

Planning the Transition from School to Adult Life

Considerations
for Students
with Disabilities



by Ira M. Fingles, Esq.,
Herbert D. Hinkle Esq.,
and Dorothy Van Horn

ASAII

Congratulations!

Reading this booklet means that you have already started the process of planning for the future.

If you have a student (or you *are* a student) in high school, chances are pretty good that you are now asking: “What will happen after graduation?” This is a difficult question for anyone, but for students in special education, it may be even more difficult. That is why federal law requires transition planning for all students with disabilities.

ASAH is proud of every graduate. Research has shown that graduates of ASAH’s private special education programs in New Jersey go on to college, jobs and other fulfilling adult roles.

We are pleased to present this booklet, written in conjunction with attorneys whose practice is dedicated to disability law, to help parents and students navigate this important time in their school career.

Gerard Thiers,
Executive Director, ASAH



About ASAH

ASAH is a not-for-profit organization of private schools and agencies in New Jersey. Its members provide highly specialized services to more than ten thousand infants, children and young adults with disabilities. Founded in 1974 by thirteen private schools, ASAH now serves more than 125 school locations. It developed the first code of ethics and standards for New Jersey's private special education programs and works closely with the New Jersey Department of Education to keep it current. ASAH continues to advocate for legislative and regulatory changes that will improve the quality of life for individuals with disabilities and their families.

Many of ASAH's private school members provide consultative services to public school districts to assist students with transition planning and implementation.

ASAH is a member of the National Association of Private Special Education Centers, NAPSEC, in Washington, D.C.



Partnerships for Promising Futures

ASAH
2125 Route 33, Lexington Square
Hamilton Square, NJ 08690
phone: (609) 890-1400; fax: (609) 890-8860

info@asah.org
www.asah.org

Table of Contents

| | |
|---|----|
| Introduction..... | 1 |
| What is Transition? | 1 |
| When Does Transition Planning Begin? | 5 |
| When Do Transition Services Begin? | 5 |
| What is in the Statement of Needed Transition Services? | 6 |
| Who is Involved in the Process? | 7 |
| What is the Role of the Student? | 7 |
| Areas for Transition Planning | 8 |
| The Role of Outside Agencies | 10 |
| Guardianship | 11 |
| Graduation | 11 |
| Considerations for Students Who Plan to Go to College | 12 |
| Strategies for Transition Planning | 15 |
| Resources for Transition | 17 |
| About the Authors | 19 |
| About Hinkle, Fingles & Prior | 20 |

Introduction

The Individuals with Disabilities Education Act (IDEA) is the 30-year old federal law that guarantees students with disabilities the right to a free, appropriate education. For every student eligible for services under IDEA, the local school district must develop and implement an Individualized Education Plan (IEP) describing the unique set of services and supports needed. For some students, that includes services from a private school at no cost to parents.

When IDEA was reauthorized in 1997, Congress put a major focus on improving adult outcomes. In 2004, the purpose of the Act was further expanded to ensure that students with disabilities have access to special education and related services designed to prepare them for employment and independent living.

Transition planning is important because it provides a framework for identifying long-range goals and the services and strategies that will help students as they make the shift from school to adult life.

What is transition?

Under federal law, the term *transition services* means a coordinated set of activities for a student, designed within a results-oriented process, that promotes 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.

Transition must be based on the student's needs, taking into account his/her strengths, preferences, and interests. It includes instruction, related services, community experiences, the development of employment and other post-school adult living objectives, and, when appropriate, acquisition of daily living skills and functional vocational evaluation.

When does transition **planning** begin?

Every student who is eligible for special education under IDEA must have an IEP that describes annual goals and details the services and supports needed to meet those goals. By the time student is 14, the IEP must reflect the student's post-school goals.

Beginning at age 14 (or younger), the IEP must include a *statement of transition service needs*. This describes the course of study that will lead to graduation. It also allows the IEP team to consider other educational experiences in the school or in the community that can help the student achieve his/her desired post-school goals or outcomes (college, employment, military, technical training, independent living). This statement must be based on the student's needs, preferences and goals and be reviewed every year as part of the IEP process. (see page 8)

When must transition **services** begin?

Beginning in the school year in which the student turns 16, the IEP must include a *statement of needed transition services*. This describes the coordinated set of activities and strategies that will lead to the desired post-school outcomes and identifies those responsible for providing them.

