

## PARENT PARTICIPATION

Parents are an integral part of the Individualized Education Program (IEP) development process. IDEA makes parents mandatory members of the IEP team and outlines a number of procedural safeguards to ensure the full and meaningful participation of parents in the IEP process. Each LEA/district must take steps to ensure that one or both of the parents of a child with a disability are present at each IEP Team meeting and are afforded the opportunity to participate.

### Definition of a Parent under IDEA

The 2006 IDEA Part B regulations, (34 CFR §300.30) clarify that a parent is:

- A biological or adoptive parent of a child.
- A foster parent--unless state law, regulations, or contractual obligations with a state or local entity prohibit a foster parent from acting as a parent.
- A guardian generally authorized to act as the child's parent, or authorized to make educational decisions for the child (but not the state if the child is a ward of the state).
- An individual acting in the place of a biological or adoptive parent (including a grandparent, stepparent, or other relative) with whom the child lives, or an individual who is legally responsible for the child's welfare.
- A surrogate parent who has been appointed in accordance with when a parent cannot be identified and the school district cannot discover the whereabouts of a parent.
- A surrogate parent may also be appointed if the child is an unaccompanied homeless youth, an adjudicated dependent or ward of the court under the state Welfare and Institution Code, and is referred to special education or already has an IEP. For additional information please see the section of this Procedural Guide titled, "Surrogate Parent."

### Divorced Parents

When the parents of a child with a disability are divorced, the parental rights under the IDEA apply to both parents, unless a court order states otherwise. An LEA/district should obtain a copy of court decrees that might affect the parent's right to participate or make educational decisions for the child, and to ensure participation of both parents, if appropriate.

### Notice of Meeting

Under IDEA, to ensure that one or both of the parents are present at the IEP Team meeting, LEAs/districts must:

- Provide notice of an IEP meeting to parents early enough to ensure that they have the opportunity to attend the meeting. (for further information, see "Meeting Notice" section of the Procedural Guide)
- Schedule the meeting at a mutually agreed upon time and location.

The notice of meeting must:

- Indicate the purpose, time, and location of the meeting and who will be in attendance (note: personnel should be listed by title, not actual name);
- Inform the parents of the participation of other individuals on the IEP Team who have knowledge or special expertise about the child;
- For a child with a disability, beginning no later than the first IEP to be in effect when the child turns 16 years of age (or younger if determined appropriate by the IEP Team), the notice also must:
- Indicate that a purpose of the meeting will be the consideration of the postsecondary goals and transition services for the child;



- Indicate that the LEA/district will invite the student; and
- Identify any other agency that will be invited to send a representative.

**Note:** IDEA does not require a specific timeline requirement for parental notice of an IEP meeting. Ten school days is a customary period, based on a standard of reasonableness.

### **Meaningful Participation of Parents**

The parents of a child with a disability must be afforded an opportunity to participate in meetings with respect to:

- A. The identification, evaluation, and educational placement of the child; and
- B. The provision of a free and appropriate education (FAPE) to the child.

If parent states in writing that they decline to participate in a meeting in which a decision is to be made relating to the educational placement of their child, the LEA/district must use other methods to ensure their participation, including individual or conference telephone calls, or video conferencing.

LEAs/districts should consider the parents' concerns and suggestions and, to the extent appropriate, incorporate them into the IEP. LEAs/districts should consider the results of any independent educational evaluations and any information and reports submitted by the parents, and document these in the IEP.

### **Use of interpreters or other action, as appropriate**

The LEA/district must take whatever action is necessary to ensure that the parent understands the proceedings of the IEP Team meeting, including arranging for an interpreter for parents with deafness or whose native language is other than English. It is advised that interpreters not serve dual roles on the IEP Team and that interpreters not be members of the IEP Team.

### **Parent Copy of Child's IEP**

The LEA/district must provide the parent a copy of the child's IEP at no cost to the parent.

### **Conducting an IEP Team Meeting Without a Parent in Attendance**

A meeting may be conducted without a parent in attendance only after multiple attempts by the LEA/district to schedule an IEP, and if the parent refuses to attend and communicates refusal to participate in the IEP process. The LEA/district should contact a SELPA Program Specialist for guidance.

The LEA/district should continue attempts to include the parent. The LEA/district should keep a record of attempts to arrange a mutually agreed on time and place, and offers to solicit parent participation, such as:

- Detailed records of telephone calls made or attempted and the results of those calls.
- Copies of correspondence sent to the parents and any responses received.
- Detailed records of visits made to the parent's home or place of employment and the results of those visits.

