



PARENT PARTICIPATION

McKinney ISD

043907

Legal Framework: PARENT PARTICIPATION[Related Resources](#)**Broad Category: FREE APPROPRIATE PUBLIC EDUCATION**

A. PARENT PARTICIPATION IN MEETINGS

§300.30 Parent.

(a) Parent means--

- (1) A biological or adoptive parent of a child;
 - (2) A foster parent, unless State law, regulations or contractual obligations with a State or local entity prohibit a foster parent from acting as a parent;
 - (3) 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 a ward of the State);
 - (4) 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
 - (5) A surrogate parent who has been appointed in accordance with §300.519 or section 639(a)(5) of the Act.
- (b) (1) Except as provided in paragraph (b)(2) of this section, the biological or adoptive parent, when attempting to act as the parent under this part and when more than one party is qualified under paragraph (a) of this section to act as a parent, must be presumed to be the parent for purposes of this section unless the biological or adoptive parent does not have legal authority to make educational decisions for the child.
- (2) If a judicial decree or order identifies a specific person or persons under paragraph (a)(1) through (4) of this section to act as the "parent" of a child or to make educational decisions on behalf of a child, then such person or persons shall be determined to be the "parent" for purposes of this section, except that a public agency that provides education or care for the child may not act as the parent.

TEC § 26.002. Definition.

In this chapter, "parent" includes a person standing in parental relation. The term does not include a person as to whom the parent-child relationship has been terminated or a person not entitled to possession of or access to a child under a court order. Except as provided by federal law, all rights of a parent under Title 2 of this code and all educational rights under Section 151.003(a)(10), Family Code, shall be exercised by a student who is 18 years of age or older or whose disabilities of minority have been removed for general purposes under Chapter 31, Family Code, unless the student has been determined to be incompetent or the student's rights have been otherwise restricted by a court order.

TEC § 29.052. Definitions. [Excerpt]

In this subchapter:

- (2) "Parent" includes a legal guardian of a student.

§300.45 Ward of the State.

(a) General. Subject to paragraph (b) of this section, ward of the State means a child who, as determined by the State where the child resides, is--

- (1) A foster child;
- (2) A ward of the State; or
- (3) In the custody of a public child welfare agency.



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(b) Exception. Ward of the State does not include a foster child who has a foster parent who meets the definition of a parent in §300.30.

§300.322 Parent Participation.

(a) Public agency responsibility—general . The McKinney Independent School District 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 upon time and place.

(b) Information provided to parents.

(1) The notice required under paragraph (a)(1) of this section must--

- (i) Indicate the purpose, time, and location of the meeting and who will be in attendance; and
- (ii) Inform the parents of the provisions in §300.321(a)(6) and (c) (relating to the participation of other individuals on the IEP Team who have knowledge or special expertise about the child), and §300.321(f) (relating to the participation of the Part C service coordinator or other representatives of the Part C system at the initial IEP Team meeting for a child previously served under Part C of the Act).

(2) For a child with a disability beginning not later than the first IEP to be in effect when the child turns 16, or younger if determined appropriate by the IEP Team, the notice also must--

(i) Indicate--

- (A) That a purpose of the meeting will be the consideration of the postsecondary goals and transition services for the child, in accordance with §300.320(b); and
- (B) That the agency will invite the student; and

(ii) Identifies any other agency that will be invited to send a representative.

(c) Other methods to ensure parent participation . If neither parent can attend an IEP Team meeting, the MISD must use other methods to ensure parent participation, including individual or conference telephone calls, consistent with §300.328 (related to alternative means of meeting participation).

(d) Conducting an IEP meeting without a parent in attendance . A meeting may be conducted without a parent in attendance if the MISD is unable to convince the parents that they should attend. In this case, the MISD must keep a record of its 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; and
- (3) Detailed records of visits made to the parent's home or place of employment and the results of those visits.

(e) Use of interpreters or other action, as appropriate. The MISD must take whatever action is necessary to ensure that the parent understands the proceedings of the IEP Team meeting, including arranging for an interpreter for parents with deafness or whose native language is other than English.

(f) Parent copy of child's IEP . The MISD must give the parent a copy of the child's IEP at no cost to the parent. (Authority: 20 U.S.C. 1414(d)(1)(B)(i))

§300.501 Parent participation in meetings.

