

Special Education Transition Planning

A Self-Advocacy Fact Sheet from the Minnesota Disability Law Center

The **Individuals with Disabilities Education Act (IDEA)** is a federal law. The IDEA tells what the schools must do for students with disabilities. The information in this fact sheet is based on the most recent amendments to the IDEA, and to laws in the State of Minnesota. The information in this fact sheet is not legal advice. Every student is different, and the laws change all the time. Some of the laws may be different in other states.

Look at the end of this fact sheet to find the meaning of words printed in bold and italics, such as *transition*.

1. What are *transition services*?

Planning for the future is part of any student's education. For students with disabilities, this includes transition services.

Transition services help a student move from school to adult life. The services depend on the student's needs and interests. They help students with everything from work to school to fun. A student can get help to go to college or other school after high school. Transition services also help students get jobs, find a place to live, and be a part of the community.

2. Who decides what services a student gets?

The *Individual Education Program [Plan] (IEP) team* decides on the services. When the team talks about transition services, the student should be there. The team should also invite a representative from any agency the student might use. For example, if the student wants to move into an apartment, someone who will be providing supported living services should come.

The IEP team has to think about what the student needs and wants. The best way to do this is to ask the student. The student should come to IEP meetings and help choose transition services. If the student does not come, the IEP team has to figure out what the student needs and wants.

3. When does transition planning start?

The IEP team has to start planning when the student turns 14 or starts ninth grade. They can start earlier, but never later. They need to look at what classes the student is taking. The student's classes should match with what s/he wants to do after graduation. If the student wants to go on in school, s/he needs classes to prepare for college. If the student wants to learn a skill or a trade, s/he might need a vocational education program.

The IEP team needs to figure out what help the student might need for these programs. This information goes into the transition section of the IEP document. By age 16, the IEP should list all services the student will need to move from school to post-school.

4. How does the team decide which services a student needs?

The first step in transition planning is an evaluation. The student gets an evaluation to figure out what s/he needs after high school. The evaluation must look at five different areas of the student's life:

1. Work

2. Recreation and leisure
3. Home living
4. Community participation
5. Opportunities to learn new things after high school.

The results of the evaluation are written in a report. The IEP team uses the report to figure out what the student needs now and what will be needed later.

The IEP has *annual goals* and *short-term instructional objectives* for each part of the student's education. The team has to write goals and objectives for transition. They need to figure out what services the student will need to reach the goals. The student's transition plan must be updated every year.

Many students need transition services for more than school or work. The school has to teach students to live independently. A student might need help in learning to use the bus system or go to the doctor. Some students need help in learning how to handle money, join a gym, or make friends. Transition services should help with all of this and more.

5. What happens when a student turns 18?

At age 18, a student is in charge of his/her own special education services. The school must send all notices to both the student and the parents. The parents don't sign the IEP anymore. Unless the student is under guardianship or conservatorship, s/he signs the IEP.

6. Can a student in special education get a regular high school diploma?

Yes. If a student meets all of the goals on the IEP, s/he will get a regular high school diploma. It will be exactly like the one that students without disabilities receive.

All students have to meet graduation standards in order to graduate. In most schools, if a student takes all of the credits required by the school, then they will meet the graduation standards. In addition, students have to pass a number of state tests.

The IEP team looks at the tests and required credits in relation to the student's disability. If the student needs help to take the classes or tests, the IEP team decides what kind of help s/he needs. Beginning at grade nine or age 14, the IEP must say exactly what the student needs to do each year in order to get a diploma. The IEP lays out the student's personal requirements for graduation.

7. Once a student leaves school, can s/he get services?

Yes, but not from the school district. In Minnesota, Rehabilitation Services gives help to adults who have physical and/or mental disabilities. State Services for the Blind (SSB) helps people who are blind or have trouble with their vision. If a student needs services after high school, SSB or Rehabilitation Services should get involved in the planning by age 16.

8. How do we get Rehabilitation Services or SSB involved in the transition planning?

The first step is to invite a counselor from Rehab Services or SSB to an IEP meeting. When the school starts transition planning, they should ask a rehabilitation counselor to join the IEP team. If the school doesn't do it, you can call yourself and ask a counselor to come.

