

Transitions

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Transition Services – IDEA

Statutory Definition

- A coordinated set of activities for a child with a disability that:
 - 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
 - community participation.

Transition Services – IDEA

Statutory Definition

- A coordinated set of activities for a child with a disability that:
 - Is based on the individual child’s needs:
 - Child’s strengths
 - Child’s preferences
 - Child’s interests

Transition Services – IDEA

Statutory Definition

- A coordinated set of activities for a child with a disability that includes:
 - Instruction
 - Related services
 - Community experiences
 - The development of employment and other post-school adult living objectives
 - Acquisition of daily living skills and functional vocational evaluation.

Transition Services – Definition in IDEA Regs

- 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.

Transition Services – IDEA Statutory Definition

- The following was a new provision in IDEA 2004:
 - To be 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 ...
 - Is based on individual needs ...

Transition Services – IDEA

Statutory Definition

- A “results oriented process”
 - Is generally used to refer to a process that focuses on results.
 - Plain meaning of the term is to be used.
 - “It seems obvious to us that the word ‘process’ denotes a praxis or procedure; it does not imply a substantive standard or a particular measure of progress.” *Wilton-Lyndeborough Cooperative Sch. Dist.*, 49 IDELR 180 (1st Cir. 2008).

Transition Planning – Appropriate Age

- Transition services must begin no later than the first IEP before a student's 16th birthday.
 - Can begin earlier
 - Earlier transition planning may be appropriate for students with severe disabilities or students at risk of dropping out of school.
 - The determination must always be individualized.

Transition Planning – Appropriate Age

- The Court reminded the District of the mandate for transition planning in the IEP. *Board of Educ. of Township High Sch. Dist. No. 211*, 107 LRP 26543 (7th Cir. 2007).
- The District's IEP had noted that the transition plans were being deferred because the student was not ready to move along.
- 7th Circuit said that the District erred because it failed to include more specific transition plans in the child's IEP.
- This was a procedural flaw rather than a substantive one because the child was not yet in a position to benefit from a transition plan.

Development of the IEP Including Transition Programming

- Notice of the IEP Team meeting with transition services must contain:
 - An indication that the purpose of the meeting will be the consideration of the postsecondary goals and transition services for the child;
 - An indication that the agency will invite the student; and
 - An identification of any other agencies that will be invited to send a representative.

Transition Services IEP Team Meeting Participants

- The child with a disability must be invited.
 - If the child does not attend, the school district is responsible for taking “other steps to ensure that the child’s preferences and interests are considered.”
 - This may include having a teacher with whom the student was well-acquainted.
 - Failure to invite a student is a procedural, rather than substantive, violation.

Transition Services IEP Team Meeting Participants

- A representative of any participating agency that is likely to be responsible to provide or pay for transition services.
 - Invitation only “to the extent appropriate.”
 - Invitation only with the consent of the parents or a child who has reached the age of majority.
 - Dealing with personally identifiable information.

Transition Services IEP Team Meeting Participants

- “Consent” is defined as:
 - Parent is fully informed of all information relevant to the need for the other agencies to attend;
 - Parent understands and agrees in writing, which describes the role the other agencies will play, to invite the other agencies; and
 - Parent understands that the granting of consent is voluntary and may be revoked at any time

Transition Services IEP Team Meeting Participants

- “Consent” is necessary before any information is released to officials of participating agencies providing transition services.
 - If planning on sharing information outside of the IEP Team meeting where the participating agencies are present, consent is necessary.

Transition Services - Intent

- Congressional concern that high school age students in special education remained at risk of dropping out of school or leaving school unprepared for adult life and responsibility.
- IEP teams must consider each student's future goals and determine what services are needed to help the student meet those goals.

Transition Services IEP Content

- Appropriate measurable postsecondary goals based upon age appropriate transition assessments related to training, education, employment, and, where appropriate, independent living skills; and
- Transition services (including courses of study) needed to assist the child in reaching those goals.

Transition Services IEP Content

- Measurable goals –
 - The only area in which postsecondary goals are not required in the IEP is in the area of independent living skills.
 - Independent living skills are only required if they are appropriate.

