Our Community. Our Legacy.
OUR FUTURE.



FAPE
PARENT PARTICIPATION

SANTA FE ISD

Table of contents

PARENT PARTICIPATION. 3

What is Required. 3

Definition of Parent and Verification of Parent Participation.. 3

Parent's Guide to the Admission, Review, and Dismissal Process. 3

Responsibility for Parent Participation.. 3

Notice of ARD Committee Meeting.. 4

Conducting an ARD Committee Meeting Without the Parent in Attendance. 5

Parent Copy of the Student's IEP.. 5

Additional Procedures. 5

Definition of Parent and Verification of Parent Participation.. 5

Parent's Guide to the Admission, Review, and Dismissal Process. 5

Responsibility for Parent Participation.. 6

Notice of ARD Committee Meeting.. 8

Notice of Procedural Safeguards. 9

Conducting an ARD Committee Meeting Without the Parent in Attendance. 9

Parent Copy of the Student's IEP.. 10

Parent Request for ARD Committee Meeting.. 10

Evidence of Implementation. 11

Resources. 11

Citations . 11

PARENT PARTICIPATION
What is Required

Definition of Parent and Verification of Parent Participation

Under the IDEA, parent means:

- A biological or adoptive parent of a child;
- A foster parent of the child who meets the requirements for a foster parent to act as a parent;
- A guardian, but not the state, if the child is a ward of the state;
- An individual acting in the place of a biological or adoptive parent, including a grandparent, stepparent, or other relative, with whom the child lives, or an individual who is legally responsible for the child's welfare; or
- An individual assigned to be a surrogate parent.

See [PARENT]. When there is more than one individual qualified to act as a parent under the IDEA, the biological or adoptive parents, when attempting to act as the parents, must be presumed to be the parents of the student for the purposes of the IDEA, unless the biological or adoptive parent does not have the legal authority to make educational decisions for the child. If a judicial decree or order identifies a specific person or persons to act as the "parent" of a child or to make educational decisions on behalf of a child, then such person or persons shall be determined to be the "parent" under the IDEA with all of the rights of the parent.

Parent's Guide to the Admission, Review, and Dismissal Process

Campus Special Education Personnel must provide the parent the Parent's Guide to the Admission, Review, and Dismissal Process (the "Guide") as soon as practicable after a referral for possible special education services, but no later than 5 school days before the initial ARD Committee meeting. The Guide must also be provided upon request of the student's parent.

Responsibility for Parent Participation

Campus Special Education Personnel must make reasonable efforts to ensure that one or both of the parents of the student with a disability are present at each ARD Committee meeting and afforded a reasonable opportunity to participate, as long as both parents have the right to make educational decisions on behalf of their student. To do so, Campus Special Education Personnel must ensure that the parents are provided a notice of the

ARD Committee meeting early enough to ensure that they will have the opportunity to attend and schedule the meeting at a mutually agreed upon time and place.

If no parent or guardian is able to attend the ARD Committee meeting in person, Campus Special Education Personnel must use other methods to encourage parent participation, including via telephone or videoconference.

A meeting in which a parent must be given the opportunity to participate does not include:

- ·Informal or unscheduled conversations between Service Providers;
- ·Conversations related to teaching methodology, lesson plans, or communications related to the provision of services; and
- ·Interactions between the Campus ARD Committee members in preparation of developing a proposal or a response to a parent proposal that will be discussed at the ARD Committee meeting.

The ARD Committee must ensure that the parent is able to understand the entirety of the meeting and provide an interpreter for parents with deafness or whose primary language is other than English.

Notice of ARD Committee Meeting

Campus Special Education Personnel must provide the parent or guardian of a student with a disability with written notice of an ARD Committee meeting at least 5 school days before the ARD Committee meeting unless the parent agrees to a shorter timeframe. The written notice must:

- ·State the purpose, time, and location of the meeting;
- ·Notify the parents of the provisions relating to participation of other individuals who have knowledge or special expertise about the student; and
- ·Notify the parents of the participation of the IDEA Part C service coordinator or IDEA Part C representatives at the initial ARD Committee meeting for the student previously served under Part C of the IDEA.

See [ADMISSION, REVIEW, AND DISMISSAL COMMITTEE MEMBERSHIP].

By the first IEP to be in effect when a student turns 16, or younger if determined appropriate by the ARD Committee, Campus Special Education Personnel must also indicate in the notice:

- That the ARD Committee will consider postsecondary and transition services for
- ·the student at the ARD Committee meeting;
- ·That the student will be invited to the meeting; and
- ·That any other agency may send a representative with the consent of the parents or adult student.

