

LEGAL BASICS

IDEA REQUIREMENTS

IDEA 2004 defines transition services as follows:

- (a) as used in this part [34 CFR part B], transition services means a coordinated set of activities for a child with a disability that
- (1) is designed 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;
 - (2) Is based on the individual child's needs, taking into account the child's preferences and interests; and
 - (3) Includes"
 - a. Instruction;
 - b. Related services;
 - c. Community experiences;
 - d. The development of employment and other post-school adult living objectives; and
 - e. If appropriate, acquisition of daily living skills and provision of a functional vocational evaluation.
- (b) 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." [34CFR 300.29]

IDEA 2004 requires that, among other elements, the IEP include:

A statement of the child's present levels of academic achievement and functional performance, including how the child's disability affects the child's involvement and progress in the general education curriculum i.e., the same curriculum as for non-disabled children.[34 CFR 300.320(a)(1)(i)]

Exception: In lieu of 34 CFR 300.320(b), the IEP content requirement for transition services shall be as follows: [ESEA 4.03(6)(d)]

- Beginning with the first IEP developed when the child is age 15, but no later than the end of 9th grade, or earlier if deemed appropriate by the IEP Team, and updated annually, thereafter, the IEP must include: [4.03 (6)(d)(i)]
- Appropriate measurable postsecondary goals based on age appropriate transition assessments related to training, education, employment, and, where appropriate, independent living skills; and; [4.03 (6)(d)(ii)]
- The transition services (as defined in Section 2.51 of these Rules and including courses of study) needed to assist the child in reaching those goals. [4.03 (6)(d)(iii)]
- ...at the discretion of the parents or the agency, other individuals who have knowledge or special expertise regarding the child including related services personnel as appropriate. [34 CFR 300. 321(a)(6)]
- To the extent appropriate, with the consent of the parents or a child who has reached the age of majority... The public agency must invite a representative of any participating agency that is likely to be responsible for providing or paying for transition services. [34 CFR 300. 321(b)(3)]

TRANSITION IEP REQUIREMENTS

Beginning at the age of 15, or younger when appropriate, but no later than the end of the 9th grade, the focus of the IEP should be framed around the individual student's identified long range, post-school outcomes. Strengths and needs of the student, decisions about course selection and participation in standards, should be considered in relation to the desired post-school outcomes. Emphasis is placed on the need to develop a coordinated set of strategies that links the student with appropriate general education, community and adult agency services.

The following information is based on the use of the Colorado Department of Education IEP forms. Individual districts make the decision about the forms to be used so it will be important to become familiar with the forms and procedures used in your particular district. The components described here are generic and must be included in some way in the IEP of all students.

Notice of Meeting

Beginning at age 15, but no later than the end of 9th grade, the student must be invited to attend the IEP meeting. This can be documented by including the name of the student on the parent notice of meeting, a separate student invitation, or by noting that the student was invited personally and the date. If the student does not attend, the LEA must document how the student's interests and preferences were considered.

The notice of the IEP meeting must indicate that a purpose of the meeting will be the consideration of postsecondary goals and transition services.

With prior consent of the parents, the LEA is required to invite a representative of any agency that is likely to provide or pay for transition services. If an agency representative is unable to attend, the LEA must take other steps to obtain their participation in the planning of any transition services.

Documentation of Evaluation Data/Present Level of Academic Achievement and Functional Performance and Needs

For a student who is 15, but no later than the end of 9th grade, identify Postsecondary Goals in the areas of career/employment, postsecondary education/training, and (when appropriate) independent living skills based on age appropriate transition assessment data, taking into account the student's needs, strengths, preferences, and interests.

Post-School Considerations

Graduation/Program Completion: Identify the projected date (month and year) that the student is anticipated to graduate or otherwise complete a secondary education program. Specify the date of program completion/graduation, not *social* graduation from high school entering into an 18-21 program. Identify the projected document of completion of a secondary education program (e.g. standard diploma, GED, Certificate of Attendance, etc.).

Postsecondary Goals (PSGs): Indicate the student’s identified outcome for each domain in measurable terms:

Postsecondary Education/Training (i.e. Student will attend CSU; student will participate in auto/body program at the community college; student will attend an apprenticeship program in building trades; student will participate in on-the-job training)

Career/Employment (i.e. Student will be licensed as a registered nurse; student will be employed as an auto/body specialist; student will work in competitive/supported employment in food service)

Independent Living (i.e. Student will live in the dormitory at CSU and budget money independently; student will live in own apartment and use public transportation independently; student will live in own residence with assisted living support in cooking and money skills)

Planned Course of Study: This is the class schedule. It must be multi-year (through year of exit), specific and individualized, and directly linked to the student’s postsecondary goals (PSGs). “Will meet graduation requirements” is not an example of specific, individualized, and linked to PSGs. The concept is to think about, plan for and ensure that all courses and educational experiences offered to the student will help them achieve their desired post school goals or outcomes – basically, to develop a road map for this student. Examples include listing courses by grade, in narrative forms that may include skills to be taught, or attach a four-year plan that has been developed for the student as part of a general education, school to career, planning process that will reasonably enable the student to meet their postsecondary goals.

