

PARENTS AS PARTNERS

Parents are an essential part of the Individualized Education Program (IEP) process and are encouraged to work in collaboration with the school. IDEA 2004 recognizes the importance for parent/school partnerships and non-adversarial dispute resolution. Parents provide consent to assessment and provision of special education services. They participate in meetings for the identification, evaluation, and placement of their child in a Free Appropriate Public Education (FAPE). Parents are included in eligibility and placement decisions. Parents provide information as to their child's progress and participate in development of goals and objectives.

Opportunities that are available for parents to participate in training, volunteer activities and the creation of partnerships include:

- Community Advisory Committee (CAC)
- Resource Parents
- Resource Parent Trainer of Trainers
- IEP Parent Training
- SELPA Staff Development Trainers
- SELPA Committees

Parent Notice of Team Meeting

Parents shall be notified in writing of IEP meetings early enough to ensure opportunity to participate.

Notification includes the purpose, time, location and person's name or professional role attending the meeting.

If transition services are to be discussed, it must be stated on the notification. The notice must indicate that the student, (if appropriate), and agency representatives (if appropriate) have been invited.

The notification must also inform you of your right to invite others who have knowledge or special expertise about your child.

Notification shall be addressed to the student as well as parents, as appropriate for students under age 18 and always at the age of 18 and older when the parent and student have been informed that the student's rights have been transferred at the age of majority.

The right to notification extends to parent designee, relative caretaker, non-custodial parents, surrogate parents, foster parents, and court appointed custodian.

The Role of the Parents at an IEP Team Meeting

As equal members of the IEP team, parents of a student being assessed shall be encouraged to participate in developing, reviewing and revising the student's Individualized Education Program.

Parents must give consent before any special education service may be provided. Interpreters for parents whose primary language is not English will be provided when necessary. An IEP meeting will be held without a parent present only after a diligent effort to persuade the parent(s) to attend has failed and at least three attempts have been made, including at least one written communication. All attempts should be documented in the student's file. A meeting may be held by teleconference upon mutual agreement of all parties.

Parents' Rights

Parents and students have very specific legal rights in the special education process. The California State Department of Education publishes a list of these rights and it is distributed regularly to the families of students with special needs. Districts are required to offer a copy of parent rights only one time per year except that a copy must also be provided upon initial referral or parent request for evaluation, upon receiving the first state or due process complaint per year, when disciplinary action is considered that constitutes a change of placement by a district, each time you receive an assessment plan and upon request of the parent.

(<http://www.cde.ca.gov/sp/se/qa/documents/pseng.pdf>)

It is important for special educators to be experts in understanding parent rights. The law gives them the responsibility for ensuring that a parent not only receives his/her rights but also is trained and understands them.

Parents shall be informed of their procedural safeguards at the time of their consent to the assessment plan and at every IEP meeting.

Important Components of Parent Rights

The right of parents to inspect and review their child's educational records.

The right of parents to obtain an Independent Educational Evaluation.

The right of parents to be given written prior notice on matters regarding the identification, evaluation or educational placement of their child, or the provision of FAPE for their child.

The right of the child to remain in his or her present educational placement, unless the parent and the public agency agree otherwise, while administrative or judicial proceedings are pending.

The right of parents to receive mediation to settle disagreements regarding their child's special education program through voluntary mediation, a process through which parties seek mutually agreeable solutions to disputes with the help of an impartial mediator.

The right of parents to give or refuse consent before their child is provided with special education and related services.

The right of parents to give or refuse consent before their child is evaluated or reevaluated.

The right of parents to be informed about specific discipline procedures for students with disabilities.

The rights of parents or public agencies to bring a civil or (due process) action in an appropriate State or Federal court to appeal a final hearing decision.

The right to obtain a copy of the Notice of Procedural Safeguards upon request or upon the initial referral for a special education assessment.

The rights of parents to request reasonable attorney's fees from a court for actions or proceedings brought under the IDEA.

Surrogate Parent Procedures

A surrogate parent is a person who represents a student with special education needs during the assessment process and throughout the development and implementation of the student's IEP. The surrogate parent's role is to represent the interests of the student in the special education process.

A surrogate parent is a volunteer from the community who has undergone training in the special education process. Local Educational Agencies must terminate the appointment of the surrogacy if circumstances arise that create a conflict of interest during the appointment or the surrogate is not performing the duties required of the role.

The surrogate parent is required to meet with the student at least once in their role but may also meet on additional occasions to review, plan and discuss. An educational surrogate parent shall be appointed in any of the following cases:

- No parent or foster parent can be identified (definition of parent as in Sec. 300.10). After reasonable efforts, the Local Educational Agency (LEA) cannot discover the whereabouts of a parent.
- The child is an unaccompanied homeless youth as defined in section 725(6) of the McKinney-Vento Homeless Assistance Act
- The student is a ward of the state or dependent of the court and the court has determined that the parent is unavailable or incapable of participating in the development of the educational program for the student. (34 CFR 300.514, Ed. Code, 56050 and Govt. Code 7579.5)
- The natural or legal parent or guardian maintains educational signing rights unless those rights are specifically addressed, removed, and reassigned by a court of appropriate jurisdiction.