(a) Opportunity to examine records. The parents of a child with a disability must be afforded, in accordance with the procedures of §§300.613 through 300.621, an opportunity to inspect and review all education records with respect to--

- (1) The identification, evaluation, and educational placement of the child; and
- (2) The provision of FAPE to the child.

(b) Parent participation in meetings.

- (1) The parents of a child with a disability must be afforded an opportunity to participate in meetings with respect to--



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- (i) The identification, evaluation, and educational placement of the child; and
 - (ii) The provision of FAPE to the child.
 - (2) The MISD must provide notice consistent with §300.322(a)(1) and (b)(1) to ensure that parents of children with disabilities have the opportunity to participate in meetings described in paragraph (b)(1) of this section.
 - (3) A meeting does not include informal or unscheduled conversations involving MISD personnel and conversations on issues such as teaching methodology, lesson plans, or coordination of service provision. A meeting also does not include preparatory activities that MISD personnel engage in to develop a proposal or response to a parent proposal that will be discussed at a later meeting.
 - (c) Parent involvement in placement decisions.
 - (1) The MISD must ensure that a parent of each child with a disability is a member of any group that makes decisions on the educational placement of the parent's child.
 - (2) In implementing the requirements of paragraph (c)(1) of this section, the MISD must use procedures consistent with the procedures described in §300.322(a) through (b)(1).
 - (3) If neither parent can participate in a meeting in which a decision is to be made relating to the educational placement of their child, the MISD must use other methods to ensure their participation, including individual or conference telephone calls, or video conferencing.
 - (4) A placement decision may be made by a group without the involvement of a parent, if the MISD is unable to obtain the parent's participation in the decision. In this case, the MISD must have a record of its attempt to ensure their involvement.
- (Authority: 20 U.S.C. 1414(e), 1415(b)(1))

3 Prior Notice/Invitation of ARD Attempts to ensure parent participation in the IEP meeting.

The MISD will make advance attempts to notify parents of ARD/IEP meetings and arrange a mutually agreeable time and location.

1. The first Written Notice/Invitation of ARD/IEP meeting form is provided in writing 2 weeks (10 working days) prior to the scheduled ARD/IEP date. This early notice will allow more time to contact the parent and then proceed at the first scheduled date and time. The Notice form includes options to agree to the proposed date, change the date, hold the meeting on the phone/virtual platform or suggest the district proceed without the parent in attendance. A copy of the completed Notice form sent to the parent is maintained in the student eligibility file as documentation.
2. The second attempt to notify the parents of the ARD will also be in writing (if there is no response from the parent after the first notice). The MISD will copy the first notice form and send it as the second Notice of ARD/IEP meeting.
3. The third Notice contact will be attempted to get parental participation if there is no response from the first two attempts. After 3 attempts and no response, the MISD may go forward with the ARD meeting as scheduled.

The first attempt **MUST** be in written form; however, the staff may call or email and discuss the proposed date with parents in order to pick a reasonable date for both parties for the written Notice. The second Notice will also be in written form using a copy of the first Notice sent and the third Notice may be a follow-up phone call to home and work. All dates of scheduling attempts and the initials of personnel attempting contact must be documented on the district Notice form and filed in the student eligibility folder.

Mandatory Medications

§300.174 Prohibition on mandatory medication.

(a) General. The SEA must prohibit State and MISD personnel from requiring parents to obtain a prescription for substances identified under schedules I, II, III, IV, or V in section 202(c) of the



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Controlled Substances Act (21 U.S.C. 812(c)) for a child as a condition of attending school, receiving an evaluation under §§300.300 through 300.311, or receiving services under this part.

(b) Rule of construction. Nothing in paragraph (a) of this section shall be construed to create a Federal prohibition against teachers and other school personnel consulting or sharing classroom-based observations with parents or guardians regarding a student's academic and functional performance, or behavior in the classroom or school, or regarding the need for evaluation for special education or related services under §300.111 (related to child find). (Authority: 20 U.S.C. 1412(a)(25))

Parent Classroom Observations. A parent may be allowed to observe their student in a classroom setting according to the MISD approved School Board Policy. Priority is given to an undisturbed learning environment for all students in the classroom, therefore a designated date/time/duration will be prearranged with the campus principal. Specific details of the classroom observation will be discussed in advance with the campus principal. The campus principal may contact the special education director as deemed necessary.

