

# Chapter 1

# FAPE

Oklahoma Special Education  
Policies and Procedures  
July 2022



**OKLAHOMA**  
Education



# New Guidance for Maximum Age for FAPE

- The LEA's obligation to provide a FAPE ceases at the end of the school year in which the student turns 22 years of age.

In the State of Oklahoma, the maximum age a student may enroll to complete credits towards a standard diploma is defined as twenty-one (21) on or before September 1st (70 O.S. § 1-114). The student may enroll and remain enrolled through the end of the school year in which they turn 22 in order to earn the required credits for a standard diploma. For students who have not yet graduated from high school and do not meet the requirements for graduation, the LEA's obligation to provide special education services ceases through the end of the school year in which the student turns 22.

# Not Required in All Circumstances

FAPE through the end of the school year in which the student turns 22 is **not** required in all circumstances. For example:

- A student with a disability who completed all credits required to obtain a standard high school diploma, received an IEP that was reasonably calculated to enable the student to make progress toward their goals/objectives in light of their unique circumstances or abilities and was provided appropriate postsecondary transition activities, would graduate with their age peers (e.g., age 17 or 18).

# Not Required in All Circumstances - 2

Another example:

- A student with a disability who dropped out of school their senior year and lacked only one semester of credits could return to enroll at age 21, due to the fact their 22nd birthday is in November. The student would be allowed to continue past the age of 22 until they completed the semester classes to graduate with a standard diploma in December. The student would not need to return to complete the end of the school year in May, since the student had met the requirements for a standard diploma in December.

# Potential Barriers to LEAs Provision of FAPE

- Funding Sources
- Accessible Educational Materials (AEM)
- Assistive Technology (AT)
- Physical Education
- Extended School Year (ESY)
- Enrollment
- Shortened Day