The *statement of needed transition services* is much broader than the *statement of transition service needs* (required at age 14), but both are necessary components of transition planning required by law. Taken together, these two steps help ensure that a student is able to achieve long-term goals and is effectively linked to supports, services and programs needed for adult life.

What strategies and activities must be included in the statement of needed transition services?

- **Instruction** can take place in a classroom, small group or one-to-one learning. It can be provided in public schools, private schools, at home, or in the community.
- **Related Services** may include transportation, speech, occupational therapy, physical therapy and other supportive services necessary for a student to benefit from special education.
- **Community Experiences** may be provided in communities by schools, consultants, private providers or other agencies.
- **Employment / Other Post-School Adult Living Objectives** may lead to a paid job or career opportunity, or other important adult activities.
- **Daily Living Skills** are the types of activities most adults do every day at home and in the community.
- **Functional Vocational Evaluation** provides information about job or career interests, aptitude and skills.

If the IEP team, including the student and the parents, agrees that services in one or more of the areas above is not needed, the IEP must state so and provide a rationale.



Community-based Instruction

Community-based Instruction can be a very important part of a transition IEP. It involves learning by doing. The student receives life skills, social skills, or work instruction at a community site (e.g., supermarket, library, bus stop, office) with either one-on-one support or in a small group. The instruction is designed to teach functional skills of everyday life through hands on experiences. Goals such as learning to shop, learning to use public transportation, ordering food in a restaurant, making change, or using a map may best be learned through community-based instruction.

Who is involved in transition planning?

The case manager at the local school district is responsible for the transition planning process, but many individuals should come together to form a team to help the student plan for transition. In addition to the student and his or her family, other members include special education and general education teachers, related service providers, administrators, and others. Some schools have transition specialists who may be well informed about resources and adult services in the community.

Representatives from agencies that provide post-high-school services should be involved, including the Division of Vocational Rehabilitation Services, The Department of Human Services' Division of Mental Health and Hospitals or the Division of Developmental Disabilities, and the Social Security Administration. (see page 14)

Others – community leaders, potential employers and provider agencies – may serve as one-time or ongoing consultants to the team, sharing expertise or insight to help the team plan and make decisions.

What is the role of the student in transition planning?

Students with disabilities, age 14 and older, must be invited to participate in transition planning. If the student does not attend the meeting when transition is being discussed, the school district must take other steps to ensure that his/her preferences and interests are considered.



Self-Advocacy Skills

Teaching self-advocacy skills and helping the student describe the supports he/she needs to be successful are important to the transition process. It may be useful for the student to learn about laws protecting people with disabilities from discrimination, such as the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act.

SOME AREAS FOR TRANSITION PLANNING

Post Secondary Education

- Four-year college or university
- Community college
- Trade school
- Private school
- Adult vocational/technical school

Career Exploration and Development

- Vocational evaluation
- Career assessment
- Specialized transition assessments
- Community-based job exploration
- Community-based job sampling
- Shared time at vocational/technical school
- Paid work experiences
- Apprenticeships
- Part-time employment in chosen field prior to graduation

Functional Academics

- Math (budget, money management skills)
- Reading (identification and comprehension)
- Writing (filling out forms, signing checks, writing resumes)
- Computer usage

Self Determination

- Knowledge of one's own disability
- Knowledge of rights
- Self-assessment
- Learning styles
- Appropriate communication technique
- Assertiveness skills

Independent Living Skills

- Community resource training (banks, post office, shopping, libraries, train stations, bus stations, etc.)
- Residential living skills
- Mobility/transportation
- Communication skills
- Recreation/leisure
- Social relationships
- Self-determination
- Self-medication/health and safety

Adult Service Linkages

- DVRS (Division of Vocational Rehabilitation Services)
- CBVI (Commission for the Blind and Visually Impaired)
- DDD (Division of Developmental Disabilities)
- MH (Mental Health)
- Social Security and Medicaid
- County Office on Disability
- Centers for Independent Living
- Adult service providers (residential, employment, recreation, etc.)
- Other linkages in the community based on individual student need

Other Issues to Consider

- Guardianship
- Special needs trusts/estate planning
- Insurance
- Long-term permanency planning
- Family relationships
- Income and benefits maintenance

Developed for The New Jersey Partnership for Transition from School to Adult Life for Youth with Disabilities.

What if an outside agency does not attend or fails to provide services?