B. PARENT RIGHTS / PARTICIPATION

TEC §29.005.

- (d) If the child's parent is unable to speak English, the district shall:
- (1) provide the parent with a written or audiotaped copy of the child's individualized education program translated into Spanish if Spanish is the parent's native language; or
 - (2) if the parent's native language is a language other than Spanish, make a good faith effort to provide the parent with a written or audiotaped copy of the child's individualized education program translated into the parent's native language.

TAC §89.1050. The Admission, Review and Dismissal Committee.

- (d) The school district must take steps to ensure that one or both parents are present at each ARD committee meeting or are afforded the opportunity to participate, including notifying the parents of the meeting early enough to ensure that they will have an opportunity to attend and scheduling the meeting at a mutually agreed upon time and place. Additionally, a school district must allow parents who cannot attend an ARD committee meeting to participate in the meeting through other methods such as through telephone calls or video conferencing. The school district must provide the parents with written notice of the ARD committee meeting that meets the requirements in 34 CFR, §300.322, at least five school days before the meeting unless the parents agree to a shorter time frame.
- (e) Upon receipt of a written request for an ARD committee meeting from a parent, the school district must:
- (1) schedule and convene a meeting in accordance with the procedures in subsection (d) of this section; or
 - (2) within five school days, provide the parent with written notice explaining why the district refuses to convene a meeting.
- (f) If the parent is unable to speak English, the school district must provide the parent with a written notice required under subsection (d) or (e)(2) of this section in the parent's native language, unless it is clearly not feasible to do so. If the parent's native language is not a written language, the school district must take steps to ensure that the notice is translated orally or by other means to the parent in his or her native language or other mode of communication so that the parent understands the content of the notice.
- (g) All members of the ARD committee must have the opportunity to participate in a collaborative manner in developing the IEP. A decision of the ARD committee concerning required elements of the IEP must be made by mutual agreement if possible. The ARD committee may agree to an annual IEP or an IEP of shorter duration.
- (1) When mutual agreement about all required elements of the IEP is not achieved, the parent who disagrees must be offered a single opportunity to recess and reconvene the ARD committee meeting. The



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period of time for reconvening the ARD committee meeting must not exceed ten school days, unless the parties mutually agree otherwise. The ARD committee must schedule the reconvened meeting at a mutually agreed upon time and place. The opportunity to recess and reconvene is not required when the student's presence on the campus presents a danger of physical harm to the student or others or when the student has committed an expellable offense or an offense that may lead to a placement in a disciplinary alternative education program. The requirements of this subsection do not prohibit the ARD committee from recessing an ARD committee meeting for reasons other than the failure to reach mutual agreement about all required elements of an IEP.

(2) During the recess, the ARD committee members must consider alternatives, gather additional data, prepare further documentation, and/or obtain additional resource persons who may assist in enabling the ARD committee to reach mutual agreement.

(3) If a recess is implemented as provided in paragraph (1) of this subsection and the ARD committee still cannot reach mutual agreement, the school district must implement the IEP that it has determined to be appropriate for the student.

(4) Each member of the ARD committee who disagrees with the IEP developed by the ARD committee is entitled to include a statement of disagreement in the IEP.

(h) Whenever a school district proposes or refuses to initiate or change the identification, evaluation, or educational placement of a student or the provision of a free appropriate public education to the student, the school district must provide prior written notice as required in 34 CFR, §300.503, including providing the notice in the parent's native language or other mode of communication. This notice must be provided to the parent at least five school days before the school district proposes or refuses the action unless the parent agrees to a shorter time frame.

Parents are required members of the ARD/IEP committee meeting and as such, every effort should be made to encourage and ensure their participation.

3 Prior Notice/Invitation of ARD Attempts To Ensure Parent Participation in the IEP Committee Meeting.

The MISD will make advance attempts to notify parents of ARD/IEP committee meetings and arrange a mutually agreeable time and location.

