



MASSACHUSETTS ADVOCATES *for* CHILDREN

THANK YOU FOR ALL YOUR CALLS—

Gov. Patrick Signs H. 391

Act to Provide Access to Information for Parents' Evaluators

Your Voice Made the Difference!

Many thanks to Governor Patrick, lead sponsors Rep. Ruth Balser, Sen. Robert Antonioni, and many other key legislators.

Summary of the Bill

- This bill would amend the state's special education law to ensure that *parents and independent evaluators* will have reasonable access to observe special education programs, providing critical information needed to participate in the special education decision making process.
- Federal special education law entitles parents to participate meaningfully in all stages of the process for developing IEPs for their children; a lack of key information available through observation of the special education program effectively excludes parents from the process and deprives them of the ability to make an informed decision about a proposed IEP.
- Although state regulations currently provide parents the right to observe the school district's proposed program, some school districts have imposed an increasing number of unreasonable conditions and restrictions in recent years, including, but not limited to: outright refusal to allow independent evaluators to observe; unreasonable limitations on time permitted for an observation (e.g., 20-45 minutes) regardless of the complexity of the child's disability; and refusing to allow the evaluator to observe all aspects of the program relevant to the child.
- This bill will help to avoid litigation and encourage resolution of disputes. Frequently, when independent evaluators are provided sufficient access to observe a program, the evaluator advises the parent that the school district program is appropriate, or makes recommendations to improve the program which are embraced by the school district.
- House 391 offers a balanced solution. This bill allows school districts to impose any conditions or restrictions on observations that are necessary to ensure the safety and confidentiality of children or to ensure the integrity of the program, while ensuring that parents and their independent evaluators can observe special education programs without unreasonable delays or conditions.
- This bill will help to avoid litigation, encourage settlement, and requires no appropriation.

10/10/08