



Meeting Notifications

February 2020

Myth: Sending the meeting notification home with the student is the best way to ensure the meeting notice gets home to the parent.

Fact: Sending meeting notifications home in a student backpack or in a communication notebook might not be the best way. Districts must provide parents with notice of meeting early enough to ensure that parents have an opportunity to attend. Relying on the child to be the messenger can place the LEA in a precarious situation as there is no assurance or documentation that the parent received the notification. Hand delivering or mailing the notice is a better choice.

Myth: The school district's obligation to make attempts to secure parent participation by providing meeting notifications only applies to IEP meetings.

Fact: While the Individuals with Disabilities Education Act (IDEA) in 34 CFR §300.322, refers specifically to the public agency's responsibility to ensure that one or both of the parents of a child with a disability are present at each IEP team meeting; IDEA also acknowledges that parent participation is an integral part of the entire special education process. Meetings conducted to review existing data and make eligibility determinations are required to include a group of qualified individuals and the parent, therefore the same guidelines for notifying parents of IEP meetings should be followed when notifying parents of other special education process meetings such as RED meetings and eligibility determination meetings. IDEA in 34 CFR §300.501(b)(1) includes information indicating parents of a child with a disability must be afforded an opportunity to participate in meetings with respect to the identification, evaluation, and educational placement of the child.

Myth: Districts are not required to provide parents meeting notifications in advance of IEP meetings.

Fact: 34 CFR §300.322 states that the public agency has the following responsibilities for notifying parents of upcoming IEP meetings: Each public agency must take steps to ensure that one or both of the parents of a child with a disability are present at each IEP Team meeting or are afforded the opportunity to participate, including – (1) Notifying parents of the meeting early enough to ensure that they will have an opportunity to attend; and(2) Scheduling the meeting at a mutually agreed on time and place. With this in mind, reach out to parents well ahead of the meeting to begin discussing dates and times that will work for both the public agency and the parents. Be sure to schedule the first attempt to meet more than ten days before the IEP annual review date anniversary. If the parent does not attend the first meeting this allows enough time to provide the parent with a meeting notification at least ten days before the second attempted meeting AND allows the team to meet prior to the IEP annual review date.

Myth: The LEA does not have to accommodate parent requests for specific meeting times and locations.

Fact: 34 CFR 300.322 addresses the fact that the LEA has a responsibility to schedule the IEP meeting at a mutually agreed on time and place. The LEA should work with the parent to determine a time and place that would be agreeable for both parties involved. LEAs can not mandate only one specific time and date for an IEP meeting to occur as that would create a barrier for some parents to be involved in the IEP meeting for their child. Best practice would be to reach out to the parents prior to scheduling the meeting, and ask for several dates and times that would work for the parent's schedules. IEP teams may need to hold the meeting at a location other than the school in order to accommodate the needs of some parents. IEP teams may also need to consider holding the meeting using alternative methods (virtually through video conferencing or by phone, for example) so that the parent can meaningfully participate. If despite multiple attempts, the LEA and the parent cannot come to a consensus as to a mutually agreed upon time and place for the meeting the LEA may wish to consult their legal counsel for further guidance.

** short Youtube video describing mutually agreed upon time and place:

<https://www.youtube.com/watch?v=Fo25GtBT7ns>

Myth: It is unnecessary to make more than one attempt to meet with parents before proceeding with a meeting in their absence.

Fact: A meeting may be conducted without a parent in attendance if the public agency is unable to convince the parents that they should attend. In this case, the public agency must have a record of at least two (2) *separate attempts** to arrange a mutually agreed on time and place, such as: (1) Detailed records of telephone calls made or attempted and the results of those calls; (2) Copies of correspondence sent to the parents and any responses received; or, (3) Detailed records of visits made to the parent's home or place of employment and the results of those visits. The second attempt to schedule a meeting with the parent must be a direct contact. A direct contact includes regular or certified mail, phone call, or in person contact. State Plan Regulation IV, page 53.

Making two separate attempts means that the parents were provided notification for the first attempted meeting, at a mutually agreed on time and place, early enough to ensure that they will have an opportunity to attend. If the parents did not attend the first attempted meeting, then they were provided notification for the second meeting early enough to ensure that they would have an opportunity to attend.

Myth: The meeting notification only needs to include the date, time and the place of the meeting.

Fact: The notice to parents must indicate the *purpose*, time (which includes date), and location of the meeting; who will be in attendance; and inform the parent that the parent and the public agency can invite individuals to the meeting that they believe have knowledge or special expertise regarding their student. The determination as to whether an individual has knowledge or special expertise is made by the parent or public agency who invited the individual to be a member of the IEP Team. In the case of an

initial IEP Team meeting for a student who has participated in Part C (First Steps), the notice must inform the parent, that at their request, an invitation to the initial IEP meeting shall be sent to the Part C service coordinator or other representatives of the Part C system. For a student with a disability beginning not later than the first IEP to be in effect when the student is sixteen (16) or younger, if determined appropriate by the IEP Team, and annually thereafter, the notice must indicate: (1) That a purpose of the meeting is the consideration of the postsecondary goals and transition services for the student; (2) That the agency will invite the student; and, (3) Identify any other agency that will be invited to send a representative. State Plan Regulation IV, page 52.

Myth: The meeting notification must identify the proposed participants by name.

Fact: If the individuals listed on the meeting notification are identified by the position they hold within the district, no individual names are required. (Letter to Livingston, OSEP 1995). However, a best practice to ensure that the parent has been fully informed of who will be attending the meeting would be to list the individuals invited by position and name.

Myth: LEAs only have to get written parental consent one time to invite an outside agency representative to any IEP meeting held during the school year.

Fact: Since LEAs have the obligation to prevent the unauthorized disclosure of personally identifiable information (PII), LEAs are required to seek parental consent prior to inviting an outside agency to the IEP meeting. This consent must be obtained before each meeting. *Letter to Gray*, (OSEP 2008). An outside agency representative is anyone who does not work for the local agency as a regular employee or through a contract.