

Guidance for In-School Observations

Overview of Legal Requirements

The BSE encourages school districts to adopt policies and procedures that allow parents to observe their children in school and proposed placement options. Although the IDEA and its implementing regulations do not provide a general entitlement for parents to conduct in-school observations, they do require that school districts provide for meaningful parental participation in PPT meetings.^[1] The IDEA recognizes that parents have an important role to play in the identification, evaluation, and educational placement of their children and in the development, review, and revisions of the IEPs for their children. School district policies and procedures for in-school observations should be developed with this principle in mind.

Policies and Procedures

Schools and districts should consider the following when developing policies and procedures regarding in-school observations by parents:

- A. Develop a process to receive and respond to requests in a timely manner.
 1. The process should outline to whom the request is made (school or central office), the method of response (verbal, written, etc.), and the person responsible for responding (teacher or other educator, principal or designee, special education supervisor or director, etc.).
 2. The request should be reviewed with the parent(s) to determine purpose, specific questions being addressed, location(s), and length of observation, date, and time.
- B. School districts, after reviewing the request with the parent, should determine a reasonable amount of time for an in-school observation. Some observations may require more time than others depending upon the purpose and the complexity of the student's programming. These issues should be addressed and resolved in discussions with the parents.
- C. The school district should not arbitrarily limit in-school observations to only one type of setting (e.g. academic classroom). In some cases, it may be appropriate for a parent to observe the student in a variety of settings (e.g., classroom, lunchroom, recess, etc.), given his or her IEP goals and objectives. Conversely, it may not be appropriate for a parent to observe the student in certain settings, such as during individual or group counseling sessions.
- D. The BSE recognizes the importance of maintaining a learning environment that is free from distractions and disruptions, and that any visitor can change the dynamics within a classroom, whether it be another teacher, the principal, or a parent. Instead of restricting all in-school observations, school administrators should work with the classroom teacher(s) and the parents on how to avoid or minimize disruptions to instructional time or the students' routines. Additionally, school administrators should make parents aware of any additional policies that might apply to the observation as well, such as visitor policies and/or protocols.
- E. The BSE understands that a school district must balance its obligation to operate and maintain a safe school environment that fosters learning, with the importance of meaningful parental

^[1] 34 CFR § 300.321(a)(1); 34 CFR 300.322; 34 CFR § 300.501

participation in the special education process. Therefore, it is reasonable for school districts to place appropriate conditions on observations, such as the examples provided below. These decisions should be made carefully and on an individual basis.

1. Schools are responsible for maintaining a safe school environment for students, staff, and visitors. A school building administrator may determine it is necessary to restrict an observation due to safety concerns. If the school decides it is necessary to restrict an observation, this decision should be clearly communicated to the parents with a detailed explanation regarding the reasoning behind the decision. The school staff should work with parents to develop possible solutions to address any issues of concern. For example, school staff could work with the parents to develop other options whereby the parents could obtain the information they are seeking outside of an observation context.
2. School districts are responsible for protecting the privacy of student education records and protecting the confidentiality of personally identifiable information collected, maintained, or used pursuant to the IDEA. A school building administrator may determine it is necessary to condition or restrict an observation to protect disclosure by the parents of confidential or personally identifiable information about other students they may obtain while observing a classroom or program. School staff, however, can limit parents' exposure to other student's education records by removing such records (e.g., IEPs, assessments, classwork, and services logs) from plain view. Even though parents are generally aware and understanding of issues related to student confidentiality and privacy, it would be reasonable to ask parents to sign a statement that they will not disclose personally identifiable or confidential information about other students who are not the subject of the observation. On the other hand, it would not be reasonable for school staff to deny an observation because other students would be present during the observation, or to require a parent to obtain permission from the parents of other students in the classroom or program prior to conducting the observation. The Family Educational Rights and Privacy Act (FERPA) protects the privacy of student education records. Therefore, it would be inappropriate for school staff to simply cite FERPA as the sole reason for denying an otherwise reasonable observation request.

General Recommendations for School Districts

- A. Adopt policies and procedures that allow parents to observe their children in school and proposed placement options.
- B. In-school observation policies and procedures should be standardized across all schools within a school district to ensure consistency in practice.
- C. Any policies and procedures adopted by a school district must be applied in the same way for students with disabilities, as well as students without disabilities.
- D. When observation requests are declined or restricted, school administrators should provide a detailed explanation to the parents explaining the reason for the decision and work to develop alternative ways for the parents to obtain the information they are seeking.

General Recommendations for Parents

- A. Always be mindful of any policies and procedures regarding the observation. For example, most schools will require that you show identification when you enter the building, sign-in, and sign-out when you leave. A member of the school staff may also be assigned to escort you during the time you are in the building;
- B. You must not disclose any confidential or personally identifiable information about other children you may obtain while observing a classroom or a program;
- C. Always attempt to minimize any disruptions to the classroom routine. This may mean refraining from speaking directly to the student that is the subject of the observation, refraining from speaking to the teacher and the other students in the classroom, observing from outside the classroom, or letting the teacher introduce you to the classroom; and
- D. Understand that school districts have a responsibility to educate all students and to maintain a safe school environment for the children and staff.