

UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE OF SPECIAL EDUCATION AND REHABILITATIVE SERVICES



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Dear Ms. Bradley:

Thank you for your August 24, 2021, letter to Katherine Neas, Deputy Assistant Secretary for the Office of Special Education and Rehabilitative Services, in which you pose a number of questions regarding students with disabilities who are dually enrolled in a regular public high school but are also taking courses at a postsecondary institution. I apologize for the delay in our response.

In response to your questions, we will address how participation in courses at a postsecondary institution can occur consistent with Part B of the Individuals with Disabilities Education Act (IDEA).

In your letter you ask, “If a student with an IEP who is pursuing a regular high school diploma qualifies to take college courses prior to graduating high school, is the LEA or SEA required to provide (or arrange for the provision of) special education services as specified in the IEP” under the following circumstances:

- a. during the student’s participation in the college course?
- b. when the college coursework is paid for using non-IDEA Part B public funds, such as a state scholarship offered to any qualified high school student?
- c. when the college coursework is fulfilling a secondary school requirement, leading to a high school diploma and is **not** leading to a postsecondary credential such as a certification or associate’s degree?
- d. when the high school student is not admitted to the college as a regular, degree-seeking student but as a “high school visitor” (or comparable term)?

At the outset, we must clarify that provision of a free appropriate public education (FAPE) under IDEA does not include education beyond grade 12 and therefore would not be available to students who have graduated from high school with a regular diploma or who have exceeded the maximum age of 21 for provision of FAPE under the IDEA. As we previously stated in our response to Dude, which you cite in your letter,

If under State law, attending classes at a postsecondary institution, whether auditing or for credit, is considered secondary school education for students in grade 12 or below and the education provided meets applicable State standards, those services can be designated as transition services on a student’s IEP [individualized education program] and paid for

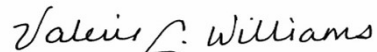
with IDEA Part B funds, consistent with the student's entitlement to a free appropriate public education (FAPE ).<sup>1</sup>

The IEP Team for a student who has not graduated from high school with a regular high school diploma has the full range of options available to provide FAPE, including providing appropriate transition services “to facilitate the child's movement from school to post-school activities, including postsecondary education, vocational education, integrated employment (including supported employment), continuing and adult education, adult services, independent living, or community participation.” 34 C.F.R. § 300.43. Special education and related services that are specified in a child's IEP, including participation in courses provided by a postsecondary institution, continue to be the responsibility of the child's local educational agency (LEA), unless the State has allocated the provision of FAPE to another entity. This remains true, irrespective of whether Part B funds are used to pay for those services, or the child's status at the postsecondary institution as a “high school visitor.”

Regardless of the location of the services (at the high school, at the college campus, or online), the child's LEA continues to be responsible for ensuring that any service specified on the child's IEP, including transition services, is provided. Under IDEA, the LEA would not be responsible for the provision of any services not considered necessary for the provision of FAPE and thus, not included on the IEP. Further, the option for a child, after graduation, to apply credits earned prior to high school graduation towards a postsecondary degree would have no bearing on the LEA's responsibility to ensure the provision of any service included on the child's IEP.

If under State law, attending classes at a postsecondary institution, whether auditing or for credit, is considered secondary school education for students in grade 12 or below and the education provided meets applicable State standards, those services can be designated as transition services on a student's IEP and paid for with IDEA Part B funds consistent with the student's entitlement to FAPE. See, [A Transition Guide to Postsecondary Education and Employment for Students and Youth with Disabilities](#), (Aug. 2020, page 3).

We appreciate your continued efforts to ensure appropriate transition services for youth with disabilities. If you have questions regarding the information in this letter, please contact Lisa Pagano, Policy Specialist, by writing to [lisa.pagano@ed.gov](mailto:lisa.pagano@ed.gov).



Valerie C. Williams  
Director  
Office of Special Education Programs

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<sup>1</sup> Letter to W. Kelly Dude (September 3, 2013)