



PUBLIC SCHOOLS OF NORTH CAROLINA

DEPARTMENT OF PUBLIC INSTRUCTION | June St. Clair Atkinson, Ed.D., *State Superintendent*

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Date: September 24, 2015

To: Directors and Coordinators, Exceptional Children Programs

From: William J. Hussey, Director *WJH*
Exceptional Children Division

Subject: **Revocation of Consent for Services
Disagreements with IEP Team Decisions**

Since the December 2014 memo, "*Parent Requests for Private Providers/Local Education Agencies (LEA)/ Offers of Free, Appropriate, Public Education (FAPE)/Revocation of Consent for Services*", the Division has received additional requests for clarification, particularly in instances/situations in which Individualized Education Program (IEP) Teams are in disagreement about components of the IEP.

The contents of the December 2014 memo was never intended to become a "forced choice" or that revocation was necessarily implied when disagreements arise. The parent's right to revoke consent for services has always been a procedural safeguard - though rarely used or discussed in the course of an IEP Team disagreement or a dispute resolution process.

A disagreement with a parent about the determination of FAPE is not considered an automatic revocation of special education services. Often, parents do want the student to receive services; however, they may disagree about the frequency, duration and intensity of the services proposed.

When disagreements such as these arise, the LEA should provide the parents with prior written notice of its decision (including an appropriate timeframe for the parent to invoke their due process rights prior to implementation of the decision) and their procedural safeguards.

Please remember the following when disagreements arise:

1. The IEP Team is required to consider multiple sources of data in the development of the IEP. [NC 1503-5.1(a)(1)(i)(ii)(iii)(iv)]
2. For a student in the initial evaluation process, parental consent for the provision of special education and related services must be obtained prior to the initial provision of services. [NC 1503-1(b)(1)]
3. The prior written notice requirements outline the LEA's responsibility to provide written notice of the LEA's proposals and refusals. [NC 1504-1.4] The LEA has the responsibility to inform the parent of the final decision of the IEP Team; this is particularly important if consensus cannot be reached.
4. The LEA must provide the parent with their procedural safeguards including, but not limited to, mediation, state complaint, due process and revocation of consent. Please be certain the parent fully understands the potential outcomes if they decide to revoke consent for the provision of services. The parent's disagreement with the IEP Team's decision may not be interpreted or assumed as a revocation of consent for services. [NC 1500-2.5 (a) (b) (c)]
5. The LEA/parent may utilize *internal LEA* informal dispute resolution strategies to resolve the disagreement (e.g., reconvene for an IEP Team meeting, parent-EC Director meeting, etc.)

EXCEPTIONAL CHILDREN DIVISION

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6. The LEA/parent may utilize informal or formal dispute resolution strategies, *coordinated by the EC Division*, to resolve the disagreement (e.g., facilitated IEP Team meeting, mediation or due process).

If there are questions or concerns, please contact:

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For additional dispute resolution strategies, please contact:

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