

Parents want more meaningful participation in the IEP process

The deck is stacked against parents when it comes to Individualized Education Plans (IEPs) for their children. Schools can make changes to programs and instruction without parent consent. Numerous procedural rules work to the schools' advantage, and they have experts and attorneys at the ready.

Parents often don't have timely access to the evaluations and other information they need. Too often, parents feel like bystanders as districts determine what specialized instruction and related services their children will receive, where their only recourse is filing expensive and time-consuming due process challenges.

Under current state law:

- The burden is on parents to seek mediation or a hearing if they don't agree with proposed IEP changes.
- Parents often don't see important documents until they arrive at the IEP meeting.
- Parents are not guaranteed a chance to observe or visit programs or placements.

H5772/S180 would:

- Restore written parental consent to make changes to an IEP. Schools can seek mediation or due process.
- Require schools to send evaluations and other documents to parents at least 7 days before an IEP meeting.
- Give parents the right to observe any proposed program or placement for their child.

These proposed changes are compatible with the Individuals with Disabilities Education Act (IDEA), the federal law that governs special education, and are already law in several other states, including Massachusetts.

Our special education system is built on a foundation of partnership between parents and districts, something that is too easy to ignore under current Rhode Island rules. If enacted, these procedural changes will help parents and schools truly engage collaboratively in important special education decisions.

Support H5772/S180 and help level the playing field for parents of students with special needs.

RIPIN is an organization of peer professionals on a mission to help Rhode Islanders of all abilities, ages, and backgrounds get the support they need to thrive. Since 1991, RIPIN has been the federally designated parent center for special education for the state of Rhode Island. Every year, we help thousands of families navigate complex education, health care, and human services systems.

Contact: Mark Gray, Senior Policy Analyst
mgray@ripin.org



Health Care | Special Education | Healthy Aging

Our proposed legislation will adjust IEP procedural rules to help to level the playing field for parents. It is based on rules already in place in dozens of states (including several in New England). It has no state budget impact.

Frequently Asked Questions

How will it work? This bill proposes three changes to the IEP process:

Consent Prior to Changes: When districts want to make changes to a student's IEP, this bill would require the district to secure the parents'/guardians' agreement before implementing the change. If the parent/guardian doesn't agree, then the district will have to maintain current services and pursue a due process appeal before the change can be implemented. Under current RI law, the district can implement changes without any parent/guardian approval, and the parent/guardian must file for due process if they disagree. This disadvantages parents and means that districts have little incentive to work collaboratively with them.

Materials in Advance: Many parents do not have the chance to review evaluations or other materials in advance of the IEP meeting. Many meetings are spent with the district reading evaluations and a draft IEP out loud, with the parents forced to respond on the spot. This bill would require districts to send all evaluations and proposed goals and objectives from the next IEP to the parents/guardians at least seven [7] days before the meeting, allowing parents to prepare for the meeting properly.

Right to Visit/Observe: This bill would give parents/guardians the right to observe any program or placement proposed for their child. Under current law, this happens by patchwork and luck. Some parents are allowed to observe programs, while others are asked to send their children (sometimes as young as three) to placements that they have not been allowed to visit in advance. Parents in Massachusetts already have this important right.

Will this cost anything? This bill has no impact on the state budget and, if implemented properly, should reduce disputes between parents and districts that lead to expensive mediations and due process hearings.

What about parents who don't engage in the process? If parents/guardians are unreachable or do not engage, this bill would allow districts to move forward with an IEP. A similar framework exists in Massachusetts.

Does this bill conflict with the special education ombud legislation (H5166/S0063)? NO. This bill is designed to directly address the issue of informed parental consent and meaningful parent participation in the IEP process. The bill to establish an Office of the Special Education Ombud would create a new oversight role that would ensure school districts meet established standards for students who receive special education. RIPIN supports both.

Is this allowed under federal law? Yes. The Individuals with Disabilities Education Act (IDEA) governs special education at the federal level. It sets up a collaborative framework designed to forge partnerships between parents and districts for the benefit of children with disabilities. Federal regulations provide a set of minimum protections that all States and districts must follow, but the regulations allow states to go further.

Why would anyone be against this? Some may object to the extra burdens that this places on districts to genuinely engage with parents. It will take some level of effort to send materials in advance of a meeting, and to work collaboratively to secure informed consent. We consider that a feature of the proposal, not a bug. Our special education system is built on a foundation of partnership between parents and districts, something that is too easy to ignore under current Rhode Island rules. We hope that these simple procedural changes can help parents and districts truly engage collaboratively in decisions about children's special education.