

**DISCUSSION POINTS
REGARDING GRADUATION**

1. Are special education rights transferred from parents to students when the student reaches the age of majority?

The Individuals with Disabilities Education Act (IDEA) allows each state to enact procedures that would transfer special education rights from parents to students when they reach the age of majority. However, in Nebraska, there is no such procedure to do that. Special education rights do not transfer from parents to students when they reach the age of majority.

2. Must an IEP contain graduation criteria?

IDEA does not include a requirement that an IEP contain specifically identified graduation criteria or a graduation plan. However, the IEP must include appropriate measurable postsecondary goals and the transition services (including courses of study) needed to assist the student in reaching those goals. Graduation criteria can be described in terms of accomplishment of those goals, plus receipt of certain transition services. The decision to graduate a student must be made by the IEP team. A district should convene a meeting prior to graduating a student with a disability in order to review the IEP to ensure that graduation requirements will be met and the goals of the IEP will be completed. In addition, graduation constitutes a change of placement, and therefore requires prior written notice.

3. If a student quits school at the age of sixteen, is s/he still eligible for special education services?

A school district is responsible for providing special education services for students until they meet graduation criteria for a regular, signed diploma or until the end of the school year in which they reach age 21. If a student drops out of school, the district should notify the parents and the student that the student is still eligible to receive special education, and make every effort to continue to provide special education for that student. If the student and parents refuse services, the school should obtain documentation to that effect. As best practice, the district should continue to send notice to the student and parents each time the IEP is scheduled for review, and keep on file the most recent copy of that student's IEP.

4. Can a student participate in a graduation ceremony and continue to receive transition services the following year?

If it is age or socially appropriate for students to participate in the graduation ceremony with their peer group, they can do so. However, the issuance of a regular signed diploma would end eligibility for special education services for those students. A certificate of attendance, an unsigned diploma or a blank folder would be appropriate to give to these students at the ceremony, thus allowing them to continue with transition services until IEP transition goals are met or until the end of the school year in which they reach age 21. See Appendix A for further discussion related to this question.

5. Is a student entitled to receive adult agency services upon graduation?

School systems are required by the Individuals with Disabilities Education Act (IDEA) to provide educational services to meet the needs of students with disabilities. This is known as entitlement. It is important that students and families know that there is no entitlement for services in adult agencies such as Vocational Rehabilitation or the Division of Developmental Disabilities. These agencies have specific criteria that individuals must meet in order to be eligible for their services. Services may be provided only after the individual has made application, been determined eligible, and funding has been made available. For these reasons, it is especially important that connections are made early with adult agencies to ensure that there are no gaps in services once the student graduates.

6. Is a student who receives a General Educational Development (GED) diploma still eligible to attend high school?

A student who completes a GED is still eligible for a Free Appropriate Public Education (FAPE) if s/he has not received a regular high school diploma and has not reached the maximum age of 21 by the end of the school year.

SUMMARY OF PERFORMANCE

The Law

Transition requirements in IDEA 2004 and the Nebraska Department of Education's Rule 51, Regulations and Standards for Special Education Programs state that a Summary of Performance is required for every student whose eligibility terminates due to graduation with a regular diploma or due to exceeding the age of eligibility. Specifically, it states that the school *"shall provide the child with a summary of the child's academic achievement and functional performance, which shall include recommendations on how to assist the child in meeting the child's postsecondary goals."*

Purpose

The Summary of Performance (SOP) is to provide specific, meaningful, and understandable information to be utilized by the student, his or her family, and any agency that may provide services after high school. The SOP increases the likelihood that students will successfully achieve their post-school goals by providing them with current and relevant information about their academic and functional performance.

The Summary of Performance is most useful when linked with the Individualized Education Program (IEP) process and when the student has the opportunity to actively participate in the development of the document. Recommendations to assist the student in achieving his/her postsecondary goals and identification of post-school services and supports will be helpful as the student enters the adult world.

The Summary of Performance serves as a supplement to other educational records, such as the Multi-Disciplinary Team (MDT) Report and IEP, and is to be provided to the student upon exit. While there is no requirement that a student ever share the document with anyone after high school, it can potentially be a valuable resource as s/he enters the adult world. Students should be encouraged to maintain a file or portfolio with this document, along with transcripts, letters of recommendation, career assessments, or other information that may be useful when pursuing a job, enrolling in postsecondary training or education, or applying for adult services.

Completion

Teams may find it useful to begin completion of the Summary of Performance early in the transition planning process, with updates as needed. Finalization of the document should occur in the spring of the student's final year in order to reflect the most current information at the time of the student's exit from high school.

IDEA does not specify the format, nor indicate the specific information that must be included in the Summary of Performance. Requirements simply state that the SOP must provide a summary of the student's academic achievement and functional performance, which include recommendations on how to assist the student in meeting postsecondary goals.

Format

A "Sample Summary of Performance" form was created by a group of Nebraska stakeholders in an attempt to assist districts in meeting the IDEA 2004 requirement. Use of this specific form is not required, although the components that are included will be useful in meeting the intent of the Summary of Performance requirement. A copy of the form is included in this Guide. Information on where to find an electronic template for this form is found below.

