



Washington State Association of School Psychologists

Dear Assessment Committee,

A student moves into the school district with an expired eligibility and IEP. Does the student need an initial evaluation or re-evaluation, and what happens in the meantime?

Dear School Psychologist,

There are only four ways in which a student becomes ineligible for special education services. Specifically, “students eligible for special education services remain eligible until one of the following occurs: a group of qualified professionals and the parent of the student determine the student is no longer in need of special education, based on a reevaluation; the student has met the high school graduation requirements established by the school district and has graduated with a regular diploma; the student turns twenty-one; or, the student’s parent revokes consent in writing for the provision of special education and related services. 34 CFR §300.101; WAC 392-172A-02000(2).”

When considering a student that has transferred, the wording that is important to note is that the district’s responsibilities are related to if a student has an eligibility for special education. As discussed above, students with an ‘out of date’ eligibility are still under the umbrella of Special Education, as eligibility does not technically ‘expire’, rather only goes out of compliance. Until a student meets one of the criteria above (re-evaluation determines the student no longer needs special education, revoking consent, high school graduation, turning twenty-one), they remain eligible for special education, even in cases where the eligibility in Washington State has not been established.

Based on the OSPI decision referenced below (SECC 18-10), where a student transferred from an out of state district with an IEP that had lapsed, the district is responsible for creating a new IEP for any student that remains eligible for special education. If a student’s eligibility is out of compliance, or if a district chooses to assess to determine a student’s Washington State eligibility during transfer, the district may conduct an evaluation and determine appropriate supports at that time. However, until the evaluation for Washington State eligibility is completed, the student must be able to access comparable services based on their previous IEP in order to receive a Free and Appropriate Public Education (FAPE). “Comparable services” means services that are similar or equivalent to those described in the IEP from the previous district, as determined by the student’s new district. 71 Fed. Reg. 156,46681 (August 14, 2006)” (SECC 18-10). This should be completed in consultation with the parent, and with input from the IEP team and service providers.



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[Federal Register Volume 71, Number 156](#)

[Special Education Citizens Complaint \(SECC\) Decision No. 18-10](#)