



Consent for Re-evaluation: **Parent Failure to Respond Guidance Document**

Maine's Special Education Regulations state, in reference to Consent for Re-Evaluations, that:	
(a)	Subject to paragraph (3)(b) of this section, each SAU: (i) Must obtain informed parental consent, in accordance with 34 CFR 300.300(a)(1), prior to conducting any reevaluation of a child with a disability. (ii) If the parent refuses to consent to the reevaluation, the SAU may, but is not required to, pursue the reevaluation by using the consent override procedures described in (1)(A)(4)(b). (iii) Does not violate its obligation under 34 CFR 300.111 and 300.301 through 300.311 if it declines to pursue the evaluation or reevaluation.
(b)	The informed parental consent described in paragraph (3)(a) of this section need not be obtained if the SAU can demonstrate that: (i) It made reasonable efforts to obtain such consent; and (ii) The child's parent has failed to respond. [34 CFR 300.300(c)]
District Procedure:	
● Attempts to obtain signed parental consent should occur over a <u>two-week period</u>. First, attempts to obtain consent should be made through Kristin Hutt and Blue Ink. If, after three tries, the parent does respond, Kristin will notify the case manager. Other attempts can include, but are not limited to: 1. Parent contact via phone 2. Parent contact via email 3. Parent contact via regular mail 4. Social worker and/or school psychologist facilitated home visits 5. Other ● In the event that, <u>after a MINIMUM of 3 separate, documented attempts</u>, the parent fails to return a signed consent for evaluation, case managers should: 1. Draft a written notice that specifies the proposed testing, documents all attempts to obtain consent, and states that, if the parent does not respond, the school will proceed with the student's reevaluation. Find an example on our resource hub HERE. 2. Submit the written notice to the Assistant Director for review and distribution. 3. Wait for 10 days after the written notice is mailed. 4. Notify the Special Ed Office that Consent has not been received (if appropriate). ● The Special Ed Office will: 1. Use the unsigned consent to proceed. 2. Notify the examiners/case managers as appropriate to begin the evaluative process.	