

CONSULTATION/COLLABORATION

“Collaboration is a process... not an event”

Recent court cases have defined the extent of a school district’s responsibility to consult and collaborate with parents to be commensurate with a student’s level of disability as well as the level of individualization their education plan requires. In other words, the evidence of collaboration as well as the extent of collaboration legally expected is relative to the student’s disability and the degree to which the IEP drives the students overall education (e.g. mild adaptations to a completely modified educational plan). Therefore, evidence of consultation/collaboration might range from documented phone calls to more formal school based team notes, etc.

The following points, highlighted in a recent court case dealing with meaningful consultation and collaboration, may be helpful.

1. Parents must be consulted before any decision is made regarding the placement of their child within the school system and before preparation of the IEP.
2. The depth of consultation and the concomitant obligations for parents and the school district to accommodate the requirements of the other will vary depending on the intensity of the needs of the child.
3. Parents and the school district have a mutual obligation to provide timely information and to make whatever accommodations are necessary to effect an educational program which is in the best interests of the child.
4. In coming up with a placement and/or an IEP for a child, the most significant underlying principle for meaningful consultation is that, the program will not work unless parents and school personnel reach agreement. In the absence of complete agreement... keep working toward a win / win solution.
5. The parents of a special needs child do not have a veto over placement or the IEP. Meaningful consultation does not require agreement by either side – it does require that the school district maintain the right to decide after meaningful consultation.
6. The bottom-line requirement for each side in a meaningful consultation is to be able to demonstrate that the proposal put forward can most effectively support the child’s learning.

Please Note:

The IEP Ministerial Order (E-69) mandates that the parent of the student, and where appropriate, the student must be offered the opportunity to be consulted (have input) with regard to IEP preparation. The District eIEP has no place for parent signature as it places the IEP in an arena where it can be misconstrued as a contract not an educational planning vehicle. However, on the electronic IEP there is a box and a place to date that parents were provided the opportunity to consult.