



# Transition Law & Rights

in the Individual Education Plan (IEP) Process

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***The materials presented here is for information purpose ONLY; anyone needing a attorney should contact an attorney of his/her choice for representation.***

# 1) Transition Planning a Critical Component of IDEA

## A) The Law

- a) The Individuals with Disabilities Education Act (IDEA) mandates a public education for all eligible children ages 3 through 21 and makes the schools responsible for providing the supports and services necessary.





## **One of the goals of IDEA is for students to be prepared for employment and independent living.**

- IDEA requirements are facilitated through the Individualized Education Program (IEP) process.
- The IEP process must include transition planning services for all special education students at age 16. Ideally, this process should begin at age 14.
- The funding and the services available through IDEA are NOT available once the student has received a high school diploma, or aged out of the school system.

## Transition services as outlined in **§300.43 of IDEA** **(Code of Federal Regulation)**

b) Transition services means a coordinated set of activities for a child with a disability that...

(i) 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 postsecondary education, vocational education, integrated employment (including supported employment), continuing and adult education, adult services, independent living, or community participation;

## Transition Planning and the Individual Education Program (continued)

(ii) Is based on the individual child's needs, taking into account the child's strengths, preferences, and interests; and includes:

- Instruction
- Related services
- Community experiences
- The development of employment and other post-school adult living objectives
- If appropriate, acquisition of daily living skills and provision of a functional vocational evaluation.



## Transition Planning and the Individual Education Program (continued)

- (iii) Transition services for children with disabilities may be special education, if provided as specially designed instruction, or a related service, if required to assist a child with a disability to benefit from special education.



c) The Transition process must include goals that are:

- Outcome-oriented
- Based upon the student's strengths and areas of need
- Focused on instruction and services for education, employment, and other living skills.



## d) Under IDEA, there must be a transition plan in place

- All students by the age of 16 must have a plan.
- Just as with other educational services in a student's IEP, the school district must provide the transition services necessary for the student to achieve the transition goals stated in the IEP.
- Once the child leaves the school system, the educational entitlements of IDEA are no longer in place.





## e) The Effect of the Diploma

- Graduation 18-21 years old
- Social Graduation
- Hold diploma in the Abeyance
- Ohio Diploma



## 2. The Planning Process

### a) Getting Started

#### *i) Preparation for the Transition IEP Meeting*

- As far in advance of the first meeting as possible, you should talk with your adolescent about what he or she may want to do in the future.
- While out in the community, you can identify different jobs that may be of interest to him or her.

This helps provide structure to a difficult subject. It also provides time for the young adult to prepare for what he or she was going to share during these sessions. This is the time to discuss employment, living arrangements, or community life.

ii) If you have completed a plan, or if you would like to implement a plan, the best time to do this is before the Transition IEP meeting.

## **b) Assessments**

In preparation for the transition meeting, your school district may also conduct several assessments that should be shared with you and your adolescent in advance of the meeting. Some of the assessments are outlined below:

### ***Level I Assessment***

- The parents, student and teachers all complete a questionnaire to help them focus on the student's long term career goals.
- This assessment helps to explore possible areas of interest that can be used in the transition plan.
- Level I assessments should be updated yearly.  
different settings with the proper supports in place.



## **Level II Assessments**

- Provide feedback as to a student's skills and aptitudes when compared to his or her peers; good measurement for SLD students and college choices.
- The Level II Assessments can often help pinpoint areas where further skills can be developed.

## ***Level III Assessments***

- This assessment is for students who do not perform well on tests or thrive in testing environments.
- This is a situational assessment. The student tries out different areas of work in different settings with the proper supports in place.
- Level III assessments allow for the student to get some hands on work experience and to see what they enjoy and in what fields they excel.
- The staff on hand will assess the student's response to each environment.



## c) Self-Advocacy

It is important that your adolescent can communicate to others the nature of the disability and the accommodations that he or she may need as a result. Advocacy skills take years to develop. It is therefore very important that the student can begin to develop these skills as soon as possible.



# Self-Advocacy Continues-

Below is a list of questions and topics that you might review with your adolescent prior to the transition meeting:

1. What is a disability?
2. Do you have a disability?
3. What is the name of the law that allows you to receive special services from the school?
4. What is an accommodation?
5. Do you have any accommodations in your classes?
6. What's an IEP?
7. Do you have an IEP?

For those adolescents with limited verbal ability, pictures or written statements may be helpful. Closed end questions can be helpful as well as choices.



# Self-Advocacy Continues-

- Prepare the student in advance of the IEP meeting and describe its purpose.
- Student involvement will depend on the student and what responsibility they can take on.
- Students at a lower cognitive or developmental stage, having students just be familiar with the purpose of an IEP can be sufficient.





## The range of involvement might include the following:

- The teacher brings the student to the IEP meeting for a brief period of time, encouraging interactions with some or all the team members. This introduction may be as short as a few minutes where the student just says “hi” to one or two IEP team members, or helps pass out materials.
- The student prepares a short statement that he or she distributes or reads aloud to the IEP team indicating strengths and difficulties in school.
- After obtaining data from IEP team members prior to the meeting, the student writes sections of the IEP for modification and approval at the IEP meeting.
- The student co-presents as an equal member of the IEP team.
- The student leads the IEP meeting with support from his or her primary teacher.



