

Guidance on 4+ Services

Intent

The intent of this document is to provide guidance surrounding 4+ services around the state of Iowa, whether the services take place within the school district, on a community college campus, or another location.

Definition of 4+

4+ services are secondary services which are part of the student's secondary schooling and included in his or her Individualized Education Program (IEP). Specifically, the purpose of the services is to fulfill unmet transition needs resulting from the student's disability as identified in the student's IEP.

4+ services are those provided through a district's continuum of services which fill any gaps between instruction designed for the student to complete a district's secondary general education requirements (including Carnegie units) and completion of Free Appropriate Public Education (FAPE). Services must be provided when the student needs them, for as long as the student needs them, as long as the student is eligible to receive special education services. This also means that if the 4+ services in which the student is participating has closed, or is otherwise unable to provide services needed by the student, the district must find another way to continue the services, if the need still exists.

Responsibilities of the Local Education Agency (LEA)

4+ services are part of a district's secondary program, which means the LEA continues to have responsibility for ensuring the IEP is completed. The Individuals with Disabilities Education Act (IDEA) mandates the resident district hold responsibility and accountability for appropriateness of services and educational progress for each student. The IEP must identify and clearly describe all services, activities, and supports that are committed to on behalf of an eligible individual, ensuring that the student and his or her family are meaningful partners in the IEP process.

The IEP team determines the goals to be implemented through the 4+ services. A staff member from a contracted agency providing 4+ services is encouraged to be a member of this IEP team; however, no individual member of the IEP team (or any other individual from the 4+ service provider) has the authority to make changes to the goals independent of the IEP team. The amount of time a student receives services through such programming must be determined by student need. IDEA mandates that each student's IEP must remain individualized. It is not appropriate to change the IEP to match a program, or to adjust the student's special education weighting based on anticipated program costs. The LEA continues to hold responsibility for progress monitoring and data collection related to the 4+ services.

Students who participate in 4+ services cannot be graduates of the school district. They may have the option of participating in the commencement ceremony if local district policies permit, but the diploma cannot be dated, signed, accepted or included as board-approved graduation. When the student graduates, the graduation date on the diploma must indicate the individual's completion of all graduation requirements, including services provided ages 18-21.

The district is responsible for transporting the individual to the location of the 4+ services. The method of transportation is a district determination rather than parental choice. If the student or parents reject the district's transportation arrangement, transportation becomes a student or parental responsibility. For students that are under open enrollment, transportation is a student/parent responsibility. See the open enrollment handbook for additional information on this topic. The district is responsible for all costs directly

associated with the provision of the individual's FAPE. Determining which costs are necessary for FAPE and which are not, however, requires a close examination of the individual's needs and proposed services. If a determination is made that a provider from outside the district is necessary, contracts will be issued by the resident district and individualized for the participating student and services necessary for that student. A sample contract (Sample District to CC Contract for 4+ Services) between a district and a community college is available through the Department. This contract can be adjusted if the provider of the 4+ services is an agency other than a community college.

Program Considerations

Iowa law mandates planning and implementation of transition services beginning by age 14. This means that planning and opportunities across grade levels are a required part of these transition services. The length of time a student will continue to need services should be apparent as IEP teams apply age-appropriate transition assessment information to annually develop and refine the individual's course of study. Transition services are to be provided to the student as they are needed and determined to be appropriate by the student's IEP team; this should NOT begin during his or her senior year. A student's transition services end when the student's needs have been met, or when he or she is no longer eligible for special education; the end of services is not based on the end of a term.

The IEP team must first identify the individual's need for services and then identify an appropriate way to address that need. This may or may not require a student's participation in 4+ services. For example, an individual who needs specific job skills may learn those skills on the job rather than through 4+ services. As previously stated, 4+ services can take place in a variety of locations, including but not limited to: within the high school setting, at an alternate location within the district, in the community, or on a community college campus.

