



DISABILITY RIGHTS  
CENTER - NH

## Know Your Rights: Special Education & Parental Consent

Throughout the special education process, there are times when the school district must ask for your consent in writing. The school needs to give you a paper called a Written Prior Notice any time they want to make a change to your child's IEP or placement, or if they refuse to make a change to the IEP or placement. It is also required when determining your child's eligibility for special education and when the school wants to evaluate your child.

A Written Prior Notice explains the decision made by the school and why they came to that decision. There is a separate paper that gives you the chance to sign as agreeing or disagreeing with the proposal being made by the school in the Written Prior Notice. You have 14 days to make a decision on the proposal. If you sign as agreeing, you are giving the school parental consent to move forward with what they have proposed. If you sign as not agreeing, the school does not have parental consent to make the change and will not be able to start the proposed action.

More importantly, if you do not sign the document at all within the 14 days, the school gets to move forward with what they have proposed as if you provided consent. In other words:

**NOT SIGNING AT ALL IS TREATED AS IF YOU  
HAVE AGREED TO THE PROPOSAL.**

---

Over  
→



There are a few limited exceptions to this rule. If the proposal is for the initial IEP for your child, then the school cannot provide special education services to your child unless they have your express written consent. Therefore, in that situation, not signing the document means that your child will not have an IEP.

Additionally, a school cannot evaluate your child without your express written consent. If you do not sign the consent forms for an evaluation, then the school cannot move forward with the evaluation.

If you have concerns about a proposed change to your child's IEP, request a meeting with your child's IEP team. In most cases, this meeting must be held within 21 days of your request.

### **HAVE YOUR RIGHTS BEEN VIOLATED?**

If you have questions or concerns about your child's IEP, 504 Plan, or related services, please contact DRC-NH to speak with an attorney.

---

*Protection and Advocacy System for New Hampshire*

64 N. Main St., Suite 2, Concord, NH 03301-4913 • [mail@drcnh.org](mailto:mail@drcnh.org) • [drcnh.org](http://drcnh.org)  
(603) 228-0432 • (800) 834-1721 voice or TTY • FAX: (603) 225-2077