

Chapter 10

TRANSITION

What This Chapter Is About

Almost all students in special education are entitled to prevocational, vocational and transition planning and services. Starting at age 16, the school should offer assessment and services to help your child prepare for life after school, including work and other community activities. The school must include transition goals and services in a student's Individualized Education Program (IEP). At age 17, the school must notify the student of his or her right to make educational decisions upon reaching 18.

Advocacy Hints in Chapter 10

- ◆ Ask your school to assess your child's prevocational and vocational interests and needs no later than age 16, and sooner if possible (Page 2).
- ◆ Push for individualized services for students with learning disabilities or emotional impairments (Page 4).
- ◆ Write an accommodation plan for your child, or better yet, involve your child in writing it (Page 6).
- ◆ Hold other agencies, such as community mental health and vocational rehabilitation, responsible for working together to meet your child's needs and for resolving disputes quickly (Page 7).

What will your son or daughter do when he or she graduates or is no longer eligible for special education services? Transition goals are results-oriented, "focused on improving the academic and functional achievement of a child with a disability to facilitate" movement from school to post-school life. **34 CFR 300.43**. It is important to begin thinking about the future now.

Many people with disabilities work in regular competitive employment. They do not need assistance in preparing for and finding the job of their choice.

Some individuals with disabilities need accommodations in order to work. These accommodations are usually provided by the employer, sometimes with the help of vocational rehabilitation agencies. For example, a reasonable accommodation may involve a barrier-free environment for a person who uses a wheelchair, or it may involve inexpensive and simple adaptations like a magnifying device for a person with low vision.

The more severely disabled a student is, the more assistance they may need in planning to learn the skills they will need when they leave school. It is important to begin planning early – before 16, if the Individualized Education Program Team (IEP Team) agrees, or in no case later than age 16. In many cases, the student's job and independent living needs are not addressed until the student is no longer eligible for

special education. This severely limits the possibilities for the student's learning and may leave the student sitting at home waiting for his or her name to come up on the waiting list for services.

► **Advocacy Hint: Start early.** Teams do not always look at transition needs closely, sometimes concluding that the student doesn't require any prevocational or vocational programs or services at the time. Remember that, for a few students who are at high risk of dropping out of school, vocational planning which may be all that motivates a particular student to remain in school cannot begin too soon.

In the last several years there has been an increase in options for employment and community living. This change is driven by several factors including a focus in the Individuals with Disabilities Education Act (IDEA) on early and extensive services meant to increase employability skills and make connections for the special education student with community agencies that will help with post school services. Supported employment, increased community living options, continued training in daily living skills, and employment accommodations under the Americans with Disabilities Act are all factors that have added possibilities to post school options.

IDEA presents new possibilities for cooperative planning between community mental health agencies, vocational agencies and the school that can make the student's years of special education eligibility more productive and make the student job ready by graduation or age 26. For students who do not have disabilities, school is considered preparation for a job or a career and for living independently in a community. The same is true for students with disabilities. School programs prepare students for independence, community life, and for a job.

Among other services, special education students have the opportunity to develop pre-employment skills, explore vocational options, engage in on the job training, and as an additional help, make important connections with agencies that will continue to assist the student, in many cases, long after school eligibility is over.

This chapter looks at the Individualized Education Program Team (IEP Team) responsibilities in employment related training and in the process of moving the student out of school and into the community.

Transition Services for Students with Disabilities

Services for students with disabilities include vocational education, rehabilitation counseling, vocational evaluations, and transition services. **34 CFR 300.34, 300.39, 300.43.** It is important to understand each of these terms.

