



DISTRICT OF COLUMBIA

OFFICE OF THE STATE SUPERINTENDENT OF

EDUCATION

SPECIAL EDUCATION POLICY BULLETIN

Students Exiting Special Education Services

July 2022

The Office of the State Superintendent of Education (OSSE) seeks to provide clarity regarding the responsibilities of local education agencies (LEAs), which as used herein refers to the District of Columbia Public Schools (DCPS) and District of Columbia public charter schools, under the Individuals with Disabilities Education Act (IDEA) for students with disabilities who are no longer eligible to receive special education.

An LEA's obligation to provide a free appropriate public education (FAPE) to eligible students continues until one of the following occurs:

- The IEP team determines a student is no longer a student with a disability;
- Consent for services is revoked by the parent or student to whom educational rights have transferred;
- A student graduates from high school with a regular high school diploma¹; or
- A student exceeds the maximum age of eligibility which, in the District of Columbia, is the end of the school year in which a student turns 22.²

Prior to exiting a student from special education services, an LEA must provide prior written notice (PWN)³ to the parent(s) or a student to whom educational rights have transferred advising that the student will no longer be entitled to receive special education and related services from the LEA. The LEA must ensure that the appropriate credential and/or exit code is entered for the student in the LEA's student information system (SIS) and complete any required forms or fields in the student's record in the Special Education Data System (SEDS). The following sections detail circumstances that may affect a student with a disability's eligibility for special education and related services under IDEA.

Determining Ineligibility for Special Education

As students with disabilities receive effective supports and services to achieve IEP goals, the IEP team or LEA may believe that the student no longer requires special education or related services to receive FAPE. The LEA must conduct a reevaluation before determining that the student is no longer a student

¹ 34 C.F.R. § 300.102(a)(3)(iv)

² 5-A DCMR § 3001.4

³ 34 C.F.R. § 300.503

with a disability.⁴ The reevaluation must assess the student in all areas of suspected disability. If the IEP team determines that the student is no longer eligible as a student with a disability, or that the student's educational needs no longer necessitate the provision of special education and related services, the LEA may exit the student from special education. The IEP team must complete the eligibility process in SEDS, document the determination of non-eligibility, and provide a PWN to the parent explaining that the student is no longer eligible for special education and related services and designating a date on which services will terminate.

Revocation of Consent for Services

LEAs must obtain informed parental consent prior to the initial provision of special education or related services. Such consent is voluntary and may be revoked at any time by the parent or student to whom educational rights have transferred.⁵ If parental consent is revoked, the revocation is not retroactive (that is, it does not negate an action that has occurred after consent was provided but before it was revoked).⁶ After receiving written revocation of consent, the LEA may not continue to provide special education and related service but must provide the parent with PWN before ceasing services.⁷ The LEA will not be considered to be in violation of the requirement to provide FAPE and is not required to convene an IEP team meeting or develop an IEP for the student.⁸ Further, the LEA may not use mediation or due process procedures to obtain agreement or a ruling reinstating service provision.⁹ OSSE provides a Revocation of Consent form in SEDS, but the LEA may accept any form of written revocation of consent. Upon receipt of written revocation of consent for a student, the LEA must upload the revocation, and issue a PWN regarding the termination of services. Entering the student's written revocation of consent in SEDS will create an exit event that will convert the student to a general education student on the SEDS roster.

Maximum Age of Eligibility

A student with a disability is eligible to receive FAPE through the end of the school year in which the student turns 22 years of age. Prior to the end of the school year in which a student turns 22, the LEA must provide a PWN to the parents (or to the student if the student is over age eighteen and educational rights have transferred) advising that the student will no longer be eligible for FAPE due to the student's age. The LEA must also enter the appropriate exit code for the student in accordance with [OSSE's Entry and Exit Code Guidance](#), and complete and upload the "Age Out" form available in SEDS.

