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Questions and Answers about IDEA: Parent Participation

The evidence is clear and consistent: When schools and families work together, student learning and outcomes improve.¹ So do children’s attitudes toward school, their social skills and behavior, and the likelihood that they will take more challenging classes and pass them.² This holds true across families of all economic, ethnic/racial, and educational backgrounds—and for students of all ages.³

Given the power that family involvement has to influence how our children achieve in school and in life, it’s not surprising that the nation’s special education law, the Individuals with Disabilities Education Act (IDEA), strongly supports parents’ right to be involved in the special education their child receives. As IDEA states:

Almost 30 years of research and experience has demonstrated that the education of children with disabilities can be made

more effective by... strengthening the role and responsibility of parents and ensuring that families ... have meaningful opportunities to participate in the education of their children at school and at home.⁴

How does IDEA ensure that families have meaningful opportunities to participate? That will be the focus of this Q&A—the solid foundation IDEA provides for parental involvement. The Q&A concludes with a *Resources* section, to connect you with information on parent involvement, including current efforts to build strong partnerships between schools and families.

We’ve used the word “you” to speak directly to parents and families, but the details of IDEA’s requirements will also be useful to education professionals working with children with disabilities and their families.



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A—Overview

One of IDEA’s foundational principles is the right of parents to participate in educational decision making regarding their child with a disability. The law is very specific about what school systems must do to ensure that parents have the opportunity to participate, if they so choose. Parental rights of participation can be summarized as follows:

- Parents have the right to participate in *meetings* related to the evaluation, identification, and educational placement of their child.⁵



- Parents have the right to participate in *meetings* related to the provision of a free appropriate public education (FAPE) to their child.⁶
- Parents are entitled to be members of any group that decides whether their child is a “child with a disability” and meets *eligibility* criteria for special education and related services.⁷
- Parents are entitled to be members of the team that develops, reviews, and revises the *individualized education program* (IEP) for their child.⁸ If neither parent can attend the IEP meeting, the school must use other methods to ensure their participation, including individual or conference calls.⁹

§—Special Symbols in This Q&A

As you read the explanations about IDEA’s requirements, you will find that many are footnoted. These footnotes are provided to lead you to research supporting the discussion in question or to refer you to specific sections of the Federal regulations, such as §300.1. (The § symbol means “section.”) These references to IDEA will help you locate the precise sections in the Federal regulations that address the issue being discussed.

For example, many of IDEA’s requirements for parental participation are found in §300.300. This reference tells you that, if you wanted to read the exact words the regulations use, you would look under Section 300.300 of the *Code of Federal Regulations* (CFR) for Title 34 (sometimes referred to as 34 CFR). While the CFR is available in many libraries, a searchable version of IDEA’s regulations is available online at:

<http://idea.ed.gov/explore/view/p/%2Croot%2Cregs%2C300%2C>

Footnotes

- ¹ Henderson, A.,T., & Mapp, K.L. (2002). *A new wave of evidence: The impact of school, family, and community connections on student achievement*. Austin, TX: Southwest Educational Development Laboratory. Available online at: www.sedl.org/connections/resources/evidence.pdf
- ² *Ibid.*
- ³ *Ibid.*
- ⁴ Section 601(c)(5), *Findings*, Public Law 108-446, The Individuals with Disabilities Education Improvement Act of 2004. Available online at: www.nichcy.org/docs/PL108-446.pdf
- ⁵ §300.501(b)—Opportunity to examine records; parent participation in meetings
- ⁶ *Ibid.*
- ⁷ §300.306(a)(1)—Determination of eligibility.
- ⁸ §300.321(a)(1)—IEP Team.
- ⁹ §300.322(c)—Parent participation: Other methods to ensure parent participation.

- Parents are entitled to be members of any group that makes *placement* decisions for their child.¹⁰ If neither parent can attend the meeting where placement is decided, the school must use other methods to ensure their participation, including individual or conference calls, or video conferencing.¹¹

The specifics of these rights are discussed in multiple other NICHCY documents—see the *Resources* section of this Q&A—but, at a glance, you can see how comprehensively



IDEA supports parental involvement in school-related decision making. You have the right to be involved at virtually every step along the way from your child's identification as possibly having a disability to the special education and

related services he or she receives and where those will be provided.

