



FAPE-23

# *Facts-on-Hand* Informed Parent Consent for Pre-School and School-Aged Children with Disabilities

*“Facts-on-Hand” is a new, easy to read series on special education.*

***Informed Parent Consent** is one of the important parent rights in the Individuals with Disabilities Education Act (IDEA). IDEA is the federal special education law. When your child receives special education services, there are times when the school must obtain your written permission before acting. More details are below. For related information, also read *Facts-on-Hand*, **Prior Written Notice**.*

## **When does the school need to get my consent?**

Parent consent must be given:

- before the school evaluates a child to see if he or she has a disability and needs special education services;
- before the school provides a child with special education and related services for the first time; and
- before reevaluating a child to see if he or she still has a disability and still needs special education services.

## **What happens before I give consent?**

- The school must give you full information about what activity they want you to agree to.
- This information must be given to you in your native language, or other way of communicating, such as sign language.

- The school must explain that your consent is voluntary and you may withdraw it at anytime.
- The consent form you sign must describe the activity. For example, “Consent is given to evaluate my child by doing psychological and educational testing.”
- The consent form must also list any of your child’s records that will be shared with others and who will see them.

## **What else do I need to know?**

- Your consent must be given in writing.
- If you withdraw your consent in writing before the school acts, then they cannot go forward.
- Consent for an initial evaluation does not mean you also agree to your child getting special education services.
- Your consent is not needed for the school to look at existing school records or other information on your child, such as class work or testing that was done before.
- Consent is not needed to give your child a test that is given to all children, unless consent is also asked of the parents of all other children.
- Your state may have more parent consent items than what is in the federal IDEA regulations. These added items would be in your state’s special education regulations.
- You may consent to only some of the services offered by the school. If there are some services you do not agree to, the school must still provide the services you do agree to.

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Readers are encouraged to copy and share this information, but please credit PACER Center.

## Some Real Life Examples

**M**rs. Clark, a second-grade teacher, believes one of her students, Sam Jones, has a disability and needs special education services. She meets with Sam's parents and tells them why and how the school wants to test Sam.

She shows Sam's work to Mr. and Mrs. Jones and tells them what she has observed about school-work that is very hard for Sam. She explains the difference between what Sam is doing and what a typical child in the same grade does. Mrs. Clark also asks Sam's parents to tell her their concerns about his learning.

Mr. and Mrs. Jones agree to have Sam tested. The form they sign says the areas of testing will be psychological, educational, and speech/language. The form also says that the tests will be shared with Mr. and Mrs. Jones and other people who will help decide if Sam qualifies for special education services. If Mr. and Mrs. Jones had not consented, the school could not test Sam.

**M**s. Romero's son, Carlos, has just been found eligible for special education services. Ms. Romero meets with the school staff to plan an Individualized Education Program (IEP) for Carlos.

At the meeting, Ms. Romero gives written consent for all of the IEP except for the goals and objectives for Carlos in math and physical therapy.

The school begins services with the parts of the IEP Ms. Romero has agreed to, and works with her to try and agree on math and physical therapy goals.

**M**rs. Tran's daughter, April has been tested and found to have a mild learning disability. Mr. Tran knows she is having trouble in school, but he wonders if being in a new school, different culture, and learning a new language is also affecting her school work.

Mr. Tran decides not to give consent for special education services. He feels that April will be very unhappy if she has to get special education. He believes she can catch up with help from a tutor. He is ready to hire a tutor, who speaks their native language and is fluent in English.

By not giving consent, the school cannot provide special education services to April. After April works with the tutor for one grading period, the school and Mr. Tran agree to meet again.

## For More Information

If you want to learn about the exact language in the federal regulations, the parts of the IDEA that talk about Parental Consent can be found in: Sections 300.500 (b) and 300.505.

For a copy of the IDEA regulations go to [www.fape.org](http://www.fape.org).

## Other Resources

The National Information Center for Children and Youth with Disabilities (NICHCY)

800-695-0285, [www.nichcy.org](http://www.nichcy.org)

The Technical Assistance Alliance for Parent Centers (The Alliance)

888-248-0822, [www.taalliance.org](http://www.taalliance.org)

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