

281—56.26(259) Exceptions to duration of services. As required by the Act and 34 CFR 361.50(d), the division shall have a method of allowing for exceptions to its rules regarding the duration of services.

56.26(1) *Reasons for exceptions.* Major reasons that will be considered in determining if an exception should be granted in favor of an applicant include, but are not limited to, the following:

- a.* The need is disability-related.
- b.* Academic performance is poor, but could reasonably be expected to return to or above the required threshold in one semester.

56.26(2) *Prohibitions.* Pursuant to federal law, the division is subject to the following prohibitions:

- a.* The time period established for the provision of services shall not be so short as to effectively deny an individual a necessary service.
- b.* An absolute time limit on the provision of a specific service or on the total services provided to an individual may not be established. The duration of each service needed by an individual must be determined on an individual basis and reflected in that individual's IPE.

56.26(3) *Exception process.* A request for an exception shall originate with a counselor, who shall either develop a case note detailing the reason(s) why an exception is believed to be warranted or complete the appropriate form. The case note or form shall be presented to a supervisor for determination. The supervisor's determination shall be documented by the supervisor in a separate case note or in the designated place on the form.