



STATE OF MICHIGAN  
DEPARTMENT OF EDUCATION  
LANSING



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SUPERINTENDENT OF  
PUBLIC INSTRUCTION

February 19, 2009

MEMORANDUM

TO: Intermediate School District Directors of Special Education and  
Planner/Monitors

FROM: Jacquelyn J. Thompson, Ph.D., Director  
Office of Special Education and Early Intervention Services

SUBJECT: Revocation of Parental Consent and Public Hearing Notice

**DISSEMINATE TO ALL LEAs AND PSAs**

On December 1, 2008, the U.S. Department of Education published new final regulations for Part B of the Individuals with Disabilities Education Act (IDEA). These new regulations were effective December 31, 2008. The regulations are accessible electronically at:  
<http://edocket.access.gpo.gov/2008/pdf/E8-28175.pdf>.

The new IDEA regulations contain a significant change at 34 CFR §300.300(b). Subsection (4) allows the parent of a child with a disability to revoke consent for the provision of special education and related services "at any time subsequent to the initial provision of special education and related services... ." The revocation must be in writing.

Upon receipt of the written revocation, the school district: must promptly provide prior written notice in accordance with the IDEA regulations at §300.503 before ceasing the provision of special education and related services; may not use mediation or due process procedures to challenge the revocation of the consent; is not required to make a free appropriate public education available to the child; and, is not required to convene an individualized education program (IEP) team meeting or develop an IEP.

The new regulations, at §300.9, state that a school district 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.

To implement the new regulations at §300.300(b)(3) and (4) and §300.9, the Office of Special Education and Early Intervention Services (OSE-EIS) will update the state's Procedural Safeguards Notice and provide sample parental revocation of consent and notice of cessation forms. Districts need to update their procedural safeguards notice and any district prior written notice and consent forms to reflect the new regulations.

OSE-EIS 09-07

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### **Public Hearing Notice**

In compliance with the IDEA public notice and hearing requirements, on March 9, 2009 and March 11, 2009, the OSE-EIS will hold public hearings regarding the update to the state's Procedural Safeguards Notice and the sample revocation of parental consent and notice of cessation forms.

The hearings are held pursuant to 34 CFR §300.165. Any party may participate in the public hearings. Participants may provide oral or written comments at the hearings. Participants may also send comments by postal mail to Public Comment, Office of Special Education and Early Intervention Services, 608 West Allegan Street, P.O. Box 30008, Lansing, Michigan 48909, or by e-mail to [mde-ose@michigan.gov](mailto:mde-ose@michigan.gov).

If special accommodations, including interpreter services, are needed to participate in the public hearings, please contact Ms. Meredith Hines at (517) 373-0924, via email at [hinesm@michigan.gov](mailto:hinesm@michigan.gov), or TTY (517) 373-9434 by March 2, 2009.

All comment must be received by the OSE-EIS by 5:00 p.m. on April 17, 2009.

### **Time and Place of Public Hearings**

March 9, 2009, 4:00 p.m. – 6:00 p.m., Hyatt Regency Dearborn, 600 Town Center Drive, Dearborn, Michigan 48126, (313) 593-1234.

March 11, 2009, 4:00 p.m. – 6:00 p.m., The Deltas Meeting Room, Lansing West Hotel and Conference Center (formerly Holiday Inn West), 7501 West Saginaw Highway, Lansing, Michigan 48917 (517) 627-3211.

Attachment A is the update to the Procedural Safeguards Notice. Attachment B is the proposed sample Revocation of Parental Consent for Special Education Programs and Services form. Attachment C is the proposed sample Notice of Cessation of Special Education Programs and Services in Response to Revocation of Parental Consent form.

Attachments

### **Update to Model Procedural Safeguards Notice**

*The following language should be inserted in the OSE-EIS Model Procedural Safeguards Notice between "Parental consent for services" and "Parental consent for reevaluations" (currently Page 6 in the model Notice).*

#### **Revocation of parental consent**

If you inform the school district in writing that you revoke (take back) your consent for your school district to provide special education and related services to your child, your school district:

1. May not continue to provide special education and related services to your child;
2. Must provide you with timely prior written notice, consistent with §300.503 of the IDEA regulations, of their proposal to discontinue special education and related services based on receipt of your written revocation of consent;
3. May not use due process procedures (i.e., mediation, resolution meeting, or an impartial due process hearing) in order to obtain agreement or a ruling that the services may be provided to your child;
4. Is not in violation of the requirement to make FAPE available to your child for its failure to provide further special education and related services to your child;
5. Is not required to have an IEP meeting or develop an IEP for your child for the further provision of special education and related services; and
6. Is not required to amend your child's education records to remove any reference to your child's receipt of special education and related services because of the revocation of consent.

Revocation of Parental Consent for Special Education Programs and Services

Student Name \_\_\_\_\_

Student Birth Date \_\_\_\_\_ Student ID \_\_\_\_\_

School District \_\_\_\_\_

I hereby revoke (take back) my consent for the provision of special education programs and services for my child.

- I understand that the school district will promptly provide me with a prior written notice that establishes a specific date when my child's special education programs and services will stop. The prior written notice will explain the changes in my child's placement and programs and services and meet the requirements at §300.503 of the federal Individuals with Disabilities Education Act (IDEA) regulations.
- I understand that once I revoke consent for my child's special education programs and services:
  - My parental rights in special education will end;
  - My child will no longer receive the discipline protections available under the IDEA;
  - The school district is not required to make a free appropriate public education available to my child;
  - The school district is not required to have an individualized education program (IEP) team meeting or develop an IEP for my child.
- I understand that after I revoke consent for my child, the school district is not required to amend my child's records to remove any references to my child's receipt of special education programs and services.

I understand that after I revoke consent for my child, I may subsequently refer my child for special education and request an initial evaluation to determine if my child is a child with a disability who needs special education programs or services.

\_\_\_\_\_ Date \_\_\_\_\_

Signature of Parent/Guardian

\_\_\_\_\_

Please Print Name

Notice of Cessation of Special Education Programs and Services  
in Response to Revocation of Parental Consent

Student Name \_\_\_\_\_

Student Birth Date \_\_\_\_\_ Student ID \_\_\_\_\_

School District \_\_\_\_\_

This notice is to inform you that the school district has received your revocation of consent for special education programs and services for your child. The school district will take the following action(s):

- Your child will no longer be identified as a child with a disability under the Individuals with Disabilities Education Act (IDEA) and the Michigan Administrative Rules for Special Education (MARSE);
- Your child’s educational placement will be changed to \_\_\_\_\_;
- Special education programs and services for your child will end on \_\_\_\_\_.  
(date on which programs and services will end)

Once your revocation is effective, your child will no longer be eligible to receive a free appropriate public education (FAPE) as defined under the IDEA and will no longer be entitled to protections received when identified as a child eligible for special education programs or services. The school district will not be required to convene an individualized education program (IEP) team meeting or develop an IEP for your child.

Your child’s records will not be amended to remove references to the receipt of special education programs and services.

After your revocation is effective, you may subsequently refer your child for special education programs and services and request an initial evaluation.

Other considerations or additional information:  
\_\_\_\_\_  
\_\_\_\_\_

A copy of the Procedural Safeguards Notice is enclosed with this notice. Until the date the school district ends programs or services (as specified in this notice), your child has procedural protections under the IDEA. These protections are explained in the Procedural Safeguards Notice.

\_\_\_\_\_ Date \_\_\_\_\_  
School District Superintendent or Designee

enclosures: Procedural Safeguards Notice  
Sources for assistance in understanding Part B of the IDEA