

A GUIDE TO THE ADMISSION, REVIEW AND DISMISSAL PROCESS

ADDENDUM

The purpose of this Addendum is to provide information to parents regarding the recent supplemental federal regulations that impact the Admission, Review and Dismissal process. These supplemental regulations which relate to a parent's right to revoke consent for the receipt of special education services were published in the Federal Register on December 1, 2008, and became effective on December 31, 2008.

Prior Written Notice (ARD Guide, page 3)

As of December 31, 2008, you now have the right to revoke your consent for the continued provision of special education and related services to your child at any time after the initial provision of special education and related services. A parent's revocation of consent must be in writing. Once the school receives your written revocation, it must honor your decision. Before the school discontinues services, however, it must provide you with prior written notice that services will cease. This prior written notice must be given to you a reasonable time before the school discontinues services. In Texas, this means that the school must provide prior written notice at least five school days in advance of discontinuing services.

Consent for the Initial Provision of Services (ARD Guide, page 4)

Just as you have the authority to consent to the initial provision of special education and related services, you now have the authority to revoke your consent for services. Your revocation of consent must be in writing. Although the school must discontinue services, the school is not required to amend your child's education records to remove any references to your child's having received special education and related services in the past.

ARD Committee (ARD Guide, page 5)

If you revoke your consent for the continued provision of special education and related services, the school is not required to convene an ARD committee meeting or develop an IEP for your child for further provision of services. Once you revoke consent, your child will be considered a general education student. Since your child will no longer have an IEP, the school will no longer be required to provide accommodations that were previously included in your child's IEP. If you revoke your consent, the school will not be considered to be in violation of the IDEA requirement to make a FAPE available to your child because of the failure to provide your child with further special education and related services.

Child Not Yet Eligible (ARD Guide, page 15)

If you revoke your consent for the continued provision of special education and related services, your child is not entitled to protections in the IDEA relating to discipline.

Mediation (ARD Guide, page 18)

If you revoke your consent for the continued provision of special education and related services, the school may not use the mediation process to try to obtain an agreement that services may continue to be provided to your child.

Due Process Hearing (ARD Guide, page 18)

If you revoke your consent for the continued provision of special education and related services, the school may not use the due process hearing procedures to challenge your decision. You have the right to revoke your consent, and the school must honor your decision.