



TENNESSEE
STATE BOARD OF EDUCATION

SPECIAL EDUCATION PROGRAMS AND SERVICES **RULE 0520-01-09.15: PARENT PARTICIPATION**

WORKSHOP

APRIL 19, 2018

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COMMENTARY TO FEDERAL REGULATIONS

We do not encourage public agencies to prepare a draft IEP prior to the IEP Team meeting, particularly if doing so would inhibit a full discussion of the child's needs. However, **if a public agency develops a draft IEP prior to the IEP Team meeting, the agency should make it clear to the parents at the outset of the meeting that the services proposed by the agency are preliminary recommendations for review and discussion with the parents. The public agency also should provide the parents with a copy of its draft proposals, if the agency has developed them, prior to the IEP Team meeting** so as to give the parents an opportunity to review the recommendations of the public agency prior to the IEP Team meeting, and be better able to engage in a full discussion of the proposals for the IEP. It is not permissible for an agency to have the final IEP completed before an IEP Team meeting begins.

RULE ADOPTED ON FIRST READ

- . . . If the LEA prepares a draft IEP prior to the IEP meeting, a copy shall be provided to the parent(s) of the child at least twenty-four (24) hours prior to the scheduled meeting time. The copy of the draft IEP shall become the property of the parent(s). If the LEA prepares a draft IEP prior to the IEP meeting, the LEA shall make it clear to the parents at the outset of the meeting that the services proposed by the LEA are preliminary recommendations for review and discussion with the parents. It is not permissible for the LEA to have the final IEP completed before the IEP team meeting begins.

PUBLIC FEEDBACK

- Written Feedback – Approximately 95 written comments received
- Rulemaking Hearing – 13 Public Comments

ARGUMENTS IN FAVOR

- Drafts necessary for active, equal, full participation
- FERPA – parents entitled to records
- Time needed to read and digest the large amount of paperwork and evaluation results
- Parents need time to consult with advocates and experts
- Not providing advanced drafts contributes to the following for parents:
 - Anxiety at meetings
 - Feeling overwhelmed
 - Adversarial relationship with school team
- Evens the playing field a little and makes the parents more able team players
- Parents will be more informed and prepared which will be a better use of everyone's time and produce better outcomes for students

ARGUMENTS AGAINST

- May appear to be predetermination
- May result in fewer parents attending IEP meetings as the perception would be that the IEP is already done
- May send information that is confusing to parents without having immediate access to the professionals that can interpret that information
- May discourage LEAs from creating drafts, which would lead to less structured meetings and a greater chance for errors
- May result in LEAs having to hold separate IEP meetings, which could delay initial services up to 30 days after initial eligibility, in order to give time to have a draft ready
- No means of documenting LEAs' compliance
- Places undue paperwork burden on already paperwork-heavy SPED teachers
- Meetings may start with an adversarial tone

FINAL READ REVISIONS

BOARD STAFF RECOMMENDATION

The parent meeting notification shall advise the parent(s) of his/her right to request a copy of the draft IEP, if one is developed, **and shall allow the parent to indicate whether he/she wishes to receive a copy of the draft IEP. If a draft IEP is developed, and the parent indicates that he/she wishes to receive a copy of the draft IEP, a copy shall be provided to the parents of the child at least twenty-four (24) hours prior to the scheduled meeting time.**

ALTERNATE LANGUAGE

The parent meeting notification shall advise the parent(s) that they may decline their right to receive a copy of the draft IEP if one is developed. **Unless a parent provides written notice to the LEA more than twenty-four (24) hours prior to the scheduled meeting declining his or her right to receive a copy of the draft IEP, a copy of the draft IEP shall be provided to the parent(s) at least twenty-four (24) hours prior to the scheduled meeting time.**

**WHAT DOES THIS LOOK
LIKE?**

STAFF RECOMMENDATION

State Board of Education

Student:

School:

Grade:

Meeting Date:

RESPONSE SECTION

PLEASE CHECK ONE, SIGN, AND RETURN TO SCHOOL CONCERNING

Meeting Date: (

Meeting Location:

Meeting Time:

- I WILL BE PRESENT FOR THE MEETING.
- I UNDERSTAND THAT I HAVE THE RIGHT UNDER STATE LAW TO A 10-DAY NOTICE OF AN IEP MEETING. HOWEVER, I WOULD LIKE TO WAIVE THE 10 DAY NOTICE OF THIS MEETING.
- I CANNOT MEET AT THE DATE OR TIME SHOWN ABOVE. I CAN MEET WITH YOU ON (date) _____ at (time) _____.
- I DO NOT WISH TO ATTEND THIS MEETING. PLEASE GO AHEAD WITH THE MEETING AND SEND THE PROGRAM HOME FOR MY REVIEW AND SIGNATURE.

*This option cannot be selected for students who are having their initial eligibility determination.

I UNDERSTAND THAT I HAVE THE RIGHT TO RECEIVE A DRAFT OF THE IEP, IF ONE IS DEVELOPED, AT LEAST TWENTY-FOUR (24) HOURS IN ADVANCE OF THE IEP MEETING.

- I wish to receive a copy of the draft IEP
- I do not wish to receive a copy of the draft IEP

ALTERNATE LANGUAGE

State Board of Education

Student:
School:
Grade:
Meeting Date:

RESPONSE SECTION

PLEASE CHECK ONE, SIGN, AND RETURN TO SCHOOL CONCERNING:

Meeting Date:

Meeting Location: 1

Meeting Time:

- I WILL BE PRESENT FOR THE MEETING.
- I UNDERSTAND THAT I HAVE THE RIGHT UNDER STATE LAW TO A 10-DAY NOTICE OF AN IEP MEETING. HOWEVER, I WOULD LIKE TO WAIVE THE 10 DAY NOTICE OF THIS MEETING.
- I CANNOT MEET AT THE DATE OR TIME SHOWN ABOVE. I CAN MEET WITH YOU ON (date) _____ at (time) _____.
- I DO NOT WISH TO ATTEND THIS MEETING. PLEASE GO AHEAD WITH THE MEETING AND SEND THE PROGRAM HOME FOR MY REVIEW AND SIGNATURE.
*This option cannot be selected for students who are having their initial eligibility determination.

- I UNDERSTAND THAT I HAVE THE RIGHT TO RECEIVE A DRAFT OF THE IEP, IF ONE IS DEVELOPED, AT LEAST TWENTY-FOUR (24) HOURS IN ADVANCE OF THE IEP MEETING AND THAT I MAY DECLINE MY RIGHT TO RECEIVE A COPY OF THE DRAFT BY PROVIDING WRITTEN NOTICE TO THE LEA NO LESS THAN TWENTY-FOUR (24) HOURS PRIOR TO THE SCHEDULED MEETING.

QUESTIONS