Secondary students with IEPs may participate in classes provided by postsecondary institutions under the same provisions in Iowa Code as secondary students without IEPs. These provisions include Postsecondary Enrollment Options (PSEO), concurrent enrollment, and Project Lead the Way (PLTW). Secondary education courses might also be provided by a community college under a contract with the local school district; however, whether or not the community college will grant postsecondary credit for these courses upon matriculation will be determined by the community college's board policy.

If community college policy allows, and it does not interfere with FAPE special education services, a student is not prevented from privately enrolling in postsecondary courses. Doing so, however, does not make those classes "special education" simply because the student otherwise has an IEP, and therefore, the classes are not required for FAPE and are not publicly funded. The modifications and accommodations identified in the IEP do not apply to postsecondary institutions. Any accommodations granted during those courses would be under the Americans with Disabilities Act (ADA) and Section 504 rather than IDEA.

Costs for books, supplies, and other materials necessary to provide FAPE must be covered by the district. There must, however, be direct connection between the IEP and the costs. Supplies bought by the district are the property of the district. The district may sell them at cost to the student if the student wants to purchase them, or if the district policy is to sell such items to all students as allowed by Iowa Code. If general supplies are the responsibility of all enrolled students, they remain the general responsibility for these students the same as non-disabled students. If the students/parents decide to purchase the items instead of the district so that they can retain ownership of the items, it should be documented in the IEP that the district offered to pay and the parents made the choice to purchase instead.

For students receiving 4+ services at a community college, living on campus is a student choice at parental cost except under two conditions:

- 1) Specially designed instruction related to living skills are necessary according to the IEP and residential costs are necessary to provide FAPE; or,

- 2) The local district placed the student too far away from home, as determined by the school district, for special education services to return home daily.

If the district requires the student to live on campus, the costs covered will be the dorm housing and the dorm food plan. Personal living items (such as toilet paper, soap, toothbrush, etc.) are personal costs to the student/parents as these items are provided by, consumed by, and retained by the student or parents.

Placement Decisions

As discussed in this document, “placement” means determining the educational placement of, or educational setting for, a student with a disability. Placement decisions are made by a group of people, typically the student’s IEP team, which includes the student, parents or guardians, and other people knowledgeable about the student. Review of the meaning of the evaluation data and the placement options are considered when making the decision. Placement decisions are determined on an individual, case-by-case basis, dependent on each student’s unique needs and circumstances (Iowa Admin. Code rr. 281—41.116, 281—41.321). While a local school board cannot override an IEP team’s placement determination, the assignment of the location of the services is a local board determination, so long as the location selected is consistent with the placement determination. An IEP team cannot bind the board to a specific classroom, building, facility, or service provider.

In Letter to Trigg, 50 IDELR 48 (OSEP 2007), the Office of Special Education Programs (OSEP) clarified that “placement” is referred to as points along the continuum of placement options available for a student with a disability, and “location” refers to the physical surroundings, such as the classroom, in which a child with a disability receives special education and related services. A public agency may have two or more equally appropriate locations that meet the student’s special education and related services needs and the school administrators should have the flexibility to assign the student to a particular school, classroom, facility, or service provider, provided that determination is consistent with the decision of the group determining placement.

Responsibilities of Postsecondary Institutions

From a Dear Parent letter, 2007:

“Institutions of postsecondary education must provide appropriate academic adjustments based on students’ disabilities and individual needs when necessary to avoid discrimination. In providing an academic adjustment, the postsecondary institution does not have to eliminate or lower essential requirements or make modifications that would result in a fundamental alteration of the program or activities being offered or impose an undue burden on the institution... Institutions of postsecondary education may not require students with disabilities to pay part or all of the costs of academic adjustments. Postsecondary institutions may not condition their provision of academic adjustments on the availability of funds, refuse to spend more than a certain amount to provide academic adjustments, or refuse to provide academic adjustments because they believe other providers of such services exist.”

An IEP team should never determine a student needs services in a postsecondary program primarily for the purpose of receiving postsecondary credit, a certificate, or degree. Courses, certificates, and degrees are not services. A course, if any, must be incidental to the transition services being provided – not the service itself. Accrual of postsecondary credit is irrelevant for the purpose of placement; transition may be achieved/completed without regard to any postsecondary education schedule.