You are not *required* to participate, however; that is your choice. What IDEA guarantees is that you are given the *opportunity* to participate. The rest—whether to participate, how much to participate—is up to you. Parents vary in the amounts and ways in which they become involved in their child's education; many have written eloquently about its challenges and benefits. It's especially interesting to note that successful partnerships between schools and families grow over time in a climate of mutual respect and consideration, where there's a strong common focus on the well-being of the child.¹²

Let's take a look now at *how* the school system will ensure that you have the opportunity to participate, if you so choose. It all begins with what IDEA calls providing *prior written notice*.

★ B—Parent Notification

1. What's prior written notice?

Prior written notice refers to messages that you'll receive from the school system at specific times. At its heart, prior written notice is meant to inform you, as parents, as fully as possible about any actions the school system is proposing to take (or refusing to take) with respect to:

- your child's identification as a "child with a disability" as defined by IDEA and State policy;
- your child's evaluation;
- his or her educational placement; and
- the school system's provision of FAPE to your child.¹³

Prior written notice includes notifying you of upcoming meetings far enough in advance to ensure that you have the opportunity to attend and scheduling those meetings at a mutually agreed-on time and place.¹⁴

¹⁰ §§300.501(c) and 300.327—Opportunity to examine records; parent participation in meetings—Parent involvement in placement decisions; and Educational placements, respectively.

¹¹ §§300.501(c)(3) and 300.328—Opportunity to examine records; parent participation in meetings—Parent involvement in placement decisions; and Alternative means of meeting participation, respectively.

¹² Henderson, A.T., & Mapp, K.L. (2002). *A new wave of evidence: The impact of school, family, and community connections on student achievement*. Austin, TX: Southwest Educational Development Laboratory. Available online at: www.sedl.org/connections/resources/evidence.pdf

¹³ §300.503(a)—Prior written notice by the public agency; content of notice: Notice.

¹⁴ §300.322(a)—Parent participation: Public agency responsibility: General.

2. So the school will tell me about upcoming meetings?

Yes. The notice regarding meetings that the school provides to you will:

- include the purpose, time, and location of the meeting;
- indicate who will attend the meeting; and
- let you know that you may invite individuals with knowledge or special expertise about your child.¹⁵

If your child is moving from early intervention services (known as Part C of IDEA) to school-aged services, including preschool (funded under Part B of IDEA), the notice the school sends you will also let you know that you, as parents, may ask that the Part C service coordinator or other representatives of the Part C system be invited to the initial IEP meeting. The purpose of inviting Part C staff to the meeting is to help your child make a smooth transition from one set of services to another.¹⁶

3. What is NOT a meeting?

Some gatherings are *not* considered “meetings” that require schools to give you prior written notice. Meetings that *do not* require that parents be given notice are:

- informal or unscheduled conversations between school system staff;
- conversations on issues such as teaching methodology, lesson plans, or coordination of services; and
- the preparations and activities of school staff developing a proposal (or a response to a parent proposal) that will be discussed at a later meeting.¹⁷

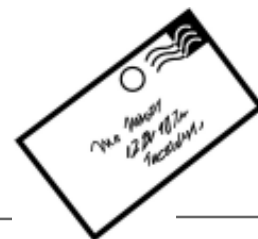


1. Are meetings the only time the school will provide parents with prior written notice?

No, there are other times when school systems will need to provide parents with prior written notice. As we mentioned, these include whenever the school system:

- proposes to initiate or change the identification, evaluation, or educational placement of your child or the provision of FAPE to your child; or
- refuses to initiate or change the identification, evaluation, or educational placement of your child or the provision of FAPE to your child.¹⁸

This means that the school system must give you prior written notice *before* it may take action or refuse to take action with regard to identifying your child as a “child with a disability,” evaluating your child, determining your child’s placement, or changing it. Notice is also required regarding providing FAPE to your child—in other words, the school system must provide prior written notice a reasonable time before it *begins* providing FAPE to your child, refuses to provide FAPE, or changes (or refuses to change) what that free appropriate public education involves (e.g., the services and supports that your child receives).



