

INTERPRETIVE MEMO

Reach Up Rule Interpretation

Procedural Instruction

This memo remains effective statewide until it is specifically superseded – either by a subsequent memo or by a contradictory rule with a later date.

Please file in your manual facing the page indicated below.

Facing page 2230 Effective date of this memo 8/21/2013 Page 1 of 1

This memo: is new Replaces one dated 3/20/2013

JMM
Rule 2301(J) defines dependent child to include an individual who is “18 years of age or older who is a full-time student in a secondary school, or attending an equivalent level of vocational or technical training, and is reasonably expected to complete the educational program before reaching the age of 19 or is not expected to complete the educational program before reaching 19 solely due to a documented disability.” A child who will not graduate high school before his/her 19th birthday because of a disability may continue to be eligible for Reach Up through the month of his/her 19th birthday. A child with a disability who will graduate before the age of 19 is eligible only through the month of graduation.

Disability is defined according to the Americans with Disabilities Act as follows:

- A. a physical or mental impairment that substantially limits one or more of the major life activities of such individual;
- B. a record of such an impairment; or
- C. being regarded as having such an impairment.

A child with a learning disability is considered to have a disability under this definition.

Any child who receives or has received special education would qualify under this provision, if otherwise eligible.

To determine if the child receives or has received special education services, it is necessary to verify that the child has or had an Individualized Education Program (IEP) through the school district. The child's parent is given a copy of this IEP, and the parent must agree to it in writing. The parent must provide a copy of the IEP or provide documentation from the school that an IEP exists or existed in the past.

If a parent contends that a disability resulted in the child's inability to graduate before his/her 19th birthday but no IEP was put in place, require that the parent obtain documentation from the child's doctor and the school that supports the parent's contention. Refer the request and supporting documentation to Operations for a case-by-case review to determine eligibility under this provision.