



BERCHEM, MOSES & DEVLIN, P.C.
ATTORNEYS & COUNSELORS AT LAW

HOW DO WE GET THERE FROM HERE?

Transition Services

ConnCASE

October 16, 2015

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Michelle C. Laubin, Esq.

www.bmdl.com
mlaubin@bmdl.com

www.connecticuteducationlawblog.com

Presented By:

Michelle C. Laubin, Esq.
BERCHEM, MOSES AND DEVLIN, P.C.
Attorneys & Counselors at Law
mlaubin@bmdlaw.com
www.connecticuteducationlawblog.com

75 Broad Street
Milford, CT 06460



1221 Post Road East, Suite 301
Westport, CT 06880



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CONNECTICUT & FEDERAL GUIDANCE



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Transition Services Defined

CTDOE/SERC IEP Rubric 2014

- “A coordinated set of activities designed to be a results-oriented process, that is focused on improving the academic and functional achievement of the student to facilitate his/her movement from school to post-school activities.”

IEP Definitions: Transition Services

- Beginning not later than the first IEP to be in effect when the child turns 16, or younger if determined appropriate by the IEP Team, and updated annually thereafter, the IEP must include
 - (1) Appropriate measurable postsecondary goals based upon age appropriate transition assessments related to training, education, employment, and where appropriate, independent living skills; and
 - (2) the transition services (including courses of study) needed to assist the child in reaching those goals.
 - (3) if the child does not attend the IEP team meeting the public agency must take other steps to ensure that the child's preferences and interests are considered.

34 C.F.R. 300.320, 20 U.S.C. 1414(d)(1)(a) and (d)(6)

IEP Definitions: Transition Services

- (a) Transition services means a coordinated set of activities for a child with a disability that –
 - (1) 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, or community participation;

IEP Definitions: Transition Services, continued

- (2) Is based on the individual child's needs, taking into account the child's strengths, preferences, and interests and includes –
 - (i) Instruction
 - (ii) Related services
 - (iii) Community experiences
 - (iv) The development of employment and other post-school adult living objectives, and
 - (v) If appropriate, acquisition of daily living skills and provision of a functional vocational evaluation.

IEP Definitions: Transition Services

- (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.

34 C.F.R. 300.43; 20 U.S.C. 1401(34)

CORE Transition Skills [CTDOE/SERC]

- May 2013 Document from Transition Task Force (TTF)
- 12 key skill areas determined critical to the post-school success of any student with a disability
- Development of self-advocacy and self-determination

12 CT CORE Transition Skills

- ❑ Assist with development of the IEP
- ❑ Attend, participate, facilitate PPT meeting
- ❑ Demonstrate and accept responsibility for ADL's
- ❑ Demonstrate skills to access public and private transportation
- ❑ Explain disability re: strengths, needs, preferences, interests
- ❑ Identify and request accommodations necessary for equal access and full participation in employment and post-secondary education

12 CT CORE Transition Skills

- ❑ Describe rights and responsibilities under IDEA, 504, ADA
- ❑ Demonstrate skills to access appropriate health care to meet needs
- ❑ Demonstrate skills to access community resources and participate in the community with and without support
- ❑ Demonstrate skills to access appropriate employment
- ❑ Demonstrate Skills to access postsecondary education, training, or lifelong learning
- ❑ Demonstrate appropriate social interactions and skills to develop meaningful relationships

Resources: CTDOE

- ❑ Stepping Forward: A Self-Advocacy Guide for Middle and High School Students, Revised 2013
- ❑ Technology & Transition: A resource guide to creating and sustaining an AT team at the high school level, 2012
- ❑ Building a Bridge: A transition manual for students, 2009 [APPEARS PORTIONS ARE DESIGNED WORKBOOK STYLE]
- ❑ CT Transition Training Manual and Resource Directory, 2004
- ❑ Transition Assessment Resource Manual, 2008

