Education (FAPE), regardless of whether an IEP meeting was held or not.

The PPWN must clearly reflect an *individualized* comprehensive overview of the proposal(s) agreed to and/or refused. The notice provides the parent/guardian a comprehensive overview of the changes and affords them time and opportunity to express additional questions and/or concerns or seek resolution before any action is taken.

Written notice also must be given to the parent/guardian a minimum of five days before the district proposes or refuses to initiate or change the identification, evaluation, or educational placement of the child or the provision of a free appropriate public education to the child. The five-day notice requirement may be waived by the parent/guardian.

Note: The waiver should only be used on a limited basis. The five day notice provides the district and parent/guardian time to ensure new IEP is ready to implement and provide parent/guardian time to consider the proposal. If parent/guardian does waive the five-day waiting period, the district must document the agreement.

PARENTAL PRIOR WRITTEN NOTICE CONSENT

Prior Written Notice Consent Guidance provide additional information and examples. This guidance is found at <https://doe.sd.gov/sped/> under the IEP Process Documents, Documents

Also refer to the **Tools and Resources Related to Special Education Eligibility** document:
<https://doe.sd.gov/sped/documents/Tools-Resources-23.pdf>

[24:05:25:02.01. Parental consent for initial evaluation](#)

[24:05:25:03.04. Evaluation procedures-- Notice](#)

[24:05:25:06.01. Consent for reevaluation](#)

This notice is required prior to any evaluations being conducted.

When PPWNs are acceptable when:

- Student focused or individualized to the student
- Reflects IEP team decisions and discussion

Not Acceptable Examples:

- Student's three-year re-evaluation date is due.
- According to state regulations, we are required to
- The IEP team did not have anything to reject at this time.
- Annual IEP was discussed and all approved.
- The state completed an accountability review and informed us we had to...

EXAMPLE #1: (STUDENT GRADUATING)

a. *Explanation of why the district proposed or refused to take the action.*

(Student) is on track to graduate with a signed diploma. The IEP team met and developed a summary of performance that (student) will have for future use. He/she is scheduled to graduate on (date) at which time the district will no longer be responsible for (student's) educational program.

b. *Description of other options that the IEP team considered and the reasons why those options were rejected:*

The IEP team considered continuing services for (student). After discussing the district's graduation requirements and (student's) current functioning, it was agreed that all requirements have been met, the mandatory number of credits received, and transition skills mastered.

c. Description of each evaluation procedure, assessment record or report the district used as a basis for the proposed or refused action:

The IEP team reviewed (student's) existing data to include the current status/progress on the IEP goals, transition services, activities, grades, transcripts and daily work.

d. Description of other factors that are relevant to district's proposal or refusal:

On (date) you were informed that all rights would transfer to (student) when (he/she) turns age 18 in the next two weeks. We discussed at the meeting, as of (birthday) all rights will transfer. Special education notices will be provided to (student).

Five Calendar Day Notice: Notice was provided to adult student (cc parents) on April 30, 2024. Graduation is on May 19, 2024. Note: 5-day waiver is not applicable because the graduation date when go into effect.

Five Calendar Day Notice Requirements

In South Dakota, prior notice must be given to parents five calendar days before the district's proposed action or refusal goes into effect. Parents have the right to waive the five calendar day prior notice requirement.

The district proposes to implement the above action(s) on May 19, 2024.

- I wish to waive the mandatory five calendar day waiting period which will start the changes noted in this prior written notice on _____

(Parent Initial) _____ Date _____

EXAMPLE #2: (DEVELOPMENT OF IEP FOLLOWING REEVALUATION)

a. Explanation of why the district proposed or refused to take the action.

Reevaluation data was reviewed and (student's) specific learning disability in math problem solving, reading comprehension and written expression is still an area of need. There has been progress in all the areas but struggling staying focused and organized. The IEP team determined to add support and goal on staying focused and organized and updated goals and target skills was developed.

b. Description of other options that the IEP team considered and the reasons why those options were rejected:

We discussed parent request of removing (student) from the math classroom to the resource room for the entire period rather than the current removal time of 15 minutes at the end of the math period. Due to the progress (student) is making in the current placement, the district refused to place (student) in a more restrictive placement at this time.

c. Description of each evaluation procedure, assessment record or report the district used as a basis for the proposed or refused action:

The IEP team reviewed all existing data to include current and previous evaluation reports, current grades, progress on annual goals, along with parent and teacher input, to develop (student's) current IEP.

d. Description of other factors that are relevant to district's proposal or refusal:

As new concepts in math are introduced, the general education teacher will review (student's) progress and call a team meeting if additional pull out time needs to be reconsidered.