Special Education and Vocational Education

Special education includes vocational education. *Vocational education* includes "organized educational programs that are directly related to the preparation of individuals for paid or unpaid employment, or for additional preparation for a career not requiring a baccalaureate or advanced degree." **34 CFR**

300.39(b)(5). In Michigan, all teachers who are certified to teach in special education programs must have an understanding of “preparing students with disabilities for transitions consisting of preschool to elementary through post-secondary environments and employment.” **R 340.1781(a)(viii).**

Rehabilitation Counseling Services

Rehabilitation counseling services are related services. They are "services provided by qualified personnel in individual or group sessions that focus specifically on career development, employment preparation, achieving independence, and integration in the workplace and community of the student with a disability. The term also includes vocational rehabilitation services provided to students with disabilities by vocational rehabilitation programs funded under the Rehabilitation Act of 1973, as amended." **34 CFR 300.34(c)(12).**

Vocational rehabilitation services provide vocational evaluation, counseling, training, placement, and other services to persons who have disabilities. There are no age criteria for eligibility under vocational rehabilitation, although people are often discouraged from applying until they are old enough to work. A Michigan Rehabilitation Services (MRS) counselor can attend IEP Team meetings as a consultant before the student officially applies for services from MRS. MRS has primary responsibility for supported employment programs in Michigan.

Vocational Evaluations

If a vocational evaluation has not been done for a student 16 years old or older, the parent should request one. A vocational evaluation provides information needed for vocational planning and such an evaluation is required before vocational education may be provided.

These evaluations can vary quite a bit in quality and comprehensiveness, depending on the expertise and focus of the evaluator. The most useful evaluations include job tryouts or observations of the student in situations that simulate a variety of real jobs. If the vocational evaluation performed by the school does not provide enough information to proceed with vocational planning, the parent should consider requesting an independent evaluation. (See Chapter 4 on “Evaluations” for more information).

Once a thorough vocational evaluation has been completed, the information should be used to set prevocational and vocational objectives. Not all prevocational training must precede vocational training; much prevocational education can occur at the same time that vocational education is taking place.

Schools should provide similar vocational experiences for students in both general and special education. Participation in programs that identify job alternatives such as job fairs, work-study opportunities, and apprenticeships may help to identify the job that a student would like to do and the job that most suits the student.

The emphasis in vocational planning is individual. A student is not limited to choosing a workshop or vocational education program. Success occurs when evaluations and planning help the student identify the job he or she is most comfortable doing and assist the student to obtain and perform the job successfully.

Transition Services

The term “transition services” means a coordinated set of activities that:

- ◆ Is designed within a results-oriented process, that is focused on improving the academic and functional achievement of a 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;
- ◆ Is based on the individual child’s needs, taking into account the child’s strengths, preferences, and interests, including instruction, related services, community experiences, development of employment and other post-school adult living objectives, and, if appropriate, acquisition of daily living skills and provision of a functional vocational evaluation; and,
- ◆ “May be special education or related services.” **34 CFR 300.43.**

"Transition services" are meant to provide the necessary linkages between school services and post-school services. This includes linkages with other community or state agencies that may have a responsibility to provide services for students. Transition services are also meant to provide the necessary educational experiences so that students with disabilities do not drop out of school prior to completing a program that will help prepare students to work and live in the community.

The IEP for each student, beginning no later than age 16 (the IEP Team can determine that transition services are needed at a younger age), should include appropriate measurable postsecondary goals based upon age-appropriate transition assessments related to training, education, employment, and, where appropriate, independent living skills, and a statement of the transition service needs of the student, updated annually, when recording the student’s course of study. **34 CFR 300.320(b).**

► **Advocacy Hint: Be creative for students who fall through the gaps between programs.** There are a number of students who may have LD or EI labels who have difficulty meeting the general education requirements for entering vocational programs, even with accommodations, and who may prefer not to participate in vocational programs with more severely impaired students. Some of these students have significant problems in school and cannot or will not remain in an academic program on a full-time basis. They will drop out before they are eligible for the programs that would motivate them to complete high school. It is a mistake to believe that there are no vocational services or services that are related to employment for these students prior to eligibility through meeting general education requirements. The student’s IEP Team can work creatively to combine a part time academic program with volunteer, government adolescent work programs, and other community experiences in supervised settings to allow students to earn credits and even sometimes a small motivational wage.