1. The first Prior Written Notice of the ARD/IEP meeting form is provided in writing at least 2 weeks (10 working days) prior to the scheduled ARD/IEP date. This early notice will allow more time to contact the parent and then proceed at the first scheduled date and time. The Notice form includes options to agree to the proposed date, change the date, hold the meeting on the phone or suggest the district proceed without the parent in attendance. A copy of the completed Notice form sent to the parent is maintained in the student eligibility file as documentation.
2. The second attempt to notify the parents of the ARD will also be in writing (if there is no response from the parent after the first notice). The MISD will copy the first notice form and send it as the second Notice of ARD/IEP meeting.
3. The third Notice contact will be attempted to get parental participation if there is no response from the first two attempts. After 3 attempts and no response, the MISD may go forward with the ARD meeting as scheduled.

All dates of scheduling attempts and the initials of personnel attempting contact must be documented on the district Notice form and filed in the student eligibility folder by the campus sped staff member

MISD utilizes bilingual district employees, and contracts with outside interpreting agencies, in order to ensure paperwork and ARD meetings are translated/interpreted in an understandable language for the parent. Procedures for securing interpreters when needed are in place, and training is provided to all staff that facilitate ARDs. A copy of this recording is provided to the parent after ARD meetings. Additionally, the online IEP platform offers multiple options for printing the paperwork in the parent's native language. If a parent requiring an interpreter is not in attendance for the ARD meeting, the translated paperwork and a copy of the recording are provided to the



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parent. Parents are provided with their student's IEP within five school days of ARD completion whether they were in attendance or not.

Should a parent disagree with one or more elements of the student's IEP after ARDC attempts to work together and come to an agreement, District staff follow established procedures, which include allowing parent to write a written statement about their disagreement, staff documenting the disagreement in the IEP, offering a reconvene ARD to take place within 10 school days, and providing the Procedural Safeguards that describe parent rights and due process.

C. Participation

§300.322 Parent Participation.

(a) **MISD responsibility — general.** The 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.

(b) **Information provided to parents.**

(1) The notice required under paragraph (a)(1) of this section must--

- (i) Indicate the purpose, time, and location of the meeting and who will be in attendance; and
- (ii) Inform the parents of the provisions in §300.321(a)(6) and (c) (relating to the participation of other individuals on the IEP Team who have knowledge or special expertise about the child), and §300.321(f) (relating to the participation of the Part C service coordinator or other representatives of the Part C system at the initial IEP Team meeting for a child previously served under Part C of the Act).

(2) For a child with a disability beginning not later than the first IEP to be in effect when the child turns 16, or younger if determined appropriate by the IEP Team, the notice also must--

(i) Indicate--

- (A) That a purpose of the meeting will be the consideration of the postsecondary goals and transition services for the child, in accordance with §300.320(b); and
- (B) That the agency will invite the student; and

(ii) Identifies any other agency that will be invited to send a representative.

(c) **Other methods to ensure parent participation.** If neither parent can attend an IEP Team meeting, the public agency must use other methods to ensure parent participation, including individual or conference telephone calls, consistent with §300.328 (related to alternative means of meeting participation).

The campus staff will make every effort to accommodate the parents schedule, however, there is no requirement that an IEP meeting must be held outside of regular business hours for the school. OSEP Letter to Thomas (6-3-2008)

(d) **Conducting an IEP meeting without a parent in attendance.** 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 keep a record of its 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; and
- (3) Detailed records of visits made to the parent's home or place of employment and the results of those visits.



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- (e) Use of interpreters or other action, as appropriate. The public agency must take whatever action is necessary to ensure that the parent understands the proceedings of the IEP Team meeting, including arranging for an interpreter for parents with deafness or whose native language is other than English.
- (f) Parent copy of child's IEP. The public agency must give the parent a copy of the child's IEP at no cost to the parent. (Authority: 20 U.S.C. 1414(d)(1)(B)(i))

§300.501 Parent Participation in Meetings.

(b) Parent participation in meetings.

- (1) The parents of a child with a disability must be afforded an opportunity to participate in meetings with respect to--
- (i) The identification, evaluation, and educational placement of the child; and
 - (ii) The provision of FAPE to the child.
- (2) The public agency must provide notice consistent with §300.322(a)(1) and (b)(1) to ensure that parents of children with disabilities have the opportunity to participate in meetings described in paragraph (b)(1) of this section.
- (3) A meeting does not include informal or unscheduled conversations involving public agency personnel and conversations on issues such as teaching methodology, lesson plans, or coordination of service provision. A meeting also does not include preparatory activities that public agency personnel engage in to develop a proposal or response to a parent proposal that will be discussed at a later meeting.