The responsibilities of the LEA include:

- Determining whether a student needs an educational surrogate parent.
- Making every effort to ensure an educational surrogate is appointed to a student within 30 days of determining the student requires one.
- Recruitment, assignment, training and evaluation of the educational surrogate parent.

- Terminating the appointment of the surrogacy if circumstances arise that create a conflict of interest during the appointment or the surrogate is not performing the duties required of the role and appointing a new surrogate.

The LEA shall consider the following guidelines when appointing a surrogate parent:

- When possible, first preference shall be a relative caretaker, or court appointed special advocate.
- The appointed person should have no interest that might restrict or bias his/her ability to advocate for services required to ensure a free and appropriate education.
- The surrogate parent should not be an employee of a public or private agency that is involved in the education or care of the student. LCI operators, social workers and probation officers are not eligible for appointment as surrogate parents. Foster parents may be eligible to serve as surrogate parents unless there is a court order specifically prohibiting the appointment.
- An educational surrogate parent may represent a student with disabilities needs in matters relating to identification, assessment, instructional planning and development, educational placement, reviewing and revising the individualized education program, and in other matters relating to the provision of a free appropriate education to the individual.
- An educational surrogate may represent a student with disabilities in all phases of proposed suspension or expulsion.
- The surrogate parent may represent the child until (1) the child is no longer in need of special education, (2) the minor reaches 18 years of age, unless the child chooses not to make educational decisions for himself or herself, or is deemed by a court to be incompetent, (3) another responsible adult is appointed to make educational decisions for the minor, or (4) the right of the parent or guardian to make educational decisions for the minor is fully restored.
- The surrogate parent and the local educational agency appointing the surrogate parent shall be held harmless by the State of California when acting in their official capacity except for acts or omissions that are found to have been wanton, reckless, or malicious. -
- If a culturally and ethnically matched educational surrogate parent cannot be found, the LEA will appoint an interim educational surrogate parent when decisions regarding special education services are imminent. (E.C. 56050)

Community Advisory Committee

The Community Advisory Committee (CAC) functions as an advisory body to the Governance Council and the SELPA Director. It is comprised of parents of individuals with exceptional needs, parents of other pupils enrolled in school, special education teachers and other school personnel, and representatives of local agencies. The committee brings concerns and ideas to the governing body and relates information from the SELPA back to their constituencies. The CAC gives input into the local plan and participates in the development of other SELPA publications.

The goal of the CAC is to empower parents of special education students to become an effective team member in their child's education through flexibility, collaboration, knowledge, and effective communication with other team members.

The CAC is a valuable part of the Special Education Local Plan Area and enhances the potential for effective school/community partnerships. To become involved in the CAC or to get information on meeting times and dates, please call the SELPA office at 827-0949 x 10 or [click here](#).

Resource Parents

Resource parents are a very valuable link to parents as partners. Resource parents are parents of students with special needs who volunteer to provide parent-to-parent support to other parents in special education. Resource Parents are willing to put aside their personal issues to facilitate communication and empower others to work within the educational system. Resource parents are specifically trained and sanctioned by the district. After participation in twelve hours of training in communication, problem solving, and role definition, plus training in the IEP process, an application and interview. They provide consultation and may attend IEP meetings when requested. Please contact the SELPA office for more information.

Parent's Records

Record keeping is not mandatory for parents, but it is definitely to a benefit to keep complete and up-to-date records. Parents will receive copies of any information generated by the school, they may ask for additional copies of information as well. Some parent's like to keep their records organized in a binder or accordion file that includes the following sections:

Family History

Include the name, birth date, and place of birth of family members; parent/guardian name, address, phone number, place of employment, etc., brief health history of parents, grandparents and close relatives.

Developmental History of Child

Include the mother's health during pregnancy and any unusual circumstances at birth or during the infant/toddler stages. Also note the child's behavior patterns and other significant growth and development information.

Medical History and Reports

Include the names and addresses of doctors, dates and nature of serious illnesses and operations, records of the child's immunizations, medications taken, and a copy of the child's birth certificate.

Educational History

Include the names and dates of schools attended; names of teachers and principals and other staff who provided services for your child; copies of IEPs, test results, therapy reports, or progress reports and examples of schoolwork.

Personal/Social History

List the child's interests, clubs and organizations, camps, special awards, and pictures.

Written Correspondence

Include copies of records from any other agencies and letters written or received.

Telephone Log

Log all phone calls or visits from agencies or professionals. Include dates, names, phone numbers, and the purpose and outcome of such contacts.

References

34 CFR 300.500

34 CFR 300.504(a)(1)

34 CFR 300.504(a)(4)

30 EC 56342.5

Honing v Doe

20 USC 1415(d)(1)(A)(i)