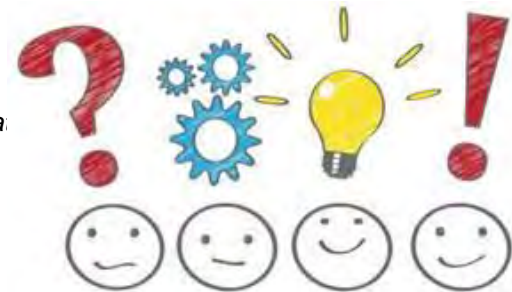
It is important to develop a plan and anticipate questions and concerns that students may have as they work on applying their strengths and challenges to create their own customized education where appropriate.



## d) Who is involved in the Transition Planning Process?

- The student (as appropriate)
- The student's parents or guardians
- Teachers (Special and General Education)
- School Administrators
- Related service providers such as speech therapists, behavioral consultants etc.
- Representatives of outside agencies that may provide support to reach post transition goals, such as the state Division of Vocational Rehabilitation
- Other individuals that can support the student

*From: A Guide to the Individualized Education Program Office of Special Education and Rehabilitation*  
<http://www2.ed.gov/parents/needs/speced/iepguide/iepguide.pdf>





Since your school district is responsible for coordinating transition services you need to partner with the school district in advance of the transition planning meeting to make sure that any outside agencies or individuals that can offer resources have been invited to the meeting.

The outside agencies may serve many schools in your area, so you want to work with your school advisors to start the process as early as possible.

## e) How Do You Create and Implement a Transition Plan?

### *The Transition Meeting*

- i) The goal is for skills to be developed so that they can be Completed independently. A mastered skill needs to be done correctly from beginning to end, without prompts or support. This is an important point to keep in mind as you develop IEP goals and allow for assistance when needed.



ii) During the transition meeting the transition team should consider the following areas as they relate to the adolescent:

community participation

adult services

integrated employment (including supported employment)

post-secondary education

vocational education

independent living



## f) **General Steps for Creating a Transition Plan**

A) Several steps have been outlined that will be important in developing a transition plan. These should be a part of the transition plan:

i) Describe the student's strengths and present levels of academic achievement and functional performance.

Descriptions of the student's strengths and present levels of academic achievement and functional performance are frequently given at IEP meetings only by school personnel, such as general and special educators, speech and language therapists, and school psychologists.



ii) Develop measurable postsecondary goals.

The development of measurable annual goals should support the student's expressed post-school goals and should be based upon the student's present levels of academic achievement and functional performance and age-appropriate transition assessments.

iii) Develop corresponding IEP goals that will enable the student to meet their postsecondary goals.

iv) Describe the transition services needed.

This portion of the IEP planning process identifies the transition instruction and services, activities, personnel, or resources that can be used to help the student achieve his or her desired post-school goals.

B) In addition to stating the goals for your adolescent, the transition plan should include on how the plan will be implemented and monitored, such as:

- A timeline for achieving goals
- Identified responsible people or agencies to help with these goals
- Clarification of how roles will be coordinated
- A plan for identifying post-graduation services and supports, and obtaining the necessary funding to access these services and supports

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**Information from:** <https://www.autismspeaks.org/family-services/tool-kits/transition-tool-kit/why-transition-plan>

<http://www.parentcenterhub.org/>

<http://www.cpacinc.org/hot-topics/transition-to-adult-life/what-is-transition-planning-and-why-is-it-important>



# Handouts

- U.S. Code
- Federal Regulations
- Ohio Department of Education
- IDEA Regulations
- Barbara Bateman Article
- Transition Planning
- Secondary Transition Planning for Student Disabilities



# On -Line Resources



Livespecial FREE online resource [Livespecial.com](http://Livespecial.com)

Ohio Revised Code -<http://codes.ohio.gov/orc/3323>

Whose IDEA\_<https://education.ohio.gov/getattachment/Topics/Special-Education/Students-with-Disabilities/Physical-or-Mentally-Handicap/Whose-IDEA-Is-This-A-Parent-s-Guide-to-the-Individ/Whose-IDEA.pdf.aspx>

Wrights Law [\\_www.wrightslaw.com](http://www.wrightslaw.com)

Ohio Department of Education [\\_ http://education.ohio.gov](http://education.ohio.gov)

Ohio Department of Education Special Education

<http://education.ohio.gov/Topics/Special-Education>

# Online Resources- Continued

Center for Parent Information and Resources (CPIR)

<http://www.parentcenterhub.org/>

Ohio Coalition for the Education of Children with Disabilities

<http://www.ocecd.org/>

Assistive Technology Ohio

[www.atohio.org](http://www.atohio.org)

Ohio Disability Rights of Ohio

[www.disabilityrightsohio.org](http://www.disabilityrightsohio.org)

Council of Parent Attorneys and Advocates <http://www.copaa.org/>

Office for Civil Rights (OCR) <http://www2.ed.gov/about/offices/list/ocr/index.html>