



**COMMONWEALTH of VIRGINIA
Department of Education**

October 14, 2016

TO: Division Superintendents

FROM: Steven R. Staples, Superintendent of Public Instruction

SUBJECT: Collaboration among Parents, Parent Advocates, and Professionals in IEP Meetings

Collaboration is the essential building block of creating successful outcomes for students with disabilities. The Virginia Department of Education (VDOE) strongly encourages parents, parent advocates and professionals who work with students with disabilities throughout Virginia's public schools, to work together collaboratively in a positive and respectful manner. In an effort to build high levels of collaboration across the Commonwealth, the VDOE offers the following guidance for parents, parent advocates, and school division personnel:

Collaborating with Invited Members of the IEP Team

The implementing regulations for the Individuals with Disabilities Education Act of 2004 (IDEA), at 34 CFR §300.321(a)(6) and the *Regulations Governing Special Education Programs for Children with Disabilities in Virginia* (the Virginia Regulations), at 8VAC20-81-110.C.1.f, provide that parents have the discretion to invite individuals they believe have knowledge or special expertise about their child to be a member of the child's IEP team. These regulations also state that the determination of the invited guest's knowledge or expertise rests solely with the parent. The members may include an attorney or an advocate for the parent.

Under Virginia law, local school divisions have the authority to develop policies and procedures which restrict access to its facilities so long as such policies are designed and implemented in a uniform and non-retaliatory manner. In addition, local school divisions have the authority to ensure that IEP meetings are conducted with a degree of decorum and may specify the actions a school official can take when it has been determined that a meeting participant's conduct breaches those division policies, procedures or practices. In any circumstance where a parent or an invited member of the IEP team is unable to participate in IEP meetings on school division property (whether that individual is the parent or an invited team member), the local school division should facilitate that individual's participation through alternative means, such as, teleconferencing, videoconferencing, Skype, FaceTime, etc., or at an alternate location. School divisions must ensure that an advocate or any other individual invited by a parent to participate in a child's IEP meeting is accommodated either in person or by alternative means. An alternative IEP meeting location may be considered if agreeable by both school division personnel and the parent.

Consideration of Parent/Advocate Input

Notably, the IDEA 2004 implementing regulations, at 34 CFR §300.321(a)(1) and the Virginia Regulations, at 8VAC20-81-110.C.1.a, place parents first on the list of required IEP team members and, as such, the U.S. Department of Education's Office of Special Education Programs (OSEP) considers the parent(s) of a child with a disability as being integral to the IEP development process. Additionally, the IDEA 2004 implementing regulations, at 34 CFR §300.324(a) and the Virginia Regulations, at 8VAC20-81-110.F.1.b, state that, during

the development of a child's IEP, the IEP team shall consider the concerns of the parent(s) for enhancing their child's education. There is no exclusionary language within the IDEA 2004 implementing regulations or the Virginia Regulations that limit any team member's right to speak during an IEP meeting. Therefore, in that the parent's invited guest was asked to be present to provide knowledge or special expertise about the child, it is a reasonable expectation that the child's IEP team would ensure that the parent's input, as well as that of their invited IEP team member, is taken into consideration when making decisions related to the development of the child's IEP.







The VDOE draws your attention to the Voluntary Code of Ethics developed by *members of The Council of Parent Advocates and Attorneys (COPAA)*. *These are a set of principles that Special Education Advocate members of COPAA (Advocates) can use as a guide for their work, conduct, and decision making. The Voluntary Code of Ethics can be found at the following location:*

http://c.ymcdn.com/sites/www.copaa.org/resource/resmgr/docs/voluntary_code_of_ethics.pdf

Resources and Trainings to Assist Families, Advocates, and School Professionals

The VDOE has established partnerships with a variety of parent-centered organizations and, as a result, developed and funded a number of widely available resources and trainings to assist families, advocates, and school professionals. The following is a partial list of those organizations and a sampling of the resources and trainings that have been created and presented to parents, parent advocates, and professionals.