¹⁵ §300.322(b)—Parent participation: Information provided to parents.

¹⁶ *Ibid.*

¹⁷ §300.501(b)(3)—Opportunity to examine records; parent participation in meetings.

¹⁸ §300.503(a)—Prior written notice by the public agency; content of notice: Notice.

You may choose to receive prior written notice by email communication, if the school makes that option available.¹⁹

5. What type of information will the notice include?

Prior written notice is meant to give parents a full explanation of what the school system is proposing or refusing to do, so that parents have the opportunity to meet with school personnel, discuss what's proposed (or refused), provide input, and agree or disagree. That's why IDEA requires that prior written notice contain *specific information*, as follows:

- a description of the action proposed or refused by the school;
- an explanation of why the school proposes or refuses to take the action;
- a description of each evaluation procedure, assessment, record, or report the school used as a basis for its decision;
- a statement that the parents of a child with a disability have protection under IDEA's procedural safeguards and, if this isn't a referral for the child's initial evaluation, how the parents can obtain a copy of them;
- sources for parents to contact to find help in understanding these provisions;

- a description of other options that the IEP team considered and the reasons why those options were rejected; and
- a description of other factors relevant to the school's proposal or refusal.²⁰

Clearly, providing prior written notice requires the school to give you concrete, specific details to explain the action in question. To help schools meet their obligations to provide parents with notice, the U.S. Department of Education makes available a model form of prior written notice at: <http://idea.ed.gov/static/modelForms>

6. What else should I know about prior written notice?

Parents may also find it useful to know that IDEA requires that prior written notice be:

- written in language understandable to the general public; and
- provided in the native language of the parent or other mode of communication used by the parent, unless it is clearly not feasible to do so.²¹



If the native language or other mode of communication of the parent is not a written language, the school must take steps to ensure that—

- the notice is translated orally or by other means to the parent in his or her native language or other mode of communication;
- the parent understands the content of the notice; and
- there is written evidence that these requirements have been met.²²

¹⁹ §300.505—Electronic mail.

²⁰ §300.503(b)—Prior written notice by the public agency; content of notice: Content of notice.

²¹ §300.503(c)—Prior written notice by the public agency; content of notice: Notice in understandable language.

²² *Ibid.*

7. Who might I contact to find help in understanding IDEA's provisions?

The typical prior written notice will tell you what sources parents can turn to for help in understanding IDEA's requirements.²³ We've listed two that NICHCY would recommend in the box on this page. We would also urge you to visit NICHCY's website and take advantage of the wealth of information we offer on IDEA and special education services for children with disabilities.



Support for Parents

There are many excellent sources of assistance for parents. If you're looking for information on IDEA or help in understanding the law's provisions, consider contacting:

- **Your state's PTI**, the parent training and information center. Every state has at least one PTI, all of which are funded under IDEA. To find the PTI in your state or area, visit our State Resource Sheets and look under "Organizations Especially for Parents," at: <http://www.nichcy.org/families-community/states/>
- **Your state's CPRC**, the community parent resource center, also funded under IDEA. CPRCs are not available in every state and most serve well-designated geographic areas or audiences. If your state has a CPRC, you'll find it listed beneath the PTI on NICHCY's State Resource Sheets (see above bullet).

8. You mentioned that parents have "protection under IDEA's procedural safeguards." What kind of protection? What safeguards?

As mentioned under #5, the prior written notice that parents receive needs to:

- include the statement that parents have protection under IDEA's procedural safeguards; and
- let parents know where they can obtain a description of those safeguards.²⁴

If the prior written notice has to do with your child's initial referral for evaluation, the school will actually include a description of the procedural safeguards.²⁵ This description is called the **procedural safeguards notice**, which is an important reference tool to your rights as a parent under IDEA and the policies and procedures used in your State or school district.

