

JOHNSTON PUBLIC SCHOOLS

Special Services

DATE:

STUDENT _____ D.O.B. ____/____/____

SCHOOL _____ GRADE ____ TEACHER/COUNSELOR _____

Dear Parent(s)/Guardian:

In December of 2008, the Office of Special Education and Rehabilitative Services promulgated amendments to the regulations implementing the IDEA. This amendment includes provisions to allow for unilateral revocation of parental consent for special education services.

Parental consent for special education services can be revoked at any time.

If you revoke consent in writing for your child's receipt of special education services after your child is initially provided special education and related services, the Johnston Public Schools 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. This does not impinge on your rights to inspect records or [request to] amend records.

If, at any time subsequent to the initial provision of special education and related services, you revoke consent in writing for the continued provision of special education and related services, the Johnston Public Schools

- will not continue to provide special education and related services to your child, but will provide prior written notice before ceasing the provision of special education and related services;
- will not use the procedures (including the mediation or the due process procedures) in order to obtain agreement or a ruling that the services may be provided to your child;
- will not be considered to be in violation of the requirement to make a free appropriate public education (FAPE) available to your child because of the failure to provide your child with further special education and related services; and
- is not required to convene an IEP Team meeting or develop an IEP for your child for further provision of special education and related services.

In requesting that special education services be terminated/revoked, the parent(s)/guardian must understand that:

- A parent's revocation must be in writing;
- Revocation applies to **all** special education services and cannot be used to refuse only a portion of services;
- *Prior Written Notice* (attached) must be provided to the parent before the public agency discontinues special education and related services to a child;
- The Johnston Public Schools may not utilize mediation or due process hearing procedures to override your revocation of consent for the continued provision of services.
- Revocation of parental consent releases the Johnston Public Schools from the requirements of IDEA from the time the parent revokes consent for special education and related services (and after prior written notice requirements are met) until the time, if any, that the child is evaluated and deemed eligible, once again, for special education and related services.

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- Nothing would prevent a general education teacher from providing a child whose parent has revoked consent for the continued provision of special education and related services with accommodations that are available to non-disabled children under relevant State standards.
- Once you revoke consent for special education and related services, your child is a general education student. Consequently, your child may be placed in any classroom where other general education students are placed.
- After revoking consent for your child, you always maintain the right to subsequently request an initial evaluation to determine if your child is a child with a disability who needs special education and related services. An initial evaluation requires a review of existing evaluation data, on the basis of that review and input from your child's parents, the IEP Team and other qualified professionals must identify what additional data, if any, are needed to determine whether your child is a child with a disability and the educational needs of the child. Therefore, Johnston Public Schools may not always have to expend resources on a "new" initial evaluation.
- **Child find:** requirements are still required for all students, including those whose parent has revoked consent for the continued provision of special education and related services. The Johnston Public Schools revokes consent for special education and related services, that you have refused services; therefore, the Johnston Public Schools is not deemed to have knowledge that your child is a child with a disability and your child may be disciplined as a general education student and is not entitled to the IDEA discipline protections.
- **Reporting Requirements:** If you revoke consent after the school year begins but before administration of the annual State assessment required under the ESEA, your child is considered a general education student who has exited special education for accountability purposes [Section 200.20(f). Title I regulations allow States to include, for a period of up to two AYP determination cycles, the scores of students who were previously identified with a disability under the Act, but who no longer receive special education services, in the special education subgroup for purposes of calculating AYP (but not for reporting purposes)]. Therefore, the State may continue to include a child whose parent revokes consent for special education and related services in the special education subgroup for purposes of calculating AYP for two years following parental revocation of consent.

Enclosed please find a copy of the *Prior Written Notice* form indicating your request to revoke consent for special education and related services. Please review this form and return one signed copy of the Prior Written Notice form to this office. Upon receipt in my office, special education and related services will be terminated for your child. If you have any questions, or want to discuss this further, please feel free to contact my office.

Yours truly,

Director of Special Education

c: Prior Written Notice
Procedural Safeguards