If a representative from an outside agency such as DDD or DVRS is invited to the IEP meeting but does not attend, the school district must take other steps to obtain their participation. If an outside agency fails to provide transition services described in the IEP, the district must reconvene an IEP meeting to identify alternative strategies to meet the objectives.

As part of the planning process, focus on agencies that can provide the necessary services:

- DDD provides day and residential services and supports to people with significant developmental disabilities. DDD now offers a transition program called Pathways to Adult Life, which can provide necessary linkages to the adult service system for graduates with developmental disabilities.
- DVRS can pay for job training, education, and adaptive equipment. It can also assist with job placement and workshop services. Eligibility for DVRS services depends on employability (including supported employability), with priority given to severe cases.

Invite representatives from these agencies to the IEP meeting to assist with planning, and ask them to sign the IEP indicating agreement with it. If agency staff will not participate, check with their superiors.

The Department of Human Services has policies that compel the involvement of agencies like DDD in the transition process. If staff cannot attend, let the record show a willingness to accommodate their schedules. Send DDD and DVRS staff draft copies of the IEP, asking for input and approval even if they cannot attend.

The goal is to involve and commit the relevant agencies to the services necessary to enhance the likelihood that they will be available when needed.

When should a student with disabilities graduate?

IDEA-eligible students are entitled to receive special education services through age 21. Although many students with disabilities will complete their diploma requirements before that time and graduate with age peers, some will continue to need services. In New Jersey, once a student accepts a diploma the district is no longer required to continue services under IDEA. If the student needs services beyond the traditional “senior year,” it may be unwise to accept a diploma. Parents and students must carefully consider when to accept a diploma.

Can a student with disabilities participate in commencement ceremonies with peers, even if he/she is not accepting a diploma?

There is an important distinction between participation in commencement ceremonies and accepting a diploma. There is nothing in statute or regulation that prohibits a school district from allowing a special education student who will not receive a diploma to participate in the graduation ceremony with his or her classmates. In fact, the New Jersey Department of Education encourages districts to do so.



Considering Guardianship

Eighteen is the age of majority in New Jersey. At that time, all rights are transferred to the student. At least three years before the student reaches age 18, the school district must notify both the parent and student that all rights will transfer to the student on reaching the age of majority. At that time, regardless of disability, an adult student has the right to make his/her own IEP decisions, unless the parent has obtained guardianship.

Parents who wish to seek guardianship must apply through the court. Legal assistance may be helpful.

Are there special considerations for students who plan to attend college?

At the college level, education is no longer a right or an entitlement, but a matter of eligibility. Students with disabilities are admitted to college in the same way as all other students. They research the schools that interest them, go visit those colleges, meet students and staff, and ask questions.

For students who plan to attend college, a waiver of challenging high school courses such as advanced math and foreign language is not recommended. Colleges are not required to waive courses deemed 'essential' to the curriculum. It is important to understand that all colleges are different and policies and procedures will vary from one college to the next. Ask about admission requirements including SAT or ACT exam scores. Community colleges or other junior colleges may not require a high school diploma for admissions; some offer high school equivalency diploma programs.

Students are not required to tell the college Admissions Office about a disability, either on the application or during any interview. However, doing so will allow the college to provide information about services for students with disabilities. Many colleges allow students with disabilities to ask for special consideration during the admissions process, if needed.



College Bound?

Often, students with disabilities learn that the course and sequence of high school instruction did not prepare them for admission to the college or technical school they want to attend. Think ahead and prepare so that the student has the scope and sequence of classes needed for admission.



Accommodations in College

In order to receive accommodations in college, it will be necessary to provide current documentation of the impact of the disability on the student. Colleges are not required to evaluate students, so it may be helpful to have the student evaluated during the last year of his/her special education program. Increasingly, colleges are offering fee-based specialized programs that support and assist students with disabilities. High school guidance counselors and published guides can help locate these programs.

| Agency | Phone | Web Site |
|---|----------------|--|
| NJ Commission on Higher Education: Special Needs Regional Centers | 609-292-2955 | www.state.nj.us/highereduction |
| Association on Higher Education and Disability (AHEAD) | (704) 947-7779 | www.ahead.org |
| Disability Access Information and Support (DAIS) | 609-292-2955 | www.daisweb.com |
| HEATH Resource Center | (202) 973-0904 | heath.gwu.edu |
| College Board Services for Students with Disabilities (SSD) | (609) 882-4118 | www.collegeboard.com/ssd/student/accom.html |
| Adaptive Technology Center for NJ Colleges | 609-771-2795 | adaptivetech.tcnj.edu |
| Wrights law | | www.wrightslaw.com/advoc/ltrs/accoms.colleges.drbrown.htm |
| US DOE | | www.ed.gov/about/offices/list/ocr/transition.html |
| Educational Testing Service (ETS) | (609) 921-9000 | www.ets.org |

What are the considerations for students with disabilities who are likely to need work, day, or residential programs?