The procedural safeguards notice is a full written explanation of all procedural safeguards available to parents and their children under IDEA.²⁶ The 13 specific safeguards that must be described in the notice are listed in the box on the next page.

That's quite a list, isn't it? Moreover, there's a lot to know about each individual safeguard. To help schools meet their obligations to provide parents with the procedural safeguards notice, the U.S. Department of Education makes available a model form of such a notice at: <http://idea.ed.gov/static/modelForms>

²³ §300.503(b)—Prior written notice by the public agency; content of notice: Content of notice.

²⁴ *Ibid.*

²⁵ §300.504(a)(1)—Procedural safeguards notice: General.

²⁶ §300.504(c)—Procedural safeguards notice: Contents.

The 13 Safeguards that the Procedural Safeguards Notice Must Describe and Explain

- independent educational evaluations
- prior written notice
- parental consent
- access to education records
- the opportunity to present and resolve complaints through the due process complaint and State complaint procedures, including the timeline for filing a complaint, the opportunity to resolve the complaint, and the differences between the two procedures (such as their jurisdiction or authority, issues covered, filing and decisional timelines, and relevant procedures)
- the availability of mediation
- the child's placement while any due process complaint is pending
- procedures for students who are subject to placement in an interim alternative educational setting
- requirements for parents who unilaterally place their child in a private school at public expense
- hearings on due process complaints, including requirements that evaluation results and recommendations be disclosed
- State-level appeals (if applicable in the State)
- civil actions, including the time period in which to file those actions
- attorneys' fees²⁷



The Department's model form is 47 pages long—true testament to how comprehensive the procedural safeguards notice is intended to be. Its purpose is also clear: to ensure that parents know their specific rights and recourses under the law and that they understand those rights and recourses.

9. Will the school system automatically send me the procedural safeguards notice, or do I have to ask for it?

The school system will automatically provide you with this important description of your rights under IDEA. Specifically, the law requires that the procedural safeguards notice be provided to you, as parents, only once a school year and at these other times:

- when your child is first referred for evaluation or when you ask that your child be evaluated;

- when the school system receives the *first* due process hearing complaint in a school year;
- when the school system receives the *first* State complaint in a school year;
- if your child violates a code of student conduct and is subject to a disciplinary change of placement by the school; and
- when you ask the school to provide the procedural safeguards notice.²⁸

²⁷ §300.504(c)—Procedural safeguards notice: Contents.

²⁸ §300.504(a)—Procedural safeguards notice: General.

Regrettably, explaining each of the procedural safeguards is beyond the scope of this Q&A. Only “parental consent” will be discussed here (in the next section). Consult the *Resources* section at the end of this publication, where we’ve listed key sources of information on procedural safeguards. Most to the point, however, your school system’s procedural safeguards notice should certainly contain detailed information on IDEA’s protections *and* local policies and procedures. If you need a copy of that notice, we would recommend that you contact your school system and ask for it. Many systems also make their procedural safeguards notice available on their Web site, although this is not required by IDEA.²⁹

And, as mentioned under #7, parents have other sources they can turn to for help in understanding IDEA’s provisions, especially their State’s PTI or CPRC. Your school system’s prior written notice should also identify sources you can contact to find help in understanding IDEA’s provisions.



C—Parent Consent

Being notified by the school system about meetings and other actions regarding your child’s education is a critical aspect of your right as a parent to be involved in that education—but not the only critical aspect. At certain times and for specific things, you also have the right to give or refuse your parental *consent*. Let’s take a look at how IDEA defines parental consent and when the school system must ask for (and receive) your consent.

Consent within IDEA means that you, as parents, have been fully informed of all information that’s relevant to the activity for which your consent is being sought and that you agree to the activity *in writing*.³⁰ The school system will use prior written notice to inform you fully. Prior written notice, you’ll recall, must include a comprehensive description of the activity the school system is

proposing. Only by building a foundation of understanding can your *informed* consent be given.

