

Making the Transition from School to Work & Future Education

by Sue Heath, Research Editor

"I want my son to be prepared to enter the workforce when he leaves school. How can we we combine No Child Left Behind with vocational goals?"

Parents need to start thinking about the transition to adulthood when their children are toddlers. Schools are not required to address this issue or develop a transition plan until the child is 16. IDEA 2004 states that a transition plan may be developed earlier than age 16.

Although schools exist primarily to provide academic instruction, they must also address the transition needs of children with disabilities. Look at these issues separately, starting with these definitions, then we will move on to how you can use No Child Left Behind.

Transition

Read the legal definition of **transition services** in the Individuals with Disabilities Education Act (IDEA):

The term `transition services' means a coordinated set of activities for a child with a disability that--

(A) is designed to be 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 **postschool activities**, including post-secondary education, vocational education, integrated employment (including supported employment), continuing and adult education, adult services, independent living, or community participation;

(B) is based on the **individual child's needs**, taking into account the child's **strengths, preferences, and interests**, and

(C) includes **instruction, related services**, community **experiences**, the development of **employment** and other **postschooladult living objectives**, and, when appropriate, acquisition of daily living skills and functional vocational evaluation. (20 U.S.C. Section 1401(34))

(**Note:** underlined words were added to IDEA 2004)

If the school is not providing services that meet this definition of **transition services**, they are not providing your son with transition services.

Free Appropriate Public Education (FAPE)

The Individuals with Disabilities Act says the school must provide your child with a Free Appropriate Public Education (FAPE):

The Term 'free and appropriate public education' means special education and related services that -

(A) have been provided at public expense, under public supervision and direction, and without charge;

(B) **meet the standards of the State educational agency;**

(C) include an **appropriate preschool, elementary, or secondary school education in the State involved;** and

(D) are provided in conformity with the individualized education program required under section 1414(d). (20 U.S.C. Section 1401(9))

State Academic Standards

To find out what your State department of education established as state academic standards, go to the [your state department of education website](#) and download your state academic content standards.

The state standards may be called "curriculum" or "frameworks."

These standards will tell you what your state has determined that children in each grade need to know and be able to do. This is what your child's school must teach. This includes Schoolwide education programs as well as individualized education programs.

Specialized Instruction to Meet Child's Unique Needs

In addition to these standards, schools are required to provide special education services to children with disabilities. The law defines **special education** as "specialized instruction, at no cost to the parents, to meet the unique needs of the child with a disability..." (20 U.S.C. Section 1401 (29))

Children with Severe Cognitive Disabilities

Evaluations may indicate that a child who has a severe cognitive disability will not be able to progress academically beyond a certain point. In December 2003, the U. S. Department of Education issued [regulations about using alternate assessments for children with severe cognitive disabilities](#).

IEP Team Decisions

If your child has a severe cognitive disability, the IEP team, which includes you (the parent), may decide that the child should be taught and tested on an alternative academic standard. However, this decision can only be made and implemented with your consent.

If you and other IEP team members agree, an alternative academic standard will be determined and your child will be tested annually against this alternative standard. The purpose of this testing is to determine if the school is teaching your child the academic content that the IEP team determined was appropriate for your child.

[The Individuals with Disabilities Act \(IDEA\)](#) provides additional educational requirements, above and beyond those in the No Child Left Behind Act. NCLB does not replace these requirements.

Issues about how No Child Left Behind affects children who receive special education services under IDEA are confusing to many parents and educators. Below is a list of resources that will help you sort these issues out. I hope you find information that is helpful to you.

No Child Left Behind Act Requirements

[No Child Left Behind \(NCLB\)](#) is the federal education law that was originally enacted as the Elementary and Secondary Education Act of 1965. NCLB requires states to:

- * develop academic content standards,
- * test all children who attend public schools to determine if schools are teaching to these standards, and
- * establish and enforce sanctions against schools that do not make sufficient progress so all children are proficient (at grade level) on these tests by 2014.

All states accept NCLB money and agreed to implement the provisions that accompanied this money.

When your state accepted money under NCLB, the state agreed to teach all children who attend public schools the material that your state requires students in each grade to know.

Resources

IEPs

[A Guide to the Individualized Education Program](#) from the U. S. Department of Education describes contents of the IEP; IEP team members; writing the IEP; placement decisions; implementing the IEP; revising and revising the IEP; resolving disagreements about the IEP; sample IEP form, information and resources, the federal regulations for IEPs, and guidance about IEPs.

[IEPs for Success by Dr. Barbara Bateman](#). This article includes extensive discussion of transition and transition plans.

[The IEP for Transition Age Students](#). Excellent article about IEPs for "transition-aged students." Learn about transition requirements, members of the IEP transition team (including student and parents), special factors for the IEP team to consider (published by the National Center on Secondary Education and Transition and The Pacer Center).

[Your Child's IEP: Practical and Legal Guidance for Parents by Pam & Pete Wright](#). This comprehensive article describes IEPs and the IEP process.

Transition

[Person-Centered Planning: A Tool for Transition](#). Under IDEA 2004, IEPs must include transition services for the child by age 16. The transition plan should reflect the student's interests, preferences, accomplishments and skills, what they need to learn, and what they want to do. Person-centered planning is a way to identify goals and develop plans to accomplish goals (published by the National Center on Secondary Education and Transition and The Pacer Center).

[Self-Advocacy: Know Yourself, Know What You Need, Know How to Get It](#) by Nancy Johnson. "Self-advocacy is the ability to understand and effectively communicate one's needs to other individuals. Learning to become an effective self-advocate is all about educating the people around you. There are three steps to becoming an effective self-advocate . . ."

[Transition Planning: A Team Effort](#) - National Information Center for Children and Youth with Disabilities

[Research to Practice Briefs](#) - Improving transition planning practices through research - National Center on Secondary Education and Transition (NCSET).

[Vocational Assessment: A Guide for Parents and Professionals](#) - National Information Center for Children and Youth with Disabilities

IDEA and NCLB Requirements for Children with Disabilities

[Rebutting Rowley? Independence and Self-Sufficiency Are New Standards for FAPE](#) - In [K.L. v. Mercer Island](#) (W.D. WA 2006). the judge found that "The IDEA is not simply about "access;" it is focused on "transition services . . . an outcome-oriented process, which promotes movement from school to post-school activities . . ." 20 U.S.C. 1401(3); 34 C.F.R. 300.29

The decision focused the school's failure to develop IEPs that addressed the child's transition to independent living and self-sufficiency. The Court found that having others read to K.L. and write for her "is totally at odds with the IDEA goals of self-sufficiency and independent living . . ." The Judge also found that "providing a 'meaningful educational benefit' under the IDEA requires programs and results which reflect that Act's emphasis on preparation for self-sufficiency."

[Reexamining Rowley: A New Focus in Special Education Law](#). Parent attorney Scott Johnson writes that the "some educational benefit" standard in [Rowley](#) no longer reflects the requirements of the Individuals with Disabilities Education Act. Rather, state standards and educational adequacy requirements provide the substantive requirements of FAPE, and these standards exceed the "some

educational benefit" benchmark. This requires a fundamental change in how courts, school districts, and parents should view special education services.

"The 1997 Amendments to the IDEA make clear that the foundation underlying that reasoning in *Rowley* is no longer present. That is, the IDEA is no longer intended to simply provide students with access to educational services that provide some benefit. The IDEA is intended to go well beyond this by ensuring that students with disabilities receive educational services that incorporate the high expectations in state educational standards and in state court cases regarding an appropriate education." [Read article](#)

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Meet Sue Heath

[Sue Heath](#) of Hollis, New Hampshire, is the research editor for [Wrightslaw](#).

In addition to writing about creative advocacy strategies in [Doing Your Homework](#), Sue is co-author of [Wrightslaw: No Child Left Behind](#) (ISBN: 1-892320-12-6) that is published [by Harbor House Law Press](#).

Sue is webmaster for the [New Hampshire Branch of the International Dyslexia Association](#), the [Learning Disabilities Association of New Hampshire](#), and the [Brookline and Hollis Parent Council](#). She also serves on [New Hampshire's Special Education State Advisory Committee on the Education of Students/Children with Disabilities \(SAC\)](#).

As a member of the [Wrightslaw Speakers Bureau](#), Sue speaks to groups of parents, advocates, and educators about [No Child Left Behind](#), [reading](#), [research-based instruction](#) and strategies for using federal education standards to advocate for children and to improve public schools. [Sue Heath's schedule & bio](#)

[Local Parents Learn About New Law](#) (*Hampton Union*)

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