(c) Parent involvement in placement decisions.

- (1) The public agency must ensure that a parent of each child with a disability is a member of any group that makes decisions on the educational placement of the parent's child.
- (2) In implementing the requirements of paragraph (c)(1) of this section, the public agency must use procedures consistent with the procedures described in §300.322(a) through (b)(1).
- (3) If neither parent can participate in a meeting in which a decision is to be made relating to the educational placement of their child, the public agency must use other methods to ensure their participation, including individual or conference telephone calls, or video conferencing.
- (4) A placement decision may be made by a group without the involvement of a parent, if the public agency is unable to obtain the parent's participation in the decision. In this case, the public agency must have a record of its attempt to ensure their involvement. (Authority: 20 U.S.C. 1414(e), 1415(b)(1))

MISD expectations include providing draft paperwork of the PLAAFPs, goals, accommodations, schedule of services, and BIP (if appropriate) at least five school days prior to the ARD Meeting. Data collection, determining baseline data, and writing measurable goals take place prior to providing a draft to the parent; however, no final determinations are made until the ARDC meets and completes the IEP process. Pre-conferences are also scheduled with parents prior to the ARD when requested and agreed upon by the district.

D. Transfer of Rights at Age of Majority

§300.320 Definition of individualized education program

- (c) Transfer of rights at age of majority. Beginning not later than one year before the child reaches the age of majority under State law, the IEP must include a statement that the child has been informed of the child's rights under Part B of the Act, if any, that will transfer to the child on reaching the age of majority under §300.520.

§300.520 Transfer of parental rights at age of majority.



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(a) General. A State may provide that, when a child with a disability reaches the age of majority under State law that applies to all children (except for a child with a disability who has been determined to be incompetent under State law)--

- (1) (i) The public agency must provide any notice required by this part to both the individual and the parents; and
 - (ii) All other rights accorded to parents under Part B of the Act transfer to the child;
 - (2) All rights accorded to parents under Part B of the Act transfer to children who are incarcerated in an adult or juvenile, State or local correctional institution; and
 - (3) Whenever a State transfers rights under this part pursuant to paragraph (a)(1) or (a)(2) of this section, the public agency must notify the individual and the parents of the transfer of rights.
- (b) Special rule.** A State must establish procedures for appointing the parent of a child with a disability, or if the parent is not available, another appropriate individual, to represent the educational interests of the child throughout the period of the child's eligibility under Part B of the Act if, under State law, a child who has reached the age of majority, but has not been determined to be incompetent, can be determined not to have the ability to provide informed consent with respect to the child's educational program. (Authority: 20 U.S.C. 1415(m))

TEC §29.017. Transfer of Parental Rights at Age of Majority.

- (a) A student with a disability who is 18 years of age or older or whose disabilities of minority have been removed for general purposes under Chapter 31, Family Code, shall have the same right to make educational decisions as a student without a disability, except that the school district shall provide any notice required by this subchapter or 20 U.S.C. Section 1415 to both the student and the parents. All other rights accorded to parents under this subchapter or 20 U.S.C. Section 1415 transfer to the student.
- (b) All rights accorded to parents under this subchapter or 20 U.S.C. Section 1415 transfer to students who are incarcerated in an adult or juvenile, state or local correctional institution.
- (c) Not later than one year before the 18th birthday of a student with a disability, the school district at which the student is enrolled shall:
- (1) provide to the student and the student's parents:
 - (A) written notice regarding the transfer of rights under this section; and
 - (B) information and resources regarding guardianship, alternatives to guardianship, including a supported decision-making agreement under Chapter 1357, Estates Code, and other supports and services that may enable the student to live independently; and
 - (2) ensure that the student's individualized education program includes a statement that the district provided the notice, information, and resources required under Subdivision (1).
- (c-1) In accordance with 34 C.F.R. Section 300.520, the school district shall provide written notice to the student and the student's parents of the transfer of rights under this section. The notice must include the information and resources provided under Subsection (c)(1)(B).
- (c-2) If a student with a disability or the student's parent requests information regarding guardianship or alternatives to guardianship from the school district at which the student is enrolled, the school district shall provide to the student or parent information and resources on supported decision-making agreements under Chapter 1357, Estates Code.
- (c-3) The commissioner shall develop and post on the agency's Internet website a model form for use by school districts in notifying students and parents as required by Subsections (c) and (c-1). The form must include the information and resources described by Subsection (c). The commissioner shall review and update the form, including the information and resources, as necessary.
- (d) The commissioner shall develop and post on the agency's Internet website the information and resources described by Subsections (c), (c-1), and (c-2).
- (e) Nothing in this section prohibits a student from entering into a supported decision-making agreement under Chapter 1357, Estates Code, after the transfer of rights under this section.



