

RIGHTS UNDER SPECIAL EDUCATION LAW REGARDING CLASSROOM OBSERVATION IN MASSACHUSETTS

**Prepared by the Mental Health Legal Advisors Committee
June 2012**

What is a parent's right to observe classes?

Parents have the right to observe any program(s) proposed for their child if the child is identified as eligible for special education services.¹

Who else has this right?

This right extends to parent-designated independent evaluators and educational consultants.²

May schools place limits on the right to observe a child in class?

State law limits the restrictions or conditions that schools may put on the ability of parents, evaluators or consultants to observe a child in class.³ The purpose of this law is to ensure that parents can participate fully and effectively in determining the child's appropriate educational program.⁴ I

What process must exist regarding observations?

School committees must have an efficient and effective process in order to provide timely and sufficient access to classroom observation.⁵

Resources:

DESE, Technical Assistance Advisory SPED 2009-2: **Observation of Education Programs by Parents and Their Designees for Evaluation Purposes**, http://www.doe.mass.edu/sped/advisories/09_2.html

SPEDWatch, School Observations, http://www.spedwatch.org/files/School_Observations_Oct_2008.pdf

¹ 603 CMR 28.07(1)3.

² G.L. c. 71B, § 3 (as amended by Chapter 363 of the Acts of 2008).

³ G.L. c. 71B, § 3 (as amended by Chapter 363 of the Acts of 2008).

⁴ DESE, Technical Assistance Advisory SPED 2009-2: Observation of Education Programs by Parents and Their Designees for Evaluation Purposes, http://www.doe.mass.edu/sped/advisories/09_2.html.

⁵ G.L. c. 71B, § 3 (as amended by Chapter 363 of the Acts of 2008).