

**Special Education Department
Consent for an Agency to be at an IEP Team MEETING**

**Consent for
Agency at IEP**

Today's DATE ___ / ___ / ___

Dear Parent/Guardian and/or:

You are being cordially invited to an Individual Educational Program Team Meeting (IEPT).
The meeting has been scheduled for:

_____ Date _____ Time _____ Place _____

PURPOSE

- At this IEP we will discuss your (the student's) transition goals, needs and the activities and resources that may be needed in the community to reach those goals. Because of this, we are required to invite appropriate community agencies to the meeting, but need your permission to do so.
- The agency (or agencies) listed below may be in a position to provide/pay for transition services, typically after students leaves school. Their representative(s) bring important information and resources to the IEP Team meeting.
- Agency representatives are not required to attend the IEP Meeting.
- You may directly invite any agency not listed below that you think would be appropriate to attend the meeting.
- Your consent is voluntary and may be revoked at any time.
- **Should you choose not to respond to this request, we will not send an invitation to these agencies.**

COMMUNITY AGENCIES

We are requesting your permission to invite the listed community agencies, and to consent to student information being shared with them.. Please **write your initials** next to each individual agency, indicating your consent to invite and disclose student information. Please sign in the separate space provided below, before or at the meeting.

Initials

Name of Community Agency

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

Student record information is verbally shared at an IEP with all participants. Discussions typically include a student's present educational and functional performance, educational development plan, course of study, transition goals, visions and the related community services and activities needed to support them. While such information may be verbally shared with any invited agency at the IEP, no written educational records will be given to an agency. For this, you must give specific and separate written consent. If you consent to the invitation, but refuse consent to release verbal (or written) records, the agency will simply be asked to present the services they may offer at the IEP.

CONSENT TO INVITE AND TO DISCLOSE STUDENT INFORMATION

I hereby authorize the school district to invite the community agencies I have initialed above, and to verbally disclose the above student information during the IEP team meeting. I understand that, if necessary, consent for release of written records may be requested separately.

X

_____ Signature of Consent _____ Relationship to Student _____ Date

CONTACT AND SIGNATURE

If you have questions about this information, please don't hesitate to contact me. If you plan to attend the IEP meeting, please call me with your verbal consent; you may then sign this form at the IEP meeting.

Respectfully,

PLEASE SIGN, CALL AND/OR RETURN THIS FORM WITHIN 7 DAYS TO:

Address

_____ Name - Please Print

_____ Telephone _____

_____ Title/Position

STATE OF MICHIGAN
DEPARTMENT OF EDUCATION
LANSING

JENNIFER M. GRANHOLM
GOVERNOR

MICHAEL P. FLANAGAN
SUPERINTENDENT OF
PUBLIC INSTRUCTION

MEMORANDUM

TO: Intermediate and Local School District Directors of Special Education

FROM: Jacquelyn J. Thompson, Ph.D., Director
Office of Special Education and Early Intervention Services

DATE: May 21, 2007

SUBJECT: Transition Services and Public Agency Participation

It has come to the attention of the Office of Special Education and Early Intervention Services that there is some confusion regarding the requirement at Section 300.321(b)(3) of the final regulations governing the Individuals with Disabilities Education Act (IDEA), which states:

To the extent appropriate, with the consent of the parents or a child who has reached the age of majority, ... the public agency must invite a representative of any participating agency that is likely to be responsible for providing or paying for transition services.

In the discussion section of the Federal Regulations issued on August 14, 2006, the U.S. Department of Education addressed this issue.

Section 300.321(b)(3) was included in the regulations specifically to address issues related to the confidentiality of information. Under section 617(c) of the Act the Department must ensure the protection of the confidentiality of any personally identifiable data, information, and records collected or maintained by the Secretary and by SEAs and LEAs pursuant to Part B of the Act, irrespective of the requirements under FERPA. We continue to believe that a public agency should be required to obtain parental consent (or the consent of a child who has reached the age of majority) before inviting representatives from other participating agencies to attend an IEP Team meeting, consistent with §300.321(b)(3).

We do not believe that the requirements in §300.321(b)(3) are inconsistent with §300.321(a)(6). Section 300.321(a)(6) permits other individuals who have knowledge or special expertise regarding the child to attend the child's IEP Team meeting at the discretion of the parent or the public agency. It is

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clear that in §300.321(b)(3), the individuals invited to the IEP Team meeting are representatives from other agencies who do not necessarily have special knowledge or expertise regarding the child. In these situations, we believe that consent should be required because representatives of these agencies are invited to participate in a child's IEP Team meeting only because they may be providing or paying for transition services. We do not believe that representatives of these agencies should have access to all the child's records unless the parent (or the child who has reached the age of majority) gives consent for such a disclosure. Therefore, we believe it is important to include the requirement for consent in §300.321(b)(3).

Therefore, before another public agency is invited to an IEP Team meeting, consent must be obtained. In the Federal Regulations, Section 300.9, the definition of consent means:

- (a) 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;
- (b) 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 lists the records (if any) that will be released and to whom; and
- (c)(1) The parent understands that the granting of consent is voluntary on the part of the parent and may be revoked at anytime.
- (2) 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).

Public agencies have flexibility to determine how they will obtain this consent. There is no time line as to how far in advance the consent may be obtained. Again, public agencies may create procedures to meet unique needs.