

Whose IDEA Is This? Update Sept. 2009

Revocation of Consent for Special Education and Related Services

Regulations governing the Individuals with Disabilities Education Improvement Act of 2004 (IDEA) that address “consent” and “revocation of consent” for special education and related services has been amended. The amended requirements are reflected in the following guidance.

The parents may revoke consent for and remove the child from all special education and related services. The revocation of consent for the continued provision of special education and related services must be in writing.

Actions the school district takes when consent is revoked:

- Continue to implement the child’s individualized education program (IEP) as written until the district provides the parents with prior written notice;
- Provide Prior Written Notice to Parents PR-01 form that includes the following:
 - A summary of the educational needs of the child;
 - A summary of all of the supports and services the child will no longer receive; and
 - The fact that none of the rights and protections provided to children with disabilities will be provided to the child once they are exited from special education; and
- Once prior written notice is provided to the parents the district will no longer implement the child’s IEP and will treat that child as any child without a disability.

Note: The parents may not revoke consent for part of an IEP. The parents must revoke consent for the entire IEP. If the parents disagree with any part of an IEP, they must follow conflict resolution procedures; i.e., administrative review, mediation, IEP facilitation, complaint or due process hearing.

Actions the school district will NOT take when consent is revoked:

- A three year reevaluation;
- An annual IEP meeting; and
- Discipline procedures as outlined in IDEA.

Note: The school district will treat the child whose parents have revoked consent just as they would treat any child without a disability and will not be liable for providing the child a free appropriate education (FAPE) per the new federal regulation.

The district will continue to conduct child find activities on a regular basis and will include all children whose parents have revoked consent for special education and related services. This means the district will continue to periodically ask the parents if they would like the district to evaluate their child for a suspected disability. If the parent agrees to the evaluation and the child is found eligible for services, the district will create an IEP and serve the child.

The school district is not required to amend the child’s education records to remove any references to the child’s receipt of special education and related services because of the revocation of consent.