The service system for adults with disabilities is multifaceted and long waiting lists exist for some services. Often, case management responsibilities fall on parents or the student. Parents and students need to be prepared for the responsibilities associated with accessing and managing their own services.

Although there are laws against discrimination, the laws governing services and supports for adults with disabilities are not nearly as robust as those in the special education system. Therefore, while under the protective umbrella of IDEA, it is vital that planning take place and services are provided. Students should leave school with the academic, social, self-care, and technical skills they need to pursue their goals, and the necessary linkages to service providers that can help them.

For students likely to need on-going supports and services after graduation, it is wise to involve outside agencies in the transition planning process. Two key state agencies that provide services to adults with disabilities are the Division of Developmental Disabilities (DDD) and the Division of Vocational Rehabilitation Services (DVRS). (see page 10)

What is the ‘Summary of Performance?’

IDEA 2004 and New Jersey regulations require that a summary of performance be provided to each student prior to graduation. The summary must include the student’s present levels of academic achievement and functional performance, along with recommendations to assist the student in meeting postsecondary goals in the areas of academic education, employment, independent living, and community participation.

Strategies for Transition Planning

Ideas for Students

- Write down your long-term goals. What do you think you need to do to reach these?
- Read your IEP and transition plan. Is it happening?
- If you want to lead your own IEP meeting, tell others and ask for help, if needed.
- Learn about your civil rights under the law, such as the Americans with Disabilities Act.
- Learn about your disability. Learn to explain your strengths, and how to ask for reasonable accommodations.
- Practice job interviews and/or asking for accommodations.
- Talk with your doctor and parents about your health care needs so that you will be ready to take responsibility for them.

Ideas for Parents & Guardians

- Observe your son's or daughter's independent living skills, work behaviors, social involvement, dreams, and hopes.
- Call your child's teachers and ask that transition services, including financial planning, be addressed at your next meeting.
- Help your child learn about his or her disability and how to ask for the supports he or she needs.
- Give your child responsibility for chores at home.
- Role-play different situations with your child (e.g., interviews).
- Introduce your child to adult role models with disabilities.
- Look in your phone book and identify three new possible resources to help your son's or daughter's transition to adult activities.

Ideas for Teachers

- Talk to students and families about transition services.
- Ask to attend a conference, workshop, or other learning opportunity related to transition.

-
- Teach students about their civil rights under the law, such as the Americans with Disabilities Act.
 - Pledge to conduct collaborative, needs-based IEP meetings that empower youth and families.
 - Provide youth with step-by-step activities that familiarize them with the IEP process and prepare them to take active roles.
 - Call the local rehabilitation counselor or disability services case manager and coordinate a meeting.
 - Develop a folder that contains information you have about community resources and how to access them and share with IEP Team members, transition councils, families, students, and administrators.

Strategies for Transition Planning section adapted from a publication of the National Information Center for Children and Youth with Disabilities (NICHCY) entitled, "Transition Planning: A Team Effort," (1999; resources updated 2002) by Sharon H. deFur, Ed.D., College of William and Mary. Contact NICHCY for the original and complete publication.

Resources for Transition to Adult Life

| Agency | Phone | Web Site |
|--|----------------|--|
| NJ Division of Disability Services | 1-888-285-3036 | www.state.nj.us/humanservices/dds |
| NJ Division of Vocational Rehab. Services | 609-292-5987 | www.state.nj.us/labor/dvrs/vrsindex.html |
| NJ Commission on Higher Education | 609-292-2955 | www.nj.gov/highereducation/sn.htm |
| NJ Transit Access Link | 1-800-955-2321 | www.njtransit.com/as_al.shtml |
| County Paratransit System | | www.njtransit.com/as_paratransit.shtml |
| NJ Comm. for the Blind and Visually Impaired | 973-648-3333 | www.state.nj.us/humanservices/cbvi |
| NJ Division of Youth and Family Services | 1-800-331-3937 | www.state.nj.us/humanservices/dyfs |
| Community Mental Health Agency | 1-800-382-6717 | www.state.nj.us/humanservices/dmhs/community-services.html |
| Center for Independent Living | 732-571-3703 | www.njsilc.org |
| Social Security Administration | 1-800-772-1213 | www.ssa.gov/disability |
| NJ Division of Developmental Disabilities | 1-800-832-9173 | www.state.nj.us/humanservices/ddd |

