
1 PARENT INVOLVEMENT

2 IDEA establishes the requirement to involve parents in educational decisions about
3 their child. 34 C.F.R. §300.345 requires an LEA to take steps to ensure the participation
4 of one or more parent of a child at each IEP meeting. Districts must notify parents of
5 the meeting early enough to allow them an opportunity to attend, schedule the meeting
6 at a mutually agreeable time, and ensure that the parents understand the proceedings of
7 the meeting.

8 If neither parent can attend, the LEA must use other methods to ensure parent
9 participation, including individual or conference telephone calls. A meeting may be
10 conducted without a parent in attendance if the public agency is unable to convince the
11 parents that they should attend. In this case the LEA must have a record of its attempts
12 to arrange a mutually agreed on time and place (e.g., detailed records of calls made or
13 attempted and the results of those calls; copies of correspondence between the LEA and
14 parent; detailed records of visits made to the parents).⁸³

15 The LEA is obligated to provide parents with prior written notice when a child is first
16 referred for evaluation or reevaluated and when an IEP meeting is planned.⁸⁴ Parents
17 must give their consent before initial testing and before initial provision of special
18 education services, and parents have the right to rescind their consent at any time.⁸⁵
19 The LEA must seek consent for reevaluation (but may proceed if no response is given).

⁸³ 34 C.F.R. §300.345

⁸⁴ 20 U.S.C. §1414(a)(C)(1)

⁸⁵ 34 C.F.R. §300.505

1 The LEA must disclose its plans for assessment and provision of services before
2 requesting consent, and this explanation must be given in the parent's language.

3 Parents must also give consent for records to be released by the school;⁸⁶ parents
4 may review their child's records and ask for changes. Parents are to receive regular
5 student progress reports from the District. Other parent rights include the right to an
6 independent educational evaluation (IEE),⁸⁷ right to mediation for disputes with the
7 district,⁸⁸ right to due process hearings,⁸⁹ and right to file complaints.⁹⁰

8 **OBSERVATIONS**

9 I interviewed parents individually, in person, and by telephone; I also conducted
10 interviews of parents in small groups. The following section describes problems
11 expressed by parents as well as those uncovered in my review of documents.

12 **Schedule and Notice of IEP Meetings.** Interviews and documents revealed a
13 pattern of failure of MPS to meet the requirements of IDEA regarding parental
14 involvement in meetings. IEP cover sheets did not always indicate MPS efforts to reach
15 parents. The content of the IEP (as discussed later) reflected no substantive
16 communications with many parents about their concerns. For example, some of the
17 parents complained that they did not receive adequate notice of their child's IEP
18 meeting or that meetings were scheduled at time when they could not attend.

⁸⁶ 34 C.F.R. §300.571 (b)

⁸⁷ 34 C.F.R. §300.502(c)

⁸⁸ 34 C.F.R. §300.506

⁸⁹ 34 C.F.R. §300.507

⁹⁰ 34 C.F.R. §300.660-662

- 1 ▪ The mother of Javonte ■ reported that she cannot get to IEP
2 meetings because of the schedule of the meetings. She reported
3 that she has told MPS officials that she works at Marquette
4 University and has told them that summer, December and May
5 (when the University is less busy) are better times for her to attend
6 IEPs. She stated, "They just call and say that they are going to do it
7 on certain days and give their results. And I don't agree with it."
- 8 ▪ ■, parent, said that when he submitted a typewritten set of
9 ideas to be considered by the other members of the IEP Team, they
10 ignored them and appeared to be upset that he had prepared them.
- 11 ▪ Kimberly ■, the mother of one of the named plaintiffs, stated that
12 teachers said they sent written notices home with her son and she
13 never received them. "This was in the early school years. They
14 would have the meetings and say 'parent never attended,' but I had
15 no knowledge about them."
- 16 ▪ Flora Y., mother of another named plaintiff and an MPS employee,
17 stated that she does not own an answering machine for voice mail,
18 yet the District's note on her daughter's IEPs indicates that voice
19 mail messages were left for her.
- 20 ▪ Gala ■, parent, reported that a MPS Special Education Supervisor
21 at Sarah Scott School (Todd Mallegni) told her that "parents did not
22 have to be notified for an IEP; only the LEA representative, special
23 and regular education teacher." His alleged statement is incorrect:
24 IDEA clearly requires an LEA to invite parents to IEP meetings.

25 These four examples illustrate MPS's failure to make adequate efforts to notify parents
26 of the meetings or to schedule the meetings at times convenient for the parents.

27 In addition to deficiencies in *notice* and *scheduling* of the meetings, I found
28 inadequacies in how MPS seeks *parental input* during the IEP meetings. My review of
29 IEPs and interviews with parents, advocates, and employees revealed an MPS tradition
30 of preparing IEPs before the meeting. The "IEP Teacher" typically brings a typed
31 document to the meeting for discussion. Based on my experience, parents who receive a
32 typed complete IEP form from a school district employee view this as a completed

1 document that does not invite their input.⁹¹

2 In addition, DPI monitoring reports for both 2000 and 2002 cite MPS for
3 "insufficient attempts to involve parents in the review of existing evaluation data"
4 (Do11089).

5 **Interpretation and Translation.** IDEA specifically requires that appropriate
6 interpretation and translation services be provided for parents at meetings regarding
7 their child's evaluation and/or IEP.⁹² The following interviews are examples of how
8 MPS has repeatedly failed to meet the legal obligations for communicating with parents
9 in a language they understand.

- 10 • [REDACTED], whose daughter is five years old reported that, "It is
11 English only speaking and sometimes there are no interpreters.
12 They don't understand me. . . They send the evaluations in English.
13 The same man who interpreted sent them in English. I asked for
14 them in Spanish but they sent them in English."
- 15 • Other Latino parents added that: "They pick a person who is in the
16 district who speaks Spanish and you have to time your IEP when
17 that person is available." The IEP meeting is required to be held at
18 a time mutually convenient for the parent.
- 19 • When I asked the 11 Latino parents present at a meeting if they had
20 ever been in meetings where the interpreting was not accurate,
21 everyone nodded or said "yes." When I asked further, "How do you
22 know?" one commented, "Someone who just comes in. . . The
23 Spanish is not really Spanish but they are trying to accommodate.
24 When it is an interpreter for just the moment, they are relying on
25 similarities in the language and what the interpreter thinks is the
26 appropriate word is often inaccurate. I understand English so I
27 understand what the teachers are telling me. . . the interpreter tells
28 me she does not know how to tell me in Spanish and a lot of time it
29 is two different words."

⁹¹ See discussion of this problem in the section on *Individualized Education Programs*.

⁹² 34C.F.R. §300.345(e)

- 1 either not been adequately documented or have not taken place. Some parents have not
- 2 been afforded opportunities to meet at times convenient for them.