All written notices must be provided in the parent's primary language, unless clearly not feasible. Where the parent's primary language is not a written language, Campus Special Education Personnel must ensure that notice is translated orally or by other means to the parent in the parent's primary language or other mode of communication to ensure the parent understands the content of the notice.

Conducting an ARD Committee Meeting Without the Parent in Attendance

The ARD Committee may convene an ARD Committee meeting without the parent if Campus Special Education Personnel are unable to convince the parent to attend the meeting. Campus Special Education Personnel must keep a record of each attempt to arrange the meeting at a mutually agreed upon time and place. These efforts include but are not limited to records of telephone calls made or attempted and the results of those calls, copies of correspondence sent to the parent and any responses received, and detailed records of visits to the parent's home or place of employment and the results of those visits.

Parent Copy of the Student's IEP

Campus Special Education Personnel must provide the parent a copy of the student's IEP at no cost. If a parent is unable to speak English and Spanish is the parent's primary language, the parent must be provided a written copy or audio recording of the student's IEP translated into Spanish. If a parent is unable to speak English and the parent's primary language is a language other than Spanish, Campus Special Education Personnel must make a good faith effort to provide the parent with a written copy or audio recording of the student's IEP translated into the parent's primary language. If the parent's primary language is not a written language, Campus Special Education Personnel must take reasonable steps to ensure that the student's IEP is translated orally or by other means in the parent's primary language or other mode of communication.

Any translation must be a comparable rendition of the IEP in English and not a partial translation or a summary of the IEP in English. Campus Special Education Personnel may provide the parent an audio recording of an ARD Committee meeting where the parent was assisted by an interpreter if the audio recording contains an oral translation into the parent's primary language of all of the content in the student's IEP in English.

Additional Procedures

Definition of Parent and Verification of Parent Participation

Prior to communicating with a parent, or individual representing themselves as a parent, regarding a student's educational program, District or Campus Special Education Administration will seek to obtain documentation verifying that the parent, or the individual representing themselves as the parent, has legal authority to make educational decisions for the student. District or Campus Personnel should presume that a student's birth or adoptive parent is the parent for the purposes of special education decision-making unless the District or Campus is aware that the parent does not have legal authority to make such decisions. However, it will not be presumed that the individual with whom the student lives is automatically a parent with legal authority to make educational decisions for the student, even if that person is a relative. See [PARENT].

Parent's Guide to the Admission, Review, and Dismissal Process
The parent can access the Guide both on the Texas Education Agency's website and district's website.

Responsibility for Parent Participation
When scheduling the ARD Committee meeting with the parent, Campus Special Education Personnel will provide the parent multiple different dates/times of the day for the meeting to ensure that the parent can participate. Campus Special Education Personnel will also notify the parent that the parent may participate in the ARD Committee meeting in-person, by phone, or by video conference. ARD Committee meetings will be held at the student's campus unless the parent objects to this location. If the parent objects to the location of the meeting, Campus Special Education Personnel will work with the parent to find an alternative location within the district for the meeting.

Where feasible, Campus Special Education Personnel will send a draft of the IEP (or at least a draft of the PLAAFP, proposed goals and objectives, accommodations, and BIP) to the parent within a reasonable amount of time for the parent to review prior to the ARD Committee meeting. Campus Special Education Personnel will explain to the parent that the draft IEP is solely for the purpose of discussion and development of the student's IEP and are only recommendations for review and discussion with the parents at the ARD Committee meeting. Campus Special Education Personnel should be very clear with the parent that the draft does not indicate the final decisions of the ARD Committee and that all ARD Committee members will consider the parent's input as well as the input of all members at the ARD Committee meeting. Campus Special Education Personnel will maintain a copy of the draft IEP and record in the minutes of the ARD Committee meeting any changes that were made to the draft IEP based on parent input and/or based on other input during the meeting.

During the ARD Committee meeting, Campus Special Education Personnel will periodically ask the parents if they have questions and provide opportunities for them to seek clarity and make sure that the parent fully understands the ARD process and what is being discussed in the meeting. Campus ARD Committee members must enter the ARD Committee meeting with an open mind and must meaningfully consider the parents' input as well as all available appropriate alternatives. The minutes/deliberations of the ARD Committee meeting should reflect the input and the concerns of the parent as well as the district's response to those concerns.

