



Transition Planning Five Themes Addressed in Administrative and Judicial Decisions

University of Northern Iowa researcher Susan Etscheidt reports that the adequacy of transition services is currently a significant area of litigation by parents who have been dissatisfied with the process. In order to identify areas of concern, Etscheidt reviewed 36 state-level administrative and district court rulings published between 1997 through December 2004. Only decisions that addressed school-to-post school transition plans were included in this analysis.

The primary disability labels of the students who were the focus of these cases were evenly distributed – with the majority being male students identified with “mental disabilities” and learning disabilities, and a smaller but equal distribution among those identified as having emotional disabilities, autism or Asperger syndrome and multiple disabilities.

Etscheidt identified five transition planning “themes” in the decisions reviewed: agency contact, student involvement, individualization of the transition plan, district obligation and the appropriateness of the transition plan. Each of these is discussed in relation to changes contained in IDEA 2004.

FINDINGS

Agency Contacts. The shared responsibility between school districts and outside agencies was memorialized in the 1997 amendments to IDEA and in the Vocational Rehabilitation Act of 1973 and as amended in the Workforce Investment Act of 1998. These statutes require formal agreement that specifies the responsibilities of providing and paying for transition services to students with disabilities. [20 U.S.C. 1412(a)(12)(A) and 29 U.S.C. 101(a)(11)(D)].

Districts must ensure that IEP teams bring agencies that may provide or pay for transitions services to the table so that both school services and post school services can be identified and included in the IEP as part of transition planning. These services and agencies can include health, human services, mental health, social security, housing, recreation and those offering postsecondary training and education and transportation. Failure to involve these agencies impedes successful post school outcomes for special education students.

Districts lost cases when they attempted to substitute efforts undertaken by parents, or when they did not invite and encourage the active participation of outside agencies. However, when districts have made good faith efforts to obtain information, include agencies in planning, develop action steps and link parents and students with agency resources, they have prevailed. This was true even in one case where parents refused services of an agency and the district went forward without agency presence in developing the transition plan.

Student Involvement. The 1997 Amendments to IDEA required that all students 14 and older must be invited to attend IEP meetings to help plan their transition services. Even when the student does not attend, their preferences, interests and concerns must be considered. Districts are not required to simply include any or all student preferences, but may work as a team to determine interest-based coursework and services that will address the student's needs and put her on a path to achieve the transition goals. This makes the requirement to include the student particularly necessary for districts. Parents and advocates as well need to note the strong preference for active student involvement in statute and as a best-practice consideration.

Individualization of the Transition Plan. In some part, all of the decisions reviewed addressed the importance of individualizing transition plans on the basis of student need, preference and interest. Districts cannot offer college catalogs, generic vocational training or other insignificant activities or opportunities as a substitute for a robust program, based on assessment and calculated to provide benefit.

It is interesting to note that when districts demonstrate that they have provided appropriate coursework, work related activities and goals that meet the needs of the student in question, procedural errors may be excused. In two cases, the IEPs in dispute did not contain a formal statement of transition service needs, but because students and parents were involved in developing the IEP and the coursework, activities and IEP goals were individualized and sufficient, districts prevailed.

In meeting the individual needs of students, districts can be required to develop a variety of "creative" solutions that include community-based programming that allows a student to apply the skills they have learned, functional skill development that can take place after a student has participated in graduation ceremonies with his peers, and instruction provided in "real life" settings rather than "artificial ones".

District Obligations. Districts are not required to ensure that the goal of employment or independent living is achieved, but they must do more than provide opportunity and skills to simply apply to postsecondary programs. These are qualitative differences that are at the core of the district's duty to provide a program calculated to benefit each student.

When students are introduced to a variety of school and community experiences, and districts can demonstrate that school programs are designed to assist students to successfully meet social and vocational goals as well as graduation requirements, districts have prevailed in hearings. One administrative law judge commented that "the District was not required to provide every possible job experience" but was obligated to provide the student with experiences that were based on individual

needs, preferences and interests. However, the fact that a student meets graduation requirements does not relieve the district of the obligation to provide the transition services that fully implement and allow the student to complete the IEP program.

Appropriateness of the Transition Plan. Many of the cases reviewed addressed the issue of how appropriate the transition plan was in addressing the needs of the student in question. In several cases, the failure to provide adequate specially designed communication aids, reading instruction or proper evaluations while students were in secondary schools resulted in districts being required to provide and fund additional or compensatory services to students who had graduated or who were seeking postsecondary program enrollment.

