

## **PARENT PARTICIPATION**

Parents/guardians are an integral part of the Individualized Education Program (IEP) development process. The Individuals with Disabilities Education Act (IDEA) makes parents essential 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. (34 C.F.R. § 300.321(a)(1).) Therefore, the Sacramento City Unified School District (District) must take steps to ensure that one or both of the parent(s)/guardian 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(a)) 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 is 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. (34 C.F.R. § 300.30(b)(2).) The 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 parent(s)/guardian are present at the IEP team meeting, the District must:

- Provide notice of an IEP meeting to parent(s)/guardian early enough to ensure that they have the opportunity to attend the meeting; and
- Schedule the meeting at a mutually agreed upon time and location.

(34 C.F.R. § 300.322(a)(1).)

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 parent(s)/guardian 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:** The IDEA does not require a specific timeline requirement for parental notice of an IEP meeting. Ten school days is a customary amount of time, but is not a legal requirement.

(34 C.F.R. § 300.322 (a)(1).)

## Meaningful Participation of Parents

The parent(s)/guardian of a child with a disability must be afforded an opportunity to participate in meetings with respect to:

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

If a parent or guardian 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 District must use

other methods to attempt to ensure their participation, including individual or conference telephone calls, or video conferencing.

The District should discuss the parent(s)/guardian's concerns and suggestions and, to the extent appropriate, incorporate them into the IEP. (*Deal v. Hamilton Bd. of Educ.* (6th Cir. 2004) 546 U.S. 936.) The District should also *consider* the results of any independent educational evaluations and any information and reports submitted by the parent(s)/guardian and document this consideration in the IEP.

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

The District must take the necessary actions to ensure that the parent(s)/guardian understands the proceedings of the IEP team meeting, including arranging for an interpreter for the parent(s)/guardian 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.

(34 C.F.R. 300.322(e).)

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

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

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

A meeting may be conducted without a parent/guardian in attendance only after multiple attempts by the District to schedule an IEP, and if the parent/guardian refuses to attend and communicates refusal to participate in the IEP process.

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

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

(34 C.F.R. 300.322(d).)