

# APPENDIX E — CROSS-REFERENCE OF 34 C.F.R. § 300.503

TO DISTRICT PRIOR WRITTEN NOTICES (PWNs)

**Regulatory Authority:** 34 C.F.R. § 300.503

**Student:** Kaleb Xiong

**District:** Elk Grove Unified School District

**PWNs Reviewed:**

- Prior Written Notice dated **November 14, 2025**
- Prior Written Notice dated **December 4, 2025**

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## PWN #1 — Dated November 14, 2025

*(PWN dated Nov. 14, 2025; emailed Nov. 17, 2025; not received by mail; proposed IEP meeting Nov. 18, 2025)*

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### § 300.503(a) — Reasonable Time Before Action

**Regulatory Text (verbatim):**

“Written notice must be given to the parents of a child with a disability a reasonable time before the public agency proposes or refuses...”

**PWN Quotation:**

“This letter serves as the District’s Prior Written Notice...”

**Location:** Introductory paragraph, **Page 1**

**Observation:**

Although dated November 14, 2025, the PWN was emailed on November 17, 2025, was not received by mail, and was provided less than 24 hours before the proposed November 18, 2025 IEP meeting.

**Compliance:** ✗ No

### § 300.503(b)(1) — Description of Action Proposed or Refused

**Regulatory Text:**

“A description of the action proposed or refused by the agency.”

**PWN Quotation:**

“Staffing assignments and adjustments are within the District’s discretion so long as IEP supports and services are implemented by qualified personnel...”

**Location:** Staffing discretion discussion, **Page 2**

**Observation:**

The PWN does not clearly identify the specific action(s) refused, such as refusal to treat removal of the assigned one-to-one paraprofessional or reduced proximity as a change in services or FAPE.

**Compliance:** ✗ No

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### § 300.503(b)(2) — Explanation of Why the Action Is Proposed or Refused

**Regulatory Text:**

“An explanation of why the agency proposes or refuses to take the action.”

**PWN Quotation:**

“The District did not materially interrupt Kaleb’s receipt of a free appropriate public education (FAPE).”

**Location:** District conclusion regarding FAPE, **Page 3**

**Observation:**

This statement asserts a legal conclusion but does not explain *why* staffing reassignment, reduced proximity, or delayed responsiveness did not alter the intensity or immediacy of one-to-one support.

**Compliance:** ✗ No

### § 300.503(b)(3) — Information Relied Upon

**Regulatory Text:**

“A description of each evaluation procedure, assessment, record, or report the agency used as a basis...”

**PWN Quotation:**

“The District considered Kaleb’s IEP, school records, staff observations, and parent correspondence.”

**Location:** “Description of Information Relied Upon,” **Page 4**

**Observation:**

Only general categories are listed; no specific evaluations, data, logs, or reports are identified.

**Compliance:**  No

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### § 300.503(b)(4) — Other Options Considered and Rejected

**Regulatory Text:**

“A description of the other options that the IEP Team considered and the reasons why those options were rejected.”

**PWN Quotation:**

“Other options considered included not responding.”

**Location:** “Description of Other Options Considered,” **Page 4**

**Observation:**

“Not responding” is not a meaningful alternative under IDEA and does not satisfy this requirement.

**Compliance:**  No

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### § 300.503(b)(5) — Other Relevant Factors

**Regulatory Text:**

“A description of other factors that are relevant to the agency’s proposal or refusal.”

**PWN Quotation:**

*(No discussion of blindness-specific safety risks, consistency needs, or parent-raised concerns.)*

**Location:** Entire document — **omitted**

**Compliance:**  No

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### PWN #2 — Dated December 4, 2025

*(Six-page document)*

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### § 300.503(a) — Prior Notice

**Regulatory Text:**

“Written notice must be given ... a reasonable time before...”

**PWN Quotation:**

“The District did not provide a PWN or call an IEP meeting ... because the District is in fact implementing his April 1, 2025 IEP as written.”

**Location:** Explanation regarding lack of earlier PWN, **Page 3 of 6**

**Observation:**

The District explicitly justifies the absence of prior notice, confirming this document functions as a post-hoc explanation rather than prior written notice.

**Compliance:**  No

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### § 300.503(b)(1) — Description of Action Proposed or Refused

**Regulatory Text:**

“A description of the action proposed or refused by the agency.”

**PWN Quotation:**

“The District must decline at this time your request to deliver vision, O&M, and speech services to Kaleb in the home environment.”

**Location:** Refusal of home-based services, **Page 5 of 6**

**Observation:**

Refusals are embedded in narrative text rather than clearly identified as discrete proposed or refused actions.

**Compliance:**  No

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### § 300.503(b)(2) — Explanation of Why

**Regulatory Text:**

“An explanation of why the agency proposes or refuses to take the action.”

**PWN Quotations:**

“The April 1, 2025 IEP allows the District some degree of flexibility...”  
“Kaleb is continuously supervised by an adult at all times...”

**Location:** Discussion of flexibility and supervision, **Pages 2–3 of 6**

**Observation:**

These statements assert conclusions but do not explain *why* reduced proximity, waiting before intervention, or shifting aide focus does not change the nature or intensity of one-to-one support.

**Compliance:**  No

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### § 300.503(b)(3) — Information Relied Upon

**PWN Quotation:**

“The District considered all available information ... including school records ... professional observations and judgment...”

**Location:** “Description of Information Relied Upon,” **Page 5 of 6**

**Observation:**

No specific documentation is identified to substantiate the District’s factual assertions.

**Compliance:** **✗** No

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**§ 300.503(b)(4) — Other Options Considered and Rejected**

**PWN Quotation:**

“The District has considered ... training needs ... communication needs ... agenda development...”

**Location:** “Description of Other Options Considered,” **Page 5 of 6**

**Observation:**

These considerations are not alternatives to the disputed actions and do not satisfy IDEA’s requirement.

**Compliance:** **✗** No

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**§ 300.503(b)(5) — Other Relevant Factors**

**PWN Quotation:**

“The District considered all of its obligations under state and federal law.”

**Location:** “Description of Other Factors,” **Page 6 of 6**

**Observation:**

This conclusory statement does not address disability-specific safety, blindness-related risks, or consistency concerns raised by the parents.

**Compliance:** ✘ No

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## **Appendix E — Summary Observation**

When the District’s own language is measured against the **verbatim requirements of 34 C.F.R. § 300.503**, both PWNs fail to include multiple mandatory elements of prior written notice. These deficiencies are evident on the face of the documents themselves and relate to timing, content, and clarity.