You have to apply for SSB or Rehab Services. If you qualify, then the agency will get more involved. A counselor should come to every IEP meeting where the team talks about transition services.

9. Does SSB or Rehabilitation Services have to help if the student isn't 18 years old yet?

Yes. If you call and invite Rehabilitation Services or SSB to IEP meetings, they should come. All vocational planning has to be done before the student leaves high school. The state agencies have to help with that. If they tell you no, call and explain that you need help with transition planning. If they say no, ask to talk to a supervisor. If the supervisor says no, you can appeal. See the MDLC fact sheet entitled, *Appeal Rights under the Rehabilitation Act*.

10. What other agencies should help with transition planning?

Any agency or organization that gives or pays for transition services should help. A representative might just come to one IEP meeting. Sometimes, they will be an ongoing part of the IEP team.

All agencies who will help with transition should be named in the IEP. The IEP should tell exactly how each agency will help. If an agency doesn't do what the IEP says, then the school has to find someone else who can give that service.

Some examples of agencies and what they do:

Post-secondary education and training providers – give information about courses or programs at colleges or trade schools

Independent Living Center (ILCs) – help people with disabilities live in the community. They may help with housing, living skills, and job training.

Disability Specific Organizations – For example, Arc, United Cerebral Palsy (UCP), or the Mental Health Association. They can give case management services, residential services, or other kinds of help.

Benefits Planning Assistance and Outreach (BPA&O) Services – agencies like the Minnesota Work Incentives Connections help students understand their Social Security benefits (SSI and SSDI). Earning wages can change benefits, and some new work incentives can help students to be more financially independent. BPA&O Services can advise students about wages and benefits.

County Social Service Agencies – provide case management services, which can help the student find other services and benefits.

Social Security Administration – financial help or work incentives for people with disabilities. Students can make a Plan to Achieve Self-Support (PASS) to set aside income for education or work goals.

11. What if I don't agree with the transition services in the IEP?

If you begin to have disagreements with the school, be sure to keep all of your paperwork together. Keep all notices that the school sends. Keep copies of anything you mail to the school. Start a log of telephone conversations. Write down the time, the date, and the name, title, and phone number of the person you talked to. Write what the conversation was about.

Call the Minnesota Disability Law Center. We may be able to help you get an **advocate**. Even if we can't get you an advocate, we may be able to give you advice. And with or without an advocate, it is very important to keep careful records.

If you don't agree with the IEP, don't sign it. Work with the school and ask them to help you. If you can't get what you need, don't give up.

Ask for a **facilitated IEP meeting**, a **conciliation conference**, or a **mediation**. Our *Identifying and Evaluating Students for Special Education Services* fact sheet has more information about these options.

If you still have trouble, you can ask for a **due process hearing**, or you can file a complaint with the Minnesota Department of Education. See our fact sheet entitled *How to File a Complaint with the Minnesota Division of Compliance and Assistance*.

***** Definitions *****

Advocate – Someone who is on your side and will help you understand the law and fight for your rights. An advocate can be a lawyer or anyone else who understands your problem and can help you.

Annual goals – Educational goals in a student's IEP. They should be positive, easily measured, and specific to the student. They are the framework for the student's educational plan for that year.

Conciliation conference – A meeting or series of meetings between school staff and parents to settle a problem about the student's education.

Due process hearing – When a person files a complaint, the next step is a due process hearing. A hearing officer will listen to both sides of a conflict, and give a written decision.

Facilitated IEP meeting – A voluntary meeting of parents and school staff with a trained facilitator to work out problems with a student's IEP.

Individual education program (IEP- often called an individual education plan) – IEP can mean either the IEP document or the IEP meeting. The document, which describes the educational plan for a student with a disability, is written at the meeting.

IEP team – A group of people (including the parents and special education teacher) who are involved in a student's education. This team decides on an education plan for the student, and writes the IEP document.

Mediation – A voluntary meeting between two parties who are having a disagreement. A trained mediator helps the two parties come to an agreement.

Short-term instructional objectives – The smaller steps that a student will make on the way to reaching an annual goal in their IEP

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