10. When will the school ask for my consent?

There are specific times the school system must make reasonable efforts to obtain your informed written consent before it may proceed on a proposed action. The most prominent of these times are:

- before it may conduct an initial evaluation of your child;³¹
- before it may begin providing special education and related services to your child for the *first* time;³² and
- before it may reevaluate your child.³³

11. What’s considered a “reasonable effort” to obtain my consent?

While IDEA does not specifically define how much effort to obtain your consent is “reasonable,” it does require that school systems keep a record of their attempts, such as:

- detailed records of telephone calls made or attempted and the results of those calls;



²⁹ §300.504(b)—Procedural safeguards notice: Internet Web site.

³⁰ §300.9—Consent.

³¹ §300.300(a)—Parental consent: Parental consent for initial evaluation.

³² §300.300(b)—Parental consent: Parental consent for services.

³³ §300.300(c)—Parental consent: Parental consent for reevaluation.

- copies of correspondence sent to you and the responses received; and
- detailed records of visits made to your house or your work and the results of those visits.³⁴



- for the initial provision of special education and related services to the child (regardless of where that child is being schooled—at home, in a public school, or in a private school at parents’ expense).³⁸

12. What if I don’t give my consent?

There are two ways in which a school system would *not* obtain your consent for a proposed action:

- You explicitly refuse to provide consent.
- You don’t respond to a request to provide consent.

When school systems cannot obtain a parent’s consent for either of these reasons, their choices about what to do next are limited. IDEA includes what are called **consent override procedures**, which permit schools to use IDEA’s procedural safeguards (such as mediation or due process) to try and obtain parental agreement or a ruling that overrides the parent’s lack of consent—but *only for certain proposed activities*. Consent override is only an option for schools when the child is enrolled in a public school (or seeking to be enrolled there) and parents have not given consent for:

- an initial evaluation of their child; or
- their child’s reevaluation.³⁵

Further, school systems may *only* exercise their consent override options to the extent that doing so does not violate the State’s law regarding parental consent.³⁶

Schools may *not* attempt to override a parent’s lack of consent:

- for a child’s initial evaluation or reevaluation, if parents are home schooling the child or have placed the child in a private school at their own expense;³⁷ or

Confused about when a school system may attempt to override a parent’s lack of consent? We’ve summarized the matter in the chart on the next page.

13. How is my child’s education affected, if I don’t give my consent?

The answer to this question will depend on the issue for which you do not give your consent. For example, the school system must have your consent before it may begin providing special education and related services to your child for the first time. If you don’t consent, then your child will not receive these services. His or her education will continue as is.

Another example might be your signature on the IEP you and the school develop for your child. Signing the IEP can mean different things in different places. In some school systems, a parent may be asked to sign the IEP to show that he or she attended the IEP meeting. In other school systems, a parent’s signature on the IEP may mean that the parent agrees with the services to be provided to the child—consent for the services, in other words. It’s important to know how your school system

³⁴ §300.322(d)—Parent participation: Conducting an IEP meeting without a parent in attendance.

³⁵ §300.300(a)(3) and (c)(1)—Parental consent.

³⁶ *Ibid.*

³⁷ §300.300(d)(4)—Parental consent: Other consent requirements.

³⁸ §300.300(b)—Parental consent: Parental consent for services.

interprets your signature on an IEP. Is it asking for your consent or merely documenting your participation?

In any event, the school may *not* use your refusal to consent to one service or activity to deny you or your child any other service, benefit, or activity of the school system to which you or your child is entitled.³⁹ Further, your consent is voluntary. If you give your consent for an activity, you may revoke that consent at any time.⁴⁰

14. So I can revoke my consent for special education and related services after initially providing it ?

Yes. At any time after providing initial consent, you may revoke consent, in writing, for the continued provision of special education and related services.⁴¹ Once you revoke consent the school system may no longer provide special education services to your child, and they may not use mediation or due process procedures to try to override your revocation of consent.

Once you revoke consent, your child will be no longer receive the services and supports



that were included in his or her IEP. Additionally, there are also a number of other consequences that may arise, such as how your child will be disciplined. Therefore, it is important for you to ask questions about how your child’s education will be affected before revoking consent.

