

PARENTAL CONSENT AND THE IEP PROCESS

What Is Consent?

Parental consent is an important element under the Individuals with Disabilities Education Act (IDEA) and the procedural safeguards granted to parents under the Act. Consent or *informed consent* means that a parent has been made fully aware of all the information relevant to an activity for which the parent's permission is sought. It is generally evidenced by the parent understanding the proposed activity, lack of activity or change in a situation, understanding the consequences of the activity, lack of activity or change in the situation, and agreeing in writing to the activity or lack of activity for which permission is sought.

Unless parents fully understand the ramifications of a particular action or lack of action, they cannot truly provide informed consent. It is therefore important for parents to request as much information about the proposed action or lack of action as possible. Questions to ask might include: Will my consent affect my parental rights or my student's rights in any way? If I fail to consent, what are the consequences to my child?

When Is Consent Required?

Many parents mistakenly believe that if they refuse to sign the Individual Education Program (IEP) document that they have not given their consent or agreed to the services proposed in the IEP. In fact, **parental consent by signature** is required under federal law only in the following situations:

- ◆ When the child undergoes initial assessment for eligibility for special education services
- ◆ When the child is initially determined to be eligible for special education services and is "staffed" into special education, parents must sign a Consent for Services form
- ◆ When the child is to be reassessed using formal tests or other measurement tools
- ◆ When the school district determines that the child is no longer eligible for special education services and terminates services
- ◆ When an eligible child is between three and five years old and the school district proposes that an Individual Family Service Plan (IFSP) be used instead of an IEP.

Continuing consent for services is presumed after the initial IEP meeting unless the parents formally notify the school district in writing that they wish to withdraw their consent or wish to appeal some aspect of the child's individual education program.

Parental signature on the IEP document should be provided to acknowledge merely that the parent has attended the IEP meeting. Parental signature may also be required as an acknowledgement that the parents have received a copy of the school district's notice of procedural safeguards under the law.

Can Consent Be Revoked?

Parental consent may be revoked at any time. When revoking consent, parents must do so in writing. Revocation is not effective until written notice of revocation has been delivered to the principal or a member of the special education team. If the school district believes strongly that the proposed action or lack of action is necessary for the child's benefit, the district may request a due process hearing in order to resolve the dispute.