

Addressing Parental Non-Consent*

Parental consent is required for many special education services, including initial evaluation and implementation of an Individualized Education Program (IEP). When consent is not granted, students may be unable to access essential supports.

Parents have the legal right to be fully informed, to grant or refuse consent, and to participate actively in decisions regarding their child’s identification, evaluation, and educational placement. Schools are responsible for providing notice of procedural safeguards, ensuring that communication is clear and understandable, and documenting all efforts to engage families. This includes offering accessible information, opportunities for questions, and safeguards that reinforce parents’ role as equal partners in the IEP process.

Schools may not proceed with an initial evaluation or placement without consent unless they pursue formal dispute resolution options (e.g., mediation or due process). If a school believes that evaluation or services are necessary to ensure a free appropriate public education (FAPE), it may initiate these options. For reevaluations, schools may proceed without consent only if they can demonstrate repeated, well-documented efforts to obtain it.

From our Center’s perspective, addressing non-consent is not simply a procedural or legal matter. It is an integral part of a comprehensive system of student and family supports aimed at preventing problems and removing barriers to learning and teaching. Non-consent is often a signal that stronger, system-wide strategies for engagement, communication, and trust-building are needed – not merely improved compliance with procedures.

Why a Consent Problem May Arise

There are a variety of reasons parents may decide to refuse consent. Common reasons include:

- Stigma and Concern about Labeling, (e.g., fear of lowered expectations)
- Cultural Beliefs and Values (e.g., different perceptions of disability)
- Distrust of School Systems or institutions in general
- Economic and Practical Barriers (e.g., work schedule, transportation)
- Insufficient Knowledge (e.g., limited understanding of processes and rights)

Early warning signs indicate breakdowns in the home involvement system:

- Missed or inconsistent engagement
- Avoidance of discussions about concerns
- Limited responsiveness or delayed communication

Without proactive engagement, students may not access needed supports, allowing problems to escalate.

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Non-Consent as a Communication

When consent is declined, it is often a form of communication about trust, understanding, or fit – not simply resistance. Foundational to preventing non-consent and responding constructively when it occurs are:

- Intentional listening to uncover underlying concerns
- Responsiveness to cultural, linguistic, and contextual factors
- Long-term relationship and trust building
- A strengths-oriented focus on the student and family

What Should a School Do?

Schools are understandably concerned with complying with legal mandates related to parent consent. Federal and state laws are clear: initial evaluations and placements require informed parental consent unless due process procedures are formally pursued. Re-evaluations may proceed without consent only after schools document reasonable and repeated efforts to obtain it. In all cases, procedural safeguards must be communicated in ways that are understandable, accessible, and family-friendly.

However, from a student/learning supports perspective, legal compliance should not be approached as a set of isolated procedural requirements. Rather, it must be embedded within a comprehensive, relationship-centered system designed to build trust, promote shared understanding, and ensure meaningful family engagement. When schools rely solely on compliance-driven interactions, they risk reinforcing mistrust and disengagement. In contrast, when legal requirements are implemented through supportive and culturally responsive practices, they contribute to stronger partnerships and better outcomes for students.

Central to this approach is an ongoing commitment to strengthening home-school connections as a continuous process – not something that occurs only when problems arise. Schools should proactively cultivate relationships that normalize collaboration and position families as essential partners in supporting student success.

When addressing situations in which parents are hesitant or refuse consent, schools should adopt a sequential, relationship-building intervention framework. This framework must consistently attend to language and cultural considerations and begin with the assumption that families' reluctance reflects legitimate concerns, experiences, or misunderstandings.

By embedding legal compliance within a broader framework of trust, responsiveness, and collaboration, schools not only meet their obligations but also strengthen partnerships with families and improve outcomes for students.

The Exhibit on the next page offers a recommended set of sequential steps.

Note: While efforts to obtain informed consent continue, schools must use their regular student/learning supports to help address the student's needs.