Resources: Federal

- Students with Disabilities Preparing for Postsecondary Education: Know Your Rights and Responsibilities (USDOE OCR Revised 2011)
- Transition of Students with Disabilities to Postsecondary Education: A Guide for High School Educators (USDOE OCR Reprint 2011)

IEP Rubric for Secondary Transition

September 17, 2014 [CTDOE/SERC]

Adapted from Rhode Island Indicator 13 Rubric

□ Score your own IEP's:

- Evidence that student was invited to and participated in his/her PPT meeting [separate invitation issued to the student]
- Evidence that a representative of an outside/participating agency was invited with prior consent of parent/student [DDS, DMHAS, BESB, BRS]
- Evidence that the IEP has appropriate measurable Post-School Outcome Goals Statements (PSOGS) annually updated and based on age-appropriate transition assessments [education, employment and independent living]

IEP Rubric, Continued

- Evidence that IEP uses and reports the results of age-appropriate transition assessments [current and connected to other parts of IEP]
- Evidence that IEP uses transition assessments to reflect strengths, needs, and educational impact on PLAAFP
- Evidence that IEP includes details of transition services including a course of study that will enable student to meet post-school goals [use of Student Success Plan started in grade 6 to coordinate career and academic planning]

IEP Rubric, Continued

- Evidence that IEP includes measurable annual goals and objectives related to PSOGS [education, employment, independent living all reflected as appropriate]

Topic Brief: Guidelines for Writing PSOGS

CTDOE 3/3/11

- Post School Outcome Goal Statement (PSOGS) refers to “those goals that a child hopes to achieve after leaving secondary school”. 34 C.F.R. 300.320(b).
- Must have one for education and one for employment, independent living goal is optional depending on need.
- Overall goal: Help the student become as independent, self-determined and responsible as possible given his/her abilities, weaknesses, interests and preferences.

PSOGS Topic Brief, Continued

- ❑ Post-secondary education can be defined as life-long learning, including learning about oneself.
- ❑ Employment may be with the support of a PCA or job coach, and volunteer work can be used to help students select a job/career.
- ❑ Independent Living Skills are ADL's and daily routines required such as independent management of medications, asking for accommodations.

PSOGS Topic Brief, Continued

- ❑ Skills to be developed may include goal-setting, problem solving, decision making, planning, finding resources, self-discovery, self-advocacy, self-determination, self-evaluation, independence, and accepting responsibility for actions.
- ❑ Assist students to collect and analyze their own data.
- ❑ Additional information: www.nsttac.org (National Secondary Transition Technical Assistance Center)

TOPIC BRIEF: Writing Transition Goals and Objectives [CTDOE 3/16/07]

- Objective Bank provided by Simsbury High School for adaptation.
- Post-secondary education: acquire the skills to transition to university
 - Schedule visits with college disability resource centers
 - Practice postsecondary education strategies of time management, test preparation, test anxiety reduction
 - Determine what testing is needed to receive accommodations
 - Explain differences between IDEA and 504/ADA

TOPIC BRIEF: Writing goals, continued

- Prepare for transition to competitive or supported employment:
 - Participate in X trips to area businesses
 - Compare qualifications necessary for careers of interest with skills
 - Increase knowledge of labor laws
 - Meet with adult service representatives to initial referral process
 - Complete X job shadowing experiences, internships, or job training experiences

TOPIC BRIEF: Writing goals, continued

- Demonstrate self-advocacy skills to communicate learning style, academic and behavioral needs
 - Communicate to others the strengths and weaknesses of learning style
 - Identify impact of behaviors on self and how it impacts learning
 - Seek guidance/direction when facing new or difficult situations
 - Accept praise or criticism from peers or adults and use to change social and behavioral outcomes

TOPIC BRIEF: Writing goals, continued

- Demonstrate organization and study skills to participate successfully in academic classes
 - Self monitor HW, long term assignments
 - Choose a classmate and check thoroughness of notes and clarity of assignments
 - Prepare for active class participation by previewing topics of study
 - Increase retention of material read by applying learned strategies