DISCUSSION POINTS:

Summary of Performance

Because neither the law nor the regulations give specific guidance regarding the Summary of Performance, it is difficult to provide definitive answers to questions that may arise. The following discussion is provided to assist teams in meeting the requirements of the law.

1. *Will the Summary of Performance provide the documentation needed to determine eligibility for adult agency services?*

It is not anticipated that a Summary of Performance (SOP) will provide all of the information necessary for adult agencies to determine eligibility for services. Each adult agency has specific documentation needs and it is not likely that the SOP will meet those needs. However, the SOP may include information that will assist another program in determining eligibility. For example, the SOP is one of the educational records that has been identified as a resource used to provide information to determine a student's eligibility for Vocational Rehabilitation services.

2. *Will the Summary of Performance provide the documentation needed to determine eligibility for postsecondary education or to receive accommodations in a postsecondary setting?*

No, it is not anticipated that a SOP will provide all of the information necessary to determine eligibility for enrollment in postsecondary institutions or for accommodations in the postsecondary setting. A student who has requested academic adjustments, auxiliary aids or modifications of policies, practices, or procedures from a postsecondary institution may provide the SOP as part of the documentation to demonstrate that s/he has an impairment that warrants accommodations or modifications.

3. *If a reevaluation is completed for a student, is a Summary of Performance still needed?*

It is unlikely that a reevaluation will include all of the components required of the Summary of Performance. The SOP requirements state that the school *“shall provide the child with a summary of the child’s academic achievement and functional performance, which shall include recommendations on how to assist the child in meeting the child’s postsecondary goals.”* Typically, a reevaluation will not meet these requirements.

4. *What areas should be considered when addressing academic achievement and functional performance?*

Academic achievement includes areas such as reading, writing, math, and learning styles. Functional performance includes areas such as problem solving and decision making, organization, attention, social skills and behaviors, communication, career and technical skills, daily living skills, and self-advocacy skills.

5. *How might a student use the Summary of Performance after graduating from high school?*

The Summary of Performance may be useful in pursuing employment and in applying for adult agency and postsecondary services, as discussed below.

Employment

When applying for jobs, a student may wish to share the document with a prospective employer during the interview process to assist in identifying his/her accomplishments. The SOP may also assist the student in identifying for the employer the types of supports s/he may require to be successful on the job.

Even if the student doesn't wish to share the document with an employer, s/he may wish to review the SOP to help prepare for possible interview questions. Once on the job, having a clear description of the needed services and supports may assist the student in advocating for his/her needs in the workplace.

Adult Agencies

While the SOP will not provide all of the documentation or information needed to determine eligibility for adult agency services, it may serve as a supplement to the required information. Additionally, adult agencies typically require that a plan be developed to address the services and supports the individual needs. The SOP may be a very useful tool in the development of this plan by providing information that describes the student's goals, career interests, levels of academic performance, need for accommodations, and the functional levels of the student's social and independent living skills.

Postsecondary Education

As previously mentioned, the Summary of Performance will not provide all of the documentation or information needed to determine eligibility for admission to a postsecondary institution or to qualify for accommodations in that setting. However, the documentation in the SOP may provide some of the information needed to determine whether the student qualifies for accommodations or academic adjustments. Students may also find that the SOP is helpful as they advocate for themselves on campus and in the classroom.

ADULT AGENCY SERVICES

Entitlement vs. Eligibility

Once a student leaves high school, it is possible that he or she will require the services and support provided by an adult service agency. There are many such agencies and the types of individuals they serve and range of services they provide are varied. It is not possible to provide the details on all of these programs in this guide. However, here is some important information to clarify the difference between educational services and adult programs.

While still in high school, students are entitled to educational services under the Individuals with Disabilities Education Act (IDEA). Being entitled to education services means that the school system must provide services to meet the student's educational needs.

Once a student graduates, entitlement to services ends. An adult who needs agency services must be determined eligible and authorized for those services.

Eligibility Requirements

It is important to understand that eligibility requirements vary depending upon the agency and services requested. For instance, an individual may want job placement services. Vocational Rehabilitation provides these services, but only if the person meets certain eligibility requirements. An individual wishing to receive residential or vocational services from the Division of Developmental Disabilities will not automatically receive these services, as s/he must meet their specific eligibility requirements and funding must be available. Similarly, services from other agencies such as the Division of Behavioral Health or Commission for the Blind and Visually Impaired are available only to eligible persons.

Planning for Adult Services

Even if it is not certain whether a student will need additional services after completing high school, it is advised that these be considered as early as possible. Age 16 is not too early! It is important to know whether the student will be eligible in order to make plans. Every service system has a different set of requirements for eligibility, so if a person doesn't meet the criteria for one agency, application may need to be made elsewhere. It is also important to know that services or funding for services may not be readily available and the person may have to wait for them. Inquiring about services and making connections early may make the difference in getting the services when the person needs them.

Following is a brief overview of a few key adult agencies in Nebraska. You will need to contact these agencies directly if you need more in-depth information or wish to apply for services.