

***Parental Consent for Initial Evaluation***

The open-enrollment charter school cannot conduct an initial evaluation of the child to determine whether the child is eligible under Part B of IDEA to receive special education and related services without first providing the parent with prior written notice of the proposed action and obtaining parental consent.

The open-enrollment charter school must make reasonable efforts to obtain the parent's informed consent for an initial evaluation to decide whether the child is a child with a disability.

The parent's consent for initial evaluation does not mean that the parent has also given consent for the open-enrollment charter school to start providing special education and related services to the parent's child.

The open-enrollment charter school may not use the parent's refusal to consent to one service or activity related to the initial evaluation as a basis for denying the parent or the child any other service, benefit, or activity, unless another Part B requirement requires the open-enrollment charter school to do so.

If the child is enrolled in the open-enrollment charter school or the parent is seeking to enroll the child in the open-enrollment charter school and the parent has refused to provide consent or failed to respond to a request to provide consent for an initial evaluation, the open-enrollment charter school may, but is not required to, seek to conduct an initial evaluation of the child by using the IDEA's mediation or due process complaint, resolution meeting, and impartial due process hearing procedures. The open-enrollment charter school will not violate its obligations to locate, identify and evaluate the child if it does not pursue an evaluation of the child in these circumstances.

(34 CFR § 300.9)

***Special Rules for Initial Evaluation of Wards of the State***

If a child is a ward of the State and is not living with his or her parent, the open-enrollment charter school does not need consent from the parent for an initial evaluation to determine if the child is a child with a disability if:

- (1) despite reasonable efforts to do so, the open-enrollment charter school cannot find the child's parent;
- (2) the rights of the parents have been terminated in accordance with State law; or
- (3) a judge has assigned the right to make educational decisions to an individual other than the parent and that individual has provided consent for an initial evaluation.

Ward of the State, as used in IDEA, means a child who, as determined by the State where the child lives, is:

- (1) a foster child;
- (2) considered a ward of the State under State law; or
- (3) in the custody of a public child welfare agency.

Ward of the State does not include a foster child who has a foster parent who meets the definition of a parent as used in IDEA.

(34 CFR § 300.9)

***Parental Consent for Services***

The open-enrollment charter school must make reasonable efforts to obtain informed consent from the parent before providing special education and related services to the child for the first time.

If the parent does not respond to a request to provide parental consent to receive special education and related services for the first time, or if the parent refuses to give such consent or later revokes (cancels) consent in

## **CHAPARRAL STAR ACADEMY**

County School No.: **227814**

writing, the open-enrollment charter school may not use the procedural safeguards (i.e., mediation, due process complaint, resolution meeting, or an impartial due process hearing) in order to obtain agreement or a ruling that the special education and related services (recommended by the ARD committee) may be provided to the child without the parent's consent.

If the parent refuses to give parental consent for the child to receive special education and related services for the first time, or if the parent does not respond to a request to provide such consent or later revokes (cancels) consent in writing and the open-enrollment charter school does not provide the child with the special education and related services for which it sought the parent's consent, the open-enrollment charter school:

- (1) is not in violation of the requirement to make a free appropriate public education (FAPE) available to the child for its failure to provide those services to the child; and
- (2) is not required to have an ARD meeting or develop an IEP for the child for the special education and related services for which the parent's consent was requested.

If the parent revokes (cancels) the parent's consent in writing at any point after the child is first provided special education and related services, then the open-enrollment charter school may not continue to provide such services, but must provide the parent with prior written notice before discontinuing those services.

### ***Parental Consent for Reevaluations***

The open-enrollment charter school must obtain the parent's informed consent before it reevaluates the child, unless the open-enrollment charter school can demonstrate that:

- (1) it took reasonable steps to obtain the parent's consent for the child's reevaluation; and
- (2) the parent did not respond.

---

Date Adopted by Governing Body/Board: 1-9-13

Date Revised: [DATE]

## **CHAPARRAL STAR ACADEMY**

County School No.: **227814**

If the parent refuses to consent to the child's reevaluation, the open-enrollment charter school may, but is not required to, pursue the child's reevaluation by using the mediation, due process complaint, resolution meeting, and impartial due process hearing procedures to seek to override the parent's refusal to consent to the child's reevaluation. As with initial evaluations, the open-enrollment charter school does not violate its obligations under the IDEA if it declines to pursue the reevaluation in this manner.

### ***Documentation of Reasonable Efforts to Obtain Parental Consent***

The open-enrollment charter school must maintain documentation of reasonable efforts to obtain the parent's consent for initial evaluations, to provide special education and related services for the first time, for a reevaluation, and to locate parents of wards of the State for initial evaluations. The documentation must include a record of the open-enrollment charter school's attempts in these areas, such as:

- (1) detailed records of telephone calls made or attempted and the results of those calls;
- (2) copies of correspondence sent to the parent and any responses received; and
- (3) detailed records of visits made to the parent's home or place of employment and the results of those visits.

### ***Parental Consent to Access Public Benefits***

It is the policy of Chaparral Star Academy Open Enrollment Charter School to obtain informed consent from the parent each time that access to a parent's private insurance proceeds or to public benefits or an insurance program is sought.

---

Date Adopted by Governing Body/Board: 1-9-13

Date Revised: [DATE]

***Parental Consent for Transfer of Assistive Technology Devices***

It is the policy of Chaparral Star Academy Open Enrollment Charter School to obtain informed consent from the parent or the adult student if the adult student has the legal capacity to enter into a contract before transferring an assistive technology device through a transfer agreement that incorporates the standards of the state.

***Other Consent Requirements***

Parental consent is not required before the open-enrollment charter school may:

- (1) review existing data as part of the child's evaluation or a reevaluation;  
or
- (2) give the child a test or other evaluation that is given to all children unless, before that test or evaluation, consent is required from parents of all children. 34 CFR 300.300(d)