



## LEGISLATION



Section 300.322

# Parent Participation

## Section Overview:

- IEP meetings
- Postsecondary transition
- Interpreter support
- IEP documentation



**Legal Disclaimer:** Members of The Advocacy Underground are not licensed attorneys. The information included in each Key Takeaways section reflects the opinions of the organization, and should not be construed as legal advice. If you have specific legal questions concerning your situation, we recommend you contact an attorney with expertise in special education law.



## Section 300.322: Parent Participation

### Original Source

(a) Public agency responsibility – general. Each 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)**



# Key Takeaways

## Section 300.322

### Parental participation must be prioritized by:

- Ensuring parents are present at every IEP team meeting.
- Giving parents enough notice of a meeting to ensure they can attend.
- Scheduling IEP meetings at a time and location that are mutually agreed to by parents and school staff.
- Providing written notice of the purpose, time and location of the meeting.
- Providing written notice of who will attend the IEP meeting.



## Section 300.322: Parent Participation

### Original Source

#### (b) Information provided to parents. (continued from previous section)

(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) **Identify 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).**

**(d) Conducting an IEP Team 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.



# Key Takeaways

## Section 300.322

### Parental participation must be prioritized by:

- Providing notice of a postsecondary (post high school) transition meeting for students turning 16.
- Providing alternative ways for parents to participate in an IEP meeting if they cannot attend in person. This can include individual or group phone calls prior to the meeting or virtual attendance options.
- Providing documented evidence of IEP meetings that occur without parental participation. This includes detailed records and copies of correspondence that show the school made attempts to schedule a meeting at a mutually agreed upon time and place, as well as made efforts to convince the parents to attend.



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[Original Source Link](#)

**(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.



## Key Takeaways

### Section 300.322

## Parental participation must be prioritized by:

- Providing an interpreter for parents who are deaf or whose native language is not English. This ensures parents truly understand and can authentically participate in IEP team discussions and decisions.
- Providing a copy of the IEP to parents at no charge.



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# Parental Participation

## Additional Resources



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