

PARENTS' RIGHT TO UNDERSTAND HOW THE SCHOOL PLANS TO MEET THEIR CHILD'S SPECIAL NEEDS

**Prepared by the Mental Health Legal Advisors Committee
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Under the law, parents with children in special education services should receive free language accommodations through their child's school.¹² Communication between parents and the school should be simple and in words that are easy to understand.³ Information about any program, service, or activity should be available in both English and the language used at home.⁴⁵

The School Needs Your Permission

A parent must give their permission or consent in writing before a school can test their child or put the child in a special education program.⁶ A parent must be told of these activities in their native language.⁷ When the parent understands the situation, they should agree to the school's decision in writing before the school may test their child or put them in a special education program.⁸

The school must get a letter from you that says:

1. You understand the plan for your child, and;
2. You agree to the plan.

Interpretation and Translation: Speech and Writing

A parent should have access to a translator or interpreter.^{9 10} The school should provide a translator or interpreter even if the child is able to speak English.¹¹ The interpreter or translator cannot be the child, another student, sibling, friend, or untrained member of the school's staff.¹² An interpreter or translator should be a person with special training.¹³

The schools should also translate information that is in writing.¹⁴ The school should translate materials into language that are common and, if necessary, uncommon to meet the needs of the parent.¹⁵

Here are some examples of when language accommodations might happen:¹⁶

- Invitations to meetings
 - Consent to evaluations and placements
 - Parent-Teacher conferences
 - Report cards
 - Grievance procedures and notices
 - Proposed Individualized Education Programs (IEPs)
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Important Terms

- **Individualized Education Program (IEP):** An IEP is a plan is used to help parents, teachers, school administrators, students, and others to work together to improve the educational results for children with special needs.¹⁷
- **Limited English Proficient (LEP):** LEP refers to a parent or guardian who does not speak, listen, read, or write in English.¹⁸
- **Team Meeting:** A meeting where parents, teachers, school administrators, students and others may work together to develop a plan to improve services and outcomes for students.

More Resources

State Resources:

Department of Elementary and Secondary Education

- Website: <http://www.doe.mass.edu/sped/cc.html>
- Phone: 781-338-3000

Federal Resources:

The United States Department of Education

- Website: www.ed.gov/ocr
- Phone: 800-421-3481
- Email: ocr@ed.gov

The United States Department of Justice

- Website: www.justice.gov/crt/about/edu
- Phone: 877-292-3804
- Email: education@usdoj.gov

For more information you may contact the Mental Health Legal Advisors Committee at (617) 338-2345 and press “4” for the Intake line.

¹ See 603 Mass. Code Regs. 28.07.

² <https://www2.ed.gov/about/offices/list/ocr/docs/dcl-factsheet-lep-parents-201501.pdf>.

³ 603 Mass. Code Regs. 28.07(8)(a).

⁴ 603 Mass. Code Regs. 28.07(8)(b).

⁵ <https://www2.ed.gov/about/offices/list/ocr/docs/dcl-factsheet-lep-parents-201501.pdf>.

⁶ 603 Mass. Code Regs. 28.07(1).

⁷ 603 Mass. Code Regs. 28.02.

⁸ 603 Mass Code Regs. 28.02.

⁹ 603 Mass. Code Regs. 28.07(8)(c).

¹⁰ 34 CFR 300.322(e).

¹¹ <https://www2.ed.gov/about/offices/list/ocr/docs/dcl-factsheet-lep-parents-201501.pdf>.

¹² <https://www2.ed.gov/about/offices/list/ocr/docs/dcl-factsheet-lep-parents-201501.pdf>.

¹³ <https://www2.ed.gov/about/offices/list/ocr/docs/dcl-factsheet-lep-parents-201501.pdf>.

¹⁴ <https://www2.ed.gov/about/offices/list/ocr/docs/dcl-factsheet-lep-parents-201501.pdf>.

¹⁵ <https://www2.ed.gov/about/offices/list/ocr/docs/dcl-factsheet-lep-parents-201501.pdf>.

¹⁶ <https://www2.ed.gov/about/offices/list/ocr/docs/dcl-factsheet-lep-parents-201501.pdf>.

¹⁷ <https://www2.ed.gov/parents/needs/speced/iepguide/index.html#process>.

¹⁸ <https://www2.ed.gov/about/offices/list/ocr/docs/dcl-factsheet-lep-parents-201501.pdf>.