Regular High School Diploma

Under IDEA, a *regular high school diploma* is defined as "the standard high school diploma awarded to the preponderance of students in the State that is fully aligned with State standards, or a higher diploma, except that a regular high school diploma shall not be aligned to the alternate academic

⁴ 34 C.F.R. § 300.305(e)

⁵ 34 C.F.R. § 300.9(c)(1)

⁶ 34 C.F.R. § 300.9(c)(2); 5-A DCMR § 3016.6(b)

⁷ 34 C.F.R. § 300.300(b)(4)(i); 5-A DCMR § 3016.8(a) and (b)

⁸ 34 C.F.R. § 300.300(b)(4)(iii) and (iv); 5-A DCMR § 3016.8(c) and (d)

⁹ 34 C.F.R. § 300.300(b)(4)(ii); 5-A DCMR § 3016.8(e)

achievement standards described in section 1111(b)(1)(E) of the Elementary and Secondary Education Act. A regular high school diploma does not include a recognized equivalent of a diploma, such as a general equivalency diploma, certificate of completion, certificate of attendance, or similar lesser credential.”¹⁰ In the District of Columbia, a regular high school diploma also does not include a state diploma received as a result of passing the GED® tests or successfully completing the National External Diploma Program (NEDP), or any other credential earned by a student other than the regular high school diploma as provided for in 5-A DCMR §2203.

Prior to the end of the semester in which a student receives a regular high school diploma, the LEA must provide a PWN to the parents (or to the student if educational rights have transferred), advising that the student will no longer be eligible for FAPE due to the student’s receipt of the regular high school diploma. The LEA must also enter the appropriate exit code for the student in accordance with OSSE’s Entry and Exit Code Guidance and upload a copy of the student’s regular high school diploma or diploma form in the student’s SEDS file.

Certificate of IEP Completion (or equivalent)

Students with disabilities in the District of Columbia may receive an LEA-defined credential often referred to as an IEP certificate of completion, certificate of IEP completion, certificate of IEP attainment, or similar. The District of Columbia does not have state-level credit or credential requirements related to the certificate of IEP completion; rather, the receipt of a certificate of IEP completion is determined by a student’s IEP team in accordance with LEA policy. Because such certificates or credentials do not constitute a regular high school diploma, students with disabilities receiving a certificate of IEP completion (or equivalent) remain eligible for FAPE. LEAs should not exit a student with a disability from special education services or un-enroll such a student from the LEA due to receipt of a certificate of IEP completion (or equivalent). LEAs also must not coerce or persuade a parent or student to revoke consent for special education services for any reason, including because the student received or will receive a certificate of IEP completion.

State Diploma

A student who has successfully passed the 2014 Series GED® tests or completed the requirements of the NEDP is eligible for a state diploma from OSSE.¹¹ District of Columbia regulations recognize the state diploma as equivalent to a high school diploma granted pursuant to the District of Columbia’s graduation requirements¹², however, the state diploma is excluded from the IDEA’s definition of “regular high school diploma,” which expressly excludes the recognized equivalent of a diploma. Accordingly, a state diploma from OSSE does not end a student’s eligibility to receive FAPE under IDEA. A student with a disability who receives a state diploma remains eligible for special education and related services until reaching the maximum age of eligibility, obtaining a regular high school diploma, or

¹⁰ 34 C.F.R. § 300.102(a)(3)(iv)

¹¹ 5-A DCMR § 2201.1

¹² 5-A DCMR § 2201.3

otherwise being found ineligible. An LEA should not exit a student with a disability from special education services or un-enroll such a student from the LEA due to receipt of a state diploma.

Resources

[OSSE's Entry and Exit Code Guidance](#) - This document lists the valid set of student entry and exit types to be used by LEAs and establishes procedural and documentation requirements for student entry and exit. Please direct any questions regarding the content of this document to OSSE's Division of Systems and Supports, K-12 Office of Special Education at OSSE.DSEPolicy@dc.gov.