Example of a course of study with specific classes listed:

- Grade 9: Reading, Study Skills, World Geography, Earth Science, Beginning Foods, Applied Math, Theater
- Grade 10: Oral and Written Communication, Reading, Applied Math, Intro. Biology, Geography, Experience Based Career Education
- Grade 11: Algebra, U.S. History, Natural Resources/Forestry, PE, Computer Studies, Photography, Single Survival, Cooperative Work Experience
- Grade 12: Composition, Government, Technical Carpentry, Natural Resources and Forestry (dual enrollment program), Alternative Cooperative Education

Example of a course of study in a narrative format:

PSG Ed/Tr: In order for Harrison to be prepared to meet the entrance requirements for college credit at Bel-Rea Institute of Animal Technology, he will take the district required courses in math, science, social studies, language arts, PE, and Career/Technical Education. In the area of science, he will take biology and chemistry.

In the area of math, he'll take geometry. In addition to the general education requirements, he will receive direct instruction in basic reading skills and reading comprehension. In order to avoid a need for remediation when entering the college system, Harrison will also enroll in LEAD (Learning and Educating About Disabilities) to learn to advocate for his academic needs and better understand his own learning strengths.

PSG Career/Emp: Harrison will enroll in the ACE program his senior year where he will have an opportunity to gain credit and experience within the veterinarian field by either volunteering or completing an unpaid work experience or internship.

Transition Services and Activities: Describe the specific activities/strategies/steps/actions that the "community of adults" including the special/general education teachers, related service providers, counselors, outside agencies, parents, community members, etc., will provide to move the student toward achievement of their postsecondary goals.

Examples:

Education/Instruction and Related Services:

The general education teacher will provide direct instruction in reading comprehension and written expression to Marty.

The special education teacher will provide sample Accuplacer questions in order to help him successfully score above 70 in arithmetic and above 77 in reading comprehension; the scores needed to enter the auto body program without remediation.

The case manager will provide Marty with support in organization to include daily planner checks and creation of a filing system to track work assignments and completion.

The occupational therapist will provide modeling and direct instruction in self-help activities, to include teeth and hair brushing and self-feeding, to help facilitate semi-independent living.

The school psychologist, as part of the weekly anger management group, **will provide** the student with opportunities to learn and practice conflict resolution, coping strategies for managing frustration and stress, and impulsivity control to support the student to be successful in the college classroom and the workplace.

Career/Employment and Other Post-School Adult Living Objectives:

The consumer math teacher will provide direct instruction in real world application of practical math skills, including creating a budget, understanding taxes, balancing a checking account, and determining interest charges on credit cards in order to live independently in the community.

The special education teacher will provide Chris with activities to explore training options as a veterinary technician. Chris has been found eligible for DVR/SWAP services.

The SWAP Coordinator will work with Chris to further explore jobs working with animals, provide assistance with applications and resumes, and practice interviewing skills.

Acquisition of Daily Living Skills and Functional Vocational Evaluation (when appropriate):

The Family Studies class teacher will provide instruction in budgeting and health and safety issues in the home and community.

The family will work with the special education teacher to create a system in the home where Cecile practices budgeting for specific household needs, cooking meals, using safety precautions, and being aware of strangers.

The special education teacher will provide modeling and/or direct instruction in following a hygiene routine (brushing teeth, hair, washing hands, etc.) and table manners (using utensils, a napkin, etc.) to learn the skills to live in an assisted living environment.

Transfer of Rights at Age of Majority: If the student will turn 20 during this IEP period, the parent(s) and student must be informed that all rights under idea will transfer to the student at the age of majority (21 in Colorado) unless guardianship has been awarded through a legal proceedings.

TRANSITION IEP COMPLIANCE CHECKLIST

The following checklist corresponds to the specific transition section of IDEA 2004. It has been adapted from Transition Requirements Checklist (Ed O'Leary, MPRRC). The checklist may be used by schools to assist them in aligning their transition services to the requirements of IDEA 2004.

