

Assessment in Special Education

Part 3 - Obtaining Parental Informed Consent for Assessment

Introduction

There are many times when the school district must notify a parent in writing of its proposed action and ask for written consent (permission) to carry out this action. One of those times is when the initial evaluation for a suspected disability and eligibility for special education is requested. In general, informed written consent means that the parents have been given all the information that is needed to make a knowledgeable decision about a proposed activity by the school district regarding their child's education and that they agree in writing to that proposed activity. Parents have the right not to give their consent. They also have the right to revoke their consent at any time. A copy of this form can be found at the end of this part of the series.

The Concept of Parental Consent

Under IDEA 2004, consent means:

- 1.) That the parent has been fully informed, in his or her native language or other mode of communication, of all information relevant to the activity for which consent is sought.
- 2.) The parent understands and agrees in writing (the parent's signature) to the carrying out of the activity for which the parent's consent is sought.
- 3.) The consent describes that activity and lists any records that will be released and to whom.
- 4.) The parent understands that the granting of consent is voluntary and may be revoked prior to the action requiring consent transpiring

Note - Parental Consent is not required:

- before reviewing existing data (information) as part of an initial evaluation or a reevaluation.
- administering (giving) a test or other evaluation that is given to all students (unless parents of all students must give consent before the test is given).
- to conduct a reevaluation if the school district can show that it has taken reasonable measures to get a parent's consent, and the parent did not respond.

It is important to understand that written consent to evaluate a child for the first time is not the same as the consent that places a child into special education and gives him/her related services. A separate

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written consent is required to begin a child's special education program. Parental consent for evaluation should not be construed as consent for placement or receipt of special education and related services.

If a parent refuses consent for an initial evaluation, the child cannot be evaluated. If a parent refuse permission for the school district to conduct either an initial evaluation, the school district may request mediation or a due process hearing. If the mediation results in parental consent to evaluate, or a hearing officer decision indicates that testing is appropriate and the parent does not appeal, then the child may be evaluated.

If a refuse written consent for any proposed activity for which written consent is required, the child's current educational placement will not change unless the parent and the school district reach agreement on a different course of action or until due process procedures have been completed.

If the parent refuses consent for services, the LEA will not be considered to have failed to provide a FAPE to the child and shall not be required to convene IEP meetings about the child. The LEA may not use due process to seek to provide services if parents have failed to provide consent (20 USC 1414 a 1 D ii I).

Giving written consent is voluntary. Parents can withdraw written consent at any time by notifying the school district in writing. A parent who has provided consent for an initial evaluation may revoke that consent any time prior to the evaluation occurring. However, once the evaluation has been completed, a parent may not revoke consent to revert the child to a previous status, or to have the evaluation disregarded.

The following parental consents are required as initial steps in the evaluation process:

1.) The parents' signature indicating consent to conduct the initial evaluation must be received before any evaluation can be conducted. Only a parent, a guardian, a person acting as a parent, or a surrogate parent can provide consent for initial evaluations.

Note: When a child is determined eligible for special education services, the IEP must be implemented within 60 calendar days of receiving parental consent for the initial evaluation. The 60 calendar days timeframe shall not apply in 2 situations:

A. If a child moves to a new school district after consent for evaluation has been obtained but before the evaluation can be completed, as long as the new district is making sufficient progress to complete the evaluation and the parent and LEA agree to a specific time when the evaluation shall be completed.

B. If the parent repeatedly fails or refuses to produce the child for an evaluation.

2.) The parent's signature indicating consent to release information must be received in order for non-educational agencies to release information.

In conclusion, parental consent is necessary when any assessment instrument is administered as part of an evaluation. However, districts are not required to obtain parental consent for teacher and related service provider observations, on-going classroom evaluation, or the administration of, or review of, the results of adapted or modified assessments that are administered to all children in a class, grade, or school.

CONSENT FOR EVALUATION

PURPOSE: A school district is required to obtain parental consent for an initial evaluation or a reevaluation of a child.

This form asks your consent for the evaluation activities described below. If you have questions regarding this request, please contact the district's director of special education.

Student's Legal Name: _____

(Last/First/Middle)

Birth Date: _____

(mm/dd/yyyy)

To: _____

Date: _____

(mm/dd/yyyy)

Type of Evaluation: ☐ -Initial ☐ -Reevaluation ☐ -Other _____

Proposed Actions Include the Following:

☐ -EDUCATIONAL

☐ -Reading ☐ -Writing ☐ -Math

To assess the level at which a student is achieving in the areas of reading, mathematics, and written expression; curriculum based assessments and standardized academic achievement tests may be used.

[]-VISION

To assess visual acuity.

[]-COGNITIVE

To assess general aptitude for school-based learning; standardized intelligence tests may be used.

[]-READINESS

To assess pre-academic school readiness skills such as prereading, pre-math and other areas as appropriate.

[]- COMMUNICATION

[]-Speech []-Language

To assess how the student verbally communicates and understands language; standardized and informal measures of articulation, language, voice and fluency may be used.

[]-BEHAVIORAL, SOCIAL, EMOTIONAL

To assess social/emotional development, school and home behavior; standardized and informal assessments may be used.

[]-MOTOR SKILLS

[]-Fine []-Gross

To assess fine motor skills, writing skills, functional motor skills, mobility, and/or positioning for accessing and participating in the school environment and curriculum.

[]-ADAPTIVE

To assess the student's independent functioning at home, at school and in the community.

☐ **-HEARING**

To document hearing sensitivity and discrimination of speech (e.g., pure tone audiometry, speech discrimination, aided thresholds).

☐ **-VOCATIONAL EVALUATION**

Age-appropriate transition assessments related to training, education, employment, and, where appropriate, independent living skills.

☐ **-OTHER** *(describe below)*

I consent to the action(s) checked above.

Parent Signature

Date (mm/dd/yy)