If possible, the ARD Committee must reach mutual agreement regarding a decision of the ARD Committee related to the required elements of the IEP. If the parent disagrees with one or more elements of the student's IEP, the district must offer the parent a single opportunity to recess and reconvene the ARD Committee meeting at a mutually agreed upon time and place within 10 school days of the ARD Committee meeting, unless the parties mutually agree to another date outside of the 10 school days. However, the ARD Committee is not required to offer a recess and reconvene if the student's presence on the campus presents a danger of physical harm to the student or others or if the student has committed an expellable offense or an offense that might lead to a placement in a disciplinary alternative education program.

During the recess period, members of the ARD Committee should consider alternatives, gather additional data, prepare additional documentation, and/or seek additional individuals to address the parent's disagreement and help the ARD Committee reach a mutual agreement. Should the parent still disagree with one or more elements of the student's IEP after the 10-day recess ARD, the district must implement the IEP that it has determined to be appropriate for the student after giving the parent Prior Written Notice and waiting the required five (5) school days. See [PRIOR WRITTEN NOTICE]. The parent will also be offered an explanation of procedural safeguards related to the various dispute resolution procedures available to the parent. See [DISPUTE RESOLUTION].

Campus Special Education Personnel should contact District Special Education Administration regarding the need for an interpreter in an ARD Committee meeting. If an interpreter is needed at the meeting, a certified interpreter employed or contracted by the district should be utilized. The other members of the ARD Committee should not also serve as the interpreter for the meeting unless the parent agrees.

Throughout the ARD year, Campus Special Education Personnel will frequently communicate with the parent of the student through email, phone calls, or letters sent home regarding the student's progress. This will ensure that the parent has an accurate understanding of the student's progress and is fully prepared to participate in the ARD process. Campus Special Education Personnel shall maintain documentation of these communications through a communication log that includes the name of the parent, date and time of the conversation, method of communication, and summary of the discussion

Notice of ARD Committee Meeting

Campus Special Education Personnel will coordinate with the parent to set up an ARD Committee meeting at a mutually-agreeable time and date. Campus Personnel will provide at least three (3) notices of the ARD to the parent delivered in three (3) different methods (hand delivery, mail, phone call, email, etc.) on three (3) different days. The first notice must be provided to the parent at least five (5) school days before the scheduled ARD Committee meeting. While Campus Special Education Personnel may provide the notice to the parent through the student, (e.g., by placing the notice in the student's backpack), such a delivery method may not be appropriate depending on the student's ability to deliver the notice to the parent and should be followed up with a phone call, email, or other documented delivery method to the parent. Campus Special Education Personnel will document all efforts and place relevant documentation in the student's special education eligibility folder.

In addition to the notice requirements above, Campus Special Education Personnel will ask the parent to provide the names of any other individuals invited by that parent that will be attending the ARD Committee meeting and will include these in the meeting notice when feasible. Campus Special Education Personnel should contact the district's Special Education Director regarding how to proceed if the parent indicates that an advocate or attorney will attend the ARD Committee meeting.

If necessary, Campus ARD Committee members should schedule and participate in a staffing prior to an ARD Committee meeting to prepare a draft proposal or a response to a parent proposal that will be discussed at the ARD Committee meeting. It is likely that a staffing will need to be scheduled prior to the ARD Committee meeting with District Special Education Personnel (and possibly the district's legal representation), if the parent indicates that an attorney or advocate will be present at the meeting, or if the campus is aware of a significant concern or proposal of the campus and/or parent. Parents have no right to attend a staffing but may be invited if the district chooses.

All requests for notices of ARD Committee meetings translated in a parent's primary language should go through the Special Education Department. Campus Special Education Personnel should not attempt to translate such documentation through an online translation system.

Notice of Procedural Safeguards

The district must adopt and implement appropriate procedural safeguards regarding the identification, evaluation, or educational placement of students with disabilities or those who are suspected of having disabilities. District or Campus Special Education Administration or Personnel or District Assessment Personnel must provide the parents of a student with a disability a copy of the Notice of Procedural Safeguards at least one (1) time per school year and in the following circumstances:

- ·Upon initial referral or parent request for evaluation. See [REFERRAL FOR POSSIBLE SPECIAL EDUCATION SERVICES];
- ·Upon receipt of the first State complaint or due process complaint in a school year. See [TEA COMPLAINT PROCEDURES] and [DUE PROCESS COMPLAINTS];
- ·In accordance with discipline procedures set forth under the IDEA. See [DISCIPLINE SECTIONS]; and
- ·Upon request by a parent.