Five Calendar Day Notice: Eligibility and IEP meeting was held on October 9, 2024. Parent received notice on October 10, 2024.

Five Calendar Day Notice Requirements

In South Dakota, prior notice must be given to parents five calendar days before the district's proposed action or refusal goes into effect. Parents have the right to waive the five calendar day prior notice requirement.

The district proposes to implement the above action(s) on October 16, 2024.

- I wish to waive the mandatory five calendar day waiting period which will start the changes noted in this prior written notice on _____

(Parent Initial) _____ Date _____

EXAMPLE #3 (AMENDMENT MEETING TO CHANGE PLACEMENT DUE TO BEHAVIOR)

a. Explanation of why the district proposed or refused to take the action.

During (student's) amendment meeting held on (date) the team decided to change (student's) placement to a more restrictive environment until the (student's) behavioral data shows (student) is ready to return. Rather than student current placement of resource room, the team decided a residential placement would better meet student behavioral needs.

b. Description of other options that the IEP team considered and the reasons why those options were rejected:

The team considered providing all services in a self-contained classroom within the school setting, but the team agreed that due to (student's) emotional and behavioral needs the school does not have the expertise to provide the level of interventions, counseling, and behavior management techniques necessary to meet student educational needs.

c. Description of each evaluation procedure, assessment record or report the district used as a basis for the proposed or refused action:

The primary basis for this change of placement is (student’s) disruptive and self-destructive behaviors, which have increased in frequency and intensity within the school and home setting over the past 3 months. The increased counseling time increased academic assistance in the resource room, and the behavior plan have not been effective in teaching (student) appropriate techniques in dealing with frustration.

d. Description of other factors that are relevant to district’s proposal or refusal:

Until which time the placement to the residential placement is finalized, the district will provide services to (student) within the self-contained classroom. A one-on-one teacher assistant will accompany (student) any time the student leaves the self-contained classroom (lunch, bathroom, bus).

The district will also ensure (student) continues to receive instruction in the general curriculum via the resource room staff, who will confer with general education teachers on a daily basis.

Five Calendar Day Notice: IEP meeting was held on December 2, 2024. The PPWN was provided on December 3, 2024. Parent emailed on December 3 and indicated wanted services start next day.

Five Calendar Day Notice Requirements

In South Dakota, prior notice must be given to parents five calendar days before the district’s proposed action or refusal goes into effect. Parents have the right to waive the five-calendar day prior notice requirement.

The district proposes to implement the above action(s) on **December 10, 2024**.

- I wish to waive the mandatory five calendar day waiting period which will start the changes noted in this prior written notice on December 4, 2024

(Parent Initial) _____ Date _____ (parent emailed district on December 3, 2024 for services to start on December 4, 2024)

EXAMPLE #4 (DISMISSAL FROM SERVICES DUE TO STUDENT NO LONGER MEETING ELIGIBILITY CRITERIA)

a. Explanation of why the district proposed or refused to take the action:

The district will no longer be providing speech services. (student) no longer meets SD eligibility criteria as a child with a disability. (Student’s) current reevaluation results indicate that articulation skills are age-appropriate. Student will continue with services until March 18, 2024 to provide time for transition.

b. Description of other options that the IEP team considered and the reasons why those options were rejected:

Although (student) did show some articulation errors with s-blends (spl-spr-str-skr), these sounds are typically developed at a later age. The team discussed the evaluation results and determined (student) is right on track in articulation development. Because (student) is only 5 years old at this time the team decided to allow time to develop these sounds in a natural progression.

c. Description of each evaluation procedure, assessment record or report the district used as a basis for the proposed or refused action:

The team used the articulation scores from the (date testing), parent and early childhood teacher input, and the skill-based assessment to make this decision.

d. Description of other factors that are relevant to district’s proposal or refusal:

Both parent and school district indicated that (student) is communicating well with others in all settings.

Five Calendar Day Notice: Eligibility meeting was on March 13, 2024. The PPWN was provided to parent on March 13, 2024.

Five Calendar Day Notice Requirements

In South Dakota, prior notice must be given to parents five calendar days before the district’s proposed action or refusal goes into effect. Parents have the right to waive the five-calendar day prior notice requirement.

