



## Parent Participation and Engagement in the Special Education Process Guidance

August 2024

### INTRODUCTION

Parent involvement and participation is a key tenet of the Individuals with Disabilities Education Act (IDEA), which provides a variety of protections to ensure parents meaningfully participate in decisions about their child’s education. This guidance summarizes local education agency (LEA) obligations related to parent participation in the special education process consistent with IDEA and District of Columbia requirements, including requirements for scheduling and conducting meetings, seeking and incorporating parent input, and providing notice and appropriate documentation to parents.

### DEFINING AND DESIGNATING PARENTS

Within the context of special education, “parent” means a biological or adoptive parent of a child; a foster parent, unless District of Columbia law, regulations, or contractual obligations with a state or local entity prohibit a foster parent from acting as a parent; a guardian generally authorized to act as the child’s parent, or authorized to make educational decisions for the child (but not the state if the child is in the custody of or committed to a state agency); 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 a surrogate parent who has been appointed in accordance with IDEA and District of Columbia regulations. The biological or adoptive parent, when attempting to act as the parent when more than one party is qualified to act as a parent, must be presumed to be the parent unless the biological or adoptive parent does not have 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 must be determined to be the “parent” for these purposes.<sup>1</sup>

The LEA must ensure each student’s parent is appropriately and accurately designated in necessary data systems, including contact and demographic information required to facilitate effective communication between the LEA and parent and for the parent to receive notices and information regarding their student. Such data systems include, but are not limited to, LEA student information systems and the District of Columbia statewide special education data system, Special Programs. Within Special Programs, the LEA must ensure the appropriate parent or parents are indicated as having educational rights for the student within the student’s Contacts profile.

### CHILD FIND

As part of LEA child find obligations, LEAs must conduct public awareness activities sufficient to inform parents and the community regarding the availability of special education and related services and the

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<sup>1</sup> 5-A DCMR §3099.1 “Parent”

methods available to request those services and programs.<sup>2</sup> In designing public awareness activities, LEAs must consider student and family populations, including native language, to ensure activities and materials are effective. Parent-facing materials must be accessible to parents in terms of language and readability. LEAs should use readability tools and established scales such as Flesch-Kincaid, Gunning Fog, and the SMOG Index to support development of accessible and readable documents.

LEAs should implement a variety of methods for advertising the availability of services, including but not limited to:

- Direct communication to parents and families;
- Notices in local newspapers or other community publications;
- Providing information on LEA websites, social media accounts, handbooks, and calendars;
- Making brochures and advertising materials available in school areas accessible by parents;
- Posting information in public places such as health departments or doctors' offices, grocery stores, or places of worship;
- Broadcast announcements on the radio or television; and
- Providing information at family events such as parent-teacher conferences, back-to-school events, and summer enrollment events.

## EVALUATION PROCESSES

LEAs must treat a referral from a parent as a request for an initial evaluation.<sup>3</sup> An LEA may accept a referral from any individual or organization with knowledge of a child's educational needs. While a referral may be made orally or in writing, an LEA must assist a parent in documenting an oral referral.<sup>4</sup> To support appropriate documentation of a referral, LEAs may develop and provide forms to collect appropriate information regarding the referral. Upon receipt of a referral for initial evaluation for a student, the LEA must notify the parent and provide the following:

- Information on the initial evaluation process;
- Information on parental consent requirements; and
- Resources the parent may utilize for assistance, including community or advocacy organizations.<sup>5</sup>

If, after reviewing existing student data, an individualized education program (IEP) team determines that it has sufficient information to complete an eligibility determination or develop an IEP without additional assessments, the LEA must notify the student's parents of that determination and the reasons for it, and of the right of the parents to request an assessment to determine whether the student is or continues to be a student with a disability. The IEP team is not required to conduct assessments unless the IEP team determines that an assessment is necessary or is requested to do so by the student's parents.<sup>6</sup>

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<sup>2</sup> 5-A DCMR §3003.3

<sup>3</sup> The LEA must also treat a referral from the student if educational rights have transferred and an employee of the LEA or other public agency who has knowledge of the child as a request for an initial evaluation. See 5-A DCMR §3004.1. For children under the age of six, the LEA must also accept referrals from pediatricians or other medical professionals, child development facilities or daycares, District agencies, community and civic organizations, and advocacy organizations. See 5-A DCMR §3004.2.

