

What do I do with a lapsed IEP?

We have a student who started attending school in our district with an IEP that lapsed two years ago, should we treat this as a new referral?

In most cases, No. Students, once eligible, maintain some level of entitlement under IDEA, even when parents transfer the student across state lines or to and from public/parochial settings. A student's eligibility and entitlement remain intact, unless: (1) an Exit PPT was held in any U.S. state or territory (exiting the student from special education services due to meeting the IEP exit criteria), (2) the parent(s) revoked consent for placement, or (3) the parent(s) rejected services offered via a Services Plan. If any of these three situations exist, a new initial referral is necessary; and, if consent to evaluate is obtained, this record must be reported in the Evaluation Timelines data collection.

If the student was not exited from special education, there are two important questions that must be answered: (1) is the reevaluation within the 3 year timeline and, (2) was the student unenrolled to be homeschooled?

If the reevaluation is still within the 3 year timeline the student maintains eligibility.

The district must provide the student with FAPE, including services comparable to those described in the expired IEP, updated as needed for the current age and grade. The district must also take reasonable steps to obtain any records from the previous district/school. The District should immediately convene a PPT to determine the student's current needs and review available records, plan any needed evaluations, and develop an IEP. This student should not be reported in the Evaluation Timelines data collection. The PSIS coordinator should enter the NEXUS DISTRICT ENTRY DATE as the 1st day the student started attending school in your district.

If the reevaluation is expired and the student was not unenrolled for homeschooling, the student still maintains entitlement under IDEA.

The district should immediately convene a PPT to plan a reevaluation and determine the student's continued eligibility. This is not a new initial referral and should not be reported in the Evaluation Timelines data collection. The PSIS coordinator should enter the NEXUS DISTRICT ENTRY DATE as the 1st day the student started attending school in your district.

If the reevaluation is expired and the student was unenrolled for homeschooling, the student is not currently a student with a disability.

If the student is referred to special education, the district should immediately convene a PPT to determine if it is appropriate to move forward with an evaluation. If consent to evaluate is obtained, this is a new initial referral and must be reported in the Evaluation Timelines data collection.