

Q&A: Meaningful Parent Participation

What is Meaningful Parent Participation?

The Individuals with Disabilities Education Act's (IDEA) procedural requirements for developing a child's Individualized Education Program (IEP) are purposefully designed to create a collaborative process, and explicitly place special emphasis on parental involvement as part of the child's IEP Team.

The law requires schools to allow parents of students with disabilities to meaningfully participate in the creation and implementation of the student's IEP. If the school prevents parents from meaningful participation, the student may be denied a free appropriate public education (FAPE), violating the IDEA. More information about FAPE is available in this Q&A: [Free Appropriate Public Education](#). Parent participation should go beyond giving a parent the opportunity to speak. The IEP team should consider parents' suggestions and, when appropriate, incorporate them into the IEP. Schools are required to approach IEP meetings with an open mind and be receptive and responsive to parents' positions and questions.

Under the IDEA, parents have a legal right to participate in meetings concerning identification and evaluation of their child, their child's educational placements, and any other meetings that may impact the student's FAPE. This includes meetings related to developing, reviewing, or revising their child's IEP. The law does not require that parents be present for informal or unscheduled conversations involving school personnel, conversations regarding teaching methodology and lesson plans, or coordination of service provisions. Additionally, school personnel are not required to include parents in the development of a draft IEP proposal, or the development of a response to a parent's proposal that will be discussed at a later meeting.

While no similar parent involvement rule specifically exists under Section 504, it is considered a best practice to include parents. Decisions under Section 504 must be made by a group of knowledgeable people, and parents are often one of the best sources of knowledgeable about their child.

Who is a "parent" in special education?

The word parent has a specific definition within special education law and is not limited to the biological mother and father of the child. Under the IDEA, parents may be:

- Biological or adoptive parents,
- Foster parents,
- Guardians authorized to make educational decisions for the child, and
- An individual acting in the place of a biological/adopted parent, who is either: legally responsible for the child's welfare, living with the child, or a properly appointed surrogate parent.

What about student participation?

The IDEA requires that students aged 14 and older be invited to attend their own IEP meetings, but their attendance is not required. Even if students are younger than 14, they should be included in their own educational meetings, including those held to discuss 504 plans, IEPs, and evaluations. Student

participation may take a variety of forms. They may attend entire meetings, like other team members. Students may also attend parts of a meeting, expressing their goals and interests to the team. Even if it is not appropriate for a student to attend a meeting, they may meet with team members before to discuss their wants and needs or they may provide a letter or recorded video for the team to review.

How much time does the district have to allow for an IEP meeting?

When parents and the school are not able to come to a consensus during an IEP meeting, it is appropriate for the parents to ask for a continuation of the meeting. This means that the meeting will end, and the team will reconvene later. Similarly, schools have the right to adjourn a meeting after a **reasonable** time, even if the parents object. If an IEP date passes without a new IEP in place, the district is out of compliance with the IDEA. However, despite a common misconception, IEP's do not expire. If the IEP date passes, the student cannot lose their special education services. The previous IEP should be implemented until a new IEP is developed by the team.

What information is the school required to provide before an IEP meeting?

Schools are required to notify parents about upcoming meetings regarding their child's IEP early enough to ensure the parent has an opportunity to attend and invite other relevant parties. While the IDEA sets no strict guidelines for timing, 10 school days is customary. IEP meeting notices must include the purpose, time, and location of the meeting, as well as who will be in attendance.

Because IEP meetings involve discussion of confidential information, schools must seek consent from the student's parents each time they wish to invite an agency representative to an IEP meeting. Schools may violate the law by including an individual in the IEP meeting that was not included in the notice. If a parent is unable to participate in an IEP discussion because they were not given adequate and timely notice, the school may be in violation of the IDEA.

Schools are also required to provide parents with a copy of any evaluation reports that will affect discussions and decisions made at the IEP meeting sufficiently in advance of the IEP meeting. This includes psychological reports, social and developmental histories, therapist reports, and any documents IEP members have generated for discussion at the IEP meeting. Schools are not required to generate written reports that are not documented in a written or typed format. This includes speech evaluations, curriculum-based assessments, informal teacher assessments, or observations that do not result in a written report.

When the IEP team is meeting to discuss transition services, the meeting notice must also state that the team intends to discuss the student's postsecondary goals and transition services, indicate that the student will be invited, and identify any other agencies that will be invited to send representatives.