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(f) The commissioner shall adopt rules implementing the provisions of 34 C.F.R. Section 300.520(b).
SECTION 4. This Act applies beginning with the 2018-2019 school year.

TAC §89.1049. Parental Rights Regarding Adult Students.

(a) In accordance with 34 Code of Federal Regulations (CFR), §300.320(c) and §300.520, and Texas Education Code (TEC), §29.017, beginning at least one year before a student reaches 18 years of age, the student's individualized education program (IEP) must include a statement that the student has been informed that, unless the student's parent or other individual has been granted guardianship of the student under the Probate Code, Chapter XIII, Guardianship, all rights granted to the parent under the Individuals with Disabilities Education Act (IDEA), Part B, other than the right to receive any notice required under IDEA, Part B, will transfer to the student upon reaching age 18. Beginning with the 2018-2019 school year, the IEP must also state that the student has been provided information and resources regarding guardianship, alternatives to guardianship, including a supported decision-making agreement under Texas Estates Code, Chapter 1357, and other supports and services that may enable the student to live independently. After the student reaches the age of 18, except as provided by subsection (b) of this section, the MISD shall provide any notice required under IDEA, Part B, to both the adult student and the parent.

(b) In accordance with 34 CFR, §300.520(a)(2), and TEC, §29.017(a), all rights accorded to a parent under IDEA, Part B, including the right to receive any notice required by IDEA, Part B, will transfer to an 18-year-old student who is incarcerated in an adult or juvenile, state or local correctional institution, unless the student's parent or other individual has been granted guardianship of the student under Texas Estates Code, Title 3.

(c) In accordance with 34 CFR, §300.520(a)(3), a school district must notify in writing the adult student and parent of the transfer of parental rights, as described in subsections (a) and (b) of this section, at the time the student reaches the age of 18. This notification is separate and distinct from the requirement that the student's IEP include a statement relating to the transfer of parental rights beginning at least one year before the student reaches the age of 18. This notification is not required to contain the elements of notice referenced in 34 CFR, §300.503, but must include a statement that parental rights have transferred to the adult student. Beginning with the 2018-2019 school year, the notice must also include information and resources regarding guardianship, alternatives to guardianship, including a supported decision-making agreement under Texas Estates Code, Chapter 1357, and other supports and services that may enable the student to live independently, and must provide contact information for the parties to use in obtaining additional information.

(d) A notice under IDEA, Part B, which is required to be given to an adult student and parent does not create a right for the parent to consent to or participate in the proposal or refusal to which the notice relates. For example, a notice of an admission, review, and dismissal (ARD) committee meeting does not constitute invitation to, or create a right for, the parent to attend the meeting. However, in accordance with 34 CFR, §300.321(a)(6), the adult student or the school district may invite individuals who have knowledge or special expertise regarding the student, including the parent.

(e) Nothing in this section prohibits a supported decision-making agreement or a valid power of attorney from being executed by an individual who holds rights under IDEA, Part B.

The ARD Invitations sent to parents prior to the ARD include the option of listing any individuals they plan to have attend the ARD (attorney, advocate, etc.) with them. Consent for disclosure of confidential information will be obtained from the parent prior to the ARD. School staff are expected to contact appropriate professionals (e.g., evaluation staff, special education administration, district attorney, etc.) when an attorney will be in attendance. If an attorney accompanies the parent(s) to the ARD without the district having prior knowledge, the District will contact the appropriate professionals before moving forward with completion of the ARD.

STAFF RESPONSIBLE:

District Level: Special Populations Department

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Campus Level: Administrators and Staff

TIMELINES FOR PARENT PARTICIPATION ACTIVITIES:

Notice of meetings

Family engagement activities

EVIDENCE OF PRACTICE:

Documentation of procedural safeguards being provided to parents

Documentation of the use of an interpreter at an ARD committee meeting