

**MODEL WRITTEN PRIOR NOTICE**  
**[When parents revoke consent in accordance**  
**with requirements at 34 CFR § 300.300]**

**1. A description of the action proposed or refused by the local educational agency**

*Provide information about the student's eligibility for special education and related services. Examples follow:*

- The local educational agency determined on (date) that (student's name) is a child with a disability in need of special education and related services. [Parent's name(s)], the parent, provided (or refused to provide) consent for eligibility or continued eligibility on (date).
- The last agreed upon IEP (individualized education plan) was developed at an IEP meeting on (date), and the parent provided consent on (date). The IEP detailed annual goals and the special education and related services that the team determined were needed in order for the child to receive a free appropriate public education. The parent was a member of the team.
- On (date), the parent revoked consent for the student to be determined a child with a disability and be provided special education and related services.

*Provide information that is specific to the student and describes how the student will be affected. Examples follow:*

- Per the parent's revocation of consent, the local educational agency will cease delivering services in accordance with the IEP on (date). By revoking consent, the student will no longer receive special education and related services of any kind, including accommodations and modifications. The student will no longer be protected by the disciplinary procedures included in the federal and state special education requirements in the event of a violation of the code of conduct.
- By revoking consent, the student's status on the Modified Diploma Track will no longer be valid and the student will have to meet all requirements of the regular diploma (standard or advanced studies) in order to earn a diploma.

**2. An explanation of why the local educational agency proposes or refuses to take the action**

*Address each bullet listed in #1. An explanation may address more than one action listed, so there may not be a separate explanation for each action. Below are examples that address the bulleted actions provided above:*

- Based on a multidisciplinary evaluation that included (fill in the type of evaluations such as psychological, sociological, educational, review of the student's file, etc.), the local educational agency determined that the child met the criteria as a child with a disability who also needs special education and related services in order to be provided a free appropriate public education. An individualized education plan was developed by a team that included the parent to meet the identified educational needs of the student.

- In accordance with the federal and state special education requirements, when a parent revokes consent for eligibility, the local educational agency is obligated to cease delivering special education and related services.
- Because the Modified Standard Diploma is only available to students with IEPs, this option cannot be used once services per the revocation of consent cease.
- By revoking consent, the federal and state special education requirements for discipline do not apply if the student violates the code of conduct.

**3. A description of any other options the IEP team considered and the reasons for the rejection of those options**

*If the parent provided a reason for the revocation for consent and the local educational agency attempted to resolve the dispute, those attempts should be documented. Examples are as follows:*

- The local educational agency informed the parent of their rights to use the state complaint system, mediation, and/or request a due process hearing if their reasons for revocation of consent were related to disagreements with the local educational agency regarding the student's FAPE.
- The local educational agency offered to hold an IEP meeting that would provide an opportunity for the team to address issues that the parent may have; however, the parent refused. Consequently, an IEP team meeting was considered but not held due to the parent's rejection of meeting.

**4. A description of each evaluation procedure, assessment, record, or report the local educational agency used as a basis for the proposed or refused action**

*Briefly include a summary of information that supported the local educational agency's decision that resulted in the eligibility of the student and the decisions made at an IEP meeting. An example follows:*

- Evaluations conducted for the determination of eligibility or continued eligibility for special education resulted in a conclusion that the student has a specific learning disability, and the evaluations included:
  - an educational evaluation that indicated that the child's educational achievement was significantly below what would be expected,
  - a psychological evaluation that found that the child's ability was within the average range but with significant discrepancies between verbal and performance areas,
  - classroom observations that revealed that the student had difficulty staying on task; and
  - review of earlier response to intervention reports that indicated the student needed more intensive and specialized academic services.
- During a review of performance at the last IEP meeting, it was determined that the special education and related services were providing the student with educational benefit and that he was demonstrating success in all academic areas except math. In the area of math, the IEP team included additional goals and services to further address this particular need.

- The parent(s) was provided information about the state complaint process, mediation and due process hearings to resolve any conflicts about special education and related services provided to her child.

**5. A description of any other factors that are relevant to the local educational agency's proposal or refusal**

*Summarize each effect that revocation of consent will have on the services to be provided to the student. Examples include:*

- Revocation of parental consent will mean that (student's name) will no longer receive special education and related services and will not be protected by the disciplinary procedures of federal and state special education requirements if there is a violation of the code of conduct.
- Revocation of parental consent will mean that the secondary transition services currently included in the IEP will not be provided.
- Revocation of parental consent will mean that the accommodations provided in after-school activities may not be provided.
- Revocation of parental consent will mean that (student's name) will no longer receive the accommodations listed in the IEP for standardized testing such as SOL testing.
- The parent was informed that the local educational agency is willing to participate in mediation to resolve any dispute that the parent may have with the local educational agency.
- Revocation of parental consent will mean that any special transportation provided for (student's name) will cease.
- Revocation of parental consent may affect (student's name) graduation status without standardized testing accommodations or special diploma status.

**6. A statement that the parent(s) of a child with a disability have protection under the procedural safeguards associated with federal and state special education requirements and, if the notice is not an initial referral for evaluation, the means by which a copy of a description of the procedural safeguards can be obtained**

- Based on the eligibility determination on (date of last eligibility), (student's name) was found to be a child with a disability with protection under the procedural safeguards associated with the federal and state special education requirements and the provision of a free appropriate public education. The parent was provided a copy of these safeguards.
- Parental revocation of consent means that once the local educational agency implements the revocation of consent, these rights and protections will no longer be available to the parent(s) of the student.

**7. Sources the parent(s) may contact in order to obtain assistance in understanding the provisions of these rights**

- Provide the name, title, contact information of someone who is knowledgeable about the procedural safeguards and the requirements related to revocation of consent.

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Model Written Prior Notice developed by the Virginia Department of Education and disseminated to Directors of Special Education, Directors of State Operated Programs and the Virginia School for the Deaf and the Blind, Staunton, and VDOE staff in the Division of Special Education and Student Services. February 2009