ATTORNEY'S CORNER

By Jack Feldman

MONTHS IN REVIEW: November-December 2017

Read All About It!

A Monthly Synopsis of Salient Cases in Special Education

In this installment of the Attorney's Corner, we review three federal district court decisions, two decisions from NYSED's Office of State Review ("SRO"), and an opinion from the Department of Education's Office of Services and Programs ("OSEP").

We start with two decisions from the Southern District of New York, both of which address disputes that were allowed to fester and which came back to haunt the school districts. Each case deals with a student initially in an English as a Second Language program, and illustrates different points as to when a child should be referred to the Committee on Special Education. Next is a decision from the Eastern District of Pennsylvania where the Court held that a District's failure to collect or consider baseline data rendered the resulting goals inappropriate. We follow with two related decisions by the SRO concerning the amount of fact-finding Impartial Hearing Officers ("IHO") must engage when presented with unquantified compensatory education claims. We conclude with a perplexing opinion letter from OSEP which suggests parent groups may participate in the regular consultation meeting between school districts and private schools, but warns that the regulations discussing this topic may be repealed.

Federal District Courts

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I. Child's IDEA Elementary Claim Rejected

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Jahaira Reyes v. Bedford Central Sch. Dist., et. al, Case No.: 16-cv-2768, 2017 WL 4326115 (S.D.N.Y. Sept. 2017)

SALIENT FACTS AND HISTORY:

The student ("J.H."), the named plaintiff in the instant action, was identified as a child as limited English proficient (LEP) while in kindergarten, and placed in the district's English as a Second Language (ESL) program. She continued to receive ESL services throughout her elementary school career until fifth grade, when the Committee on Special Education (CSE) classified her, premised in part on her diagnoses of attention deficit disorder and dyslexia.

After apparently graduating from high school in 2015, she brought an action against her school district and the current board of education members, alleging that the district failed to properly identify her as a student with a disability while in elementary school. She argued that, instead, she was identified as a LEP student purely based on her family's Hispanic ethnicity. Furthermore, she argued that the District's teachers failed to refer her to the CSE under child find from kindergarten through fourth grade, depriving her of educational opportunity while in elementary school.

JH elected to not file for an impartial hearing, instead going straight to federal district court, arguing that her deprivation of educational opportunity was based on her racial classification. The District argued that J.H. was required to exhaust her administrative remedies, and that any complaint regarding a high school graduate's education while in elementary school was time-barred as being beyond the IDEA's two-year statute of limitations.

COURT'S DECISION:

The United States District Court for the Southern District of New York dismissed JH's claims for failing to exhaust administrative remedies. The Court took pains to note that *every* decision within the Second Circuit Court of Appeals – the federal appellate court covering New York – has uniformly held that child find disputes are subject to exhaustion. The Court stressed that the purpose of IDEA was to provide educational services to special needs children, and that parents had a duty and burden to bring their concerns to the District in a timely manner. The Court found that the key issue in J.H.'s complaint was that her inability to "demonstrate English proficiency was a consequence of her learning disability and of her parents' use of another language in the household." (Dec. *9)

WHY YOU SHOULD CARE:

In New York, parents must generally file their hearing request within two years of the CSE meeting they are challenging. The policy of this rule is critical: the sooner a dispute is resolved, the sooner a child is more likely to receive an appropriate education. This is true whether the school district is ultimately found

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to have offered FAPE or if a parent's unilateral placement is found to be appropriate.

The larger question raised in this case deals with the specter of overidentification and disproportionality. Recall that the policy purpose of ESL programs was to avoid over-classification of children from non-English speaking households under IDEA. At the time JH had entered public school in the early 2000s, IDEA was in the process of being reauthorized. The reauthorized statute, along with "No Child Left Behind", contained new language directing school districts to review its policies and procedures "to prevent the inappropriate overidentification or disproportionate representation by race and ethnicity of children as children with disabilities."[1]

As discussed in the following case, it is critical that school district's document response to intervention ("RtI") efforts for ESL children to ensure such children are neither over- or under- identified as students with disabilities. Schools should aim for a Goldilocks Principle – not too much, not too little, rather, just right. Furthermore, extra effort should be made to ensure translation and interpretation services are available to non-English speaking families to ensure that they understand their due process rights. Any recommendation should be made in writing so that, at the very least, the school district can recreate what happened and what was discussed many years later.