TOPIC BRIEF: Writing goals, continued

- Acquire necessary skills to allow for independent functioning in home, work and community
 - Appearance and hygiene, demonstrate proper grooming
 - Articulate how to obtain help in emergencies
 - Maintain clean living spaces – bedroom, kitchen, living area
 - Appropriate use of household appliances
 - Calendar use, scheduling
 - Locate and purchase appropriate items in store for various purposes

TOPIC BRIEF: Writing goals, continued

- Acquire necessary skills to access community with independence (or specified support)
 - Participate in clubs/sports/activities
 - Read and follow maps, directions, signs, transportation schedules
 - Access public transportation
 - Learn skills for shopping, restaurants, banking, post office
 - Register to vote and learn to use voting machines
 - Access medical care
 - Complete applications for financial assistance

Transition Assessment Tools:

Transition Assessment Resource Manual 2008 (examples)

- ❑ Brigance Diagnostic Inventories: Employability, Essential Skills, and Life Skills
- ❑ Career Ability Placement Survey (CAPS), also COPS and COPES
- ❑ Scales of Independent Behavior
- ❑ Transition Planning Inventory (TPI)
- ❑ Social Skills Rating System (SSRS)
- ❑ Responsibility and Independence Scale for Adolescents (RISA)
- ❑ Enderle-Seversen Transition Rating Scales

Letter to Dude, 62 IDELR 91 (OSEP 2013)

- Whether to include attendance at a college or university as a component of a student's transition plan, for audit or credit, depends on the student's individual needs.
- Whether Part B IDEA funds may be used to pay for it depends on whether the IEP team mandates it for FAPE and whether it is permitted by state law as a component of secondary school education.
- Not required simply due to parent/student request.

Letter to Spitzer-Resnick, Swedeen, and Pugh 59 IDELR 230 (OSEP 2012)

- ❑ Segregated employment is not prohibited by IDEA but teams must seriously examine whether there are steps that could be taken to allow the person to work alongside nondisabled individuals before allowing a segregated work placement.
- ❑ Examples of supports may include job coaching, scaffolding of tasks, discrete trial teaching, assistive technology.
- ❑ LRE applies equally to work placements as well as classroom placements.

Questions and Answers on Secondary Transition: 57 IDELR 231 (OSERS 2011)

- ❑ Training and education may overlap and may be combined into one postsecondary goal where appropriate. Ex: Teacher certification program would include both education and training. Most professional programs include both components.
- ❑ Everyone should have a separate goal for employment.
- ❑ SOP requirement applies to students graduating with regular diploma and aging out, but does not apply for those leaving to get GED or alternate diploma.

Questions and Answers on IEP's etc: 111 LRP 63322 (OSERS 2011)

- ❑ Section F: It is up to the IEP team to determine when independent living goals and objectives are needed for FAPE.
- ❑ This would include whether it is appropriate to include community participation goals.
- ❑ If IEP team chooses to address transition before age 16, all of the requirements apply.
- ❑ There is no requirement to measure mastery of postsecondary goals after the student has graduated or aged out.

CONNECTICUT HEARING DECISIONS



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Voluntown BOE, #14-0346, 114 LRP 35768 (HO Ann Bird)

- Student identified ED claimed entitlement to services after graduation. HO ruled while more progress could possibly have been made, plan was appropriate.
 - Age appropriate transition assessments were conducted that were listed in the State transition manual: Harrington-O'Shea Career Decision Making System R, Integrated Curriculum for Achieving Necessary Skills (ICANS), Barriers to Employment Success Inventory, Self Assessment of Listening Ability
 - Went beyond “mere interest inventories”

Voluntown, Continued

- Student took several courses at EASTCONN including Transition to Success, Consumer Mathematics, and Jobs Academy.
- Spent time in work study positions at a hardware store and day care center in the community.
- Matriculated in two courses (one on-line) at community college.
- Team used information to craft goals, ex. Work hygiene.

Voluntown, Continued

- ❑ After interest was expressed in mortuary science, objectives were added to explore a college course on that topic and a shadowing opportunity was arranged at a mortuary.
- ❑ He was given opportunities to become familiar with the Basic Skills Assessment used for placement by community colleges.
- ❑ He was given education on the drivers education manual to prepare him for the drivers license test.
- ❑ After graduation, he lost his job, became too anxious to drive, was not able to enter stores.

Voluntown, Continued

- ❑ Claim is not that the services were not appropriate but that there should have been more of it.
- ❑ Not supported by the law. Board has a duty to design and implement a program sufficient to allow the student to acquire a public education.
- ❑ Suggestion made that the district could have hired a mentor or coach to expose him to more anxiety-producing situations. Board was not obliged to do this because the services provided were appropriate.

West Hartford, #14-0440 (HO Brette Fitton)

- ❑ 18 year old student with ADHD, Autism, Psychosis requested outplacement in place of district transition program.
- ❑ Hx of multiple hospitalizations, needs ongoing clinical management of symptoms with medication and therapy, is otherwise at risk to self and others.
- ❑ Attended self-contained STRIVE program with behavior management system for high school.
- ❑ Participated in full-year Career Academic Vocation Education Class.

West Hartford, Continued

- ❑ Took SAT's, expressed interest in college.
- ❑ Recommended ACHIEVE program following completion of academic credits, with 3-4 days of vocational experiences, one day of independent living skills training and one day of community based experiences per week.
- ❑ Students learn to use public transportation.
- ❑ Vocational experiences are staff supported as needed.
- ❑ Social skills are addressed in counseling.

West Hartford, Continued

- ❑ Parent requested Options program in Hartford.
- ❑ Social skills are addressed in the community with a coach.
- ❑ One to one support can be provided for employment or college settings.
- ❑ Academics are provided one to one.
- ❑ Both programs provide pay for work.
- ❑ Job placement is in established sites at first, then individualized based on need.
- ❑ Options provides transportation to students.

West Hartford, Continued

- Both programs provide potential for access to community college courses.
- Conclusion: The two programs are substantially similar and the district's proposed program is appropriate, except for transportation.
- District ordered to provide private transportation until the student is acclimated and all agree he can begin transportation training.

Southington, #13-0162 (HO Ann Bird)

- Student argued that IDEA requires ALL transition services to be provided “in the community”.
- This was rejected, citing Letter to Spitzer-Resnick, Swedeen and Pugh, 59 IDELR 230 (2012).
- All placements to work on transition services do not need to be with non-disabled peers.
- Putting disabled students in the community for all transition activities is not appropriate when their non-disabled peers are performing similar activities in school setting.

Milford #10-0043 (HO Justino Rosado)

- 20 year old student with seizure disorder and neurological impairment rejected plan to graduate her with a regular high school diploma and requested 5th year program at Thames Academy.
- Transition assessments used: COPES/CAPS/COPS.
- Assessments not formally updated since initial administration, but student was informally interviewed and expressed interests and goal to attend college and become an FBI agent.

Milford, Continued

- ❑ First goal addressed both employment and post-secondary ed to acquire necessary work skills and behaviors to maintain competitive employment.
- ❑ Revised goals addressed community participation and independent living.
- ❑ Transition coordinator arranged a summer job through Milford Summer Youth Employment at an animal shelter (another area of interest).
- ❑ Student took personal finance course.

Milford, Continued

- ❑ Next school year part time work with job coach at retail store was provided.
- ❑ Word processing refresher training was included in plan.
- ❑ Student volunteered at an animal hospital and worked at a summer camp previously.
- ❑ School offered SAT/ACT tutoring after school but this was rejected by family, hired private tutor.
- ❑ Individual and group counseling was added to work on transition goals.

Milford, Continued

- Student took Crime & Violence course based on her interest in being an FBI agent and shadowed law enforcement at superior court.
- Travel training was arranged through the Kennedy Center but the student was withdrawn due to fears about the student's seizures and traveling alone. Parents obtained doctor's note for individual transportation through Milford Transit.
- Team considered a 5th year at the high school but rejected because it was felt student was ready to graduate.

