



TIP OF THE WEEK: Work to bring dueling parents to the IEP table

Scheduling IEP meetings can be tough enough, but when the separated or divorced parents of a student with disabilities are sparring and don't want to be in the same room together, you may have to double your efforts.

That's because there's already tension before the meeting is even scheduled. The parents may also be antagonistic toward each other, refuse to attend if the other is present, or even ask to hold separate IEP meetings.

Andrew J. Freedman, a partner at Hodgson Russ LLP in Buffalo, N.Y., advises against holding separate IEP meetings for each parent. "It becomes unmanageable," he said. The two separate meetings could yield two different results. "It's not logistically or legally advisable," he said.

There are, however, strategies you can use to be more successful at having both parents attend.

p Make sure both parents are invited. The IDEA says districts "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." [34 CFR 300.322](#) (a). As a best practice, invite both parents even if one parent doesn't have rights to educational decision-making, Freedman advised. "At some point we have to focus on the needs of the child," he said.

This advice stands unless there is a court-ordered document that would restrict one parent from attending the IEP meeting in person such as a restraining order. In that case, you should share that court order with your school attorney to get clarity about any restrictions, Freedman said. If there is such a restriction, the parent who can't attend in person can still participate by phone, he said.

You can verify custody status and educational decision-making rights by asking parents for any court-ordered custody agreement or family arrangement.

p Hold separate, pre-IEP team meetings. If parents are reluctant to attend an in-person meeting with their former spouse, suggest the case manager or IEP team leader conduct informal phone conversations with each parent to preview what will be discussed and hear each parent's concerns. Putting the focus on the child's progress could help ease a parent's anxiety and conducting individual pre-meetings can give each parent an opportunity to ask questions and share their opinions.

p Set behavior expectations. If there is a history of volatility with this former couple, you may want to send behavior expectations -- and consequences -- to the parents before the IEP meeting. This helps put the parents on warning that they will be expected to follow a code of conduct.

p Send correspondence post-IEP meeting. Provide both parents with the revised IEP after the meeting. You can also send both parents the minutes from the meeting, including to the parent without educational

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decision-making rights, Freedman said. "Judges do not take away a parent's right to receive educational records," he said.

See also:

- [SmartStart: Financial Responsibility -- FAPE and Children of Divorced Parents](#)
- [SmartStart: Procedural Safeguards Divorced and Noncustodial Parents](#)
- [CASE FILE: IEP meeting can occur without parent who lacks decision-making authority](#)

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