Transition and General Education

Educational Development Plans

The Michigan Merit Curriculum (Public Act 141 of 2007) requires local schools to provide an opportunity for each student to develop an educational development plan (EDP) during the 7th grade. The EDP must be reviewed and updated in the 8th grade before the student begins high school, and then on an annual basis, or sooner as the student adjusts career goals. Parents and guardians should have the opportunity to review and understand their child's EDP and the assessments contained within.

The Educational Development Plan lays the groundwork for the student's future career pathways, allowing him to develop long range career goals and a plan of action to achieve them. The EDP is developed by the student, in cooperation with a school counselor or other designee, utilizing career interest surveys and exploration programs, high school readiness and aptitude testing, and student hobbies and interests, etc. Schools often use web-based programs, such as My Dream Explorer or Career Cruising, to help students write out their career goals and determine the level of educational preparation needed to achieve those goals. This preparation includes identifying high school courses the student will need to achieve his or her goals, as well as the high school credits that may be fulfilled through career and technical education. The preparation also identifies on-the-job training, military service, two year or four-year degree programs, apprenticeship and trade programs, technical education, etc., necessary for the student to meet his or her career goals.

When transition services in an IEP are developed, information related to the required education, training, employment, and when appropriate, independent living skills, may be drawn from the EDP, helping to create alignment between general and special education. The EDP fulfills many of the secondary transition requirements before transition services take effect at age 16. The EDP may also identify special resources and supports needed for the student's success that may later be provided through a personal curriculum. The EDP can provide support and documentation for a personal curriculum modification, allowing not otherwise allowable modifications, if the modification is consistent with both the student's EDP and the student's IEP.

The Michigan Department of Education has developed a handout, "EDP Fundamentals: Guidelines for the Use of Educational Development Plans," including a model EDP, that can be accessed at https://www.michigan.gov/documents/mde/MDE_EDP_10-2-09_296459_7.pdf.

The Michigan Merit Curriculum

The Michigan Merit Curriculum (MMC) was signed into law in 2006 and set forth the Michigan High School Graduation Requirements that apply to all students in public schools. The MMC sets the number of credits in each subject and in many cases, determines the specific course content to be included in English, math, science, social studies, health/physical education, the arts, world language other than English, and online learning. Local school districts may add to the requirements but may not reduce them. For further information, refer to the MI Department of Education handout on Graduation Requirements that can be found at:

<http://www.michigan.gov/documents/mde/FAQ - Entire Document 12.07 217841 7.pdf>.

Special education students must meet these same graduation requirements to receive a high school diploma. They do so with the use of an IEP, which documents the special education services necessary to access and achieve in the MMC. A Personal Curriculum (PC) may also be implemented for a student with an IEP; in this case, to modify an area of the MMC. The personal curriculum must include as much of the MMC as possible.

A school district must offer the personal curriculum option and respond to requests for personal curricula. School districts are not required, however, to approve all requests for personal curricula. The district should have a procedure identified for considering personal curriculum requests. Upon receiving a parent or student request, a personal curriculum team will review the student's information to determine if the student's disability is the reason he or she is unable to access or demonstrate achievement in the area of content. If approved, the personal curriculum team develops measurable performance goals for the modified content and methods to evaluate the achievement of those goals, linking with the measurable goals and supports of the IEP, all designed to enable a student with a disability to be successful in the educational and career pathways they have identified. Upon completing the Michigan Merit Curriculum, as modified by the personal curriculum, the student receives their high school diploma.

A parent of a student with an IEP may request a personal curriculum as early as 7th or 8th grade, when the EDP is developed. If approved, the personal curriculum will go into effect when the student enters high school.

For further information, refer to the MI Department of Education handout "A Parent's Guide to Personal Curriculum Focus on Students with an IEP" found at:

<http://www.michigan.gov/documents/mde/Focus of Students with an IEP 482098 7.pdf>.

