Tips from the Special Education Division: Evaluations and Proceeding Without Parent Consent

November 2026

Question: What procedures should districts follow for initial and reevaluations when there is no parent/guardian[1] consent?

Answer:

There are several factors that can inform a district's next steps if they do not have parent or guardian consent. These factors include the type of evaluation (i.e., initial or reevaluation), whether the district intends to do additional assessments, and whether the parent has explicitly refused consent or has not responded to the district's attempts to obtain consent.

Reevaluations - When Parents Do Not Respond

Districts may reevaluate a student without written informed parent consent in two instances:

1) when the reevaluation group determines that it does not need to conduct additional assessments to complete a reevaluation; and,
2) when the school district can demonstrate the parent or guardian did not respond after ***reasonable efforts*** to obtain written informed consent were made. (WAC 392-172A-03000(3)(d) and (4)(a))

Reasonable Efforts

During the reevaluation, additional assessments may be needed based on team determinations or parent requests. In this case, the district must make reasonable efforts to obtain written informed consent from the parent before conducting additional assessments. If the parent does not respond, the district should document its reasonable efforts to obtain informed consent using the procedures in WAC 392-172A-03100(6). The district must also document that the parent did not respond and notify the parent through prior written notice of the intent to proceed with the reevaluation, including the date the district will conduct the reevaluation. Once documented the district may proceed with conducting additional assessments.[2]

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[1] Special Education: Who is the "Parent" Under the Individuals with Disabilities Education Act (IDEA)? provides specific definitions of who is the "parent" (Educational Decision Maker) under IDEA for special education purposes.

[2] OSPI Special Education Technical Assistance Paper No. 5 (TAP #5) provides further guidance on reviewing existing data as well as the use of additional assessments during reevaluations starting on page 4.

Does Meet the Reasonable Efforts Test	**Does Not Meet** the Reasonable Efforts Test

• Multiple attempts using multiple forms of communication, such as:
  ○ Detailed records of telephone calls made or attempted and the results of those calls
  ○ Copies of correspondence sent to the parents and any responses received
  ○ Detailed records of visits made to the parent's home or place of employment and the results of those visits
	• Sending only one request to the parent
	• Using only one form of communication to obtain consent
	• Informing the parent in the initial request for consent, or prior written notice, that the district will proceed with the evaluation if the parent does not respond within a specified time

Reevaluations - When Parents Refuse Consent

Parents may refuse consent to additional testing as part of a reevaluation. If a parent refuses consent, the district should document the parent's refusal. After documenting, the district may proceed with a review of existing data to complete the reevaluation.

Additional steps to obtain consent may be taken if the district believes a review of existing data would not be sufficient. These additional steps may include inviting the parent to mediation or requesting a due process hearing with an administrative law judge, who may override the parent's refusal for additional testing. [3]

Initial Evaluations

Public School

For students attending public school, if the parent does not respond to the district's request for consent for an initial evaluation, or explicitly refuses to provide consent the district may:

- Pursue mediation or a due process hearing
- Document the parent's refusal or nonresponse and decline to pursue mediation or a due process hearing.

If a parent refuses consent, the district should provide prior written notice to the parents that the student will not be evaluated. Information should be provided to the parents that special education and related services cannot be provided without an evaluation.

Homeschool or Private School

Districts cannot use mediation or due process procedures to override parent refusal to consent if the student is a homeschool or private school student, regardless of the type of evaluation.

[3] WAC 392-172A-03000(1)(e)