

J

Revocation of Consent

Section J Forms

Notice of Discontinuation of Special Education – Special Programs

Revocation of Consent Guidelines

511 IAC 7-42-15

Providing consent for special education and related services is voluntary. If a parent, as defined by Article 7, no longer wants special education and related services, consent may be withdrawn in writing. Written revocation should be provided to the school or the special education director. A revocation of consent is not retroactive and does not cancel an action that the school has already taken. By revoking consent for services, the parent or student, aged 18 or older, is asking the school to stop providing all special education and related services. This includes all special instruction, related services, accommodations, adaptation, modification, and anything else provided in the student's IEP.

1. At any time after the parent gives consent for the initiation of special education and related services, the parent may revoke that consent by doing the following:
 - a. Putting the revocation of consent in writing.
 - b. Signing the revocation.
 - c. Submitting the written revocation to licensed personnel.
2. Within ten (10) instructional days of the date licensed personnel receive the parent's written revocation, the public agency must provide the parent with a copy of the written notice described in section 7 of this rule.
3. The public agency is not required to convene a CCC or develop an IEP when the public agency receives the parent's written revocation.
4. The public agency may ask the parent why the parent is revoking consent, but the public agency may not require the parent to provide an explanation, either orally or in writing, as a condition of terminating the provision of special education and related services. The public agency may not use the inquiry to delay or deny the termination of special education and related services.
5. A parent's revocation of consent covers all instruction, services, and supports included in the student's IEP, including, but not limited to, the following:
 - a. Specialized instruction.
 - b. Related services.
 - c. Accommodations.
 - d. Adaptations.
 - e. Modifications.
 - f. Supports for the student or personnel on behalf of the student.
 - g. Assistive technology devices and services.
 - h. Placement outside of a general education classroom.
6. A parent may not revoke consent for fewer than all of the special education and related services included in the student's IEP.

7. The public agency may not terminate special education and related services until ten (10) instructional days after the parent receives the written notice described in subsection (b) unless the parent provides written consent for services to be terminated prior to the expiration of ten (10) instructional days after receipt of the written notice.
8. The public agency may not use mediation or a due process hearing to override the parent's revocation of consent for services.
9. Upon revocation of consent and termination of special education and related services, the student is no longer eligible as a student with a disability and is not entitled to the protections of this article, except as permitted in 511 IAC 7-44-9.
10. The public agency is not required to amend the student's educational records to remove any reference to the student's special education and related services when the parent revokes consent for services. This does not preclude a parent from requesting that the student's educational record be amended in accordance with the procedures contained in 511 IAC 7-38-2.
11. The public agency shall not be considered to be in violation of the requirement to make a free appropriate public education available to the student when the public agency terminates the special education and related services to the student subsequent to the parent's revocation of consent in accordance with this section.
12. If, after revoking consent, a parent wants the student to receive special education and related services, the parent must request an initial evaluation in accordance with 511 IAC 7-40-4 and the CCC must determine, in accordance with 511 IAC 7-40-6, if the student is eligible for special education and related services as a student with a disability as defined in 511 IAC 7-32-92.

Revocation of Consent Procedures

1. Licensed personnel at the school district receives written request from parent, as defined by Article 7, revoking consent for special education and related services.
2. On the same instructional day, licensed personnel will date stamp the document and forward a copy of the written request for revocation of consent to an AWSSC administrator to notify them that a ten-day response window has begun. If the request is received after hours, the date stamp will reflect the next instructional day.
3. AWSSC administrator will upload written request for revocation of consent into Special Programs and generate **Notice of Discontinuation of Special Education**.
4. Within ten instructional days of the receipt of the written request to revoke consent for special education and related services, an AWSSC administrator will meet with the parent to provide the **Notice of Discontinuation of Special Education** and to explain the ramifications of the decision.
5. If the parent is unable to meet with the AWSSC administrator within the required time frame, the **Notice of Discontinuation of Special Education** will be sent to the parent for review.
6. The school will discontinue special education services ten instructional days after the **Notice of Discontinuation of Special Education** has been provided to the parent unless the parent provides written consent for services to be terminated prior to the expiration of ten instructional days by signing and returning the **Notice of Discontinuation of Special Education**.
7. When complete, AWSSC administrator will notify TOR to complete a withdrawal form from the Adams Wells website and forward a copy to the district data manager.
8. The student will be placed into a general education program without an IEP.
8. The student will no longer be treated as a student with a disability although the student could be eligible for accommodations under a 504 Plan.
9. The student will no longer be entitled to the safeguards or protections of IDEA or Article 7.
10. All information regarding the student's previous special education services and eligibility will be maintained for required timeline.
11. If, after the parent has revoked consent for special education and related services, the parent asks that the student be reconsidered for special education, the school district would follow the procedures for an initial evaluation.