

School Observations

Parents sometimes want an opportunity to occasionally observe their child in his or her current classroom, or a proposed placement. And, too often, school administrators bar parents from doing so. How can a parent overcome this all too common obstacle? Like anything else, knowing and sharing the facts is the key to moving forward.

First, parents of students on IEPs have a legal right to observe any program which is being proposed for their child, as stated in the following Massachusetts regulation:

603 CMR 28.07(1)(a)(3) *"Parents have the right to observe any program(s) proposed for their child if the child is identified as eligible for special education services."*

A common reason school administrators give for not allowing parents to observe in their child's classroom is that it would violate the confidentiality of the other children in the room. Aside from the fact that this assertion gives parents the unfortunate impression that administrators are trying to hide something, the argument is simply without merit.

On February 19, 2002, the United States Supreme Court established in its ruling *Owasso Ind. School Dist. v. Falvo* (534 US 426) that public school students have no expectation of privacy. Earlier, in 1995, the U. S. Supreme Court noted that public school children have lower privacy expectations than other people because they require constant supervision and control.

Barring parents from observing their child in class because they would then see other students makes no sense. If this were the case, then parents could not go into school buildings for other common reasons - to help supervise field trips, to help teachers with class parties, or even to drop off a tardy child or pick up a sick child for early dismissal. Traditional holiday concerts and pageants, which parents typically attend, would have to be prohibited, as would all spectators at athletic events. The No Child Left Behind Act requires that parents whose children attend Title 1

schools be given access to school staff, opportunities to participate in the child's class, and to observe classroom activities. They also have the right to inspect instructional materials used in the curriculum. Find out if your child attends a Title 1 school here <http://profiles.doe.mass.edu/publicschools.asp> (Choose the school, and look for the information listed after "School Title 1 status.")

Finally, on January 10, 2009, a new Massachusetts law affecting school program observations goes into effect. The law reads in part:

“. . . a school committee shall, upon request by parents, provide timely access to parents and/or parent-designated independent evaluators and educational consultants for observations of a child's current program and/or of any program proposed for the child, including both academic and nonacademic aspects of any such program. Parents and/or their designees shall be afforded access of sufficient duration and extent to enable them to evaluate the child's performance in a current program and/or the ability of a proposed program to enable the child to make effective progress. School committees shall impose no conditions or restrictions on such observations that are not necessary to ensure the safety of children in a program or the integrity of the program while under observation."

If you encounter difficulty getting permission to observe your child's current or proposed program ask for a copy of the school committee's policy regarding observation. If the policy is at odds with the above legal requirements, or if the district's policies are not applied equally to all parents, ask that the policy be amended, or contact SPEDWatch.

Material from Wrightslaw web site at <http://www.wrightslaw.com/> See also U.S. Department of Education at [Answers to Questions about Parent Observations, Privacy and Confidentiality](#)

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