<sup>4</sup> 5-A DCMR §3004.6

<sup>5</sup> 5-A DCMR §3004.4

<sup>6</sup> 5-A DCMR §3006.5

The LEA must obtain parental consent before proceeding with the initial evaluation of a student.<sup>7</sup> The LEA must begin reasonable efforts to obtain parental consent within 10 days of the receipt of referral and complete its reasonable efforts within 30 days of receipt of the referral.<sup>8</sup> Reasonable efforts are defined as at least three documented attempts to contact the parent using at least two of the following modalities on at least three different dates no fewer than five days prior to the proposed LEA action or the statutory deadline:

- Telephone calls made or attempted and the results of those calls;
- Correspondence sent to the parent and any responses received; or
- Visits made to the parent’s last known place of residence or place of employment and the results of those visits.<sup>9</sup>

Correspondence includes a variety of communication modes, including but not limited to letters, emails, and text messages.

The LEA must complete an eligibility determination within 60 calendar days of the date of parental consent for the initial evaluation.<sup>10</sup> However, the timeline does not apply if:

- The parent repeatedly fails or refuses to produce the student for evaluation; or
- The student transfers LEAs after the evaluation has begun but before it was completed, the new LEA is making sufficient progress to ensure prompt completion of the evaluation, and the parent and the new LEA agree to a specific time to complete the evaluation, not to exceed an additional 30 days.<sup>11</sup>

If the parent does not provide consent for the initial evaluation or fails to respond to a request to provide consent, the LEA may, but is not required to, pursue the initial evaluation of the student through mediation or due process procedures.<sup>12</sup>

As part of the obligation to use a variety of tools and strategies to gather relevant information about a student for the purposes of determining eligibility or the educational needs of the student, the LEA reviews existing data about the student, including assessments and information provided by the parents.<sup>13</sup> Assessments, documents, and information provided by the parent may include, but are not limited to, private evaluations, public or provider observations or input, and medical records or information. LEAs must actively seek input from the parent when conducting an evaluation or developing an IEP. LEAs may provide forms to gather information or request specific documentation from parents but may not require parents to provide information as a condition of completing an evaluation or developing an IEP. All parent-facing forms or materials must be accessible to parents in terms of language and readability.

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<sup>7</sup> 5-A DCMR §3005.3

<sup>8</sup> 5-A DCMR §3005.4(a)

<sup>9</sup> 5-A DCMR §3099 “Reasonable efforts”

<sup>10</sup> 5-A DCMR §3005.4(b)

<sup>11</sup> 5-A DCMR §3005.5

<sup>12</sup> 5-A DCMR §3005.7

<sup>13</sup> 5-A DCMR §3006.7

## **PARENTAL CONSENT**

The LEA must obtain parental consent before proceeding with an initial evaluation, before the initial provision of services, and before conducting a reevaluation.<sup>14</sup> Parental consent for the initial evaluation must not be construed as consent for the initial provision of special education and related services.<sup>15</sup>

Consent must be fully informed, and includes:

- The parent has been fully informed of all information relevant to the activity for which consent is sought, in the parent’s native language or other mode of communication; and
- The parent understands and agrees in writing to the carrying out of the activity for which the parent’s consent is sought, and the consent describes that activity and lists the records, if any, that will be released and to whom.

The parent understands that the granting of consent is voluntary on the part of the parent and that it may be revoked at any time.<sup>16</sup> A parent who revokes consent must submit the revocation in writing.<sup>17</sup> If a parent revokes consent, that revocation does not negate an action that has occurred after the consent was given and before the consent was revoked.<sup>18</sup> Additionally, if a parent revokes consent in writing for special education and related services after the student is initially provided services, the LEA is not required to amend the child’s education records to remove any references to the child’s receipt of services because of the revocation of consent.<sup>19</sup>

Parents may provide consent via physical signature, or via electronic signature if the LEA takes steps to ensure the integrity of the process. Such steps may include the use of secure digital signature software or other similar programs or technology.