That said, it’s important to work out disagreements with the school. As we mentioned on page 1 of this Q&A, children benefit when families and schools work in partnership, and that includes resolving differences that arise. IDEA wisely gives parents and schools several approaches they can use to work toward agreement. If you’re interested in learning more about these, we’d recommend two resources to start:

- NICHCY’s Web pages devoted to resolving disputes between parents and schools, at: www.nichcy.org/schoolage/disputes/
- CADRE, the Center for Appropriate Dispute Resolution in Special Education: www.directionservice.org/cadre/index.cfm

A Summary of When Schools May and May Not Pursue Overriding a Parent’s Lack of Consent

Matter on which parental consent is sought but lacking	For children who are...	Is consent override an available option for schools?
Initial evaluation or reevaluation of the child	in public school	Yes*
	in private school at parents’ expense	No
	being home schooled	No
Initial provision of special education and related services	in public or private school or being home schooled	No

* Schools may use IDEA’s consent override procedures, but only to the extent that doing so does not violate State law regarding parental consent.

³⁹ §300.300(d)(3)— Parental consent: Other consent requirements.

⁴⁰ §300.9(c)—Consent.

⁴¹ §300.300(b)(4)— Parental consent for services.

★ D—Resources of More Information

We've touched upon a host of parental rights and responsibilities in this Q&A, all of which are intended to ensure that you, as parents, have the opportunity to take part in the educational decisions that are made for your child with a disability. We'd like to end this Q&A with a starter list of resources of additional information. We hope you find them helpful as you meet with, and work with, the school system responsible for making a free appropriate public education available to—and successful for—your child.

TA&D Network!

The Office of Special Education Programs (OSEP) at the U.S. Department of Education funds a network of 40+ centers to help States, school systems, and families implement IDEA and improve educational results for children with disabilities. This network—called the TA&D for technical assistance and dissemination—is one of your **best** sources of disability-related and special education information. That's why we've listed the TA&D network *first!* See the entire network and find out who offers publications or services relevant to your interests and concerns, at: www.rfcnetwork.org/content/view/137/192/



NICHCY!

The National Dissemination Center is a part of OSEP's TA&D network. Here's a starter list of information for families at NICHCY.

- *Categories of Disability under IDEA* (6 pages)
www.nichcy.org/disability/categories/
- *Questions Often Asked by Parents About Special Education* (16 pages)
www.nichcy.org/docs/lg1.pdf
- *Your Child's Evaluation* (4 pages)
www.nichcy.org/docs/bp1.pdf
- *Placement Issues* (Web pages)
www.nichcy.org/schoolage/placement/
- *All about the IEP* (Web pages)
www.nichcy.org/schoolage/iep/
- *Developing Your Child's IEP* (28 pages)
www.nichcy.org/publications/pa12

Technical Assistance ALLIANCE for Parent Centers!

The Alliance is also a center within the TA&D network. It serves as a resource hub for the six regional Parent Technical Assistance Centers, who in turn assist the PTIs and CPRCs throughout the U.S. Great place to identify your State's PTI and CPRC and to find parent materials! Dive in, at: www.taalliance.org/

CADRE!

We've already mentioned CADRE, the Center for Appropriate Dispute Resolution in Special Education as your source of information on IDEA's dispute resolution options, especially mediation. CADRE is also a member of TA&D. Visit, at: www.directionservice.org/cadre/index.cfm

Want more on parent participation?

- National Coalition on Parent Involvement in Education (NCPIE), www.ncpie.org/
- National Parent Teacher Association (PTA)
www.pta.org/
- Parent Involvement Matters
www.parentinvolvementmatters.org/index.htm

This Q&A is the second in an evolving series on IDEA. Its information is consistent with the requirements of IDEA 2004, our nation's special education law. NICHCY also disseminates other materials and can respond to individual requests for information. We invite you to visit our website (www.nichcy.org), where you will find all of our publications. The Q&A series can be found at: www.nichcy.org/schoolage/qa-series-on-idea

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