

Continuation of Special Education Services: Provision for Students Turning 22

The following document outlines the existing Special Education Extension Process and additional considerations needed given complications resulting from COVID-19.

The extension process, if approved, allows for continuation of special education services for students turning 22 within three (3) months of graduation. This process is also available for an IEP team's consideration due to the effect of the COVID-19 pandemic on a student's free and appropriate public education (FAPE). For students whose delivery of IEP services and implementation of IEP transition plans have been negatively impacted due to COVID-19, this extension process may be an option for the IEP team to consider. Local Education Agencies may apply to the Vermont Agency of Education for a review and approval by the Secretary.

If an IEP team would like to request the application form please contact John Spinney at john.spinney@vermont.gov. Please note that this request is necessary for an LEA to receive a reimbursement for these services.

The application must provide evidence that the student meets one of the following criteria of unusual circumstances:

- Student turns age 22 and is within 3 months of graduation.
- Student was denied a significant amount of schooling because of the failure of state/local officials to offer educational services during the students' entitlement years.
- Student has turned or is turning 22 and had limited access to transition services due to challenges related to the COVID-19 pandemic resulting in the additional need for supports, as evidenced by the [Vermont Graduation Readiness Tool](#).

Extensions for services beyond the age of 22 are granted in exceptional circumstances only. This is in compliance with 16 V.S.A. §2944(e) which states that within the limits of the funds made available for special education, the Secretary may provide for the extension of special education to a disabled student having attained the age of 21, so that student may be able to complete a program of special education in which (s)he has participated. Reimbursement and state aid provisions shall apply to students who have been approved.

Contact Information:

If you have questions about this document or would like additional information, please contact:
John Spinney, Post-Secondary Transition Coordinator at john.spinney@vermont.gov

The Agency of Education does not approve extensions on the grounds that other agencies have been unable to get services in place. The Agency of Education will not pay for services when school officials decide unilaterally to write IEPs that extend beyond age 22 without first getting the required approval of the Secretary.