In those cases where districts offered FAPE, and could demonstrate successful participation or completion of IEP goals, requests for compensatory or extended services were not successful. In those decisions, key words and concepts such as "useful" program, "important skills", appropriate transition goals overcame the "technical defects" of the transition plans.

THE BOTTOM LINE

IDEA defines transition as a "results-oriented process" that should support the academic and functional achievement of special education students so that they can go onto successful postsecondary training and programs as well as independent living and work in the community. This research provides valuable information about important considerations for students, parents and advocates:

- Adult services agencies must be contacted and involved in developing transition goals and plans. Services that they fund must be delineated in the plan.
- Earning enough academic credits for high school graduation is not a transition plan.
- Both academic and functional goals and supports are necessary to achieve the results oriented process required by IDEA (see box below).
- School districts are not responsible for ensuring successful outcomes, but they are responsible for developing comprehensive transition programs that are individualized and that reflect the needs, preferences and interests of the student in question.
- Extended or compensatory services and supports may be awarded as a result of substantive failures to provide transition programs, but are rarely awarded on the basis of procedural violations when districts can demonstrate good faith efforts to develop goals and supports that benefit students and put them "on the path" to successful transitions.

DISCUSSION

Susan Etscheidt comments that the focus in IDEA on transition is a response to the low graduation rates and “dismal” post school achievements of students with disabilities. These unacceptable outcomes and the issues identified in the cases reviewed highlight the critical importance of initiating discussions at the IEP table as early as possible in a student’s secondary school experience. This can only be achieved if parents, advocates and school staff are familiar with the adult service options available. Advocates working with middle and high school age students have a particular responsibility to study and understand IDEA transition requirements, visit service agencies, obtain relevant eligibility information and identify strategies to ensure active participation and meaningful involvement of students in the transition planning process.

Good practice in developing transition plans requires:

- Interagency coordination
- IEP team members that are familiar with and engaged in identifying adult and post school services and programs
- Linkages with and active participation of rehabilitation professionals
- Clear delineation of responsibilities of adult service agencies in plans
- Significant involvement and participation of students in developing their own transition goals and programs (In fact, student participation is highly correlated with improved outcomes both in graduation rates and in employment.)

The change in IDEA 2004 that requires a transition statement “no later than the first IEP to be in effect when the child is 16” has placed an additional burden on students, parents and school staff. Planning post school outcomes for all students is generally a comprehensive four-year process. Courses that are required for graduation and to pursue future goals are often sequential and require planning to begin well before age 16. Parent and advocates will need to begin to engage IEP teams in identifying coursework, activities and supports that will assist students to begin transition no later than age 14 in order to maximize chances for successful school completion and postsecondary opportunities.

The Research: **Issues in Transition Planning: Legal Decisions**. Susan Etscheidt, Department of Special Education, University of Northern Iowa. Published in Career Development for Exceptional Individuals, 29(1), 28-47.

Measurable Postsecondary Goals

Measurable Postsecondary Goals are not the same as Measurable Annual Goals in a student's IEP. This is a new requirement in IDEA 2004 that specifies that the IEP for every student who turns 16 years (or younger if appropriate) must include measurable postsecondary goals and the transition services needed to assist the student in reaching those goals. CFR 300.320 (a)(7)(b)(1)&(2).

Measurable postsecondary goals are statements of what a student wants to do post school. They are based on each student's preferences, interests and needs. There should be a postsecondary goal in education/training, employment and independent living (if appropriate for that student).

Here are some examples of measurable postsecondary goals:

Education/Training

- Following graduation, I will receive training while working at the XYZ hardware store.
- Following graduation, I will attend Northwest Technical college
- After school completion, I will attend the XYZ adult training program and receive vocational skills training.

Employment

- Following graduation, I will work full time at the XYZ hardware store.
- Following graduation, I will work full time as a computer technician.
- After school completion, I will attend the XYZ adult training program and receive vocational skills training.

Independent Living

- Following graduation, I will live in a group home with my friends.
- Following graduation, I will live in a dorm or an apartment.
- After completion of school, I will live at home while I receive vocational training.

It is important for parents and special education advocates to help a student to understand that even though he or she may not know what they might want to do in the future, it is still important to begin to figure out some goals and what needs and preferences they might have.

Career counseling, exploration and guidance can be written into the transition service section of the IEP and additional opportunities can be provided that will help a student develop a vision for what they want to do after high school.

Developed by O'Leary, E. (2006) Measurable Postsecondary Goals. Logan, Utah: MPRRC, Unpublished paper.



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