► **Advocacy Hint: Accommodate.** The accommodation plan is a prime source of important transition related education for students and is often neglected. Learning about documenting the need for accommodations, determining which accommodations will be most effective and actually writing the plan provides practical experience that the student will use in future education and employment. Additionally, the student can learn through everyday experience in actually requesting accommodations from teachers and later employers, how best to do this. So, education on the provisions of the ADA and how to access them can be an important addition to transition plans.

Students must be invited and encouraged to attend IEP Team meetings to discuss transition services; representatives of agencies that are likely to be involved in providing or paying for transition services should also attend.

► **Advocacy Hint: Coordinate.** Transition requires that responsible agencies work together to provide appropriate services for students that are eligible for their services. This is not, however, always a smooth process. The school and other agencies such as community mental health or the vocational rehabilitation agency may each have a very different focus. There may also be some long-standing misunderstandings about when and in what manner services will be provided for individual students. There can also be misunderstandings about the philosophies under which specific agencies operate and about their statutory mandates. If disagreements about responsibility for payment or provision of services arise, there must be an independent dispute resolution process. It is also important for each agency to understand the dispute resolution process in other agencies - for the school to understand the CMH Office of Recipient Rights, for the CMH staff to understand the complaint process, and for both to understand the Client Assistance Program in the Rehabilitation Act. Eligibility criteria for the Rehabilitation Act services and for Community Mental Health services are included at the end of this chapter.

Related to the student's need for vocational and community living skills is the need for recreation and leisure time education. "Recreation," listed as a related service, includes: "Assessment of leisure function; therapeutic recreation; recreation programs in schools and community agencies; leisure education." **34 CFR 300.34(c)(11).**

The Workforce Innovation and Opportunity Act

The Workforce Innovation and Opportunity Act (WIOA), was signed into law on July 22, 2014.

The new law prohibits individuals with disabilities age 24 and younger from working in jobs paying less than the federal minimum wage of \$7.25 per hour unless they are first provided certain vocational rehabilitation services, among other requirements. There are exceptions, however, for those already working for what's known as subminimum wage and in cases where individuals are deemed ineligible for vocational rehabilitation.

Beyond limiting who can work for less than minimum wage, the law also mandates that state vocational rehabilitation agencies work with schools to provide "pre-employment transition services" to all students with disabilities. What's more, the agencies must dedicate at least 15 percent of their federal funding to help those with disabilities transition from school to meaningful work.

The WIOA reauthorization will improve upon the original Act's purpose in the following key ways:

- ◆ To maximize opportunities for individuals with disabilities, including individuals with significant disabilities, for competitive integrated employment;
- ◆ To increase employment opportunities and employment outcomes for individuals with disabilities, including through encouraging meaningful input by employers and vocational rehabilitation service providers on successful and prospective employment and placement strategies; and

- ◆ To ensure, to the greatest extent possible, that youth with disabilities and students with disabilities who are transitioning from receipt of special education services under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et. seq.) and receipt of services under section 504 of this Act are either continuing their education or employed in competitive integrated employment independently.

Transfer of Rights

Part of a student's transition services occur after the age of majority. This will mean that the student's parents may attend the IEP Team at the student's request but that all the rights that were previously exercised by the student's "parent" are now exercised by the student. This includes the right to request evaluations, independent educational evaluations and due process.

In a state that transfers rights at the age of majority, (this occurs at age 18 in Michigan), beginning at least one year before a student reaches the age of majority under state law, the student's IEP must include a statement that the student has been informed of his or her rights under Part B of the Act, if any, that will transfer to the student on reaching the age of majority. **34 CFR 300.320(c)**.

Appendix 10-1

Community Mental Health Services

The following information is from the Michigan Mental Health Code.

MCL 330.1100d(2) “Serious emotional disturbance” — means a diagnosable mental, behavioral, or emotional disorder affecting a minor that exists or has existed during the past year for a period of time sufficient to meet diagnostic criteria specifies in the most recent diagnostic and statistical manual of mental disorders published by the American Psychiatric Association and approved by the department and that has resulted in functional impairment that substantially interferes with or limits the minor’s role or functioning in the family, school, or community activities.

