

Parental Right to Participate in Meetings



December 2010

The right to participate in meetings related to their child is one of the most important and powerful of parent rights.

Parents have the right to participate in meetings with respect to the:

- their child's identification,
- their child's evaluation,
- their child's educational placement, and
- provision of FAPE (free appropriate public education) to their child.

This includes the right to participate in meetings to develop, review, or revise their child's individualized education program (IEP). (1)

Parents also have the right to be part of:

- any group that determines if the child is a "child with a disability" and, for that reason, is eligible to receive special education and related services under IDEA (2);
- the IEP team (which develops, reviews, and revises the IEP of their child) (3); and
- any group that makes decisions related to the educational placement of their child. (4)

Responsibilities of the School System

It's interesting to note the direct connection between the parents' right to participate in specific meetings and groups and the responsibilities that the school system has as a result. For example, IDEA states:

(b) ***Parent participation in meetings.*** (1) The parents of a child with a disability must be afforded an opportunity to participate in meetings with respect to—

- (i) The identification, evaluation, and educational placement of the child; and
- (ii) The provision of FAPE to the child. [§300.501(b)(1)]

Immediately after this statement, IDEA focuses on the corresponding responsibility of the school system:

(2) Each public agency must provide notice consistent with §300.322(a)(1) and (b)(1) to ensure that parents of children with disabilities have the opportunity to participate in meetings described in paragraph (b)(1) of this section. [§300.501(b)(2)]

When must the school notify parents?

The school must notify parents about upcoming meetings early enough to ensure they have the opportunity to attend. It must also schedule the meeting at a mutually agreed on time and place. (5)

What information must the notice to parents include?

When the school notifies parents of an upcoming meeting with respect to their child with a disability, it must:

- indicate the purpose, time, and place of the meeting;
- indicate who will be attending the meeting; and
- inform parents of IDEA's provisions regarding the participation of others on the IEP team who have knowledge or special expertise about the child. (6)

What is this last point referring to? "...IDEA's provisions regarding the participation of others..." It's referring to IDEA's provisions (7) that, at the discretion of either the school or the parents, other individuals *who have knowledge or special expertise* regarding the child may be invited to participate in the IEP meeting as *members* of the IEP team. For example, related services personnel (e.g., a speech language therapist or physical therapist)

may be invited (if appropriate) if they have knowledge or special expertise about the child—the same as a teacher, specialist, friend, or family member with special expertise or knowledge of the child might be.

Who determines if the person to be invited has knowledge or special expertise about the child? According to IDEA, the party (parents or the school) that invites the person to be a member of the IEP team. Thus, it's not necessary to demonstrate or prove the person's knowledge or special expertise regarding the child. (8)

Additional Information in Certain Circumstances

There are two occasions when the notice to parents from the school must include additional information:

- when their child is moving from an early intervention program to school-aged special education services; and
- when one of the purposes of the IEP meeting will be to consider postsecondary goals and transition services for the child.

When the child is moving from early intervention to special education services. Is your child currently receiving early intervention services under Part C of IDEA? Is he or she moving now to receiving special education services under Part B? This usually happens sometime around the third birthday. If so, the school must call an IEP meeting in order to develop an individualized education program for your child. If this notice from the school is for the initial meeting of the IEP team for a child under Part B, then the school must also inform you, as parents, that, if you so choose, the Part C coordinator from the early intervention program (or other representatives of the Part C system) can be invited to the first meeting of the IEP team for the child. The purpose? To ensure the child's smooth transition from one system of services to another. (9)

Inviting the Part C coordinator to the meeting is not automatic. It's at the discretion of the parents. If you, as parents, would like the Part C coordinator (or other representative of the Part C system) to attend the meeting, share your wishes with the school, who will then issue the invitation.

When a purpose of the meeting is to consider postsecondary goals and transition services for your child. IDEA requires that each child with a disability begin to plan for transition to adult life beginning no later than the first IEP to be in effect when the child turns 16 years old (or younger, if the IEP team determines that starting sooner would be appropriate).

Is this the case with your child? Is one of the purposes of the upcoming meeting to consider postsecondary goals and transition services for your child? If so, then the notice provided to parents by the school must:

- indicate that planning for transition will be one of the purposes of the meeting;
- indicate that the school will invite the students; and
- identify any other agency that will be invited to send a representative (the school will need your permission before it may invite that representative). (10)

What happens if neither of the parents can attend the meeting?

If neither parent can attend the IEP team meeting, the school must use other methods to ensure their participation, including individual telephone calls or conference calls. (11)

May the school hold the meeting without the parent(s) in attendance?

Yes, the school may hold the meeting without the parent(s) attending, if it's unable to convince the parent(s) to attend. In this case, the school just document its attempts to arrange a mutually agreed upon time and place for the meeting, such as:

- a detailed record of all phone calls made or attempted, and the results of each;
- copies of correspondence sent to parents and whatever reply was received; and
- a detailed record of visits made to the parents' house or place of employment, and the results of these visits. (12)

What is not considered a “meeting”?

IDEA stipulates the limits of the term “meeting” and what we can consider a “meeting” that’s subject to IDEA’s requirements with respect to parent notification and participation. A “meeting” does not include:

- informal or unscheduled conversations that involve school personnel;
- conversations on topics such as teaching methodology, lesson plans, or the coordination of service provision; or
- preparatory activities that school personnel engage in to develop a proposal or response to a parent proposal that will be discussed at a later meeting. (13)

References

[1] §300.501 of IDEA—see paragraph (b)(1), Parent participation in meetings.

[2] §300.306(a)(1).

[3] §300.321(a)(1).

[4] §300.501 —see paragraph (c)(1), Parent involvement in placement decisions.

[5] §300.322(a).

[6] §300.322—see (b), Information provided to parents.

[7] §300.321(a)(6) and (c).

[8] §300.321 — see (c), Determination of knowledge and special expertise.

[9] §300.321 —see (f), Initial IEP Team meeting for child under Part C.

[10] §300.322—see (b), Information provided to parents.

[11] §300.322—see (c), Other methods to ensure parent participation.

[12] §300.322—see (d), Conducting an IEP Team meeting without a parent in attendance.

[13] §300.501(b)(3)