



DISTRICT OF COLUMBIA

OFFICE OF THE STATE SUPERINTENDENT OF

EDUCATION

Memo

RE: Parental Delay Analysis Review Protocol
Date written: 6/6/2018
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Parental Delay

Parental delay is an exception to the evaluation timeframe established in IDEA. It is currently operationalized as:

- 1) Parental Delay
 - a. Parent refusal to provide consent caused delays in evaluation or initial services or to whom exceptions under 34 CFR 300.301(d).¹
 - i. Parental Delay should be attributed in circumstances where the parent repeatedly fails or refuses to produce the child for evaluation or initial services.
 - 1) At a minimum, the LEA must have attempted to contact the parent at least three times on three different dates using two or more modalities at least five business days prior to the end of the 120 day evaluation timeline

Parental delay is typically attributed in a situation where there is clear documentation in the system that:

- 1) The parent is continually unresponsive to LEA attempts to make contact concerning initial evaluation or re-evaluation;
- 2) The parent fails to provide consent; or
- 3) The parent repeatedly misses and/or initiates rescheduling of meetings and evaluations.

The instructions to manual reviewers to determine if untimeliness was due to LEA or parental delay are as follows:

¹ Exception (1) under 34 CFR §300.301(d): “The parent of a child repeatedly fails or refuses to produce the child for the evaluation”

1. Determine the Parental Contacts Due Date, which is 5 business days prior to the evaluation due date, and Referral date as outlined in the Manual Review Template²
2. Review all communication attempts
 - a. Include only those attempts that relate to the evaluation or initial services
 - b. Include only those attempts that *explicitly state* that contact was made with the parent (i.e. general contacts are not sufficient).
3. Review all communication attempts with the parent which relate to the evaluation or provision of initial services, as determined in (2)
 - a. Include those communications that convey one of the following:
 - i. The LEA is unable to reach the parent at all
 - ii. The parent has missed scheduled meetings
 - iii. The parent failed to respond to LEA requests to schedule a meeting
 - iv. The parent asked for a delay in the process
 - v. Examples of language that would be included:
 - a. “Called the parent again to schedule an initial evaluation for child and was not able to reach the parent”
 - b. “Sent a letter to the parent indicating that the previously scheduled evaluation meeting had been missed and that a new meeting needs to be scheduled”
 - c. “Texted the parent to reschedule missed evaluation session, but received no response”
 - d. “Parent said that the family will be out of the country for three months and would like to wait until they return to continue the evaluation process”
 - e. “Parent indicated that the family will be consulting with their own doctor and would like to wait to schedule the speech evaluation”
 - b. Exclude the following types of communications
 - i. Communications that are only reminders (i.e., “called to remind parent about the upcoming evaluation meeting”)
 - ii. Communications that are repeated phone calls to a disconnected phone number/email address do not count; only the first instance of trying to contact the parent and not being able to reach them may count toward parental delay.
 - iii. Communications that are ambiguous and do not explicitly communicate delays in the evaluation process due to parent action.
 1. Examples of excluded language:
 - a. “Texted the parent because I had not heard from her”

² The Parental Contacts Due Date is 5 business days prior to the Evaluation Due Date, as calculated using STATA or other data analysis software.

- b. "Called the parent to schedule a meeting"
 - c. "Called to remind parent about the upcoming evaluation meeting"
 - d. "Sent letter home regarding upcoming IEP meeting"
 - e. "Called the parent to see why student was not at school today"
 - f. "Texted the parent about student's discipline issue today"
 - g. "Emailed parent about evaluation process"
- 4. Record the dates and modalities of contact concerning evaluation
 - a. Record the dates and modalities of contact in the Manual Review Template under the columns for "Parental Delay Contact Dates" and "Parental Delay Contact Modalities", respectively.
 - i. Include only those attempts that were made prior to the "Parental Contact Due Date" calculated in step 1 and after the referral date
 - 1. If there are not three dates prior to the "Parental Contact Due Date", the condition for Parental Delay is not met
 - ii. If more than three attempts were made during this period, record the earliest attempt for each modality. Include the earliest of any additional attempts until three attempts are recorded.
 - 1. For example: The LEA contacted the parent on 4/15/15 via phone, 4/22/15 via phone, 4/30/15 via phone, 5/15/15 via letter, and 5/22/15 via phone and the due date is 7/1/15
 - 2. Record: 4/15/15 via phone; 4/22/2015 via phone and 5/15/15 via letter.
 - b. For a determination of Parental Delay, the following conditions must be met:
 - i. The LEA must have attempted to contact the parent at least three times on three different dates
 - ii. The LEA must have attempted to contact the parent using two or more modalities (text, email, phone call, letter, in-person conversation), with consideration of caveats from section 3.a. and 3.b.
 - iii. All attempts must have been made a minimum of five business days prior to the end of the 120 day eligibility determination timeline and after the referral date.