MCL 330.1100d(20) “Wraparound services” — means an individually designed set of services provided to minors with serious emotional disturbance or serious mental illness and their families that includes treatment services and personal support services or any other supports necessary to maintain the student in the family home. Wraparound services are to be developed through an interagency collaborative approach and a minor’s parent or guardian and a minor 14 or older are to participate in planning the services.

MCL 330.1227 — Each community mental health services program shall participate in the development of school-to-community transition services for individuals with serious mental illness, serious emotional disturbance, or developmental disability. This planning and development shall be done in conjunction with the individual’s local school district or intermediate school district as appropriate and shall begin not later than the school year in which the individual student reaches 16 years of age. These services shall be individualized. This section is not intended to increase or decrease the fiscal responsibility of school districts, community mental health services programs, or any other agency or organization with respect to individuals described in this section.

MCL 330.1755 (1) — Each Community Mental Health services program shall establish an **office of recipient rights**.....**(5)(a)** Provide or coordinate the protection of recipient rights for all directly operated or contracted services. **(b)** ensure that recipient, parents of minors, and guardians and other legal representatives have access to summaries of rights guaranteed by this chapter.

Appendix 10-2

Vocational Rehabilitation Services

Michigan Rehabilitation Services (MRS) is a state and federally funded program that helps eligible people prepare for, find, and keep jobs that match their interests and abilities. MRS has regional offices throughout Michigan.

A person with a disability is eligible for MRS services if the disability causes substantial problems in getting or keeping a job. The person must need vocational rehabilitation services in order to work.

Each MRS client is teamed with a rehabilitation counselor who helps the client develop an individualized plan, similar to an IEP, including vocational goals and objectives, and support services necessary to meet them. MRS provides support services such as skills training, placement assistance, accommodations and assistive technology, job coaching, tools, equipment, licenses, job training, medical services and support services such as interpreters, readers and transportation. Clients have the right to appeal MRS decisions they don't agree with through an administrative appeals process.

For information on vocational rehabilitation services and supported employment available through Michigan Rehabilitation Services, visit the MRS website at http://www.michigan.gov/lara/0,4601,7-154-61256_25392---,00.html or visit a regional MRS office. For assistance in applying for MRS services or appealing a denial of services, call or write the Client Assistance Program at DRM.

Appendix 10-3

The Workforce Innovation and Opportunity Act - July 22, 2014

The Workforce Innovation and Opportunity Act (WIOA) will help job seekers and workers access employment, education, training, and support services to succeed in the labor market and match employers with skilled workers they need to compete in the global economy. Congress passed WIOA, the first legislative reform of the public workforce system in more than 15 years, by a wide bipartisan majority. In doing so, Congress reaffirmed the role of the American Job Center (AJC) system, a cornerstone of the public workforce investment system, and brought together and enhanced several key employment, education, and training programs. In recent years over 20 million people annually turn to these programs to obtain good jobs and a pathway to the middle class. WIOA continues to advance services to these job seekers and employers.

Highlights of WIOA Reforms to The Public Workforce System

Aligns Federal Investments to Support Job Seekers and Employers: At the State level, WIOA establishes unified strategic planning across “core” programs, which include Title I Adult, Dislocated Worker and Youth programs; Adult Education and Literacy programs; the Wagner- Peyser Employment Service; and Title I of the Rehabilitation Act programs.

Strengthens the Governing Bodies that Establish State, Regional and Local Workforce Investment Priorities: WIOA streamlines membership of business-led, state and local workforce development boards. The Act emphasizes the role of boards in coordinating and aligning workforce programs and adds functions to develop strategies to meet worker and employer needs.

Helps Employers Find Workers with the Necessary Skills: WIOA emphasizes engaging employers across the workforce system to align training with needed skills and match employers with

WIOA PROGRAMS

WIOA supersedes the Workforce Investment Act of 1998 and amends the Adult Education and Family Literacy Act, the Wagner-Peyser Act, and the Rehabilitation Act of 1973.