The LEA is not required to obtain parental consent before screenings that are administered to all students (unless consent is required from the parents of all students)<sup>20</sup> or for the IEP team to review existing data as part of a reevaluation.<sup>21</sup>

## **MEANINGFUL PARENT PARTICIPATION**

Parents are key members of the IEP team and LEAs must ensure that parents are provided an opportunity to meaningfully participate in discussions related to the education of a student with a disability including eligibility determinations and the development, review, and revision of IEPs. To ensure meaningful parent participation, LEAs must:

- Provide parents with notice of the meeting no later than five business days prior to the meeting;
- Schedule the meeting at a mutually agreed upon time and place;<sup>22</sup>
- Provide information about the meeting to the parents;<sup>23</sup> and
- Provide documents to be discussed at the meeting at least five business days before the meeting.<sup>24</sup>

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<sup>14</sup> 5-A DCMR §§3005.3,3016.1, and 3031.1

<sup>15</sup> 5-A DCMR §3005.8

<sup>16</sup> 5-A DCMR § 3099 “Consent”

<sup>17</sup> 5-A DCMR §3016.6(a)

<sup>18</sup> 5-A DCMR §3016.6(b)

<sup>19</sup> 5-A DCMR § 3016.6(c)

<sup>20</sup> 5-A DCMR §3006.14

<sup>21</sup> 5-A DCMR §3006.3

<sup>22</sup> 5-A DCMR §3009.1

<sup>23</sup> 5-A DCMR §3009.3

<sup>24</sup> 5-A DCMR §3009.4

**Scheduling Meetings.** The LEA must ensure that the parent of a student with a disability is present at each IEP team meeting or afforded the opportunity to participate by notifying the parent in writing no later than five business days prior to a meeting, and scheduling meetings at a mutually agreed on time and place.<sup>25</sup> The LEA must document its reasonable efforts to ensure timely notice to the parent. The notice of the meeting, also called a meeting invitation, must include:

- The purpose, time, date, and location of the meeting;
- Information advising the parent how to request participation via alternate methods, such as video conferences, conference telephone calls, and online telecommunication applications to which the parent has access;
- The names of the participants who will attend the meeting; and
- Information advising that the parent may invite other individuals (including advocates or attorneys) to participate in the IEP Team meeting who have knowledge or special expertise regarding the student, including related services personnel as appropriate or representatives from the IDEA Part C system for initial IEP meetings.<sup>26</sup>

In scheduling IEP team meetings, LEAs should be collaborative and flexible. LEAs should offer multiple meeting dates and times (including at varying times of the day), and work with parents to accommodate all schedules. The LEA should not offer meeting options on dates or times in which the LEA knows the parent is unavailable due to prior notice from the parent. LEAs should include as much information as possible in the meeting invitation, such as the anticipated length of the meeting, if possible.

#### ***Providing Documents (Before and After Meetings)***

If the purpose of a meeting is to discuss the student’s IEP or special education eligibility, the LEA must provide, at no cost to the parent, an accessible copy of any evaluation, assessment, report, data chart, or other document that will be discussed at an IEP team meeting no fewer than five business days before the meeting.<sup>27</sup> However, if a meeting is scheduled fewer than five business days before it is to occur, such accessible copies must be provided no fewer than 24 hours before the meeting.<sup>28</sup> An LEA’s failure to timely provide appropriate and accessible copies of documents to parents may impede parents’ ability to meaningfully participate in decisions related to their student’s education. Examples of documents to be provided to parents include, but are not limited to:

- Existing student data or reports that will be discussed at the meeting;
- Formal and informal assessments;
- Teacher or related service provider input;
- Student work samples; and
- Progress monitoring data, reports, or documentation.

The LEA must provide, at no cost to the parent, a copy of the student’s new or amended finalized IEP no later than five business days after the IEP Team meeting.<sup>29</sup> If the IEP has not been completed by the fifth business day after the meeting or if additional time is required to comply with the DC Language Access Act

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<sup>25</sup> 5-A DCMR §3009.1

<sup>26</sup> 5-A DCMR §3009.3

<sup>27</sup> 5-A DCMR §3009.4

<sup>28</sup> *Id.*

<sup>29</sup> 5-A DCMR §3009.8

of 2004,<sup>30</sup> the LEA must provide the parent with the latest available draft IEP. The LEA must provide a completed copy of the IEP to the parent no later than 15 business days after the meeting to develop the new or amended IEP.<sup>31</sup> Although LEAs must adhere to the specific timelines provided herein, LEAs should give parents as much time as possible to review notices and documents by providing them as soon and as early as possible.

