



Informed Written Consent

What does consent mean?

Consent means that a parent has **been fully informed of all information relevant to the activity** for which consent is being sought, in his / her own language, or mode of communication and that the **parent understands and agrees in writing** to the activity for which consent is being sought. The request for consent must describe the activity, and lists all records (if any) that will be released and to whom.

Parents also need to understand that **consent is voluntary** and **can be revoked** at any time.

However, revocation is not retroactive, meaning that it does not stop activities that have already been started after consent was given and before the consent was revoked.

IDEA §300.9

Before you sign any piece of paper make sure that you completely understand what you are signing and what consequences it may have. Do not sign anything without first reading the information and asking questions. Also remember that you do not have to give consent on the spot, you have the option and the right to take the information home and think about it before signing.

When is written parental consent required?

Parental consent is required in the following situations:

- Initial Evaluation
- Initial Provision of Special Education and Related Services
- Reevaluation
- Excusal of Mandatory IEP Team Members
- before documentation for a student's eligibility review is submitted to Missouri Schools for the Severely Disabled (MSSD) or all personally identifiable information, as defined in 34 CFR 99.3, must be removed from the documentation before it is provided to MSSD

IDEA §300.300; 300.321(e)(2)
Regulation X (2), Page 138, Missouri State Plan

What if a parent doesn't respond to a request for consent, or refuses consent?

When consent is being sought for **the initial evaluation** for a child who is, or will be enrolled in a public school, the school district may, but is not required to, pursue the initial evaluation of a child by utilizing procedural safeguards (including mediation or due process procedures) if appropriate.

IDEA §300.300(a)

When consent is being sought for the **initial provision of special education and related services**, the school district may not use procedural safeguards (including mediation and due process procedures) so that services may be provided to the child.

IDEA §300.300(b)

When consent is being sought for a **reevaluation** of a child with a disability, if the parent refuses consent the school district may, but is not required to, pursue the initial evaluation of a child by utilizing procedural safeguards (including mediation or due process procedures) if appropriate.

Consent does not need to be obtained for reevaluation if the school district can demonstrate that it made reasonable attempts to obtain consent from the parents and the parents failed to respond.

IDEA §300.300(c)



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What if a parent wants to revoke consent for special education and related services?

As of December 31, 2008 a parent has the right to revoke consent, in writing, at any time, once their child has started receiving special education and related services.

Once a parent revokes consent for special education and related services, the school district may not continue to provide special education and related services to the student, but must provide prior written notice to the parent prior ending services.

The school district may not use procedural safeguards (including mediation and due process) so that services may continue to be provided to the student. §300.9, 300.300(b)(4)

Keep in mind; once a child is removed from an IEP, all protections that the student had available to them under IDEA end.

Keep in mind that parental **consent is not required for a review of existing data**, or for any test or evaluation that does not require consent from all parents. It's also important to understand that a public agency **cannot use a parent's refusal to consent to one service or activity to deny the parent or child any other service, benefit, or activity of the public agency.**

IDEA §300.300(d)

More information about Special Education in Missouri can be found on the Department of Special Education's website; <http://dese.mo.gov/special-education> and in the Missouri State Plan for Special Education; <http://dese.mo.gov/special-education/state-plan-special-education>