The district proposes to implement the above action(s) on **March 18, 2024**.

- I wish to waive the mandatory five calendar day waiting period which will start the changes noted in this prior written notice on _____

(Parent Initial) _____ Date _____

EXAMPLE #5: (AMENDMENT FOR MET GOALS)

a. Explanation of why the district proposed or refused to take the action.

You and (district personnel) talked via telephone on (date) and agreed that changes to (student’s) IEP were appropriate and necessary and accepted the option to implement these changes without conducting a meeting. The proposed changes include targeting new skills in basic reading and reading fluency to replace the annual goals student has met.

b. Description of other options that the IEP team considered and the reasons why those options were rejected:

We considered reducing service time but decided against that option because student is making progress with the current amount of service time but continues to demonstrate skill deficits in reading.

c. Description of each evaluation procedure, assessment record or report the district used as a basis for the proposed or refused action:

The IEP team reviewed all existing data to include PLAAFP from current IEP, grades, progress on annual goals, along with parent and teacher input, to develop (student's) new goals.

d. Description of other factors that are relevant to district's proposal or refusal:

The annual IEP meeting was held on (date) and is still current. The due date for the child's annual review is (date-one year from date of current IEP not from amendment date). The person responsible for informing the IEP team and those responsible for implementing the IEP changes is (district personnel).

Five Calendar Day Notice: Amendment meeting was on January 16, 2024. The PPWN was provided to the parent on January 17, 2024. The parent waived the 5-day requirement.

Five Calendar Day Notice Requirements

In South Dakota, prior notice must be given to parents five calendar days before the district's proposed action or refusal goes into effect. Parents have the right to waive the five-calendar day prior notice requirement.

The district proposes to implement the above action(s) on **February 21, 2024**.

- I wish to waive the mandatory five calendar day waiting period which will start the changes noted in this prior written notice on February 18, 2024

(Parent Initial) _____ Date _____ **(since it was over the phone, the parent sent an email on February 17 to start services on Feb 18, 2024.**

EXAMPLE 6: (AFTER A ROUTINE IEP MEETING)

a. Explanation of why the district proposed or refused to take the action:

- Team discussed the following—
 - Goal progress—(student) is making slow, steady progress on most of the goals.
 - Social skills continue to be primary focus—continue the use of social thinking vocabulary in all settings as it has been effective.
- Occupational Therapist (OT) and Special Ed. Staff will be working on some of the same goals. Discussion was held regarding the reduction of the OT service time. At this time, the team agreed to keep the services at 30 minutes, 2 times per week.
- Discussed accommodation and supports previously implemented assisted student in general education setting. There were no changes identified.
- Discuss possible other school interventions to aide in academic success:
 - 1) Tutoring after school 2-3 times per week for 1 hour needed for the completion of homework. This will help reduce the level of stress at home as too much homework causes (student) to act out more at home, according to parents.

2) Check in with the school counselor daily for organization skills.

- The following areas will continue to be addressed in the IEP: Reading Fluency, Reading Comprehension, Language, Social Skills, Behavior (dealing with frustration) and Sensory.
- Extended School Year is needed based on regression/ recoupment:
All goals will be addressed during the two-hour ESY session for 30 sessions.

b. Description of other options that the IEP team considered and the reasons why those options were rejected:

- The team considered pull-out services for language arts class for the next school year. (Student) has difficulty with language arts skills. The team decided it would be beneficial for (student) to work on student name reading goals in the resource room during the language arts period.
- Behavior has much improved this past year. Student is on medication for _____ diagnoses. The team feels that the behavior plan is not necessary now that (student) is taking medication that allows to focus and do satisfactory work at student's level and with accommodations. The team has decided to discontinue the behavior plan for the remainder of this year. The team is going to use social thinking vocabulary along with all of the other positive intervention strategies listed on page 3 of the IEP to address student name behavior.

c. Description of each evaluation procedure, assessment record or report the district used as a basis for the proposed or refused action:

The decisions were made based on the data gathered through weekly observations, classroom performance, input from parents, teachers and the autism specialist, and progress on annual goals.

d. Description of other factors that are relevant to district's proposal or refusal:

- The educational team is planning to meet after the first quarter next school year to discuss (student's) academic and behavioral performance.
- Parent and Staff Training will be scheduled for next August with Autism Specialist.
- (Student) has expressed an interest in participating with the basketball team next year. Parents are concerned about homework completion. District indicated that it is a decision that needs to be made by (student) and parent.

