

**Texans Can! Shared Service Arrangement
Austin Can!, Dallas Can!, Fort Worth Can!,
Houston Can! & San Antonio Can!**

SPECIAL EDUCATION POLICIES

Board Adopted November 2004

Topics

Parental Consent

PARENTAL CONSENT

Authority: 34 C.F.R. Parts 99 and 300; Texas Education Code (TEC; 19 T.A.C. Chapter 89)

- A. Fully informed Consent** is obtained in writing from parents, guardians or adult students (in their primary language or other mode of communication unless it is clearly not feasible to do so) a reasonable time (5 school days) before the following instances:
1. a Full and Individual Evaluation (FIE) or additional evaluation;
 2. the disclosure of confidential information;
 3. initial provision of Special Education services and related services;
 4. access to private insurance;
 5. consent for transfer of assistive technology devices;
 6. release of confidential information from the registration of students with visual impairments or information from the deaf/blind census (All students who are eligible for Special Education as Visually Impaired or as Deaf/Blind must be registered by the district on the TEA annual Registration of Students with Visual Impairments and, if appropriate, must be registered on the TEA Deaf/Blind Census).
- B. The Consent for Evaluation form:**
1. fully informs the parent of all information relevant to the activity for which consent is being sought in the native language of the parent or other mode of communication used by the parent;
 2. describes the proposed evaluation and the purpose of the evaluation;
 3. verifies (in writing) that the parent, guardian or adult student understands and agrees to the activity, understands that the granting of consent is voluntary on the part of the parent or adult student;
 4. states that, even if signed, consent may be revoked, in writing, at any time but the revocation is not retroactive. (If consent is revoked, it does not negate an action that has occurred after the consent was given and before it was revoked).
- C. Upon request of a student's parent**, before obtaining the parent's consent for the administration of any psychological examination or test to the student that is included as part of the evaluation of the student's need for Special Education,
1. Texans Can! Shared Service Arrangement will provide to the student's parent:
 - the name and type of the examination or test and
 - an explanation of how the examination or test will be used to develop an appropriate IEP for the child.
 2. If Texans Can! Shared Service Arrangement determines that an additional examination or test is required for the evaluation of a student's need for Special Education after obtaining consent from the student's parent, the District shall provide the information described above to the student's parent regarding the additional examination or test and shall obtain additional consent for the examination or test.
 3. The time required for the district to provide information and seek consent may not be counted toward the 60 calendar days for completion of an evaluation. If a parent does not consent to the additional examination or test within 20 calendar days after the date the district provided to the parent the information required by that subsection, the parent's consent is considered denied.

4. If the parents of a child with a disability refuses consent for these activities, the district must document the parents refusal to allow the district to pursue these activities. If the parent refuses consent for evaluation for Special Education, the district is free from the responsibility to provide FAPE.

D. Informed parental consent need not be obtained for re-evaluation if the district can demonstrate that it has taken reasonable measures to obtain that consent and the student's parent has failed to respond.

E. Consent for Disclosure of Confidential Information

Consent for Disclosure of Confidential Information describes the proposed disclosure, the purpose of the disclosure, a list of the records that will be released or disclosed and the person/agency to which the information will be disclosed. The parent will verify, in writing, that he/she understands and agrees to the disclosure, understands that the consent is voluntary and may be revoked at anytime and understands that any revocation is not retroactive.