- Goals must be measurable and based on age-appropriate transition assessments.
 - Student preferences and interests
 - Family preferences
 - Self-determination knowledge and skills
 - Cognitive strengths
 - Student and family support needs
 - Learning styles
 - Physical and mental health status

Transition Services IEP Content

- Examples of transition services for the IEP include:
 - Post-secondary education;
 - Vocational education;
 - Integrated employment (including supported employment);
 - Continuing and adult education;
 - Adult services;
 - Independent living; or
 - Community participation
- There is no requirement to include all of the examples in a transition program.

Transition Services IEP Content

- There is no single or favored transition service that must be provided to every student with an IEP.

Transition Services IEP Content

- General descriptions of services – this is conjunctive, meaning that they must be included in the transition program.
- Must include:
 - Instruction;
 - Related services;
 - Community experiences; and
 - Development of employment and other post-school adult living objectives.

Transition Services IEP Content

- And, where appropriate, a transition program must include:
 - Acquisition of daily living skills; and
 - Functional vocational evaluation

Transition Services IEP Content

- Transition services are to be “based on the individual child’s needs, taking into account the child’s strengths, preferences and interests.”
 - Individualized determination is key.
 - This provision serves as the basis for the requirement that the child attend the IEP meeting ... or ...
 - That the child’s strengths, preferences and interests are considered at the IEP Team meeting where the child is not present.

Transition Services IEP Content

- There are no specific format requirements.
- The Department of Education's Model IEP form contains a sample format for transition IEP content.
- IDEA does not require a stand-alone transition plan as part of an IEP.
- Use of a checklist approach for an IEP document has been found to be faulty.

Transition – Working With Other Public Agencies

- School districts are required to invite, where appropriate and with proper consent, “any participating agency that is likely to be responsible for providing or paying for transition services.”
- OSEP has suggested that districts consider factors such as the purpose of the IEP meeting, the potential liability of other agencies for transition services, and the parents’ consent to the agency representative’s presence.

Transition – Working With Other Public Agencies

- Parental consent requirement applies even if it is likely that the agency representative will not attend the IEP meeting. *Letter to Caplan*, IDELR 168 (OSEP 2008).
- District's duty to prevent the disclosure of personally identifiable information also affects its ability to invite representatives of outside agencies to IEP meetings on transition services. *Letter to Gray*, 50 IDELR 198 (OSEP 2008).

Transition – Working With Other Public Agencies

- Examples:
 - Department of Vocational Resources
 - Social Services
 - Social Security Administration
 - Independent Living Centers
 - Supported employment entities
 - Adult services providers
 - Human services department
 - Technical colleges
 - Other vocational training programs
 - Colleges
 - Mental health facilities

Transition – Working With Other Public Agencies

- If the participating agency fails to provide the transition services described in the IEP, the public agency must reconvene the IEP Team to identify alternative strategies to meet the transition objectives for the child.

Transition – Working With Other Public Agencies

- The school district is required and expected to take a leadership role in contacting other participating agencies expected to provide services to the student.

Transition – Working With Other Public Agencies

- The school district acts as a liaison between all participating agencies.
- A district does not do enough when it merely lists the kinds of agencies available in the community and provides contact people at each agency. *Yankton Sch. Dist. V. Schramm*, 23 IDELR 42 (D.S.D. 1995), aff'd 24 IDELR 704 (8th Cir. 1996).
- Districts cannot delegate transition responsibilities to parents.

Transition – Good Example of IEP Development

- *Adams-Friendship School District*, IDEA Complaint Decision No. 05-012 (WI DPI 2005).
- The student, who was an adult at the time of the meetings, attended both meetings.
- The district also determined the student's preferences and interests when staff discussed his job interests with him and when he took a career aptitude, skill level and interest test.

Transition – Good Example of IEP Development

- The September IEP identifies two general kinds of jobs which the student had identified as being of interest to him.
- The IEP contains four goals related to assisting the student to achieve his career goals.
- The IEP includes special education services to assist the student to reach the goals and it identifies needed transition services related to instruction, community experiences, employment objectives, other post-school adult living objectives and vocational evaluation.

Transition – Good Example of IEP Development

- “The district provided the services identified in both IEPs and worked with the student to achieve the goals and objectives in the IEPs.”
- “The district followed procedures required for developing transition services and implemented the student’s IEP related to transition.”