Five Calendar Day Notice Requirements

In South Dakota, prior notice must be given to parents five calendar days before the district's proposed action or refusal goes into effect. Parents have the right to waive the five-calendar day prior notice requirement.

The district proposes to implement the above action(s) on _____.

- I wish to waive the mandatory five calendar day waiting period which will start the changes noted in this prior written notice on _____

(Parent Initial) _____ Date _____

EXAMPLE #7: (AFTER INITIAL EVALUATION, DETERMINING ELIGIBILITY, AND WRITING AN IEP)

a. Explanation of why the district proposed or refused to take the action:

(Student) was referred for an evaluation due to concern with academics in all areas especially in math and behavior concerns. After the evaluation results were reviewed, the team determined him/her eligible for special education under the category of Other Health Impaired (OHI). (Student) was diagnosed with Attention Deficit/Hyperactivity Disorder (ADHD), inattentive type by the school psychologist in the Psychological Evaluation Report dated _____.

b. Description of other options that the IEP team considered and the reasons why those options were rejected:

The team considered the category of Specific Learning Disability (SLD) but felt the math learning disability could be encompassed under the OHI category by specifically writing goals to address the concerns.

The need for (Student) receiving counseling was discussed; however, the team agreed to first try the behavior strategies noted in the IEP. Parent/guardian wanted (Student) removed from the classroom for math; however, the district felt it was important for him to be part of the classroom presentation. If (Student) does not make math progress in the next nine weeks pull out services will be considered at that time.

c. Description of each evaluation procedure, assessment record or report the district used as a basis for the proposed or refused action:

The team used current evaluations results and past evaluation data from (date) evaluation. District records for attendance, behavior records, input from parents and teachers, and skill specific data was used to help the team determine eligibility and write the IEP.

d. Description of other factors that are relevant to district's proposal or refusal:

At the IEP meeting (parent name) stated would make an appointment with their family doctor to discuss the ADHD diagnosis. The parent would like to discuss the possibility of medication with the doctor and rule out any other health issues that may be causing the behavior concerns.

The team also talked about the importance of a good night's rest. At this time, (Student) does not have a set bedtime, which is something the parents will work on to assure student is well rested for school.

Five Calendar Day Notice Requirements

In South Dakota, prior notice must be given to parents five calendar days before the district's proposed action or refusal goes into effect. Parents have the right to waive the five-calendar day prior notice requirement.

The district proposes to implement the above action(s) on _____.

- I wish to waive the mandatory five calendar day waiting period which will start the changes noted in this prior written notice on _____

(Parent Initial) _____ Date _____

EXAMPLE #8: (AFTER A THREE-YEAR REEVALUATION WITH CATEGORY OF DISABILITY HAVING BEEN CHANGED AND IEP)

a. Explanation of why the district proposed or refused to take the action:

Student's behavior concerns had been escalating and team determined to move up the re-evaluation and determine if academic concerns were still learning or due to emotional disability. Upon review of update evaluations and information, team determine the student move from Specific Learning Disability to Emotional Disability. Student's is demonstrating anxiety concerns and with the outside counselor input along with the evaluation data, teacher and parent input, it appears it is best category for the student. Team also determined to continue provide goals under reading comprehension and math problem solving.

b. Description of other options that the IEP team considered and the reasons why those options were rejected:

The team considered the category of Other Health Impaired but felt the inattention and behavior from ADHD was not the cause of the academic weaknesses. In addition, the team did not receive a copy of the diagnosis from Dr. Lemmon in order to determine possible eligibility under this category. The district presented a release of information to the medical facility however reports were not received. The district considered specific learning disability however it is evident her emotional condition impacts her academics.

The team proposed (Student) receives counseling services from the school counselor twice a week for 15 minutes but the parents refused this service as they feel it would be more beneficial for (Student) to continue seeing her private counselor. The district offered to pay for the private counseling service, but the parents chose to access their private insurance and cover all additional expenses.

c. Description of each evaluation procedure, assessment record or report the district used as a basis for the proposed or refused action:

The team used current evaluations results and past evaluation data. District records for attendance, behavior records, input from the student's outside counselor, parents, and teachers, and skill specific data from last 6 months.

d. Description of other factors that are relevant to district's proposal or refusal:

(Student's) evaluation and the IEP includes transition. The parents refused consent to invite outside agency representatives to today's IEP meeting. Contact information for the state transition liaison

was provided to the parent at the meeting. The district will contact the regional transition liaison requesting information be provided to the parent.

