

"AGE OUT" TIMELINES

Eligibility for special education services under the IDEA generally terminates on the date the student graduates with a regular high school diploma, or when the student reaches her 22nd birthday, whichever comes first. A student's receipt of an alternative diploma or a certificate of completion does not terminate her right to receive special education and related services under the IDEA.

Students with disabilities who have not received a regular high school diploma and are between the ages of 19 and 21 years, inclusive, must be enrolled in or eligible for a special education program prior to her 19th birthday in order to continue receiving special education services. Any student who becomes 22 years of age during the months of January to June, inclusive, while participating in a special education program may continue her participation in the program for the remainder of the current fiscal year, including any extended school year (ESY) program for students with disabilities.

Any student age 21 eligible to participate in a special education program shall not be allowed to begin a new fiscal year in a program if she becomes 22 years of age in July, August, or September of that new fiscal year. However, if a student is in a year-round school program and is completing her individualized education program in a term that extends into the new fiscal year, then the student may complete that term.

Any student who becomes 22 years of age during the months of October, November, or December while participating in a special education program shall be terminated from the program on December 31 of the current fiscal year (the fiscal year runs from July 1 to June 30), unless the student would otherwise complete her individualized education program at the end of the current fiscal year. For example, if a student has a 22nd birthday in November, but is on track to receive a high school diploma in June of the same fiscal year, he or she would not continue to receive services past June, which is the end of that fiscal year.

If a parent changes his/her mind and later requests that the child be re-enrolled in special education, the LEA/district must treat this request as an initial evaluation. The LEA/district will need to do an initial evaluation for the student and determine eligibility before developing a new IEP. A student who reaches the age of majority and retains their educational rights may revoke consent of his/her special education and related services; the district must provide prior written notice to the adult student as noted above.

When Parents Do Not Agree

In the case of two parents in conflict, the written consent of only one parent with educational decision-making authority is necessary to revoke consent for a child's receipt of special education and related services. A Prior Written Notice should be sent to both parents.

As long as the parent has the legal authority to make educational decisions for the child, the school district must accept the parent's written revocation of consent. A subsequent disagreement by the other parent does not overturn the revocation. Further, a subsequent request for special education services does not overturn the revocation (unless the revocation is made by the parent who initiated the original revocation) and would initiate the initial assessment process.

Note: Neither the school district nor the objecting parent can use IDEA due process procedures to overcome a parent's written revocation of consent. The IDEA provides that a parent may file a due process complaint over actions by a public agency and not actions by another parent.