Organizations

- Parent Educational Advocacy Training Center (PEATC)
<http://www.peatc.org/> 
- Center for Family Involvement at Virginia Commonwealth University (VCU)
<https://centerforfamilyinvolvement.vcu.edu/> 
- Military Exceptional Family Member Program (EFMP) and School Liaison Officers (SLO)
<http://www.militaryonesource.mil/efmp> 
- Formed Families Forward
<http://formedfamiliesforward.org/> 
- Parent Resource Centers in 44 local school divisions
<https://centerforfamilyinvolvement.vcu.edu/parent-resource-centers/> 
- Virginia Board for People with Disabilities (VBPD)
<https://www.vaboard.org/> 

Trainings/Resources

- Advocacy Symposium
- I'm Determined Youth and Parent Summit
- Parent Institute
- Juvenile Justice Symposium
- Bridges Out of Poverty Conference
- Trust: The Foundation for a Strong Collaborative Special Education Team
- Parent Camp Virginia
- Regional SEAC training
- Connect for Success Conference
- Central Virginia Exceptional Family Fair
- Parents as Collaborative Leaders (English and Spanish)
- *Parent's Guide to Special Education* (English and Spanish)
- *Parent's Guide to Special Education Dispute Resolution*
- *Guidance on Prior Written Notice in the Special Education Process*

- *Guidance for Military Families with Students in Special Education*

Additionally, since July 1, 2015 and continuing through October 7, 2016, VDOE staff have collaborated to conduct over 150 training sessions for parents and school division personnel on a variety of topics related to the special education process. The following is a sample of the topics presented:

- Unlocking the Myths of Family Involvement
- Collaborative Engagement Between Parents and Schools
- Parental Rights in Special Education
- Prior Written Notice
- Negotiation and Mediation
- Bullying/Harassment: Implications in Special Education
- Credit Accommodations/Graduation Requirements
- IEP Development
- Advocacy and Strategies for Developing a Successful IEP
- Special Education Discipline Procedures
- SIP SHOPS for Siblings of Special Needs Children
- Parental Rights and Leadership in the Special Education Process
- Manifestation Determination Review (MDR) Procedures
- Functional Behavior Assessment (FBA) and Behavior Intervention Plan (BIP)

The VDOE was recently awarded a grant from the Virginia Board for People with Disabilities (VBPD), <https://www.vaboard.org/>, to develop a curriculum and associated training modules related to the critical decision points that parents of children with disabilities encounter during the special education process (i.e. assessments, placement, diploma status).

For further information on these initiatives or to obtain materials related to these trainings, you may contact Hank Millward, ODRAS Associate Director, via email, at hank.millward@doe.virginia, or via telephone at (804) 371-0525.

The special education process sometimes results in parents and a school division reaching an impasse regarding what is and is not necessary for a child to receive a Free Appropriate Public Education (FAPE). In cases where disputes arise between parents, advocates and school personnel, VDOE offers the following reminders and supports:

Third Party Mediation Resources

To assist all parties in finding a collaborative means by which to address any disagreements, the Office of Dispute Resolution and Administrative Services (ODRAS) facilitates the Virginia Special Education Mediation System (SEMS). The use of mediation is available to local school divisions and parents when consensus cannot be achieved through the IEP team process. Information on the SEMS can be found on the VDOE Web site, at http://www.doe.virginia.gov/special_ed/resolving_disputes/mediation/index.shtml.

Additionally, the VDOE intends to pilot a facilitated IEP process wherein local school divisions and parents can seek assistance from an impartial facilitator to lead IEP meetings in cases where relationships have become strained. Should you desire additional information on the mediation or facilitated IEP processes, you may contact Arthur Stewart, ODRAS' Mediation Coordinator, via email, at arthur.stewart@doe.virginia.gov, or via telephone at (804) 786-0711.

Aiming to provide parents, advocates, school division personnel and other stakeholders with a venue in which to provide input into special education dispute resolution processes, ODRAS is in the early stages of creating a dispute resolution advisory council. The intent of this council is to meet periodically with various stakeholders to address ongoing concerns or potential areas of conflict within the special education process to support and promote a meaningful and collaborative course of action. For further information on this initiative you may contact Patricia V. Haymes, ODRAS Director, via email, at patricia.haymes@doe.virginia, or via telephone at (804) 786-0116.

