

CONSENT TO INVITE A PARTICIPATING AGENCY

Participation of Other Agencies

State and federal regulations require that, to the extent appropriate and with the consent of the parents, the school invite to the IEP meeting a representative of any other agency that is likely to be responsible for providing or paying for transition services. Clarifying information on this requirement is provided in a June 2010 document produced by the U. S. Department of Education's Office of Special Education and Rehabilitative Services (OSERS), "Questions and Answers on Individualized Education Programs (IEPs), Evaluations, and Reevaluations".

Information provided by OSERS indicates that this consent requirement is intended to protect the confidentiality of discussions that occur at IEP Team meetings. Specifically, this relates to meetings that other agency representatives attend because they may be providing or paying for transition services. OSERS goes on to say that, "Because the discussions at each IEP Team meeting are not the same, and confidential information about the child is always shared, we believe that consent of the parent ... must be obtained prior to each IEP Team meeting if a public agency proposes to invite a representative of any participating agency that is likely to be responsible for providing or paying for transition services."

The OSERS Questions and Answers document further states that the words "to the extent appropriate" are included to "allow the public agency to determine that such a representative is not needed at a particular meeting. This phrase does not represent a limitation on the responsibility of the public agency to obtain the consent of the parents ... to invite such a representative." (Source: <http://www2.ed.gov/policy/speced/guid/idea/iep-ga-2010.pdf>)

DISCUSSION POINTS:

Consent to Invite a Participating Agency

1. *What is meant by a participating agency?*

A participating agency is one that is likely to be responsible for providing or paying for transition services. Such agencies may include, but are not limited to: postsecondary, vocational, continuing, and adult education providers; employment (integrated or supported) agencies; independent living providers; or, providers of other adult agency services. Examples of participating agencies in Nebraska include Vocational Rehabilitation (VR) or the Division of Developmental Disabilities (DDD).

2. *Why is consent needed?*

The consent requirement was included in the August 2006 Part B regulations to protect the confidentiality of discussions that occur at IEP meetings.

3. *How often must consent to invite a participating agency to an IEP meeting be obtained?*

A response to this question from the Office of Special Education Programs (OSEP) states that school districts must obtain a separate consent for each IEP team meeting. Thus, it is not permissible under this regulation for a district to obtain the consent one time and use that consent for the remainder of the years a student receives transition services (Gray Letter, March 2008: <http://www.pattan.net/files/OSEP/CY2008/Gray031708.pdf>).

4. *What information must be included in the request for consent?*

The definition of consent at 92 NAC 51-003.11 specifies that: (1) the parent has been fully informed of all information that is 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 carrying out of the activity for which his or her consent is sought, and the consent describes that activity and list of 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. If a parent revokes consent, that revocation is not retroactive (i.e., it does not negate an action that has occurred after the consent was given and before the consent was revoked).

5. *How does the team know what agency to invite and the appropriate time to include them?*

Regulations state that, to the extent appropriate, representatives of participating agencies who may be providing or paying for transition services must be invited to the IEP. Clarification provided by OSERS states that the words “to the extent appropriate” were included to allow the school to determine that such a representative is not needed at a particular meeting.

Suggested steps to assist the IEP team in determining who should be invited and when include:

- Discuss the possible need for outside services.
- Discuss agencies and the services they provide. It may be helpful to review the information found in this *Transition Topics* guide under “Adult Agencies” and “Postsecondary Education”.
- Provide written resource materials and contact information to families for their review. It may be the preference of the family to contact and meet with the agency outside of the IEP meeting.
- Determine the appropriate time to involve the participating agency in IEP meetings. If the student is in the early years of transition planning, a referral to an agency for adult services may be appropriate, but attendance may not be necessary until closer to the student’s exit from high school.
- Once it is determined that the participating agency should be included in the IEP meeting, the process for obtaining consent and inviting the agency should then be followed.

6. *What if an agency is invited to an IEP meeting, but does not attend?*

Previously, IDEA required that, if an agency was invited to attend and did not send a representative, the school take steps to obtain participation of the other agency in planning transition services. This additional requirement was eliminated in the re-authorization of IDEA 2004. However, it is still recommended as an effective practice that attempts should be made to secure this participation and that those attempts are documented.



CONSENT TO INVITE OUTSIDE AGENCY REPRESENTATIVE(S) TO THE IEP MEETING WHEN POSTSECONDARY GOALS AND TRANSITION SERVICES ARE BEING CONSIDERED

(92 NAC 51-007.03a10b)

School District: _____ Date: _____

Student's Name: _____ Date of Birth: _____

Dear _____,
One of the purposes of your child's annual Individualized Education Program (IEP) meeting is to consider postsecondary goals and the transition services needed to assist your child in reaching those goals.

Description of the action proposed (92 NAC 51-009.05B1): The district proposes to invite an agency representative to assist with the transition planning for your child.

Explanation of why the district proposes the activity (92 NAC 51-009.05B2): The district proposes to invite the representative(s) because it is likely that the agency will be responsible for providing or paying for transition services.

A description of other options the IEP Team considered and the reasons why those options were rejected (92 NAC 51-009.05B3): The agency representative(s) listed below are those determined to be appropriate for this IEP meeting. No other agency representative was considered to be necessary; however, we will discuss agency participation at the IEP meeting and will obtain your input.

Agency Representative(s):

A description of each evaluation procedure, assessment, record, or report the school district uses as a basis for the proposal (92 NAC 51-009.05B4): A review of your child's IEP and/or transition records indicates that an agency representative(s) be invited, with your consent, to the IEP meeting to assist with the transition planning for your child.

A description of any other factors which are relevant to the school district's proposal (92 NAC 51-009.05B5): In order to assist the agency representative(s) in preparing for the IEP meeting, the district proposes to release the following education record(s):

- No records
- All records about student and any other information requested by recipient
- Scholastic grades
- Psychological evaluations
- Activity records
- Discipline records
- Health records
- Standardized test scores
- Special education records
- Other _____

Please check the appropriate boxes below, sign, date and return one copy of this request to the school district.

- I understand the school district is proposing to invite to the IEP meeting a representative(s) of an outside agency. I give my consent for the agency representative(s) I have checked below to be invited to the IEP meeting. I understand that my consent is voluntary and may be revoked at any time before the identified representative(s) has/have been invited. I also give my consent to release the following education records as indicated below.
- All records about student and any other information requested by recipient
 - Scholastic grades
 - Psychological evaluations
 - Activity records
 - Discipline records
 - Health records
 - Standardized test scores
 - Special education records
 - Other

<u>Agency</u>	<u>Consent to Invite</u>	<u>Consent to Release Records</u>
_____	Yes _____ No _____	Yes _____ No _____
_____	Yes _____ No _____	Yes _____ No _____
_____	Yes _____ No _____	Yes _____ No _____

Signature of Parent Date

- I understand the school district is proposing to invite to the IEP meeting a representative(s) of an outside agency. I **do not** give consent for the above indicated agency representative(s) to be invited to the IEP meeting or for the release of records to that agency.

Signature of Parent Date