Sec. 1. CONSENT

Consent means that:

1. The parent has been fully informed of all information relevant to the activity for which consent is sought, in his or her native language, or other mode of communication;
2. The parent understands and agrees in writing to the activity for which his or her consent is sought, and the consent describes that activity and lists the records (if any) that will be released and to whom; and
3. The parent understands that the granting of consent is voluntary on the part of the parent and may be revoked at any time. A revocation of consent is not retroactive.

If the parent revokes consent in writing for his or her child's receipt of services after the child is initially provided special education and related services, Raul Yzaguirre Schools for Success ("RYSS") is not required to amend the child's education records to remove any references to the child's receipt of services because of the revocation of consent.

34 CFR 300.9.

Sec. 2. LANGUAGE OF NOTICES

The procedural safeguards and prior notices described below must be written in a language understandable to the general public. The notice must be provided in the native language of the parent or other mode of communication used by the parent, unless it is clearly not feasible to do so. *34 CFR 300.503(c), 300.504(d).*

a) *Electronic Delivery of Notices*

A parent of a child with a disability may elect to receive required notices by electronic mail, if RYSS makes that option available. *34 CFR 300.505.*

Sec. 3. NOTICE OF PROCEDURAL SAFEGUARDS

RYSS shall provide a copy of the procedural safeguards to parents only once per year, except that a copy also shall be given to the parents:

1. Upon initial referral or parental request for evaluation;
2. Upon receipt of the first state complaint and upon receipt of the first due process complaint in a school year;
3. On the date of a decision to make a disciplinary removal that is a change in placement; and
4. Upon request by a parent.

RYSS may also place a current copy of the procedural safeguards notice on its Internet website.

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a) *Contents of Notice*

The notice shall include a full explanation of the procedural safeguards relating to:

1. Independent educational evaluations;
2. Prior written notice;
3. Parental consent;
4. Access to educational records;
5. Opportunity to present and resolve complaints through the due process complaint and state complaint procedures, including:
   a. The time period in which to file a complaint,
   b. The opportunity for RYSS to resolve the complaint; and
   c. The difference between the due process complaint and the state complaint procedures, including the jurisdiction of each procedure, what issues may be raised, filing and decisional timelines, and relevant procedures.
6. The availability of mediation;
7. The child's placement during pendency of any due process proceedings;
8. Procedures for children who are subject to placement in an interim alternative educational setting;
9. Requirements for unilateral placement by parents of children in private schools at public expense;
10. Hearings on due process complaints, including requirements for disclosure of evaluation results and recommendations;
11. Civil actions, including the time period in which to file such actions; and
12. Attorneys' fees.

20 U.S.C. 1415(a)–(b), (d); 34 CFR 300.504(c).

Sec. 4. PRIOR WRITTEN NOTICE AND CONSENT

RYSS shall provide prior written notice to the parents within a reasonable time before the school proposes to initiate or change, or refuses to initiate or change, the identification, evaluation, or educational placement of a child or the provision of a FAPE to the child. *34 CFR 300.503(a)*.

Notice must be provided to the parent in the parent's native language or other mode of communication at least five school days before RYSS proposes or refuses the action, unless the parent agrees to a shorter time frame. *19 TAC 89.1050(h)*.

a) *Contents of Notice*

The notice must include:

1. A description of the action proposed or refused by RYSS;
2. An explanation of why RYSS proposes or refuses to take the action;
3. A description of each evaluation procedure, assessment, record, or report RYSS used as a basis for the proposed or refused action;

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4. A statement that the parents have protection under the procedural safeguards and, if this notice is not an initial referral for evaluation, the means by which a copy of the procedural safeguards can be obtained;
5. Sources for parents to contact to obtain assistance in understanding the Individuals with Disabilities Education Act ("IDEA") rules;
6. A description of other options the admission, review and dismissal ("ARD") committee considered and the reasons why those options were rejected; and
7. A description of other factors relevant to RYSS's proposal or refusal.

34 CFR 300.503(b).

b) *Consent to Initial Evaluation*

Before RYSS conducts an initial evaluation, it shall provide prior written notice, including a description of any evaluation RYSS proposes to conduct, and obtain informed consent for the evaluation from the parents. *20 U.S.C. 1414(a)(1)(D), (E); 34 CFR 300.304(a)*.

c) *Consent to Services*

RYSS shall seek informed consent from the parent before providing special education and related services to a child. *20 U.S.C. 1414(a)(1)(D)*.

d) *Consent to Reevaluation*

RYSS shall obtain informed parental consent before conducting any reevaluation of a child with a disability, except that such informed parental consent need not be obtained if RYSS can demonstrate that it has taken reasonable measures to obtain such consent and the parent has failed to respond. *20 U.S.C. 1414(c)(3)*.

e) *Psychological Examinations and Tests*

On request of a child's parent, before obtaining the parent's consent under 20 U.S.C. Section 1414 for the administration of any psychological examination or test to the child as part of the evaluation of the child's need for special education, RYSS shall provide to the child's parent:

1. The name and type of the examination or test; and
2. An explanation of how the examination or test will be used to develop an appropriate Individualized Education Program ("IEP") for the child.

If RYSS determines that an additional examination or test is required for the evaluation of a child's need for special education after obtaining consent from the child's parent, RYSS shall provide the information above to the parent regarding the additional examination or test and shall obtain additional consent for the examination of test.

Education Code 29.0041(a), (b).

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Sec. 5. CONSENT TO EXCUSE MEMBER FROM ATTENDING ARD COMMITTEE MEETING

A RYSS member of the ARD committee may be excused from attending an individualized education program ("IEP") meeting, in whole or in part, when the meeting involves a modification to or discussion of the member's area of curriculum or related services if the parent, in writing, and RYSS consent to the excusal and the member submits, in writing, to the parent and the ARD committee, input into the development of the IEP before the meeting.

Sec. 6. PARENTAL CONSENT TO ACCESS PUBLIC BENEFITS

RYSS shall 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. *34 CFR 300.154(d)(2)(iv)(A).*

Sec. 7. PARENTAL CONSENT FOR TRANSFER OF ASSISTIVE TECHNOLOGY DEVICES

RYSS shall 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.

Sec. 8. OTHER CONSENT REQUIREMENTS

Parental consent is not required before RYSS may:

1. review existing data as part of the student's evaluation or a reevaluation; or
2. give the student a test or other evaluation that is given to all students unless, before that test or evaluation, consent is required from parents of all students.

34 CFR 300.300(d).

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