(Reprinted from NJDOE, Parental Rights in Special Education)

In Conclusion

Students, parents, teachers, and others involved in the education of students with disabilities work for years in an effort to help students develop skills and competencies needed for adult life. These efforts may be wasted without a well-designed and well-implemented transition plan.

The transition planning process represents the single greatest opportunity to ensure that the goals of the special education system – to allow students to become as independent and self-sufficient as possible – are realized. All involved are encouraged to invest the time, energy, and resources needed during this critical phase of the educational process to allow students the greatest opportunity to achieve goals and maximize his or her potential.

About the Authors:

Ira M. Fingles has devoted his legal career to the representation of individuals with disabilities and their families. His motivation to enter this field stemmed from his experiences with his sister, who has multiple disabilities. He has provided legal representation to individuals with disabilities in a variety of areas, including educational rights for children with disabilities, benefits and services for adults with disabilities, guardianship, and estate planning. He has argued precedent-setting cases in federal and state court, and before administrative agencies in Pennsylvania and New Jersey. He has written extensively on topics related to disability law and has presented to disability groups across the nation. He is Immediate Past President of the Autism Society of America - Greater Philadelphia Chapter, and serves on the Board of Directors and as an advisor to disability advocacy groups in Pennsylvania and New Jersey. He received his JD from Temple University School of Law and is a member of the Pennsylvania and New Jersey Bars.

Herbert D. Hinkle has represented people with disabilities and the elderly continuously since 1974. He served as Director of the New Jersey Division of Advocacy for the Developmentally Disabled for 10 years. He served on the Board of Directors for a variety of non-profit organizations, including United Cerebral Palsy Associations, the Arc of New Jersey, COSAC, Easter Seals, the Alzheimer's Association and NAMI NJ. He has argued precedent-setting disability rights cases in Pennsylvania and New Jersey, including five cases before the New Jersey Supreme Court. He has been a consultant to Rutgers University's Robert Wood Johnson Medical School and the New Jersey Commission on Bioethics and is a widely published author and lecturer. His work has been cited in the Wall Street Journal. He holds a JD from Rutgers University and a Masters in Taxation from Temple University. He is a member of the New Jersey and Pennsylvania Bar, the Association of American Trial Lawyers, and the National Academy of Elder Law Attorneys

Dorothy Van Horn is an educator with more than 30 years of experience working with students with special education needs. She is the Executive Director/Superintendent of Brookfield Schools. She serves as treasurer of ASAH as well as the chairperson of ASAH's Public Relation Committee. She is a life-long advocate for students with disabilities.

About Hinkle, Fingles & Prior, Attorneys at Law

Specializing in disability and elder law since 1974, Hinkle, Fingles & Prior offers a full range of legal services for people with disabilities and their families. Many of the firm's attorneys have a family member with a disability, allowing them to combine their legal expertise and experience with personal life experience. The firm's attorneys have argued many of the precedent setting cases affecting people with disabilities in New Jersey and Pennsylvania.

Practice areas include: all areas of special education; access to adult services; health care services; eligibility for public entitlements; income and asset protection; wills, trusts, and estate planning; and surrogate decision-making.

Attorneys Herbert D. Hinkle, Ira M. Fingles, S. Paul Prior, Valerie A. Powers Smith, Hillary D. Freeman and Amy E. Duff maintain a multi-state practice, with offices in New Jersey and Pennsylvania. They are available to speak to groups at no charge on topics in law and disability.

ASAH thanks Hinkle, Fingles & Prior, Attorneys at Law for their support of this project and funding a portion of the printing costs of this booklet.

**Hinkle, Fingles & Prior
Attorneys at Law**

*Representing people with disabilities
and their families since 1974*

www.hinkle1.com

Lawrenceville, NJ • Marlton, NJ • Florham Park, NJ
Bala Cynwyd, PA • Plymouth Meeting, PA
(609) 896-4200 • (973) 660-9060
(215) 860-2100