

Information About Revoking Consent for Special Education and Related Services



Amendments to the Individuals with Disabilities Education Act (IDEA) effective December 31, 2008 give parents or students over the age of 18 the right to remove their child/themselves from special education and related services, even when the school system disagrees and believes that the student still requires special education and related services.

The revoking of consent is the revocation of all special education and related services and is not partial revocation. When a parent/student revokes consent, they are removing consent to provide any and all special education and related services to the child. The parent/student who disagrees with one recommended service for the IEP should not revoke consent, but should request an IEP meeting to negotiate the provision of a free and appropriate public education. Parents who continue to disagree with IEP services may also use dispute resolution to work out the issues.

When parents/adult students inform a school system that they want to withdraw their child/self from special education, the following procedures and issues should be considered:

1. The parents/adult students must state the intent to withdraw from special education and related services in writing. The school system should assist the parent/adult student to put the intent in writing if the assistance is needed. The Georgia Department of Education (GaDOE) has created a *sample* form that may be used. Please note the form is not required, but it is required that the parent/adult student put their withdrawal of consent in writing.
2. Once the written notice of revocation is received, the school system must develop and provide to the parent and the adult student (when applicable) prior written notice that informs the parent:
 - a. The action that will be taken, including, in this case, taking away the services of the IEP and rights and protections of the IDEA
 - b. An explanation of why the system does not agree with the action
 - c. A description of any other options that may be considered
 - d. A description of each evaluation, test record, data, or report the system has as a basis for disagreeing with the action
 - e. A description of any other relevant factors or considerations
 - f. Who the parent can contact for more information
 - g. Where to find a copy of the parent rights
 - h. When the action will be implemented (date the student will be removed from special education and related services)
3. The purpose of the prior written notice is to give parents/adult students a clear understanding of what they are giving up, what other options may be available and from whom they may seek more information. Students may not be removed from special education until the prior written notice has been provided to the parent. A student may be removed from special education and related services once the parent has received prior written notice.

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4. If the parents/adult students and the school system agree to convene an IEP meeting prior to removing the student, this may be set up, but a school system may not delay removing a student from special education and related services due to the scheduling of an IEP meeting without parental agreement. If the parent/student does not want to participate in an IEP meeting, then the process for removing the student from special education and related services should move forward.
5. Consent to provide special education and related services is the consent for any and all services. It is a general consent only required the first time a student is determined to be eligible for special education and related services. The IEP is the annual negotiation of what special education and related services are required to provide the student a free and appropriate public education.
6. A school system may not use the dispute resolution procedures such as complaint, due process hearing or mediation to combat, disagree with or refute the revocation of consent.
7. If, after being removed from special education and related services, the parent or adult student requests consideration to be returned to special education services, the referral is treated and considered an initial referral. This will give the school system up to 60 days to evaluate and consider eligibility for special education and related services. Although the system has 60 calendar days, the system should keep in mind that it may be in the best interest of the student to expedite the evaluation and eligibility consideration.
8. A student who reaches the age of majority may not hold the school system responsible for lack of the provision of FAPE if the parent previously revoked consent for placement. A student who has reached the age of majority may revoke consent for placement. In this instance, prior written notice should be provided to both the child and the parent.
9. If consent is revoked, the school system is not deemed to have “knowledge of disability” in the matter of discipline; therefore protections in regard to out of school suspension and manifestation do not apply. The rules and timelines applying to general education students will apply once consent is revoked.
10. The school system is not required to amend the child’s educational record to remove any references to the child’s receipt of special education and related services because of the revocation of consent.
11. When a parent/student revokes consent for special education and related services, the student should be reported with the withdrawal code of 10 in the Final Student Record Submission. The date of Event Code 10 indicates the date at which the student no longer receives special education services.