LEAs must take whatever action is necessary to ensure that the parent understands the proceedings and materials provided at the IEP team meeting, including:

- Obtaining an interpreter for a parent with deafness or whose native language is other than English;
- Providing written material in the parent’s native language or other mode of communication used by the parent unless it is not feasible to do so; and
- Providing a hard copy of the procedural safeguards upon request by the parent.<sup>32</sup>

In translating documents and arranging for interpreters, LEAs must ensure accurate translation into the parent’s native language. Translations should be completed by certified translators. Translation via automated systems (such as Google Translate or similar) and interpretation by fluent school staff (who are not certified translators) may be insufficient,<sup>33</sup> and LEAs must use caution when employing those methods. When providing a translated document, the LEA should also provide a copy of the original or English document for reference.

**Conducting Meetings.** If the parent cannot physically attend the IEP team meeting, the LEA must use other methods of inclusion to ensure parent participation, including video conferences, conference telephone calls, and online telecommunication applications to which the parent has access (i.e., Zoom, Microsoft Teams, Google Hangouts, etc.).<sup>34</sup> In arranging for parent participation via alternate methods, the LEA must ensure the parent has access to the platform or application that will facilitate participation. If the alternate method for participation fails or the parent is unable to access or use the platform or application, the LEA must reschedule the meeting.

An IEP team meeting can only be conducted without parent participation if the LEA is unable to convince the parent to attend, has a record of its reasonable efforts to arrange a mutually agreed upon time and place, and provided the parent at least two meeting options on different dates or at different times.<sup>35</sup>

## PARENT OBSERVATION

Upon request, the LEA must provide timely classroom access, either together or separately, to the parent of a student with a disability or their designee for the purpose of observing the student’s current or proposed special educational program.<sup>36</sup> A designee appointed by the parent must neither be representing the parent’s student in litigation related to the provision of free and appropriate public education (FAPE) for that student nor have a financial interest in the outcome of such litigation. The designee must either have professional expertise in the area of special education being observed (if the LEA has written consent of the

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<sup>30</sup> D.C. Law 15-167; D.C. Official Code §2-1931

<sup>31</sup> 5-A DCMR §3009.8

<sup>32</sup> 5-A DCMR §3009.7

<sup>33</sup> District of Columbia Hearing Officer Determination, Case No. 2020-0186 (also found at 121 LRP 11760)

<sup>34</sup> 5-A DCMR §3009.5

<sup>35</sup> 5-A DCMR §3009.6

<sup>36</sup> 5-A DCMR §3041.1

parent prior to the designee's observation of the child) or be necessary to facilitate an observation for a parent with a disability or to provide language translation assistance to a parent.<sup>37</sup>

The time allowed for observation by the parent or the parent's designee must be of sufficient duration to enable evaluation of the student's performance in the current program or the ability of a proposed program to support the student.<sup>38</sup> The parent or their designee must be allowed to view the student's instruction in the setting where it ordinarily occurs or the setting where the student's instruction would occur in a proposed program.<sup>39</sup>

LEAs must develop and make publicly available a written policy governing student observations by a parent or parent designee.<sup>40</sup> The LEA may require advance notice of any observation, and may require that the designation of a parent's observer be provided in writing.<sup>41</sup> The LEA may only impose conditions or restrictions on observations that are necessary to ensure student safety, to protect the confidentiality of other students in the program by prohibiting observers from disclosing confidential and personally identifiable information, and to prevent any potential disruption to the learning environment that may arise from multiple observations occurring simultaneously.<sup>42</sup> To support appropriate documentation of parent observation, LEAs may develop and provide forms for parents to request an observation and identify designees.