Five Calendar Day Notice Requirements

In South Dakota, prior notice must be given to parents five calendar days before the district's proposed action or refusal goes into effect. Parents have the right to waive the five-calendar day prior notice requirement.

The district proposes to implement the above action(s) on _____.

- I wish to waive the mandatory five calendar day waiting period which will start the changes noted in this prior written notice on _____

(Parent Initial) _____ Date _____

EXAMPLE #9: (ROUTINE IEP INCLUDING TRANSITION TO A COMMUNITY SUPPORT PROVIDER)

a. Explanation of why the district proposed or refused to take the action:

We reviewed and revised goals that both parents and student felt were needed and discussed the transition course of study. Money and attention concerns were discussed. (Student) turned 18 on (date) and is his own legal guardian now. Independent living options were discussed for (student). For now, student will live at home and participate in post-secondary services with Community Support Provider (CSP) _____. Job choice was discussed with vocational rehabilitation and CSP, where it was noted, the student does not mind hard or messy work.

b. Description of other options that the IEP team considered and the reasons why those options were rejected:

(Student) will be attending _____ on a weekly basis within the next year but the team rejected it due to block scheduling and the detrimental effect of (student) missing general education classes. (Student) will attend on a monthly basis. (Student) attending _____ with staff from the school or being dropped off to be independent was discussed and being independent was rejected until the student's senior year.

c. Description of each evaluation procedure, assessment record or report the district used as a basis for the proposed or refused action:

Assessment Records/Reports considered and reviewed: Grades, IEP, Academic Goals, and Progress on Annual Goals, transition planning assessment, input from student, parents, teachers, VR counselor,

d. Description of other factors that are relevant to district's proposal or refusal:

The team previously determined to save Project Skills for after high school but post-secondary providers along with the team agreed that (Student) could participate in Project Skills during the senior year. Parents are planning to apply for SSDI for (Student). It was suggested that (Student) use models to satisfy the desire to tinker with things instead of possibly destroying useful household equipment. Funding for future services was discussed.

Parents are getting information on the variety of supported decision making available because not sure full guardianship is necessary. They have contacted Disability Rights of South Dakota and SD Parent Connection.

Five Calendar Day Notice Requirements

In South Dakota, prior notice must be given to parents five calendar days before the district's proposed action or refusal goes into effect. Parents have the right to waive the five-calendar day prior notice requirement.

The district proposes to implement the above action(s) on _____.

- I wish to waive the mandatory five calendar day waiting period which will start the changes noted in this prior written notice on _____

(Parent Initial) _____ Date _____

EXAMPLE #10: (IEP MEETING YEAR OF GRADUATION)

a. Explanation of why the district proposed or refused to take the action:

The team reviewed (Student's) goals and transitions that will be taking place this year. (Student) graduates in May and plans to go to Lake Area Technical College (LATC) for diesel mechanics. Vocational Rehabilitation counselor shared information about available supports when (Student) transitions to post-secondary education and employment. Financial aid and housing were also discussed as was post-secondary disability services.

b. Description of other options that the IEP team considered and the reasons why those options were rejected:

Inviting the disability services coordinator from LATC was considered and rejected because the parents and student did not give permission/consent to invite them.

Rejected adding specific transition annual goals. The student's transition activities will support the final months in school and prepared to go to LATC next year. Independent living goal is not necessary since similar to same age peers and demonstrates skills to living independently.

c. Description of each evaluation procedure, assessment record or report the district used as a basis for the proposed or refused action:

The team reviewed academic grades, progress on academic goals, IEP, informal observations, most recent evaluation data, and previous experience in different classrooms and other social settings. Information regarding LATC admission requirements and the testing process for student admission was discussed.

d. Description of other factors that are relevant to district's proposal or refusal:

Parents and student asked about how the IEP process will work at LATC. District discussed differences between IEP and 504 once students leave school. District indicated that discussion with LATC's disability services would be the best option to determine what services and supports can carry over.

Five Calendar Day Notice Requirements

In South Dakota, prior notice must be given to parents five calendar days before the district's proposed action or refusal goes into effect. Parents have the right to waive the five-calendar day prior notice requirement.

The district proposes to implement the above action(s) on _____.

- I wish to waive the mandatory five calendar day waiting period which will start the changes noted in this prior written notice on _____

(Parent Initial) _____ Date _____