The current political climate has increased focus on non-English speaking families in the school community. Many districts are already wrestling with this very same problem. With shrinking budgets at all levels of government, support for such families is diminishing. This will likely lead to a climate where discrimination claims are made after many years have passed – as occurred in both this case and the one discussed next, in both instances nearly a decade after the students began experiencing significant difficulty in the public school setting. We anticipate that many more such claims will be filed in the upcoming years, as families of children who receive both ESL and special education services are able to access fewer and fewer resources in the community, turning to the schools as the savior of last resort.

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II. Proof of a Procedural Safeguard Notice Being Sent Helps District avoid a Lengthy Federal Case:

Board of Educ. of the North Rockland Cent. Sch. Dist. v. C.M., individually and o/b/o her child, P.G., Case No.: 16-cv-3924, 2017 WL 2656253 (S.D.N.Y. June 2017)

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[1]See "IDEA–Reauthorized Statute: Disproportionality and Overidentification." Accessed on December 18, 2017 at https://www2.ed.gov/policy/speced/guid/idea/tb-overident.pdf

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SALIENT FACTS AND HISTORY:

P.G. entered the District's elementary school in first grade, initially being placed as a general education student in an ESL program. At the beginning of second grade (2004-05), P.G. was referred to the CSE. Evaluations showed the student to have below-grade level functioning in math and reading, significantly low IQ scores, and attention deficit issues. Classified as other health impaired, the CSE recommended P.G. attend an integrated co-taught class with a modified curriculum and receive behavior intervention supports. For the third grade, P.G. was placed in a more restrictive special class setting, and individual counseling was added to his program.

By the beginning of sixth grade, P.G. was not responding to the District's interventions. The CSE recommended he be placed in an 8:1+1 BOCES program at Haverstraw Middle School for children with emotional difficulties, and that he repeat the fifth-grade curriculum. That spring, he was hospitalized in a psychiatric center after leaping from a second story window. A neuropsychological evaluation revealed at that time that P.G. demonstrated severe academic delays and language difficulties, and was diagnosed as PDD-NOS in addition to mild mental retardation. Upon reconvening, the CSE recommended that P.G. remain in the same BOCES placement with the addition of a 1:1 aide. Thereafter, speech/language therapy was added to his IEP.

Shortly after the start of the next school year (2009-10, seventh grade by age, sixth grade by instructional level), P.G. was suspended from school, first for fighting, then again for breaking and entering. Follow-up evaluations described P.G. as demonstrating regression, an ability to read on a third-grade level, and "tremendous difficulty handling problematic situations." (Dec. at * 3) thereafter, P.G.'s placement was changed to BOCES Hilltop. All other components of his IEP remained the same.

At the start of the 2010-11 school year, P.G. was again suspended from school, this time for generic "assault." (Dec. at *4) Throughout the school year, the parents requested a residential placement for P.G., in order to address his developmental disability, academic delays, and intense social/emotional issues. The CSE declined to place P.G. in a residential setting for the 2011-12 school year, instead maintaining the recommendation at BOCES. The parents sought additional private evaluations, which described P.G.'s functional and academic abilities as being far below those he faced in the BOCES placement. Notwithstanding these assessments, P.G. remained at the BOCES setting. During the 2011-12 school year, P.G.'s behavioral and psychiatric needs intensified following the death of his father. The local police department provided the District with a notice that P.G. was a student for whom the authorities had specific concerns, that P.G. was "at risk" and that, in their opinion, required 24-hour supervision.

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In September 2012, following a short stay in jail, P.G.'s family moved and P.G. was unilaterally placed in a group home with students with developmental disabilities located in a neighboring school district.[2] P.G. was later parentally placed at the Whitney Academy ("Whitney"), a residential treatment facility, where he remained until he aged out of IDEA in June 2016.

Prior to aging out, the family filed a demand for due process against the District. The January 2015 complaint alleged IDEA and Section 504 violations starting during 2005-06 school year and continuing until the family moved to the neighboring school district, and claimed that the deprivation was a gross violation of P.G.'s educational rights warranting a claim outside of the respective two- (IDEA) and three- (504) year statutes of limitations. The Parent also argued that the District failed to provide her with copies of the procedural safeguards notice during P.G.'s time in the District.

IHO'S DECISION:

The IHO dismissed the parent's IDEA claim as outside the two-year statute of limitations. However, the IHO found that the parent's 504 claim was timely, and that the District failed to offer the student a residential placement recommendation for the beginning of the 2012-13 school year. The IHO directed the District to provide compensatory education to P.G. in the form of an additional year of tuition at Whitney. Both parties appealed to the SRO.

SRO'S DECISION:

The SRO upheld the IHO's IDEA dismissal, and declined to rule on the IHO's 504 determination and award, finding that the SRO lacked jurisdiction over Section 504 of the Rehabilitation Act. The SRO further found there was no support for the parent's argument that the District had "misrepresented" P.G.'s functional levels that would warrant a tolling of the statute of limitations. The District appealed the SRO's 504 determination to the federal courts.

COURT'S DECISION:

The District Court of the Southern District of New York reversed the IHO's 504 ruling, finding that the family's claim was time-barred. The Court identified the CSE meeting which developed the IEP for the 2011-12 school year as having occurred more than three years prior to the family's hearing request. The Court rejected the parent's argument that an inappropriate setting should be considered an ongoing violation. The Court noted that the parent should have known at the time of the recommendation, whether the IEP was inappropriate, especially in light of the District's ongoing rejection of the parent's request for a residential setting. The Court upheld the IHO's decision that the family's IDEA claim was likewise time-barred.

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[2] Please note that this case does not address any of the services received or IEPs developed in the subsequent school district.

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Concerning the theory that the District failed to provide the family with copies of the procedural safeguards notice, the Court found that in August 2012 the parent had signed an acknowledgement that she received the notice. Thus, the Court identified August 2012 as the point, at the very latest, that the parent's 504 and IDEA claims began to run.

WHY YOU SHOULD CARE:

The above case describes a parade of horribles, illuminating the difficulties in designing appropriate interventions for children with both academic and emotional needs. Both J.H., the child in the earlier case, and P.G. began in their respective districts' ESL program. While the District Court's decision turned on a number of technicalities, it illustrates the types of disputes school districts should expect in the future. School districts should strive to follow the same standards for all students, being sure to document the bases for any referral, and the child's response to intervention pre-referral experience. Great care should be taken to draft and send detailed and informative prior written notice letters when required, and non-native families should be offered translation and/or interpretation services to ensure the technicalities and nuances of IDEA are communicated in a thoughtful and informative manner.

While not clear from the factual recitation in the decision, the family's underlying complaint was that their child was treated differently due to race/ethnicity, and that P.G.'s acting out – including repeated suspensions and trouble with the law – went unaddressed in school. But for documentation that the family had received a procedural safeguard notice from the District, this case might have produced a much different result.

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III. Failure to Obtain Baseline Data Renders Goals Insufficient and Inappropriate:

Methacton Sch. Dist. v. D.W. and R.W., o/b/o G.W., 70 IDELR 247 (E.D.Pa. Oct. 6, 2017)

SALIENT FACTS AND HISTORY:

A child with a speech and language deficit attended a private placement pursuant to a stipulation of settlement. When the district's CSE convened to develop the student's IEP, it drafted goals based on the recent academic testing performed by the district, as well as private school progress reports. The district sought updated information from the private school, but was unable to incorporate it into the student's IEP, as the information received was, by all accounts, inadequate.

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The parents rejected the IEP and filed a demand for due process seeking tuition reimbursement. The Impartial Hearing Officer (IHO) found that the district failed to offer the student FAPE and directed that the family be reimbursed for their private school tuition costs. The school district appealed the IHO's decision to federal court.

COURT'S DECISION:

The Court found that the goals were inappropriate because they were not formulated from baseline data. The Court reasoned that appropriate goal-writing starts with an understanding of a student's then-current abilities, and that, only after "weighing this data and the IEP team's consideration of a student's strengths, areas of need, and the District's understanding of potential instruction strategies[...]," may goals be drafted to meet the student's needs. The district argued that baseline data could only be generated once the student entered the IEP program. The Court rejected this notion, because it stated its belief that the CSE needs baseline data at the time annual goals are drafted. While the Court acknowledged that IDEA does not require an IEP to include baseline data, it held that baseline ability is a necessary part of the CSE's duty to identify present levels of performance. The Court affirmed the IHO's decision and directed the district to reimburse the family's private school tuition costs

WHY YOU SHOULD CARE:

This decision joins a growing trend of federal cases stressing the importance of collecting and reporting on baseline data when drafting measurable annual goals. The Second Circuit Court of Appeals has yet to expressly address whether the failure to collect baseline data constitutes a denial of FAPE. However, it is becoming increasingly clear that the absence of baseline data will lead a reviewing body, an IHO, SRO or the courts, to question whether the CSE lacked the necessary information to identify a child's needs. An IEP describes how a student's progress will be judged over the course of a school year, and such progress must be measurable. A CSE that does not know (or cannot show) what a child was able to do when the goals were drafted, will be unable to show whether a student actually made progress, and if so, how much.

At this point, this case is merely persuasive in New York, and not binding on the federal courts within the Second Circuit Court of Appeals. However, cases exploring the necessity of baseline data are increasing in number. *Methacton* extends rulings of decisions from the Eighth Circuit Court of Appeals and the Federal District Court of Delaware (Third Circuit), examining whether baseline data is required. While each of these cases hold that baseline data is not, per se, a requirement, school districts must be able to demonstrate that they appropriately identified a student's present levels of performance before crafting annual goals. Moreover, SED is now highlighting this case in its training of special education impartial hearing officers, stressing the importance of baseline data in determining the appropriateness of goals and in measuring progress. Therefore, even if parent attorneys don't demand this, we anticipate that IHOs and SROs may begin looking

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for this information of their own accord. The reality is that baseline data is becoming increasingly more important, if not critical, in the determination of whether a special needs student has been offered FAPE.

Recall that a goal must be written for each identified need, representing practical and realistic one-year expectations in a measurable fashion. To be clear, CSEs are currently required to identify a student's baseline abilities before developing annual goals. This is not a new requirement. The courts are now requiring that, in addition to anecdotal accounts of a child's needs and abilities, a CSE should have actual baseline data on those skills, which inform the bases of goals included in a child's IEP.

The recent decision of the US Supreme Court in *Endrew F. v. Douglas County School District RE-1,* has brought greater scrutiny across the country in assessing the substantive appropriateness of students' IEPs. Attorneys representing students with disabilities are increasingly calling for school districts to produce data at CSE meetings. We believe that this argument will be the next "big" fight in special education. Therefore, we strongly urge that CSEs, if they have not already done so, begin collecting and documenting a student's baseline abilities prior to conducting annual review meetings and prior to drafting annual goals.

The need for data collection as a means of determining progress on goals was firmly established in the *Endrew F.* decision. The *Methacton* decision calls for data collection to identify a child's starting point. The collection of data for a child's performance on goals throughout the school year will tell us whether he's made progress, and how much. Without the baseline data, we're just guessing, and these recent decisions make it clear that courts are not satisfied when no data is offered to justify CSE decisions.

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Office of State Review

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I. Frustration is No Basis for Dismissal or for Not Drafting a Settlement Agreement:

Application of a Student with a Disability, Appeal No.'s 17-039 and 17-040 (July 19, 2017*)*

SALIENT FACTS AND HISTORY:

These cases involve the same student, addressing two separate impartial hearing requests consolidated by the IHO. The student had been classified as a preschool student with a disability and, for the 2014-15 and 2015-16 school years and respective summers, attended a 6:1+2 special class program with a host of

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related services, special education itinerant teacher ("SEIT") support, and parent counseling and training.

In May 2016, the parent filed her first impartial hearing request, claiming that the District failed to offer the student FAPE due to the child's failure to make meaningful progress. Additionally, the parent claimed that the CPSE refused to provide services she requested during the prior two years because the request – such as daily speech/language therapy,1:1 home ABA services, or daily occupational therapy – was illegal or alternately impossible to implement. The parent alleged that the CPSE told her the delivery of related services was capped, meaning that daily services could not be provided. Furthermore, the parent requested summer services for a period longer than 6 weeks, complaining that the CPSE denied her request without considering her child's individual needs. The parent requested compensatory hours in an amount to be determined by the IHO to address the violation. The parent also claimed to have suffered undue financial burden and stress, ostensibly from having to hire an educational advocate, and demanded $500,000.00 in damages.

Following the filing of the hearing request, the CSE convened to develop the student's IEP transitioning to school-aged services. The CSE recommended a BOCES special class setting and related services. The parent challenged the CSE's recommendation with an August 2016 hearing request, seeking an in-District special class program, home ABA services, compensatory education, and more punitive damages. The IHO consolidated the CPSE and CSE claims into one hearing.