WIOA authorizes the Job Corps, YouthBuild, Indian and Native Americans, and Migrant and Seasonal Farmworker programs, in addition to the core programs.

EFFECTIVE DATES FOR IMPLEMENTATION

President Barack Obama signed WIOA into law on July 22, 2014.

In general, the Act takes effect on July 1, 2015, the first full program year after enactment, unless otherwise noted. The State Unified Plans and Common Performance Accountability provisions take effect July 1, 2016. The U.S. Department of Labor (DOL) will issue further guidance on the timeframes for implementation of these changes.

DOL will issue proposed regulations reflecting the changes in WIOA soon after enactment.

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qualified workers. The Act adds flexibility at the local level to provide incumbent worker training and transitional jobs as allowable activities and promotes work-based training, for example by increasing on-the-job training reimbursement rates to 75 percent. The law also emphasizes training that leads to industry-recognized post-secondary credentials.

Aligns Goals and Increases Accountability and Information for Job Seekers and the Public: WIOA aligns the performance indicators for core programs, and adds new ones related to services to employers and postsecondary credential attainment. Performance goals must reflect economic conditions and participant characteristics. It makes available data on training providers' performance outcomes and requires third party evaluations of programs.

Fosters Regional Collaboration to Meet the Needs of Regional Economies: WIOA requires states to identify economic regions within their state, and local areas are to coordinate planning and service delivery on a regional basis.

Targets Workforce Services to Better Serve Job Seekers: WIOA promotes the use of career pathways and sector partnerships to increase employment in in-demand industries and occupations. To help local economies target the needs of job seekers, WIOA allows 100 percent funds transfer between the Adult and Dislocated Worker programs. WIOA adds basic skills deficient as a priority category for Adult services. WIOA also focuses Youth program services to out-of-school youth. The Act strengthens services for unemployment insurance claimants. It also merges WIA core and intensive services into a new category of career services, clarifying there is no required sequence of services. The Act allows Governors to reserve up to 15 percent of formula funds for activities such as innovative programs.

Improves Services to Individuals with Disabilities: WIOA increases individuals with disabilities' access to high-quality workforce services to prepare them for competitive integrated employment. It requires better employer engagement and promotes physical and programmatic accessibility to employment and training services for individuals with disabilities. Youth with disabilities receive extensive pre-employment transition services to obtain and retain competitive integrated employment. It creates an Advisory Committee on strategies to increase competitive integrated employment for individuals with disabilities.

Supports Access to Services: To make services easier to access, the WIOA requires co-location of the Wagner- Peysner Employment Service in AJCs and adds the Temporary Assistance for Needy Families program as a mandatory partner. WIOA establishes dedicated funding from AJC partner programs to support the costs of infrastructure and other shared costs that support access to services. It asks the Secretary of Labor to establish a common identifier for the workforce system to help workers and

employers find available services. In addition, WIOA allows local areas to award pay for performance contracts so providers of services get paid for results. It also allows direct contracts to higher education institutions to provide training.

STAKEHOLDER ENGAGEMENT AND TECHNICAL ASSISTANCE

DOL, in coordination with the U.S. Departments of Education (ED) and Health and Human Services (HHS), is working diligently to ensure that states and local areas, other grantees, and stakeholders are prepared for implementation of WIOA. DOL will provide technical assistance, tools, and resources to States and local areas through the WIOA Resource Page (www.doleta.gov/WIOA), Webinars, and virtual and in-person discussions.

DOL will actively engage stakeholders in the implementation of WIOA. Opportunities to provide input will be communicated through the WIOA Resource Page.

WIOA RESOURCE PAGE

Visit www.doleta.gov/WIOA to learn more and access relevant guidance and technical assistance tools and resources developed by the Employment and Training Administration (ETA). All relevant guidance will also be posted on the ETA Advisory Website (<http://wdr.doleta.gov/directives/>) Please email questions to DOL.WIOA@dol.gov or contact your ETA regional Office.

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