

## H.R. 1350 (IDEA 2004)

### SECTION 602: DEFINITIONS

(34) **TRANSITION SERVICES:** The term “transition services” means a coordinated set of activities for a child with a disability that—

(A) is designed to be within a results-oriented process, that is focused on improving the academic and functional achievement of the child with a disability to facilitate the child’s movement from school to post-school activities, including post-secondary education, vocational **education**, integrated employment (including supported employment), continuing and adult education, adult services, independent living, or community participation;

(B) is based on the individual child’s needs, taking into account the child’s strengths, preferences, and interests; and

(C) includes instruction, related services, community experiences, the development of employment and other post-school adult living objectives, and when appropriate, acquisition of daily living skills and functional vocational evaluation.

### SEC. 614. EVALUATIONS, ELIGIBILITY DETERMINATIONS, INDIVIDUALIZED EDUCATION PROGRAMS, AND EDUCATIONAL PLACEMENTS

((d) Individualized Education Programs.--

((1) Definitions.--In this title:

((A) Individualized education program.--

((i) In general.--The term ‘individualized education program’ or ‘IEP’ means a written statement for each child with a disability that is developed, reviewed, and revised in accordance with this section and that includes--

(VIII) beginning not later than the first IEP to be in effect when the child is 16, and updated annually thereafter--

((aa) appropriate measurable postsecondary goals based upon age appropriate transition assessments related to training, education, employment, and, where appropriate, independent living skills;

((bb) the transition services (including courses of study) needed to assist the child in reaching those goals;

34 CFR Parts 300 and 301

Assistance to States for the Education of Children With Disabilities and Preschool Grants for Children With Disabilities; Final Rule (IDEA Regulations)

Sec. 300.305 Additional requirements for evaluations and reevaluations.

(e) Evaluations before change in eligibility.

(3) For a child whose eligibility terminates under circumstances described in paragraph (e)(2) of this section, a public agency must provide the child with a summary of the child’s academic achievement and functional performance, which shall include recommendations on how to assist the child in meeting the child’s postsecondary goals.

## Commentary on “Summary of Performance (SOP)”

**Purpose:** A Summary of Performance (SOP) is required under the reauthorization of the Individuals with Disabilities Education Act of 2004 for students who are graduating or aging out of Special Education. The language “*For a child whose eligibility under special education terminates due to graduation with a regular diploma, or due to exceeding the age of eligibility, the local education agency shall provide the child with a summary of the child’s academic achievement and functional performance, which shall include recommendations on how to assist the child in meeting the child’s postsecondary goals*” §Sec. 614(c)(5)(B)(ii). This requirement applies only to children with disabilities, therefore, an SOP does not need to be completed for students in gifted education.

The Summary of Performance is intended to assist the student in transition from high school to higher education, training and/or employment. This information is helpful under Section 504 of the Rehabilitation Act and the Americans with Disabilities Act (ADA) in establishing a student’s eligibility for reasonable accommodations and supports in *postsecondary* settings. It is also useful for the Vocational Rehabilitation Comprehensive Assessment process. *However, recommendations in a student’s SOP do not assure that an individual who qualified for special education in high school will automatically qualify for accommodations in a postsecondary education or employment setting. Post secondary settings will continue to make ADA and Section 504 eligibility decisions on a case-by-case basis based on their criteria.*

Because the SOP will often be used to apply for eligibility under Section 504 and the ADA, it may be beneficial to allow the student to actively participate in the development of this document.

The SOP is usually completed near the end of the final year of a student’s high school education. That does not mean that it cannot be completed sooner. The timing of completion of the SOP may vary depending on the student’s postsecondary goals. If a student is transitioning to higher education, the SOP may be necessary as the student applies to a college or university. Likewise, this information may be necessary as a student applies for services from state agencies such as vocational rehabilitation. In some instances, it may be most appropriate to wait until the spring of a student’s final year to provide an agency or employer the most updated information on the performance of the student.