The District moved to dismiss both hearing requests, arguing that most of the relief was unavailable from a hearing officer (specifically, the monetary damages), and that portions of the claim were beyond the statute of limitations. Over objection of the parent, the IHO agreed. The hearing proceeded on the remaining claims through the fall of 2017 with the District presenting its witnesses. In November, the CSE reconvened and appeared to have resolved the child's pendency placement. However, the parent filed a third hearing request in December 2016, outlining allegations of educational deprivation the student suffered from September to December during the pendency of the hearing. The IHO declined to consolidate the issues contained in the third hearing request with the ongoing case, instead, choosing to deal with the respective matters in series.

In March 2017, the District filed another motion to dismiss, arguing it had offered the family all of the services and remedies requested at the hearing – absent the monetary awards already dismissed by the IHO –including an in-district 8:1+4 special class, incorporating at least 2.5 hours daily of discrete trials, 198 hours of make-up SEIT services, 750 hours of ABA services, 136 30-minute sessions of speech-language therapy, 140 30-minute sessions of OT services, and a flurry of new evaluations. The CSE convened at the same time to include the

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make-up services in the student's IEP, and to develop a program recommendation consistent with the District's offer. The parent, through his advocate, argued that the family was nonetheless entitled to a decision from the IHO notwithstanding the settlement efforts of the District or the CSE, pointing out that no settlement agreement existed.

IHO's DECISION:

After reviewing the District's March 2017 IEP and accompanying prior written notice letter, along with the parties' papers, the IHO dismissed each and every one of the parent's hearing requests as moot. The IHO found that once the relief sought by the parent was offered by the CSE, there was no longer a live controversy to be resolved. The IHO found that it was pointless to issue a finding that the CSE and CPSE failed to offer the student FAPE, as any remedy had already been provided by the CSE. The parent disagreed and appealed to the SRO.

SRO'S DECISION:

In two decisions – one addressing the CPSE claims and one addressing the CSE complaint – the SRO remanded all of the parent's hearing requests back to the IHO. The SRO found that the parent had requested a catch-all solution of any and all relief the IHO might find appropriate beyond the compensatory hours quantified in the parent's hearing request. The SRO ruled that the IHO failed to make findings as to whether the parent's compensatory request of the parent was sufficient to rectify any deprivation. The SRO was unable to ascertain, for example, whether the March 2017 CSE addressed the parent's complaint regarding home services or access to non-disabled peers. Notwithstanding the fact that the parent did not request specific relief to address these issues, the SRO nonetheless found the IHO should have explored these topics in the dismissal decision. The SRO found that the IHO should have taken testimony in these areas, and sent the cases back to the IHO for further fact-finding and decision-making

WHY YOU SHOULD CARE:

In the world of special education, no good deed goes unpunished. The facts included in both SRO decisions do not indicate the status of parent requested additional compensatory services, at the March 2017 CSE meeting, when his cases were seemingly resolved. The record likewise does not include any reference that the CSE refused to recommend additional make-up services, or that the parent was told "no" to any additional request. It certainly appears that the CSE gave the family whatever they had asked for to make the dispute go away. Apparently, there was some buyer's remorse from the family once they received what they had asked for. No explanation is included in the two decisions. However, given the litigious nature of this family, one would suspect there will be a new SRO decision in the near future, giving us all an update.

So how does a school district avoid becoming entangled in a cascading quagmire of hearing demands like the ones presented in these two decisions?

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First, the CPSE/CSE should **never** tell a parent "we don't do that." Even when the parent is requesting something such as a summer session beyond the 6-week program length, the response from the committee should be to discuss why it would be inappropriate or too restrictive for the child to receive such a service. The decisions of the CSE should turn on the student's individual needs, not the limitations of the school calendar or the policies and practices of the school district. To do otherwise is to wave a red flag in front of an advocate or parents' attorney, regardless of whether the eventual recommendation is ostensibly appropriate.

