

Exiting a Student from Special Education

A school district may exit a student from special education after completing a multi-factored evaluation that concludes that the child is no longer a “child with a disability.” Thus, a student should be exited from special education when the team determines that the child no longer has a disability or no longer needs special education or related services as a result of a disability listed in IDEA.

The district must provide the parent with prior written notice of its determination that the student is no longer a “child with a disability.” After providing prior written notice, the district may exit the student from special education unless the parent files a due process complaint challenging the determination. If the parent files a due process complaint, the district must provide the student with special education pursuant to the last agreed-upon IEP while the due process complaint is pending.

When a student’s IEP team determines that the child should be exited from special education, the team should consider whether the completion of a Section 504 plan is appropriate. This involves a two-part inquiry: (1) is the student “disabled” as that term is defined under Section 504; and (2) does the student require accommodations to have an equal opportunity to access and obtain a benefit from the district’s programs.

No reevaluation is necessary before exiting a student from special education upon the award of a regular high school diploma. The award of a regular high school diploma is one of the circumstances that ends the district’s obligation to provide FAPE. The district must, however, give the parent (and student if he or she is at least 18 years old) prior written notice of the award of a regular high school diploma. Additionally, a Summary of Performance must be completed (see article on Page 2).

Likewise, no reevaluation is necessary before exiting a student from special education when the student turns 22 years old. The district must, however, provide the parent and student with prior written notice regarding the student exceeding the age eligibility for receiving FAPE. When a student turns 22 during the school year, the district may cease the provision of services immediately; there is no requirement to continue services to the end of the school year. Please consult your Board’s policy and legal counsel regarding the continuation of services to a student who turns 22 years old.

Did You Know?

Timelines to obtain written consent for ETR (or issue prior written notice that no ETR will be completed) and to complete an initial ETR continue to run in the summer.

- You and your colleagues may be on summer vacation, but the deadlines applicable to an initial evaluation still apply.
- The district must obtain written consent to conduct an initial evaluation, or give the parent prior written notice stating it will not conduct an initial evaluation, within 30 calendar days of receipt of a referral for an initial evaluation.
- The district must complete the initial evaluation within 60 calendar days of obtaining parent’s written consent.

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Building Transitions: Key Topics as Students Make the Switch

As the school year comes to a close and administrators and staff look toward next year, all should be mindful of common issues that arise as students with special needs transition from one building to the next. The IEP Team should meet and discuss the following:

1. **Related Service Time** – The IEP Team should review Section 7 of a student's IEP to determine if the related service time delineated in the IEP fits with the new school's schedule. Teams must consider the student's individual needs and how to address those within the context of the student's new schedule, keeping in mind that the solution to a new schedule is not simply altering a student's service time.
2. **Reporting Progress** – If the student's IEP requires frequent progress monitor reporting, the new IEP Team should consider whether and how it can meet those requirements and whether the requirements make sense given the new school. For example, can the parent access information online that it could not at the old school? Have the parents' method of contact changed?
3. **Extracurricular Activities** – Team members should be aware that new schools might mean new extracurricular opportunities. Schools assess each individual student to determine if reasonable accommodations can be made to allow the student to participate in a sport or other activity. While such accommodations may be identified in Section 9 of the IEP, the team should expressly state participation in the extracurricular activity is not necessary to FAPE.
4. **Service Providers** – The building transition meeting is recommended and should include all service providers, including all IEP Team members from the former building and the new building, to ensure a smooth transition for the student. This is also an opportunity for the parents to meet their child's new instructors and ask any questions they may have about the transition. Participants should have copies of the latest documentation (IEP, Healthcare Plan, etc.), discuss the data collection and reporting expectations, and leave the meeting ready to train aides or other paraprofessionals who will be assisting the student.
5. **Individual Healthcare Plans and Emergency Action Plans** – For any student with an Individual Healthcare Plan and/or Emergency Action Plan, the new building must be made aware of such plans and review them to determine if new procedures should be put in place or if plans need to be amended based on the new building's unique characteristics. The child's new team must also be instructed on the particular medical condition, including the signs and symptoms of a medically significant event, strategies to reduce risk, and how to respond should an emergency arise.
6. **Peer-to-Peer Relations** – Building transition meetings also provide a unique opportunity for the IEP Team to discuss peer-to-peer interactions, including discussing issues of bullying and harassment based on disability or any other characteristic or reason, and developing a plan to address those issues. It is important for team members at the new school to understand a student's social needs and develop a plan to address them, where necessary.

Completion of a summary of performance upon graduation with a regular high school diploma or student reaching 22nd birthday

Although a school district need not complete a reevaluation before terminating educational services because the student has earned a regular high school diploma or has turned 22, the district must complete and provide to the student a summary of performance. The summary must describe the student's academic achievement and functional performance. In addition, the summary should list the student's post-secondary goals from the IEP and must contain recommendations to assist the student to satisfy those goals.

ODE has issued an optional form, OP-8 Summary of Performance, to assist with this requirement. OP-8 requires an anticipated date of exit from special education, which should be consistent with the exit date referenced in the IEP. ODE contemplates completion of the form by the student's case manager or one of the student's teachers or service providers. OP-8 contains a Student Input section that requires information from the student prior to or in conjunction with the completion of the form.



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