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## COLLEGE COURSES AND TRANSITION PLANNING

From time-to-time school district IEP Teams are asked to include college courses and postsecondary experience as part of a transition plan. Although such courses exceed the scope of state and local curricular standards, the experience can be a bona fide part of an IEP.

The U.S. Department of Education's Office of Special Education Programs (OSEP) confirmed this position in an informal guidance letter dated September 3, 2013: "OSEP believes that providing a high school student with a disability the opportunity to take one or more courses at a community college or other postsecondary institution prior to high school graduation can be critical in facilitating the student's transition from secondary school to college or the work force."

The main issue is payment, both about possible use of IDEA funds as well as the "free" in a FAPE. According to the informal guidance, "If the IEP Team determines that services in a community, technical, or other postsecondary program are necessary to assist the secondary school student in reaching his/her postsecondary goals and receiving a FAPE, *and those services are considered secondary school education*...the student's IEP Team could designate those as transition services and the school district could pay for those services with IDEA Part B funds." (Italics added.)

Pennsylvania education regulations allow for a secondary student also being enrolled in a postsecondary program. 22 Pa. Code § 11.5. In addition, initiatives, such as SOAR, suggest that "those services," i.e., postsecondary transition activities, "are considered secondary school education" in Pennsylvania. IDEA Part B funds should be available for such transition plan activities.

Where IDEA Part B funds are used this way, provision for postsecondary experiences can be considered when deciding if an IEP, and specifically the transition component, provide the offer of a FAPE.

Although advising that IDEA Part B funds may be used for postsecondary activities, OSEP actually dodges the question about payment by noting that, generally, the IEP, including transition services, must be "free." But OSEP goes on to state that whether to pay is an IEP Team decision. A rational interpretation of this ambiguous position is that the IEP Team determines the what and the how for a postsecondary experience and that, whatever is decided, it must be free. The IEP Team may decide, for example, that the student will audit a course, may take a remedial level course, or may even take a for-credit course. Nothing requires the school district to fund for-credit courses. The point of the transition experience is preparation for postsecondary education (including determining whether it is an outcome the student actually wants). Preparatory experience does not require accumulation of credits and the resulting cost to the LEA.

Clients who have questions regarding issues discussed in this article, or any education law matter, should feel free to call us at 215-345-9111.



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