Offering the family what they seek at a resolution session and agreeing to issue an amendment no meeting, to memorialize the agreement is typically a safer approach. Drafting a new IEP at a subsequent CSE meeting only creates another event with which the family can disagree. A resolution session agreement often contains promises to withdraw the hearing demand with prejudice (or, in this case, demands) which details all the steps the parties will take to resolve the complaints. Since resolution sessions are not confidential meetings, witnesses can testify about what occurred at the resolution session during the hearing should the family reject a settlement which would have provided them with everything they asked for. The SRO appeared to signal this approach in her decision, when she directed the IHO to closely consider the equities, musing that the behavior of the parties could reduce a compensatory education award.

In a more perfect world, giving a family what they ask for *should* help the problem go away, allowing the school district and the parents to restart their relationship and, hopefully, begin collaborating to provide the child FAPE. However, the recent increased involvement of educational advocates has, of late, appeared to enflame conflict rather than aid parents in resolving their disputes. Educational advocates have no certification to demonstrate their competence, no certifying board or organization to assure the public of their professionalism, and no requirement to be familiar with the applicable laws. Moreover, they are not bound by any ethical standard. While it impossible for an outsider to tell exactly what happened, the SRO's decisions seem to describe utter madness, an environment which must have been frustrating to parent and district alike.

To that end, school districts should treat the appearance of an educational advocate as if the parent is represented by counsel. District counsel should be involved in those situations sooner rather than later, communication should be done in writing and for the eventual eyes of a hearing officer or judge, and great care should be taken that the requirements of IDEA are scrupulously followed. It appears that some advocates fear they are leaving something on the table during settlement negotiations. District counsel must make it clear to the advocate that the settlement under discussion is as good as it gets; there won't be a better offer once the hearing begins. School districts do not have the luxury of deciding when and by whom they will be sued, but with care and attention to detail, they can

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ensure an impartial adjudicator has the tools and materials to understand how the issue of FAPE and LRE were taken seriously and that the child was offered an appropriate education.

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Office of Special Education Programs

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I. Meaningful Consultation Between LEAs and Private Schools May Include Parent Representatives. Or May Not. The Future is Cloudy.

Letter to Radizwill, 117 LRP 41923 (OSEP Sept. 8, 2017)

SALIENT FACTS AND HISTORY:

A parent group wrote to the Department of Education's Office of Special Education Programs ("OSEP") inquiring whether parent representatives were entitled to participate in the dual enrollment consultation process between school districts of location ("DOL") and private schools. For the purpose of this clarification, a parent group would be defined as parents of students with disabilities parentally placed in a private school located within the geographic boundaries of the school district.

By way of background, DOLs must meet with representatives of all private schools located within the district to determine the apportionment of equitable services – such as child find, dual enrollment special education, health and welfare services, and counseling, among others.

OSEP identified nothing in IDEA or federal regulations which would prevent such a parent group from engaging in meaningful consultation with DOLs. Moreover, OSEP could identify no timeline by which consultation must occur, the topics which must be included, or who must participate in such a meeting. Notwithstanding this absence, OSEP offered that everyone should strive to work well together, and then identified the subject regulations as ones currently under review for "repeal, replacement, or modification." (Pg. 3)". Additionally, OSEP suggested that parent representatives of home-schooled children with disabilities may also be entitled to participate in annual meetings with DOLs, but that it was not yet ready to make a definitive statement on that topic.

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WHY YOU SHOULD CARE:

This opinion letter is perplexing on many levels. First, OSEP is clearly signaling to all stakeholders that every regulation will be reviewed by the Department to determine its ongoing necessity. As to the specific question, OSEP did little to clarify that the federal regulations at issue do not mandate very much. At best, OSEP pointed out that each state currently has specific – and different – provisions among their respective statutes and regulations describing the consultation process.

In New York, meaningful consultation describes the process through which private school representatives meet with the public schools to discuss the provisions of dual enrolment services. This has historically been determined by comparing student population in the private school with that in the public school, and determining an expenditure share based on those numbers, while ensuring students with disabilities are provided with related services and if appropriate, resource room support and/or individual aides. The special education costs are then passed back to each student's district of residence, should that differ from the DOL.

Here, OSEP suggested that parent representation may be allowed to attend such a consultation meeting, but federal law does not require that attendance and state law may be have a different requirement. I n short, OSEP's response was a shrug.

For the time being, OSEP's guidance document provides no new information to families or schools, except the opportunity to scratch one's head in befuddlement. However, it would be wise for a DOL to request that parent representatives participate in these meetings as a way of ensuring that parents are made aware of how the DOL is meeting its child find obligations.

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