Milford, Continued

- Thames Academy was described as a college program for students not yet ready for the rigors of a full college program. School has 3 levels of support and tuition is predicated on the level of support provided. 36 residential students. If they finish the one-year program, they earn college credit sufficient to be enrolled at Mitchell College as a second semester freshman.
- Parents obtained an IEE consisting of a week-long intake assessment at VISTA claiming disagreement with district's evaluation.

Milford, Continued

- ❑ VISTA evaluation was not reimbursed because all the information in it was either already contained in other reports or was not accurate.
- ❑ Board's transition program and graduation with regular high school diploma was appropriate.
- ❑ Student ranked 187 of 265 students, was attaining grades of B+ in classes.
- ❑ Transition plan was sufficiently individualized and based on student's evolving needs and interests.

FEDERAL CASE LAW

Jefferson County BOE v. Lolita S. 64 IDELR 34 (11th Cir. 2014)

- ❑ District in Alabama failed to conduct transition assessments and provided the student with a borderline IQ and intensive independent living needs with the same vocational and career based training that was made available to all students.
- ❑ Student's occupational diploma track was inconsistent with his goal of attending post-secondary education.
- ❑ Only one goal was written to develop communication skills to interact with others.

Jefferson County, Continued

- In the absence of case law to the contrary, court interprets transition services regulation to mean that the FIRST transition plan that goes into effect when the child turns 16 must be based on individually administered age appropriate transition assessments.
- Court rejected the suggestion that student's cognitive functioning was so low that he could not benefit from transition services (!)

Mountain BOCES, 54 IDELR 334 (CO SEA 2010)

- ❑ Colorado school district had no duty to enroll a student in a community college course pursuant to a transition plan.
- ❑ High school student with ASD enrolled in dual enrollment program where college courses would be taken for both college credit and would satisfy high school graduation results. As a result of this program, credits were funded by school district.
- ❑ Student was not successful in college course due to lack of work completion.

Mountain BOCES

- Citing to IDEA regulation concerning definition of special education, 34 C.F.R. 300.17, special education means “appropriate preschool, elementary school, or secondary school education”. Makes no mention of provision of post-secondary education, i.e., college.
- Student was successful in classes at high school where supportive services were provided in accordance with the IEP. Therefore, student received FAPE.

Gibson v. Forest Hills Sch. Dist., 61 IDELR 97
(S.D. Ohio 2013)

- ❑ Severely cognitively impaired student in self contained special education program was consistently provided with a functional life skills program that included transition goals and objectives.
- ❑ HOWEVER, student was never invited to her own IEP team meetings (too contentious), and
- ❑ Never actually did any transition assessments until the due process hearing when it was ordered by the hearing officer.
- ❑ Violated IDEA regulations. Remedy TBD.

Carrie I. for Greg I. v. Dept. of Ed. State of HI,
59 IDELR 46 (D. HI 2012)

- High school student with ASD and Landau-Kleffner Syndrome.
- Team relied on an old version of IDEA when planning the transition program and only identified agencies responsible for providing transition services.
- “The lack of assessments alone is enough to constitute a lost educational opportunity.”
- Representative of the state vocational rehabilitation division should have been invited to attend meeting.

Carrie I., Continued

- Student placed at Loveland, a private residential (locked) therapeutic facility for 11 years, since age 6.
- Placement was proposed at a public high school.
- No evaluation of any kind had been done in the last 3 years, only a half-hour observation by a special education teacher.
- In Hawaii, the State Dept. of Ed. is the LEA and the Department of Vocational Rehabilitation provides transition services.

K.C. v. Nazareth Area Sch. Dist.,
57 IDELR 92 (E.D. Pa. 2011)

- District's refusal to accede to parent request for a multi-year transition plan was not a denial of FAPE.
- District is not required to ensure student is successful in meeting all post-secondary goals.
- Travel training was appropriate, consisted of orientation and mobility training that allowed the student to navigate the city of Philadelphia.
- Expert report claiming this was inadequate because it did not allow student to navigate other cities was not persuasive given meaningful benefit standard.