

## Michigan Special Education One Pager: Consent

### What is consent?

Consent is voluntary written permission from a parent for a district to move forward with a proposed activity with a particular student. The district must give relevant information to the parent about the activity, called notice, before asking for consent. A parent gives consent after he or she fully understands and agrees to the activity proposed by the district.

### Why is consent important?

Parent signature means permission has been given. If a parent indicates he or she will NOT provide consent, the district must document the parent's refusal and may not complete the activity.

### Must consent be in writing?

Yes. Consent is given through a signature indicating understanding and permission.

### What kind of effort must a district make to obtain consent?

A district must make a reasonable effort to obtain consent from a student's parent. A district must keep a record of its attempts to gain consent. The IDEA identifies telephone calls, written correspondence, and visits as reasonable efforts.

### May consent be revoked?

Yes. Consent is voluntary and may be revoked or withdrawn any time until the proposed activity is completed. Just as consent is given in writing, revocation or withdrawal of consent must also be in writing and include a parent's signature.

### Is consent required for evaluations, screenings, and tests?

Consent is NOT required when a district is conducting an evaluation, a screening, or a test with a group of students in a district.

### Is agreement the same as consent?

No. Agreement is a more informal process and is not required to be in writing.

Is consent or agreement required?	Consent	Agreement
Initial Evaluations	✓	
Reevaluations*	✓	
Initial Provision of Services	✓	
Individualized Education Program (IEP) Team Member Excusal	✓	
Medicaid Reimbursement	✓	
Release of Personally Identifiable Information to Non-authorized Personnel	✓	
Inviting Agency Representatives to an IEP Team Meeting	✓	
Development of IEP Amendments		✓
IEP Team Member's Attendance is Not Necessary		✓

Consent, also called parental consent or informed parental consent, is defined in the *Individuals with Disabilities Education Act* (IDEA) Part B Regulations at § 300.9. The IDEA Regulations contain detailed requirements that must be met regarding parental consent for different types of evaluations, for the provision of programs and services, and for other activities at § 300.300. Activities that require consent are defined in the *Individuals with Disabilities Education Act* (IDEA) and the *Michigan Administrative Rules for Special Education* (MARSE). The MARSE specifies timeline requirements at R 340.1721b.

Districts are required to provide notice of an activity to the parent before requesting parental consent. Notice is the written information explaining the proposed activity to the parent and is defined in § 300.503.

The *Michigan Special Education One Pager: Notice* provides a basic overview on the related topic of notice.

\*Parental consent need not be obtained for a reevaluation if the district can demonstrate that it made reasonable attempts to obtain consent and the parent failed to respond.

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