Exhibit: **Sequential Steps for Addressing Non-consenting Homes**

(1) *Emphasize prevention of mistrust and highlight positive opportunities*

- Begin with universal outreach that communicates the school's supports and services in ways that are inclusive and affirming.
- Provide clear, jargon-free descriptions of available supports and their purposes
- Normalize help-seeking as a strength rather than a deficit
- Use diverse formats (written materials, visuals, workshops, community gatherings)
- Ensure communication is translated and culturally relevant

(2) *Follow up to ensure contact and understanding*

- Do not assume that initial communication was received or understood.
- Use multiple communication methods (phone, text, email, in-person)
- Apply a teach-back approach by asking families to describe their understanding
- Identify and address misconceptions, fears, or logistical barriers using plain language

(3) *Personalize outreach and deepen engagement*

- When concerns relate to identification, evaluation, or placement, tailor outreach to the individual family.
- Offer personalized contact, including home visits when appropriate
- Listen with empathy, validating concerns and acknowledging family strengths
- Focus on shared goals for the child's well-being and success
- If direct contact is unsuccessful, send a registered letter with clear instructions for follow-up

(4) *Facilitate flexible and supportive meeting options*

- Create conditions that reduce barriers to participation and promote collaboration.
- Offer meetings at varied times (including evenings or weekends) and in multiple formats (virtual or in-person)
- Share agendas and materials in advance
- Allow time for reflection before decisions are expected
- Encourage families to bring trusted supports (e.g., a cultural liaison, advocate, or community member)
- When appropriate, offer an independent mediator to ensure a collaborative, non-adversarial process
- Provide interpreters and translated materials as needed

(5) *Reduce stress and support informed decision-making*

- Avoid pressuring families; instead, create space for thoughtful participation.
- Share detailed information ahead of meetings
- Provide opportunities for questions and follow-up discussions
- Recognize that decision-making may require time and consultation with others

(6) *Maintain thorough and meaningful documentation*

- Documentation is essential for both legal compliance and effective practice.
- Record all outreach efforts (dates, methods, and outcomes)
- Document steps taken to ensure understanding (translations, explanations, supports provided)
- Note parent concerns and stated reasons for refusal
- Record supports offered to the student in the absence of consent
- Outline follow-up actions and future plans

Do and Don'ts in Addressing Non-consenters

Do: *Invite and Support Participation* – Frame all interactions as collaborative and respectful. Emphasize partnership, shared goals, and understanding. Here is a sample conversation starters:

“We want to better understand how to support your child’s strengths and needs.”

“These supports are designed to help your child succeed in ways that matter to you and your child.”

“You are an essential partner in every decision we make.”

Key questions to guide the conversation:

“What are your main concerns?”

“What are your goals for your child?”

“What concerns you most about this process?”

“How can we make this process more comfortable and helpful for you?”

Don't: Undermine Trust or Engagement – Avoid practices that can increase resistance, mistrust, or disengagement.

Do not interpret non-consent as defiance rather than a signal of concern

Do not frame non-consent as “non-cooperation”

Do not rely on a single contact method or one-time outreach

Do not pressure or coerce families into consent

Do not depend solely on formal notices (compliance without engagement)

Do not use technical jargon without clear, plain-language explanations

Do not overlook cultural, relational, or past-experience factors

Remember – Non-consent is not the end of engagement – it is an opportunity to listen more deeply, build trust, and strengthen partnership.

Concluding Comments

Parental non-consent often is best understood not as opposition, but as a signal of barriers in the relationship between schools and families. Addressing these barriers requires proactive, ongoing engagement grounded in cultural responsiveness, clear and accessible communication, and a comprehensive system of student/learning supports.

Ultimately, addressing parental non-consent is not simply about obtaining agreement. The primary aims are to ensure that:

- Parents make informed, voluntary, and meaningful decisions affecting their children
- Trusting and collaborative relationships between schools and families are strengthened
- Students receive timely and appropriate support, regardless of consent status
- Engagement remains ongoing, even when consent is not granted

From a systemic perspective, the process is not a single event, but a continuous cycle of relationship-building and support. This can be summarized as:

Outreach → Confirm Understanding → Personalized Engagement → Flexible Meeting → Supported Decision-Making → Interim Supports → Continued Engagement

When schools approach non-consent through this lens, legal compliance becomes integrated within a broader commitment to partnership, responsiveness, and student well-being. In doing so, schools move beyond a compliance-driven model toward one that builds trust, reduces barriers, and enhances outcomes for all students.

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