



TOPIC: Parental Revocation of Consent for the continued provision of a particular service (IDEA Part B)

“Can the parent revoke consent for a particular service, but not others, thereby requiring the district to continue to provide only those services for which the parent has not revoked consent?”

92 NAC 51 (Rule 51)

009.08B4 If at any time subsequent to the initial provision of special education and related services, the parent of a child revokes consent in writing for the continued provision of special education and related services, the school district or approved cooperative:

- 009.08B4a May not continue to provide special education and related services to the child, but must provide prior written notice in accordance with 92 NAC 51-009.05 before ceasing the provision of special education and related services.
- 009.09B4b May not use the procedures in 92 NAC 51-009 including the mediation procedures and due process procedures) in order to obtain agreement or a ruling that the services may be provided to the child.
- 009.08B4c Will not be considered to be in violation of the requirement to make a Free Appropriate Public Education (FAPE) available to the child because of the failure to provide the child with further special education and related services; and
- 009.08B4d Is not required to convene an IEP Team meeting or develop an IEP under 92 NAC 51-007 for the child or further provision of special education and related services.

If a parent disagrees with the provision of a particular special education or related service and the parent and the parent and public agency agree that the child would be provided with a free appropriate public education (FAPE) if the child did not receive that service, the public agency should remove the service from the child’s individualized education program (IEP) and, since it does not disagree with the parents, would not have a basis for using the procedures in Subpart E of the regulations to require the service be provided to the child. If, however, the parent and public agency disagree about whether the child would be provided FAPE if the child did not receive a particular special education or related service, the parent may use the due process procedures in Subpart E of the regulations to obtain a ruling that the service with which the parent disagrees is not appropriate for their child. ***IDEA Part B Supplemental Regulations Non-Regulatory Guidance, April 2009***