

CHAPTER 8

DISCONTINUING SPECIAL EDUCATION SERVICES

INTRODUCTION

This chapter discusses several instances in which students currently receiving special education services "discontinue" or exit from the special education program. Such circumstances include the following:

- A. No Longer a Student with an Exceptionality
- B. Graduation
- C. Services at Age 21
- D. Withdrawal from Special Education Services
- E. Student Drops Out of School
- F. Prior Written Notice and Request for Consent

A. NO LONGER A STUDENT WITH AN EXCEPTIONALITY

If someone knowledgeable about a student's progress suspects that a student no longer meets the eligibility criteria of a child with an exceptionality, a reevaluation must be conducted to determine if the student continues to be a student with an exceptionality. The team will arrange to have additional assessments conducted if necessary. (See Chapter 7, Reevaluation.) Schools must provide Prior Written Notice (Figure 1-2a in Appendix A) and a copy of the Parent Rights to parents, and obtain informed parent consent for a reevaluation, according to KAR 91-40-27(a)(1) in Appendix E, including when determining whether or not a student continues to be a student with an exceptionality.

If it is determined that the student is no longer a student with an exceptionality, the district will provide the parents with Prior Written Notice of this decision and obtain parent consent before discontinuing services (Figure 1-2c in Appendix A). Typically, if the IEP Team decides that a student is no longer eligible, the reason is that s/he no longer has a need for special education and related services. For example, a student who was identified with speech and language delays as a young child has benefited from speech/language services, met the exit criteria determined by the IEP Team, and no longer needs such services. There may still be characteristics of the disability present, such as difficulty with initial /s/, /sh/, and /ch/ sounds. Services may be discontinued if data support that the student no longer has a need for services.

Kansas State regulations no longer require schools to monitor progress of a student who has been dismissed from special education services. However, with the Prior Written Notice of proposed action, the IEP Team may indicate under "Other Factors" that if the need for services reappears, the teacher would ask that the IEP Team be reconvened. If sufficient data are available, the reevaluation may be completed with existing data. Eligibility would be redetermined, and a new IEP would be written to address this need. If more data are required to determine eligibility, parent consent for reevaluation would begin the process.

B. GRADUATION

The district must use a regular diploma for students receiving special education services at the completion of their secondary program, if they meet graduation requirements of the school district or as specified on their IEP. The transcript serves as a record of individual accomplishments, achievements, and courses completed. A modified or differentiated diploma or certificate may not be used for students receiving special education services unless the same diploma or certificate is granted to students without exceptionalities in the same graduating class. Students

with exceptionalities who meet graduation criteria must be afforded the same opportunity to participate in graduation ceremonies as students without exceptionalities.

To graduate, a student with exceptionalities must either meet the same graduation requirements as other students or meet criteria for graduation established by the IEP Team. For example, if the student has completed the required courses for graduation, but the team believes the student still needs additional special education and related services, the student may be allowed to participate in graduation exercises and may receive a Certificate of Attendance instead of a diploma. The district's obligation to provide special education services ends when the student receives a high school diploma or ages out, or achieves his or her goals, benchmarks or objectives (KAR 91-40-2(f)).

According to 34 CFR 300.122(a)(3)(iii) and Comments following Federal regulations, "Graduation with a regular high school diploma ends a student's eligibility for Part B services, and is, therefore, a change in placement requiring notice under Sec. 300.503 a reasonable time before the public agency proposes to graduate the student" (Appendix C, p. 12556). Kansas regulations also address graduation issues:

**State Regulation:
KAR 91-40-2(f)**

- (1) An agency shall not be required to provide FAPE to any exceptional child who has graduated from high school with a regular high school diploma.
- (2) Each exceptional child shall be eligible for graduation from high school upon successful completion of state and local board requirements and shall receive the same graduation recognition and diploma that a nonexceptional child receives.
- (3) The IEP of an exceptional child may designate goals other than high school graduation.
- (4) When an exceptional child enters high school, progress toward graduation shall be monitored annually and recorded on an official transcript of credits.

The Prior Written Notice will clearly state that the student will no longer be entitled to receive special education services from the district after graduation. No reevaluation is needed before graduation, according to 34 CFR 300.534(c)(2), p. 12457. Graduation is a change in placement. Before the student completes the last semester of school in which s/he is expected to graduate, the district must provide the student (if over age 18) and parents with Prior Written Notice (Figure 1-2 c in Appendix A). If the parents fail to respond, KSDE recommends that the school have documentation that at least three attempts using two different methods were used to request parent consent (phone calls, letters, and visits to the parents' home). If the student is 18 years of age, the student must grant consent; unless a court has appointed a legal guardian. If the student or parents refuse to give consent, the school may request mediation or due process.

Figure 8-1 in Appendix A is a letter from the Federal Office of Special Education Programs (OSEP) about criteria for grading, graduation, and diplomas for students with disabilities. This OSEP letter (often referred to as the "Runkel letter") provides additional guidance.

C. SERVICES AT AGE 21

For students who have not yet graduated from high school, the district's obligation to provide special education services ends at the completion of the school year in which the student turns 21 years of age. (The school year ends on June 30.) The school must provide the student, if age 18, and the parents with Prior Written Notice of the discontinuation of services at the end of the school year. However, no consent is required.

No reevaluation is needed when a student ages out of eligibility for services, according to 34 CFR 300.534(c)(2), p. 12457: