

Students

SUBJECT: PARENT INVOLVEMENT FOR CHILDREN WITH DISABILITIES

The Board of Education recognizes the rights of the parent/guardian to be fully informed of all information relevant to the identification, or change in identification, evaluation and educational placement of a child with a disability.

All due process procedures for parents/legal guardians and children in the Commissioner's Regulations shall be observed by the School District.

Parental Consent

In accordance with due process, a parent or guardian of a special education student or a student suspected of having a disability must provide informed consent before the School District can take certain actions.

Consent for Evaluation

The parent/guardian must provide informed consent to the initial evaluation, or reevaluations in accordance with law and/or regulations. If a parent does not provide consent for an initial evaluation, the School District may pursue the evaluation by commencing a due process hearing to override the refusal to provide consent.

Parental consent for a reevaluation is not needed if the District can demonstrate that it has taken reasonable measures to obtain consent, but the parents or guardians have failed to respond.

Consent for the initial Provision of Services

Parental consent is also required for the initial provision of special education services. Consent for an initial evaluation does not constitute consent for the initial provision of services. If a parent does not provide consent for the initial provision of services, the School District shall not provide the special education program and services to the student and shall not use the due process procedures to challenge the parent's refusal to consent. The School District shall not be considered to be in violation of the requirements or provide a free appropriate public education (FAPE), shall not be required to convene a meeting of the committee on special education or develop an IEP.

Consent for a Ward of the State

In the event that a child is a ward of the State, the School District shall make reasonable efforts to obtain the informed consent from the parent of the child for an initial evaluation to determine whether the child is a child with a disability. The School District is not required to obtain informed consent if:

- a) Despite reasonable efforts to do so, the School District cannot discover the whereabouts of the parent of the student; or
- b) The rights of the parents of the student have been terminated in accordance with State law; or
- c) The rights of the parents to make educational decisions have been subrogated by a judge in accordance with State law.

(Continued)

SUBJECT: PARENT INVOLVEMENT FOR CHILDREN WITH DISABILITIES**Surrogate Parents**

In the event that no parent or legal guardian for a child with a disability can be identified or after reasonable efforts, the whereabouts of the parent or legal guardian cannot be determined, or the child with a disability is a ward of the state, the Board shall assign an individual to act as a surrogate for the parents or legal guardians. The person selected as a surrogate shall have no interest that conflicts with the interest of the child he/she represents, and shall have knowledge and skills that insure adequate representation of the child.

It is the duty of the School District to determine whether a child needs a surrogate parent and to assign a surrogate parent in the manner permitted under New York State law.

Education Law Sections 4401 and 4402
8 New York Code of Rules and Regulations
(NYCRR) Section 200.5

Adopted: 2/13/01
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