## **PARENT RIGHTS**

*Procedural Safeguards.* LEAs must provide parents of students with disabilities a copy of the procedural safeguards<sup>43</sup> at least annually,<sup>44</sup> and at multiple points throughout the special education process, including:

- Upon receipt of an initial referral or parent request for evaluation;
- Upon receipt of the first complaint and upon receipt of the first due process complaint in a school year;
- Upon request by the parent; and
- Consistent with requirements related to disciplinary actions.<sup>45</sup>

*Prior Written Notice (PWN).* An LEA must provide a PWN to the parent when the LEA proposes or refuses to initiate or change the identification, evaluation, educational placement (including service location), or provision of FAPE to a student.<sup>46</sup> A PWN must include the following information:

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<sup>37</sup> 5-A DCMR §3041.1(b)

<sup>38</sup> 5-A DCMR §3041.3

<sup>39</sup> 5-A DCMR §3041.4

<sup>40</sup> 5-A DCMR §3041.2

<sup>41</sup> 5-A DCMR §3041.2(b) and (c)

<sup>42</sup> 5-A DCMR §3041.2(a)

<sup>43</sup> The [IDEA Part B Notice of Procedural Safeguards \(Notice of Procedural Safeguards\)](#) is a comprehensive overview of the procedural safeguard rights of students and parents under IDEA. The Notice of Procedural Safeguards is intended to support parents in understanding their rights and participating in the special education process on behalf of their student.

<sup>44</sup> 5-A DCMR §3033.1

<sup>45</sup> 5-A DCMR §3033.4

<sup>46</sup> 5-A DCMR §3032.1

- Description of the action the LEA is proposing or refusing;
- Explanation of why the LEA proposes or refuses the action;
- A description of each evaluation procedure, assessment, record, or report used as the basis for the proposal or refusal;
- Statement that the parent of a student with a disability has protection under the procedural safeguards of IDEA and how a copy of the safeguards can be obtained;
- Sources for the parent to contact to obtain assistance in understanding the provisions of IDEA;
- Description of other options that the IEP team considered and the reasons why those options were rejected; and
- Any additional factors that impacted the proposal or refusal.<sup>47</sup>

The PWN providing notice of an LEA’s proposal or refusal to conduct an initial evaluation must be accompanied by a copy of the procedural safeguards notice and include information about the purpose of the evaluation process, the types of student-level data being assessed, and any additional assessments needed to support the evaluation.<sup>48</sup>

PWN must be provided to the parent at a reasonable time before the action is taken so the parent has enough time to fully consider the change and respond before the action is implemented. The PWN must have sufficient detail to enable the parent to meaningfully participate in decision making, and ensure the parent is sufficiently informed. The LEA is required to provide the parent with a PWN even when the action to be taken was proposed by the parent or is the result of a parent’s action. LEAs must ensure that PWN is written using parent-friendly language and is provided to the parent in their native language or in the mode of communication that is used by the parent. Additionally, the LEA must ensure that if a written version of the notice is not available in the parent’s preferred language, the notice is translated orally or by another mode of communication to ensure that the contents of the notice are understood.<sup>49</sup>

## PARENT ORGANIZATIONS AND RESOURCES

As part of the obligation to ensure parents understand their rights, and as part of any PWN, LEAs must provide information to parents on sources for the parent to contact to obtain assistance in understanding the special education process.<sup>50</sup> Such organizations in the District of Columbia include, but are not limited to:

- The District’s federal parent training and information center: Advocates for Justice and Education (AJE), (202) 678-8060; [aje-dc.org](http://aje-dc.org)
- DC Special Education Hub, (202) 671-2890; [specialeducation.dc.gov/](http://specialeducation.dc.gov/)
- The Office of the Student Advocate, (202) 741-4692; [studentadvocate.dc.gov](http://studentadvocate.dc.gov)
- The Office of the Ombudsman for Public Education, (202) 741-0886; [educationombudsman.dc.gov](http://educationombudsman.dc.gov)

## ADDITIONAL GUIDANCE

Please direct any questions regarding the content of this policy to OSSE’s special education policy team at [OSSE.DSEpolicy@dc.gov](mailto:OSSE.DSEpolicy@dc.gov).

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<sup>47</sup> 5-A DCMR §3032.2

<sup>48</sup> 5-A DCMR §3005.2

<sup>49</sup> 5-A DCMR §3032.3

<sup>50</sup> DC Code §38-2571.03(2); 5-A DCMR §3032.2(e)