

WCED Parent Revocation Guidance

September 2021

This document will provide guidance for situations when a parent and district are not in agreement regarding the proposed services for an IEP. Understanding the district's obligation is imperative even though the direction will always be to contact the Special Education Coordinator.

District's Legal Obligations

- Districts are obligated to complete 'child find activities' which includes a comprehensive special education evaluation to determine if a child qualifies for special education and has needs for specially designed instruction. Following an evaluation when a child meets criteria, the district is required to create an IEP which would meet the needs identified during the evaluation. The proposed IEP and PWN must be sent to the parents. There are no exceptions to this rule.
- Annual IEPs must also include all services the district feels are appropriate in order to address the students needs.
 - Example: If a student has needs in social communication, the team can discuss how to best meet those needs and agree on a viable option. The district may have felt the best option was the social worker but during the meeting, the idea of the SLP was discussed and all agreed the SLP can meet those needs. Since it was agreed upon by the team how to meet the need, it would be included on the proposed IEP as discussed.
 - On the other hand if a student has needs for articulation and the only way to meet those needs is through an SLP and the parent disagrees at the meeting and indicates they don't want those services, the proposed IEP must still include articulation services provided by the SLP. The case manager can explain to the parent this is a due process requirement which needs to be followed. The parent can then request a meeting or Conciliation Conference on the PWN. Connect with the Special Education Coordinator in this circumstance to assist.

Parental Right to Revoke Consent

- Although the federal rules state a parent cannot revoke consent to some services and not others, (see language from MDE Q&A below) it also states a district cannot deny some services to a child if a parent and district disagree on other services. This contradiction has not been resolved at the federal or state level.
- [Q&A Revocation of Parental Consent.pdf](#)
 - **Question 20: Can a parent revoke consent to some services and not others?**
 - Answer: No. A parent can only revoke consent to special education and related services in their entirety. In situations where a parent disagrees with the provision of a particular service and the parent and the district agree that the child would still receive

FAPE if the child did not receive the service, the service should be removed from the child's IEP. If the child would not receive FAPE if the child did not receive a particular service, the parent may use the mediation or due process procedures available under IDEA to obtain a ruling regarding the service with which the parent disagrees.

- Authority: 34 C.F.R. § 300.300, cmts. at 73 Fed. Reg. 73,011; 34 C.F.R. § 300.300(b)(4).
- Consult with your special education coordinator anytime a parent and district are not in agreement regarding services in order to work through options on a case by case basis. It is imperative to have a Prior Written Notice created which clearly identifies the district's belief that the student will not be receiving FAPE, however, the district will work with the parent to resolve conflicts through Conciliation Conferences or meetings.
- At no time will a parent be able to revoke consent for core services being provided due to the student's area of eligibility and keep only a service that is not allowed to be a stand alone service such as DAPE, OT or PT.

FAQ

1. ***What if a parent indicates during an evaluation they will not approve of their child being in special education?*** If the child qualifies for special education, the IEP must still be developed which proposes the appropriate services to meet the child's needs. In these situations, parents should be told it is a requirement for districts to create an IEP and send the documents home along with the PWN. They can return the PWN indicating they want a Conciliation Conference or a meeting or write on the form that they do not agree or approve of services. Contact the Special Education Coordinator for tracking and possible follow up.
2. ***What if we send the initial ER, IEP and PWN home and get no response?***
Contact the Special Education Coordinator to discuss options for reaching out to parents. Perhaps the principal, classroom teacher, school psychologist or coordinator would reach out to the parent; document attempts to discuss the services. Services cannot be provided without consent.
3. ***What if the parent indicates they don't want speech services anymore? (The student is in ECSE and receiving special education services in the ECSE program)***
If a parent indicates in writing they no longer want one specific service, discuss with them their reasoning and offer to have a meeting to discuss their concerns. Include building administrator and Special Education Coordinator. The district will need to create a Prior Written Notice with appropriate language regarding the district's stance regarding FAPE if meetings do not result in agreement.
4. ***Can a parent request not having the core services the student qualified for and keep social work for example, one of the related services?***
No, since related services are not a stand alone service, they cannot be the only service being provided on the IEP to the student.

SpEd Forms directions

SpEd Forms has specific Administrative Forms which can be accessed by the Coordinator for a variety of purposes:

<input checked="" type="checkbox"/> ADMINISTRATORS ONLY	
Parent Letter: Initial IEP Denied 	Parent Letter: Annual IEP Denied 
Parent Letter: Initial IEP consent not returned 	Parent Letter: Consent for initial evaluation denied 
Parent Letter: Initial Evaluation Denied 	Parent Letter: Consent for initial evaluation not returned 
Parent Letter: Reevaluation Denied 	Parent Notification of Transfer to a Non-Public School 