When Parents Revoke Consent: Issues for Consideration

Background

In December of 2008, the Individuals with Disabilities Education Act (IDEA) of 2004 was amended to allow parents to revoke consent for special education services for their children. Even if the local education agency (LEA) does not agree, parents have the right to revoke the provision of special education and related services, and the LEA may not use mediation or due process procedures to override parental revocation of consent.

Revocation of consent is different from a dispute regarding specific components of a child's individualized education program (IEP). When a parent disagrees with special education and related services that are offered in a subsequent IEP, this is a disagreement over program and not a revocation of consent.

The parents' request for revocation must be in writing. An LEA may ask for a reason why the parents are revoking special education services, but the parents are not obligated to provide one.

Implications

There are several important implications when revoking special education services for a child:

- Revocation of special education and related services is for **all** special education services received by the child.
- The LEA is not obligated to modify a child's educational records with regard to special education eligibility and receipt of special education services, even if a parent makes a request for changes to an educational record.
- A Notice of Recommended Educational Placement/Prior Written Notice (NOREP/PWN) must be issued prior to the termination of special education and related services.
- After the child stops receiving special education services, the child is considered a general education student for Adequate Yearly Progress (AYP) calculation and the child is subject to the same disciplinary procedures as general education students.

- After revocation of consent, the IEP, evaluation, and/or reevaluation are no longer in effect.
- The LEA is not relieved of Child Find responsibility for the child.
- Parents may request to have the special education and related services restored; however, the LEA must treat this as a request for an initial evaluation for special education services. New assessments may not be necessary, depending on the data available. A multidisciplinary team will review the existing data to determine if additional data is required in order to determine the child's eligibility for special education services.

Recommendation

Parents who are considering revoking consent for the provision of special education and related services should carefully consider the implications before making a decision and initiating the revocation process. It is recommended to have a discussion with the child's IEP team prior to the decision to revoke consent.

Commonwealth of Pennsylvania

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