

Parent Participation in ARD Meetings

IEP/ARD meetings can be emotional and overwhelming, but knowing how to work with the education team effectively is very important. You are a key member of the team with the unique perspective that comes with the long view of your child's developmental history, dreams, and resources.

Your participation is very important. As the IDEA notes: *"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."*

The most important thing to remember is that information is power. Contact your Parent Training and Information (PTI) Center so that you can attend a training on special education and learn what the process should be like. Here are some other key points:

- You are guaranteed the right to participate in the meeting and help develop the IEP, so your concerns matter. Having them in writing can help you remember your key points during the meeting.
- School personnel should not come to a meeting with a finalized document, but they may have a draft of some items. The IEP is created based on the student's unique needs and strengths, and the meeting is the place where all of that is discussed.
- Districts are not allowed to set time limits for IEP meetings. If a meeting cannot be completed in the allotted time, then the team can schedule additional time to complete the IEP. Do that before you leave the meeting if possible.
- Ask questions to help you understand and clarify what others are saying. Don't feel pressured to agree to something if you are unsure about it.
- Take a break if you get overwhelmed or upset during the meetings. These discussions about your child can be very difficult.
- Bring a support person with you—being the only one on "your side of the table" can be hard.
- Learn to say "I respectfully disagree" or "Help me understand—can you give me an example?"
- Bring a picture of your child, to help everyone remember why you are all there.
- Sit next to the note-taker at the meeting. During introductions, make sure you know who the "administrative designee" is—the person authorized to commit district resources such as transportation, technology, training, or specialized curricula.
- Don't sign the document at the meeting—sign that you attended, but wait to go over the document after the meeting to be sure you are in full agreement before signing.

If a required team member is absent unexpectedly, don't feel pressured to excuse them in writing. If their presence is important, reschedule the meeting.

If you have specific questions about education and students with disabilities ages 0-22, call your local PTI; find your local center at: www.parentcenterhub.org/find-your-center. Specific legal code on parent participation can be found at: www.specialeducationadvisor.com/top-10-reasons-why-parent-involvement-is-crucial-for-iep-succes.

Parental Rights

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 to their child.

This includes the right to participate in meetings to develop, review, or revise their child’s IEP. 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;
- the ARD/IEP team (which develops, reviews, and revises the IEP of their child); and
- any group that makes decisions related to the educational placement of their child.

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.

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.

What is this last point referring to? “...IDEA’s provisions regarding the participation of others...” It’s referring to IDEA’s provisions 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.

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.

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 (14 in Texas) 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).

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.


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 documents 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.

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.

Information contained within from: Newsletter of CA Disability Rights Education & Defense Fund [June, 2013]; and Nichcy; <http://nichcy.org> [December 2010].

 The contents of this publication were developed under a grant from the US Department of Education, H328M150022 (PATH), H328M150023 (PEN), & H328M150024 (TEAM). However, those contents do not necessarily represent the policy of the US Department of Education, and you should not assume endorsement by the Federal Government.



PATH Project: 1-800-866-4726



PEN Project: 1-877-762-1435



TEAM Project: 1-877-832-8945

www.partnerstx.org