

Special Education Informed Consent Quick Guide

What is informed consent?



Informed consent is a process where the scope of evaluation or provision of services being proposed is fully explained to the parent or adult student. Informed means the individual providing consent has a clear and complete understanding of the activity before voluntarily agreeing in writing. It is the legal and ethical responsibility of the professional obtaining consent to ensure the parent or adult student has been provided all information relevant to the action proposed.

The term “parent(s)” will be used throughout this quick guide but is aligned to [34 CFR, §300.30](#).

What is required when seeking to obtain informed consent?

Before conducting an initial evaluation, initiating special education services, or conducting a reevaluation, the local education agency (LEA) must:



Provide [prior written notice \(PWN\)](#) describing all information relevant to the evaluation procedures or services. Giving prior written notice and the opportunity to provide written consent must occur at least five school days before the initiation of the evaluation or implementation of services, unless the parent or adult student agrees to a shorter timeframe.



Provide the parent or adult student with a copy of the [Notice of Procedural Safeguards](#), which includes rights and resources for the parent or adult student. The Special Education Information Center ([SPEDTex](#)) offers the Notice of Procedural Safeguards in many languages.



Provide the parent or adult student with the [Overview of Special Education for Parents](#), developed by TEA, explaining the rights under IDEA that may be additional to those under Section 504.



Ensure the parent or adult student is provided all information relevant to the consent, including a clear description of the activity, in his or her native language or mode of communication.



Confirm the parent or adult student understands the information and obtain the agreement in writing to all elements of the consent.



Notify the parent or adult student that their consent is voluntary and may be revoked at any time. However, if consent is revoked, it does not negate the actions completed prior to the revocation.

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Additional Points to Remember

- The professional obtaining informed consent is qualified to answer questions and fully explain the information on the consent form and the special education evaluation process/procedures or services.
- Best practice is to obtain informed consent through a face-to-face meeting. If this is not possible, explain the proposed evaluation or services through a phone conference or virtual meeting with the parent or adult student.
- The responsibility for obtaining informed consent is not met by simply sending paperwork home for the parent to sign. One way to confirm that the parent or adult student is fully informed is to check for understanding.
- Informed consent must be obtained from a person legally authorized to give consent (i.e., parent, guardian, adult student, or others in special circumstances).
- Informed consent requires an actual signature, not just an agreement. Check your local policies and special education operating procedures for guidance on electronic signatures.
- If during the evaluation process the MDT determines the need to add an area(s) of evaluation for any reason, and consent has not been received, the MDT needs to obtain additional informed consent from the parent for this area. For example, while evaluating a student for specific learning disability (SLD) the MDT determines a possible need for speech language evaluation, which was not identified on the original informed consent. Then the parent must be provided the opportunity to sign a new informed consent. New informed consent does not change the evaluation timeline.



Legal Resources	State Resources
The Legal Framework: Consent for Initial Evaluation	Texas SPED Support - Evaluation
The Legal Framework: Consent for Services	Texas Education Agency (TEA) Technical Assistance: Child Find and Evaluation
The Legal Framework: Consent for Reevaluation	Texas Standards Required for the Educational Diagnostician Certificate (TEC §239.83) – Standard II
	Texas State Board of Examiners of Psychologists (TSBEP) – Rules of Practice: Informed Consent (22 TAC §465.11)
	Texas Department of Licensing and Regulation (TDLR) – Speech-Language Pathologists and Audiologists Rules Standards of Ethical Practice (16 TAC §111.155)