A parent may elect to receive the copy of the Notice of Procedural Safeguards via e-mail if the district makes that option available.

Conducting an ARD Committee Meeting Without the Parent in Attendance

Campus Special Education Personnel must keep a record of all attempts to arrangea mutually agreeable time and place for an ARD Committee meeting including keeping a phone log of all calls made or attempted and the results of those calls; all letters, emails, text messages, and/or other communications sent to the parent and the parent's response, and any record of any visits to the parent's home or place of employment. Campus Special Education Personnel must make at least 3 documented attempts to convince the parent to attend the ARD Committee meeting. If Campus Special Education Personnel still cannot convince the parent to attend the ARD meeting after all reasonable efforts to encourage participation have been made, the ARD Committee will convene an ARD Committee meeting without the parent. During the meeting, the Campus Special Education Personnel should outline the attempts taken to obtain parent participation and this information should be included in the minutes/deliberations of the ARD Committee meeting. Campus Special Education Personnel will ensure that the parent receives a copy of the IEP and Prior Written Notice following the ARD Committee meeting. The documentation will also explain to the parent that the parent is welcome to contact the campus after reviewing the IEP to schedule another ARD Committee meeting.

Parent Copy of the Student's IEP

Campus Special Education Personnel will provide the parent with a copy of the student's IEP at no cost to the parent. If the ARD Committee meeting is recorded by Campus Special Education Personnel and the parent requests a copy of the recording, the parent will be provided with a copy of the recording in accordance with the district's student records policies. The recording or videotaping of ARD Committee meetings should be in accordance with district policies.

All requests for an IEP translated in a parent's primary language should go through District Special Education Department. Campus Special Education Personnel should not attempt to translate such documentation through an online translation system.

Parent Request for ARD Committee Meeting

While a parent has the right to meaningful participation in the student's IEP, the district is not required to convene an ARD Committee meeting at the request of the parent if the request does not involve the provision of a free appropriate public education ("FAPE") to the student. Should the parent request an ARD Committee meeting to address an issue other than the provision of FAPE, Campus Special Education Administration and Campus Special Education Personnel will communicate to determine whether to grant the parent's request. If the district denies a parent's request for an ARD Committee meeting, the Campus Special Education Personnel must provide the parent Prior Written Notice in the parent's primary language or other mode of communication within five (5) school days of the request, outlining the district's reason for denying the meeting. See [PRIOR WRITTEN NOTICE]. If a parent/teacher conference or conference with an administrator is appropriate, the Campus Special Education Administrator or Campus Special Education Personnel may offer to meet with the parent outside of an ARD Committee meeting.

The district will maintain documentation requirements of compliance associated with Texas Student Data System (TSDS), Public Education Information Management System (PEIMS), and State Performance Plan (SPP). District staff will provide training, with follow up, to ensure the documentation required is in place and compliant.

Evidence of Implementation

- ·Receipt of Parent's Guide to the Admission, Review, and Dismissal Process
- ·Parent's Guide to the Admission, Review, and Dismissal Process
- ·Notice(s) of ARD Committee Meeting
- ·Attempts to Contact the Parent or Guardian to Ensure Parental Participation in ARD Committee Meeting
- Prior Written Notice
- ·Family Engagement Activities
- ·Communication Log
- ·Draft of ARD/IEP
- ·Final ARD/IEP
- ·Documentation that ARD/IEP Was Provided to Parent in Language Accessible to Parent
- ·Documentation of Translator or Interpreter for Parent Where Necessary
- ·Documentation for the state in TSDS, PEIMS, and SPP

Resources

The Texas Legal Framework for the Child Centered Special Education Process: Parent Participation Framework - Region 18

Parent's Guide to the Admission, Review, and Dismissal Process - Texas Education Agency

OSEP Letter to Thomas (June 3, 2008) - U.S. Department of Education

OSEP Letter to Northrop (May 21, 2013) - U.S. Department of Education

OSEP Letter to Breton (Sept. 24, 2013) - U.S. Department of Education

OSEP Letter to Anonymous (Mar. 7, 2012) - U.S. Department of Education

Citations

- Board Policy EHBAB; 34 CFR 300.30, 300.321(b)(3), 300.322, 300.328, 300.501; Texas Education Code 26.0081(a)–(b), 29.005(d); 19 TAC 89.1050(d), (f), (i)
-
-