

TRAINING TIPS FOR IEP TEAM MEMBERS

SOPs: Know when they are required, why they are important

IEP teams must complete a summary of performance (SOP) for students with disabilities who graduate from high school with a regular diploma or age out of eligibility. As an IEP team member, you should understand why SOPs are important, as well as what they should contain.

Purpose of the SOP

The Office of Special Education and Rehabilitative Services has stated that “the purpose of the SOP is ... to assist the child to transition beyond high school.” *Questions and Answers on Secondary Transition*, 52 IDELR 230 (OSERS 2009).

As such, SOPs are designed to help a student identify his strengths, needs and goals so he can secure assistance at the next level after high school. This is the case whether the student chooses to attend college or join the workforce.

The SOP is a voluntary document students may share with colleges, adult agencies, vocational and rehabilitative centers, employers, and others. It is designed to function as a manual for the student.

SOPs also assist future employers or educators by informing them of the student’s goals and needs, and providing insights into what has or has not worked for the student.

Guidance for students pursuing higher ed

OSERS offered the following guidance on SOPs for IDEA-eligible students who pursue a higher education after high school:

“A postsecondary student who has identified him or herself as an individual with a disability and has requested academic adjustments, auxiliary aids or modifications of policies, practices or procedures from a postsecondary institution may provide the

institution with the SOP. The institution may then use the SOP to determine whether the student has an impairment that substantially limits a major life activity, as defined under Section 504 of the Rehabilitation Act (Section 504) and/or the Americans with Disabilities Act (ADA), and requires academic adjustments as defined in the Section 504 regulations.” *Questions and Answers on Secondary Transition*, 52 IDELR 230 (OSERS 2009).

When SOPs are required

The IDEA requires SOPs for students who graduate with a regular diploma or age out of eligibility. A regular high school diploma does not include alternate degrees, such as a GED credential. Thus, SOPs are not required for students who leave secondary school with a GED credential or alternate diploma and whose eligibility for services under Part B has not terminated.

However, OSERS has noted that there is nothing in the IDEA or the Part B regulations that would prevent a state from requiring its districts to furnish SOPs for students who obtain GED credentials or an alternate diploma.

If a state does so, OSERS has recommended that, “to avoid any confusion, the LEA notify the student and his or her parents that the student’s eligibility for FAPE under Part B does not terminate until the student is awarded a regular high school diploma or the student exceeds the age of eligibility for FAPE under State law, whichever occurs first.” *Questions and Answers on Secondary Transition*, 52 IDELR 230 (OSERS 2009).

Legal obligations for developing SOPs

The obligation to create an SOP is directly related to the IEP requirement for the provision of appropriate measurable postsecondary goals and
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the transition services needed to assist the child in meeting those goals.

Many education attorneys have stressed the importance of carefully formulating an SOP because, based on the IDEA's statute of limitations, students can initiate legal proceedings against a school district for two years after graduation. They can allege, for example, that their failure to succeed in college or secure a desired form of employment stemmed from the school district's failure to provide a legally sufficient SOP.

Who prepares the SOP?

A student's special education teachers, parents, transition specialists, and the student himself should help write the SOP. The SOP should be composed in the last two years the student is enrolled in high school.

The team developing the SOP may include the school social worker/case manager, the self-advocacy and study skills teacher, the transition counselor, the speech-language specialist, and the aide/scribe. *River Dell Reg'l High Sch. Dist. Bd. of Educ.*, 109 LRP 66447 (SEA NJ 2008).

Contents of the SOP

Each SOP must include:

- A summary of the student's academic achievement.
- A summary of the student's functional performance.
- Recommendations on how to assist the child in meeting his postsecondary goals.

The IDEA does not specify what else, besides the above content requirements, IEP teams should include in the SOP. However, state and local officials have the flexibility to determine the appropriate content to be included in the summary, based on the child's individual needs and postsecondary goals, according to OSERS.

The IEP team also should consider listing the accommodations, modifications or assistive technology provided to the student in high school.

According to the IDEA, SOPs do not have to contain documentation necessary to determine a child's eligibility for another program or service, such as a state vocational rehabilitation services program. SOPs also do not have to include a child's need for accommodations in college or in other postsecondary educational settings. However, OSERS has stated that the SOP can include information that may assist another program to determine a student's eligibility for services or accommodations.

"For example, section 102(a)(4) of the Rehabilita-

IEP meetings are required before graduating students

The IEP team should meet before a student with a disability graduates high school. Failure to do so generally will nullify the decision to graduate the student.

According to OSEP, under the IDEA, each school district should initiate and conduct a review of the child's IEP at an appropriate time to assure that graduation requirements will be met and the goals and objectives of the IEP will be completed. *Letter to Richards*, 17 EHLR 288 (OSEP 1990).

Thus, you and your fellow IEP team members should initiate and conduct such a review at an appropriate time to assure that graduation requirements will be met.

In one case, a student's teachers proposed that the student graduate and prepared an IEP to that effect without convening an IEP meeting or providing any notice to the student or his parents. The agency obtained the student's signature on the IEP document and claimed that was an effective consent to the graduation. The court found the unilateral decision violated the IDEA. *Stock v. Massachusetts Hospital Sch.*, 555 IDELR 550 (Mass. 1984).

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tion Act of 1973, as amended, requires the State Vocational Rehabilitation Services program to use information submitted by education officials to assist in making eligibility determinations for students with disabilities. The SOP is one of the educational records that may be used to provide information to determine a student's eligibility for vocational rehabilitation services." *Questions and Answers on Secondary Transition*, 52 IDELR 230 (OSERS 2009).

Guidance from states

Most states have adopted policies concerning the SOP process and offer guidance materials to help IEP teams fill out the document. Procedures, such as who fills out the forms and when the process takes place, vary among states, so check with your state for specific SOP guidelines.

Source: Special Ed Connection® SmartStart: Summary of Performance.

Resource: Access a sample summary of performance form on Special Ed Connection®. For a free trial, call (800) 341-7874. ■

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