	Yes	No	N/A
PARTICIPANTS IN THE IEP MEETING			
1. Is there evidence the school invited the student (documented evidence to include Notice of Meeting addressed specifically to the student or co-addressed with parents, copy of a separate "kid friendly" invitation to the student, or documentation of a verbal invitation)?			
2. If the student did not attend the IEP meeting, did the school take steps to ensure that the student's preferences and interests were considered in the development of the IEP? If student attended, put N/A.			
3. Is there evidence the school invited a representative of any other agency that may be responsible for providing/paying for transition services with prior consent of the parent?			
Parent Notice	Yes	No	N/A
1. Is it indicated, for a student beginning at age 15, but no later than the end of 9 th grade (or younger, if appropriate), that a purpose of the meeting will be the consideration of postsecondary goals and transition services needed to assist the child in reaching those goals?			
2. Is it indicated that the school will invite the student beginning at age 15 (or younger if appropriate)?			
3. When appropriate, any agency that will be invited to send a representative has been identified (after receiving written consent from the parent)?			
4. The time and location of the meeting and who will be in attendance has been indicated?			
5. Parents have been informed that they may invite other individuals who have knowledge or expertise regarding their child, as appropriate?			
Content of the IEP:	Yes	No	N/A
<i>If the student is 15 (or younger, if appropriate), does the IEP include: (See the I-13 Compliance Tips for specific details)</i>			
1. Appropriate measurable postsecondary goals based on age appropriate transition assessments (current) related to :			
a. Education/Instruction?			
b. Career/Employment?			
c. Independent living skills (where appropriate)?			
2. Transition services needed to assist the child in reaching those goals that include activities/actions provided by the community of adults in a student's life?			
3. Courses of study that include a multi-year description of the coursework, specific and individualized to the student's preferences and interests and linked to the postsecondary goals?			
4. Annual IEP goals directly linked to a student's postsecondary goals/transition service needs?			
Agency Responsibilities for Transition Services	Yes	No	N/A
1. If an agency was invited to send a representative to a meeting and did not do so, is there evidence that the school took other steps coordinate the needed transition services? N/A If the agency attended.			
2. Does the IEP indicate that transition services will be provided by an outside agency?			
3. Is there evidence that the agency provided the documented services? If not, go to #4			
4. Is there evidence that the school reconvened an IEP meeting to discuss alternative strategies to meet the needs of the student that were not provided by the agency?			
Graduation/Termination of Services	Yes	No	N/A
1. If the student will turn 20 during this IEP period, student and parent have been informed of the transfer of rights at age of majority?			
2. If the student is graduating or aging out, is there evidence the student and parents were notified, in writing that this is a change of placement and the student is no longer entitled to FAPE?			
3. A Summary of Performance must be completed and reviewed with the student and parent prior to the student exiting with a regular diploma or exceeding the age of eligibility. (See S.O.P. guidelines)			

Colorado I-13 IEP Compliance Feedback Form

AU Name _____ IEP Identifier _____

Question 1

Are there appropriate measurable postsecondary goals that cover education or training, employment, and, as needed, independent living? (“will,” not “want,” and must identify goals after the student exits public school, including receiving 18-21 services)

- a. education/training yes no
- b. employment yes no
- c. where appropriate, independent living skills yes no N/A

comments:

Question 2

Are the postsecondary goals updated annually?

(the statement of Present Level of Academic and Functional Performance (PLAAFP) indicates that the student’s postsecondary goals were considered and reviewed, then updated, if appropriate, based on transition assessment information used to develop the IEP.)

- yes no

comments:

Question 3

Is there evidence that the measurable postsecondary goals were based on age-appropriate transition assessment? (within the calendar year)

- yes no

comments:

Question 4

Are there transition services in the IEP that will reasonably enable the student to meet his or her postsecondary goals? (are individualized--not what all students receive--specific (“support” by itself is too vague), linked to the PSGs, and directly stated as what the community of adults (by title, not name) will provide--not what the student will do—at least one transition service must meet the above guidelines to meet compliance)

- yes no

Check all that apply:

- a. instruction yes no N/A
- b. related services yes no N/A
- c. community experiences yes no N/A
- d. employment and other post-school adult living objectives yes no N/A
- e. when appropriate, acquisition of daily living skills yes no N/A
- f. when appropriate, functional vocational evaluation yes no N/A

comments:

Question 5

Do the transition services include courses of study that will reasonably enable the student to meet his or her postsecondary goals? *(class schedule--is multiyear from the current age of the student to exit, specific and individualized, and linked to the PSGs)*

yes no

comments:

Question 6

Is (are) there annual IEP goal(s) related to the student's PSGs/transition services needs? *(directly and genuinely link to the PSGs and/or transition services--at least one such linkage is required for compliance)*

yes no

comments:

Question 7

Is there evidence that the student was invited to the IEP team meeting? *(ideally a separate, "kid-friendly" form, but may be co-addressed with parents on parental notice of meeting—must be dated prior to the actual IEP)*

yes no

comments:

Question 8

If appropriate, is there evidence that a representative of any participating agency was invited to the IEP Team meeting with the prior consent of the parent or student who has reached the age of majority? *(IF the parental notice of meeting indicates invitation of an outside agency, the student's file must contain written parental consent to invite the agency dated prior to the documented agency invitation--n/a is OK)*

yes no N/A

comments:

Question 9

Overall, does the IEP meet the requirements of Indicator 13? *(I-13 is an "all or nothing" indicator—if the IEP is noncompliant in any one area, the IEP is reviewed as noncompliant overall)*

yes no

comments: