

Federal and State Regulations for Transition

FEDERAL AND STATE REGULATIONS FOR TRANSITION OF STUDENTS WITH DISABILITIES

PURPOSE

The purpose of the following laws and regulations is to ensure that all children with disabilities have available to them a free appropriate public education that emphasizes special education and related services designed to meet their unique needs and prepare them for further education, employment, and independent living.

Oregon Administrative Rules (OARs) follow the Code of Federal Regulations (CFRs) except that the OARS:

- *Substitute student for child throughout the transition OARs;*
- *Do not include the word strengths in the transition services definition OAR 581-015-2000(41);*
- *Eliminate the phrase “provision of a” when referring to functional vocational evaluation in OAR 581-015-2000(41);*
- *Eliminate the phrase “Transition services for children with disabilities” prior to 300.43(b);*
- *Add the phrase “or as early as age 14 or younger” in the content of the IEP. OAR 581-015-2200(2)(a)(A)(B)*

NOTE: Federal laws and regulations always supersede State laws and regulations.

CONTENT

This section contains:

- The definition of transition services;
- Requirements pertaining to transition within the Individualized Education Program (IEP) including timelines; and,
- Required members on the IEP Team including representatives of other agencies.

IMPORTANCE

All students with disabilities are accorded the same rights; however, 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, students are eligible for additional transition rights. Those additional rights are listed here.

AUDIENCE

Administrators, Teachers, Students, Families, other Agencies, and other persons interested in laws and regulations for transition of students with disabilities may find this information helpful.

COMPONENTS OF TRANSITION

The following components must be present to allow for the secondary transition student's IEP to be compliant with federal and state laws and regulations:

1. **Transition services--** The student's needed transition services are part of a long-range plan that coordinates the last years of high school and the years immediately following high school. The services are focused on improving the academic and functional achievement of the student with a disability to facilitate 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.
2. **Preference, interest, needs, strengths (PINS)--** a student's transition services must be based on the individual child's needs, taking into account the child's strengths, preferences, and interests.
3. **Updated annually--** The student's IEP including the other components listed here, must be updated annually.
4. **Appropriate measurable postsecondary goals--** appropriate measurable postsecondary goals must be developed in the areas of training, education, employment, and, where appropriate, independent living skills.
5. **Age appropriate transition assessment--** "...ongoing process of collecting data on a student's strengths, interests, preferences, skills or aptitudes, and needs related to current demands and future career, educational, personal, and social environments."ⁱ
6. **Courses of study--** The courses of study statement should address the classes, experiences, and activities that will be meaningful to the student's future, motivate the student to complete his or her education, and support post-school outcomes.
7. **Annual IEP goals--** annual IEP goal(s) related to the student's transition services needs must be included in the IEP.
8. **Student invited to IEP meeting--** the student must be invited to the IEP Team meeting where transition services are discussed.
9. **Participating agencies--** a representative of any participating agency who will be responsible for providing or paying for transition services will be invited to the IEP Team meeting with the prior consent of the parent or student who has reached the age of majority.

34 Code of Federal Regulations (CFR) Part 300

DEFINITIONS

§300.43 Transition services. (OAR 581-015-2000(41))

- (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 postsecondary education, vocational education, integrated employment (including supported employment), continuing and adult education, adult services, independent living, or community participation;
 - (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.
- (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.

(Authority: 20 U.S.C. 1401(34))

INDIVIDUALIZED EDUCATION PROGRAMS

CFR §300.320 Definition of individualized education program. (OAR 581-015-2000(16))

"Individualized Education Program" (IEP) means a written statement of an educational program which is developed, reviewed, revised and implemented for a school-aged child with a disability.

CFR §300.320(7)(b) (OAR 581-015-2200(2)(a)(A)(B))

(b) *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.

(Authority: 20 U.S.C. 1414(d)(1)(A) and(d)(6))

CFR §300.321 IEP Team.

CFR §300.321(a)(7)(b) (OAR 581-015-2210(2))

(a) General. The public agency must ensure that the IEP Team for each child with a disability includes—

(7) Whenever appropriate, the child with a disability.

(b) Transition services participants.

(1) In accordance with paragraph (a)(7) of this section, the public agency must **invite a child** with a disability to attend the child's IEP Team meeting if a purpose of the meeting will be the consideration of the postsecondary goals for the child and the transition services needed to assist the child in reaching those goals under § 300.320(b).

(2) 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.

(Authority: 20 U.S.C. 1414(d)(1)(B)–(d)(1)(D))

CFR §300.321. (a)(7)(b)(3) (OAR 581-015-2210(2)(b)) To the extent appropriate, with the consent of the parents or a child who has reached the age of majority, in implementing the requirements of paragraph (b)(1) of this section, the public agency must **invite a representative of any participating agency** that is likely to be responsible for providing or paying for transition services.

(Authority: 20 U.S.C. 1416(a)(3)(B)),

ⁱ Sitlington, P. L., & Payne., E. (2004). Information needed by postsecondary education: Can we provide it as part of the transition assessment process? *Learning Disabilities: A Contemporary Journal*, 2(2), 1-14.