When the IEP team is meeting to discuss change of placement, including a Manifestation Determination Review (MDR), parents must be notified in writing of the date, time, and location of the meeting, as well as given a copy of the Procedural Safeguards. However, unless the parent signs a waiver to push the meeting, the MDR **MUST** take place within 10 school days of the incident leading to suspension/expulsion. More information about MDRs can be found here: [Manifestation Determination Reviews](#).

[Is the school required to take a parent's opinion into consideration?](#)

The IEP team should actively work to answer a parent's questions, consider both school and parent-funded evaluations, and listen to the parent's requests for preferred methods of evaluation or support with an open mind. However, the school is not required to incorporate all parental requests or opinions. The law prevents schools from pre-determining the contents of an IEP or presenting a completed IEP to parents at the beginning of an IEP meeting, but this does not give parents veto power. Schools can prepare and present a draft IEP but must make it clear that proposed services are recommendations for review and discussion during the meeting. All options presented by members of the team should be seriously considered and discussed.

[Can the school hold a meeting without a parent present?](#)

Generally, no. Parents are required IEP Team members, and meetings should be scheduled at a mutually agreed upon time and place. Schools should be flexible in scheduling meetings to accommodate parental scheduling needs and ensure parent participation. If a parent is unable to physically attend a traditional IEP meeting, schools are required to provide alternative attendance methods, such as phone calls or virtual meetings. In the event of extreme circumstances, such as the COVID-19 pandemic, schools may require all meetings to be held virtually.

IEP Team meetings may only occur without a parent if the school is unable to convince the parent to attend. Both the parent and the district are expected to be reasonable when finding a mutually agreed upon time. It is uncommon for districts to agree to meet outside of teacher contracted times, but the district should be offering multiple times and dates.

When a school conducts an IEP meeting without the parents, the district must make multiple attempts to arrange a meeting with the parents and keep a record of these attempts. This includes detailed records of attempted telephone calls, copies of correspondence sent to the parents, and detailed records of visits made to the parents' home or place of employment.

[Can IEP negotiations be done by email?](#)

Generally, no. Because IEP meetings are supposed to be a collaborative conversation, it is a procedural violation to negotiate or make decisions over email. Minor IEP changes may be agreed upon through email, so long as the parent consents to these changes taking place over email. An example of a minor change is increasing the amount of OT services received from 20 minutes/week to 25 minutes/week, or adding a provision that the student may earn free time in addition to a prize for desired behavior. It is appropriate to follow up with parents about agreed upon proposed changes to the IEP over email, and, if the parent is comfortable with it, drafts of an IEP may be sent over email. However, requesting a draft of an IEP over email **does not** indicate consent for all IEP communication to be conducted over email.

[If English is not my first language, does the district have to provide accommodations?](#)

Yes. Under the IDEA and Title VI of the Civil Rights Act, districts are required to take any action necessary to ensure that parents understand IEP documents and proceedings. This includes translating vital IEP documents into the parent's native language. Districts should also provide translators if necessary, so parents can meaningfully participate in all IEP meetings. The law requires districts to implement procedures that allow parents to participate in all meetings regarding identification, evaluation, and

educational placement of their child, and the provision of FAPE to their child. Ultimately, schools must take any action necessary to ensure parents understand what is occurring during IEP meetings, the IEP document itself, and any evaluation reports or notices provided by the district. It is the responsibility of the parent to inform the school that they speak a language other than English and will need translations to their native language.

Under the Americans with Disabilities Act (ADA), schools must provide translators for d/Deaf and hard of hearing parents.

[If I have a disability, does the district have to provide accommodations?](#)

Yes. Districts are required to provide parents with qualifying disabilities reasonable accommodations under Section 504 and the ADA so the parent can participate in IEP meetings. For example, if the use of recording devices during IEP meetings is prohibited or limited, the district must make exceptions for parents who require a recording to understand the IEP or the IEP process. Schools may also provide more time for parents to review the IEP prior to the meeting or offer to meet and explain changes to the parent so that they may better prepare for the meeting. While schools are not required to adopt a parent's preferred accommodations, the school is obligated to provide a means of communication that is effective and allows the parent to participate in meetings. Public schools must give primary consideration to the accommodation requested by the parent if it relates to effective communication.

[What can I do if I have concerns?](#)

If you need help or have questions about your rights, you can contact [Disability Law Colorado](#).

For information about K-12 dispute resolution options, please visit Disability Law Colorado's [Dispute Resolution Fact Sheet](#).

[Where can I go for more information?](#)

For additional information, please see:

- [Colorado Department of Education Dispute Resolution Information](#)
- [Procedural Safeguards available to parents under IDEA](#)
- [Parent Participation under IDEA](#)
- [Parent rights to interpreters](#)