Transition – Good Example of IEP Development

- *Simi Valley Unified School District*, 108 LRP 45944 (SEA CA 2008).
- The student's ongoing difficulties with basic life skills supported the IEP team's decision to focus on functional skills development.
- Based on the student's need to learn life skills such as preparing food and putting on her shoes, the IEP team offered a program that focused on functional skills development.

Transition – Good Example of IEP Development

- “The information known to the IEP teams at the time was that neither job training nor post-secondary education were realistic or even preferred post-secondary outcomes ...”
- The ALJ denied the parents’ request for relief, finding no evidence that the student’s transition plans were inappropriate.

Transition – Bad Example of IEP Development

- IDEA Complaint Decision No. 00-056 (WI DPI 2000).
- “The child turned 14 years old on [D.O.B.] and his current IEP includes a transition services statement that reads: ‘[The child] will have part of his Middle School program and his entire High School program incorporating transition skills.’
- “The statement does not address courses of study and the child’s goals beyond secondary education.”

Transition – Bad Example of IEP Development

- *Black River Falls School District*, 104 LRP 3095 (SEA WI 2004).
- “Throughout the Student’s high school career, his transition plan was to attend a 4-year college. However, the District provided no services beyond that given to all general education students, even though his caseworker was aware by the end of the 2001-2002 school year that the Student would not be able to attend a 4-year college without extra supports.
- There was never any plan to complete the necessary courses or to complete any college entrance examinations in order to enter a 4-year college.”

Transition – Saying No To Parent Requests

- *Verona Area School District, IDEA Complaint Decision No. 04-024 (WI DPI 2004).*
- “The district considered the goal proposals related to transition submitted by the parents and gave them notice of the district’s response to their requests.
- “All three transition goals in the IEP correspond to goals submitted by the parents.

Transition – Saying No To Parent Requests

- “The district also provided the parents with notice of its response to their request for educational agency, indicating that technical courses offered by the district remain appropriate for the student and that it would be premature for the student to participate in the other program now.
- “The IEP team meeting notices sent in 2003-2004 all indicate that the district is not inviting representatives of agencies which may be responsible for providing or paying for needed transition services.

Transition – Saying No To Parent Requests

- “The district does not believe transition services offered by other agencies are required for the student at this time.
- “The district followed required procedures related to developing a statement of needed transition services consistent with each element of the definition of transition services and developed statements based on student-specific data.”

Transition Services and Keying Into Dropout Rates

Wyoming's Dropout Rates:

	<u>Overall</u>	<u>Students with Disabilities</u>
2005-06	5.6%	12.9%
2006-07	5.3%	7.7%
2007-08	5.06%	7.08%
2008-09	5.06%	7.08%

SOURCE: Wyoming Department of Education,
2008 Annual Performance Report for Special Education

Transition – Summary of Performance (SOP)

OSERS → the purpose of the SOP is to provide the child with a summary of his/her “academic and functional performance, which shall include recommendations on how to assist the child in meeting the child’s potential goals.”

- Only applies to students who are graduating with a regular high school diploma.

Transition – Summary of Performance (SOP)

SOP must include:

1. Summary of student's academic achievement.
2. Summary of student's functional performance.
3. Recommendations on how to assist the child in meeting his/her post-secondary goals.

Transition – Summary of Performance (SOP)

SOP is written:

- In last two years the student is in high school

Transition – Summary of Performance (SOP)

- SOP must be prepared by the resource teachers or whomever the primary service provider is for the student. *Twin Rivers School District*, 109 LRP 73701 (SEA NE 2009).
 - student
 - teachers
 - parents
 - transition specialists
 - case manager/social worker
 - speech/language specialist
 - study skills teacher

Transition Services and Keying Into Dropout Rates

- Ease them into post-secondary transition.
 - Identify the highly mobile/dropout concerns
 - Start transition services before age 16?

Transition Services and Keying Into Dropout Rates

- Develop awareness of available support groups – Collaborative Approach.
 - mentors
 - parents
 - employer
 - community businesses
 - community agencies
 - workforce preparation organizations

Transitions – Best Practices

- Know that this is measured (Indicator #13).
- Know what is required procedurally and substantively.
- Seek ongoing professional development.
- Develop and nurture an external network:
 - staff
 - employers
 - community resources.

Questions?

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