

IDEA 2004 requirements relative to Transition Services

Definition:

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 provision of a functional vocational evaluation.

Wisconsin state law requires all transition planning begin no later than the first IEP to be in effect when the child is 14, and updated annually thereafter. This includes:

- appropriate measurable post-secondary goals based upon age appropriate transition assessments related to training, education, employment, and where appropriate independent living skills;
- the transition services (including courses of study) needed to assist the child in reaching those goals;
- beginning not later than 1 year before the child reaches the age of 18, a statement that the child has been informed of the child's rights that will transfer to the child on reaching the age of 18.

If the purpose of the IEP meeting is to discuss a student's post school goals and transition services needed, districts are required to obtain written parent or adult student consent in order to invite a representative of any outside agency (responsible for providing or paying for transition services). Written consent must be obtained **prior** to inviting an agency representative in order for the individual to be included on the invitation.

Summary of Performance: For a child whose eligibility for special education and related services ends via graduation or age, a 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 post-secondary goals.

IDEA 2004 Transition Requirements (Nine-Step Checklist for Indicator 13).

Step 1 **The school district must invite a representative of an agency to the IEP meeting if that agency is likely to be responsible for providing or paying for transition services during the time frame of the current IEP.** Prior to inviting outside agencies, the school must first obtain written parent/guardian/adult student consent using the form “Request to Invite Outside Agencies”. If an outside agency is invited, the name of the agency and the Title/Position of the person invited must be listed on the IEP Invitation.

- i. At the 9th and 10th grades an IEP team may suspect an outside agency is likely to be involved however, it may be too early.
- ii. If an agency is not invited, but the parent/student has been put in contact with the agency, document this in the IEP (under PLAAFP).

Step 2 **Obtain written parent or adult permission to invite transition agencies.** School districts are required to obtain consent of the parent/legal guardian or adult student to invite a representative of any outside agency that is likely to be responsible for providing or paying for transition services during the time frame of the IEP to an IEP meeting. Written consent must be obtained prior to creating the invitation. This requirement was included in the regulations specifically to address issues related to the confidentiality of information. This form is located in GUI in the “IDEA Other” section. This consent form should only be used for the purpose of inviting outside agencies to an IEP meeting at which transition needs and services will be discussed, and the agency will/may be involved in providing some of those services.

This form should not be used for inviting outside agencies to IEP meeting for other reasons, for example, students who have county social workers or who have agency involvement addressing emotional or behavioral needs. Other district forms and procedures allowing MMSD to invite non MMSD employees to meetings should be used instead.

Step 3 **Invite student.** Remember at age 14, students must be invited to their IEP meeting if any aspect of transition/post-school activities are discussed. When completing the invitation to an IEP meeting, checking “transition” automatically invites the student (in the GUI system). You should document the date and method of inviting the student on the Transition form, as well as whether the student did or did not attend the IEP meeting.

Step 4 **If student is unable to attend, document the steps that were taken to ensure the child’s preferences/interests were considered when identifying his/her transition needs.** Document your efforts in communicating informal discussions regarding transition plans, career ideas, strengths and interests (e.g., student conference, interviews).

Step 5 **Measurable post-secondary goals are required in Employment and either Training or Education. If appropriate, goals should also be written for Independent living. The goals must satisfy two basic requirements:**
1. Must be measurable (can it be counted);

2. Takes place after high school.

Post-secondary goals are not written to the same standard as IEP goals. These are big picture hopes and dreams, based on the student's strengths, interests, and preferences. You are not held responsible if the student fails to reach the goal. However, the student's individual educational program must be reasonably calculated to enable the student to reach their goal. The areas of Training/Education and Employment must list a specific area of training or area of study, (e.g. graphic design, food service, computer programming, engineering,) and employment field (e.g. retail sales, health profession, teacher). It is not sufficient simply to say that the student will work full time or enroll full time at a 2 yr/four yr school. If Independent living is included, the type of living arrangement should be described.

Step 6

Transition Services are a "Coordinated set of Activities" (instruction, related services, community experience, employment, post-school living objective, daily living skills, functional vocational evaluation) that focus on improving the academic and functional achievement of the child to facilitate their movement from school to post-school. **There must be at least one transition service/activity that will reasonably enable the student to meet each stated postsecondary goal.** The IEP team must consider services in each area as they relate to the overall post-secondary goals; however, some may not be applicable, thus it is not required that services are provided in each area. **The way to conceptualize these "services" is to think about them as "activities" that enable the student to reach their post-secondary goals.** Both DPI and the Wisconsin State Transition Initiative (WSTI) have adopted the following standards:

- (1) Services/activities are at least a 2 year plan**
- (2) All 7 areas must be considered or addressed**
- (3) Must show evidence of coordination between student, parent, school and/or outside agencies (shared responsibility)**
- (4) Reviewed/revised on an annual basis**

Step 7

A requirement of IDEA 2004 is the utilization of age appropriate transition assessment to determine the post-secondary goals (beginning at 14 years of age then administered annually). Examples include but are not limited to the following: Transition Planning Inventory (TPI), Career Cruising, COPS, CAPS, Enderle-Severson, ARC Self-Determination Scale, Supports Intensity Scale, and Structured Interviews (either at an IEP meeting or outside of the IEP process). The transition assessment must provide information on the student's needs, taking into account strengths, preferences, and interests regarding each stated postsecondary goal.

The Department of Public Instruction (DPI) has developed a web-based Post-Secondary Transition Plan (PTP) that assists school districts to document the post high school transition requirements while meeting individual student needs. The PTP application guides the IEP team through the transition process by asking a set of questions. The PTP is completed during the IEP meeting with input from all team members.

SEE APPENDIX A FOR FURTHER INFORMATION ABOUT THE PTP

Step 8 **Students age 14 years and older are required to have a Course of Study that focuses on improving the academic and functional achievement of the child to facilitate their movement from school to post-school.** The Course of Study must be aligned with the student’s identified post-secondary goals and may be limited to the time frame of the IEP or may be multi-year.

Step 9 **There must be at least one annual goal that will reasonably enable the child to make progress toward each of the post secondary goals.** There must be a reasonable link between each post-secondary goal and the annual goal. A given annual goal could be linked to more than one post-secondary goal, and a post-secondary goal may be linked to more than one annual goal. If a student expresses a desire to become a teacher, a goal in reading, self-advocacy, or organization might be appropriate. You are not obligated to create a goal on how to become a teacher, which is the function of a college or university.

Required Activities Associated with the Graduation Process

Notice of Graduation

Eligibility for special education and related services ceases upon the granting of a regular high school diploma. High school graduation is also considered a change in placement for a child with a disability and thus an IEP meeting is required to notify the parent/adult student of this change in placement.

At an appropriate time before a student receives a regular diploma, the participants in an IEP meeting must review with the student and the parent/legal guardian whether:

- the school district’s graduation requirements will be met (or the student will graduate via an IEP team decision),
- the child’s IEP goals and objectives will be substantially completed and,
- new goals and objectives are not needed for the coming school year.

The IEP meeting at which this information is reviewed would usually be held within the last quarter of the student’s school career when the IEP team can determine if coursework will be completed successfully.

Note: Completion of a High School Equivalency Diploma (HSED) is not equivalent to meeting the school district’s graduation requirements. Students remain eligible for special education services after receiving a High School Equivalency Diploma.

Notice of Ending of Services Due to Age

IDEA states that districts must provide special education and related services to students through age 21. Wisconsin law requires districts to provide these services to a student who turns age 21 on or after the beginning of the school year through the end of the school term. “School term” is defined as beginning with the first school day and ending with the last school day that the district’s schools are in operation during the school year, other than for summer classes.

Ending of services via aging out is also considered to be a change in placement for a child with a disability. At an appropriate time before the end of the school term during which the

student turned 21, an IEP team meeting must be held. This meeting generally occurs in the 4th quarter of the school year, although it may occur earlier.

Summary of Performance (SoP)

The Summary of Performance, with the accompanying documentation, is important to assist the student in the transition from high school to higher education, training and/or employment. The SOP is required for all students graduating with a high school diploma (including those awarded a diploma for the completion of an HSED) and students who age out of high school but do not earn a diploma.

The SOP must be completed during the final year of a student's high school education. 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, with additional documentation, 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.

The Summary of Performance is comprised of three primary components.

1. **Academic Achievement:** Math, Written Language, Reading.
This forms a record of the student's present level of academics in at least the three core areas (reading, math, written language). It should be documented in such a way that a stranger would know the academic level of the person.
2. **Functional Performance:** Social Skills, Behaviors, Employability Skills, Learning Style, Independent Living Skills. This documentation should paint a picture of the person's abilities related to functioning in everyday society.
3. **Recommendations:** Assistive technology or other supports or modifications utilized in high school that enable the individual to meet post secondary goals.
These are reasonable accommodations and or supports that the student is currently accessing and are expected to be needed in the future. Postsecondary education institutions find this most helpful during the eligibility and services determination process. Postsecondary education institutions try to match the accommodations used in the high school setting with the accommodations they will be using at the post secondary level to make the student's transition easier.

Who Needs a Summary of Performance?

1. Students who will graduate with a high school diploma. This includes students awarded a high school diploma for the completion of a High School Equivalency Diploma (HSED).
2. Students who will age out of high school (for example, do not earn a diploma but are no longer eligible to receive special education services).

A Summary of Performance is not required when:

- If the student earns only the HSED without a diploma.
- If the student exits high school with a GED.
- Students who drop out of school.

CONSENT

What is informed consent?

- Informed consent means that the parent/guardian or adult student has been fully informed of all information relevant to the activity for which consent is sought
- The parent/guardian or adult student agrees in writing to carrying out the activity for which consent is sought
- The parent/guardian or adult student understands that consent is voluntary and may be revoked at any time before the district initiates or carries out the proposed activity/action
- The signed consent must be obtained before the activity and returned to the district before inviting any agency or person to any meetings or before the disclosure of any information

Informed consent must contain the following information **in writing** (as per MMSD policy):

- The legal name and birth date of the student for whom information is being disclosed
- The type of information being disclosed
- The agency making the disclosure
- The purpose of the disclosure
- The name of the individual, agency, or organization to which disclosure may be made
- The signature of the parent/guardian or adult student, and, if signed by a person other than the student, the relationship of that person to the student
- The date on which the consent was signed
- The time period during which the consent is effective

When should informed consent for students with disabilities be obtained?

Consent must be obtained any time you disclose a student has a disability or share information about the student with two exceptions:

- When there is a court order to release records
- When there is specific authority granted in statute (e.g. when a student transfers from one school district to another)

There are a variety of situations for which informed consent is required.

These include, but are not limited to:

1. When inviting an agency representative to an IEP meeting when that agency may be responsible for providing or paying for transition services
 - use MMSD IEP (GUI) form “Request to Invite Outside Agency Representatives to an IEP Meeting”.
2. When inviting an agency representative to an IEP meeting when transition is not being discussed and/or the agency is *not* responsible for providing/paying for transition services
3. When disclosing information to outside agencies regarding the fact that the student has a disability and/or information about that disability
4. When disclosing information to an employer of the student for work experience
5. When inviting an outside agency (e.g. DVR) to speak to a special education class. (If the class is an integrated class or general education class, consent is not needed)

6. To invite agencies to any and all school initiated/coordinated meetings outside of the IEP process at which an outside agency will be attending,
7. When obtaining information from outside health care providers. Health care records are protected by HIPPA, which have additional requirements. Permission to obtain these records requires the use of a specific health care release of information form available on the district website. See IDEA Implementation Memo #7 for more information.
 - Forms: For scenarios # 2 – 7 above: Use MMSD permission forms available on the district website or from the Registrar’s office.

Note: “Outside agency” includes:

- *Any agency representative other than MMSD employees (or a representative from the sending school district of a tuition waver student), to include*
 - *All community agencies*
 - *Foster parents*
 - *Group home representative*
 - *A non-guardian relative or adult with whom the student is living*

Note: Permission is required to invite the agency. However, if the parent/guardian/adult student brings an agency member or person to the meeting, written consent is not required

There are a variety of different activities that require consent. The type of activity must be specifically stated in the written consent form. Consent for one type of activity does not automatically give permission for any other type of activity. Examples include:

- Exchange of oral information
- Release of written records
 - Student/pupil records means all records relating to individual pupils
 - Progress records means records that include grades, courses taken, attendance, immunization records, and extracurricular
 - Behavioral records includes psychological tests, evaluations, any statements regarding the student’s behavior, and includes IEP evaluations and programs
 - Health Records
- Permission to invite an outside agency to an IEP meeting
- Permission to authorize the provision of special education services

Who can give signed permission for these activities?

Only the parent/legal guardian or the adult student who is his/her own guardian can give signed consent for these activities.

Additional information is available at

http://dww.madison.k12.wi.us/registrar/reference/student_records_handbook.doc

The following federal laws impact the transition of individuals with disabilities from school to adult life:

- Individuals with Disabilities Education Act (IDEA 2004, PL 108-446)
- 2005 Wisconsin Act 258, Senate Bill 529
- Americans with Disabilities Act 1990 (ADA), amended in 2008.
- Rehabilitation Act of 1992, §504, amended in 1998.

Individuals with Disabilities Education Act (IDEA)

“The 108th United States Congress finds the following: Disability is a natural part of the human experience and in no way diminishes the right of individuals to participate in or contribute to society. Improving educational results for children with disabilities is an essential element of our national policy of ensuring equality of opportunity, full participation, independent living, and economic self-sufficiency for individuals with disabilities.” PL 108-446, IDEA 2004

The Individuals with Disabilities Education Act (IDEA 2004) is the most important federal law for children and youth with disabilities (ages 3 – 21).

There are six principles critical to understanding the spirit and intent of the IDEA. They provide the framework around which special education services are designed and provided to students with disabilities. These principles are:

- Free Appropriate Public Education (FAPE)
- Appropriate Evaluation
- Individualized Education Program (IEP)
- Least Restrictive Environment (LRE)
- Parent and Student Participation and Decision Making
- Procedural Safeguards

This legislation requires a process that includes multidisciplinary and multi-agency sharing of transition programming responsibilities.

Americans with Disabilities Act (ADA)

The Americans with Disabilities Act of 1990 and the Americans with Disabilities Act Amendment Act of 2008 are pieces of civil rights legislation which prohibit discrimination based solely on the basis of disability in employment, public services, and accommodations. The person must be otherwise qualified for the program, service, or job. For more information please see: <http://www.usdoj.gov/crt/ada/adahom1.htm>

Rehabilitation Act (Rehab Act) <http://www.access-board.gov/sec508/guide/act.htm>

The Rehab Act states that individuals with disabilities have the right to live on their own, make their own decisions, work in careers they like, contribute to society, and fully be part of their community. This law provides funds for vocational rehabilitation services to train and place people with disabilities on jobs. The Division of Vocational Rehabilitation (DVR) is the agency in Wisconsin that applies this law.

The Rehabilitation Act aims to:

- Reduce service gaps and barriers for students transitioning from high school to DVR and other adult services.
- Require DVR and schools to work together to fund and educate young adults with disabilities. The Rehabilitation Act and IDEA intentionally treat transition services the same way so that education and rehabilitation services are a coordinated effort.

Section 504 of the Rehabilitation Act of 1973

Section 504 was enacted to “level the playing field,” to eliminate impediments to full participation by persons with disabilities. The statute was intended to prevent intentional or unintentional discrimination against persons with disabilities, persons believed to have disabilities, or family members of persons with disabilities. Section 504 protects qualified individuals with disabilities. A postsecondary school may not discriminate on the basis of disability. It must ensure that the programs it offers, including extracurricular activities, are accessible to students with disabilities. Postsecondary schools can do this in a number of ways: by providing architectural access, providing aids and services necessary for effective communication, and by modifying policies, practices, and procedures. All programs and services must be provided in an integrated setting. In some instances, architectural access may be the only way to make a program accessible. Qualified interpreters, assistive listening systems, captioning, TTYs, qualified readers, audio recordings, taped texts, Braille materials, large print materials, materials on computer disk, and adapted computer terminals are examples of auxiliary aids and services that provide effective communication. Such services must be provided, unless doing so would result in a fundamental alteration of the program or would result in undue financial or administrative hardship burdens. The most challenging aspect of modifying classroom policies or practices for students with disabilities is that it requires thought and prior preparation. The actual modifications are rarely substantive or expensive. Some examples include the following: Rescheduling classes to an accessible location; Early enrollment options for students with disabilities to allow time to arrange accommodations; Substitution of specific courses required for completion of degree requirements; Allowing service animals in the classroom; Providing students with disabilities with a syllabus prior to the beginning of class; Clearly communicating course requirements, assignments, due dates, grading criteria, both orally and in written form; Providing written outlines or summaries of class lectures, or integrating this information into comments at the beginning and end of class; Allowing students note takers or tape record lectures. Accommodations/Modifications will always vary based on the individual student’s needs. Modifications of policies and practices are not required when it would fundamentally alter the nature of the service, program, or activity.

For more information please see: <http://www.ed.gov/policy/speced/reg/narrative.html> or <http://www.dol.gov/oasam/regs/statutes/sec504.htm>