OSSE
DC Office of the State Superintendent of Education

January 5, 2010

(X) ACTION REQUIRED
( ) INFORMATIONAL

TO: Chancellor, District of Columbia Public Schools (DCPS)
Public Charter School Board
Public Charter School Directors
Principals, DCPS

FROM: Kerri L. Briggs, Ph.D
State Superintendent of Education

RE: Secondary Transition

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This Memorandum serves to clarify what is required of all Local Education Agencies (LEAs) in order to ensure that the District of Columbia has in place secondary transition policies and procedures as required by the Individuals with Disabilities Education Act (IDEA) 2004, its implementing federal regulations, and Title 5, Chapter 30 of the District of Columbia Municipal Regulations (DCMR). This Memorandum supersedes all previous policy, memoranda and/or guidance promulgated by the state education agency.[1] This policy takes effect on January 2010.

BACKGROUND

The IDEA and DCMR clearly identify the roles and responsibilities of all LEAs to adequately prepare students with disabilities for postsecondary education, vocational education, integrated employment (including supported employment), continuing and adult education, adult services, independent living, or community participation upon graduating or exiting high school. Furthermore, IDEA requires all LEAs to have in effect, by the student's 16th birthday, or younger if determined appropriate by the Individualized Education Program (IEP) team, a

[1] This Memorandum is not intended to be a restatement of the requirements of the IDEA and the DCMR in regard to secondary transition. LEAs are responsible for knowing and implementing the requirements of IDEA and the DCMR applicable to LEAs.

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coordinated set of activities that is results-oriented and focuses on improving the academic and functional achievement of the student.[2]

Transition services are intended to prepare students to make the transition from school to adulthood and may be special education, if provided as specially designed instruction, or related services, if required to assist a student with a disability to benefit from special education.[3] To assist with the transition process, the IEP team must consider appropriate services that would permit the student to leave secondary school with the necessary skills to achieve the transition goals determined by the IEP team. The entire transition process is a set of coordinated activities that is outcome-oriented and based on an individual transition assessment.

KEY TERMS/ACTIVITES

- Course of Study. Prior to entering the ninth grade, but no earlier than eighth grade, the IEP team must determine the course of study and develop a graduation plan.[4] A course of study is defined as a description of the coursework necessary to prepare the student for post-school activities. The course of study must be reviewed annually and modified, when necessary, to reflect the student's changing needs, interests, and performance. The LEA must provide all students with disabilities, including students with significant disabilities, the opportunity to earn a high school diploma. If the IEP team determines a high school diploma is not appropriate, then the course of study must assist the student in achieving an alternative to a high school diploma. The LEA must provide information in understandable language to the parents and student about the difference between having a diploma versus a non-diploma course of study. Additionally, the LEA must provide the parents with written notification that the IEP team has determined that the student will be placed on a non-diploma course of study. The LEA must obtain the parents' written acknowledgement that the parents have been informed and understand that the student will be placed on a non-diploma course of study. The IEP must contain a statement on why a standard diploma is not appropriate and that the parents and student have been fully informed of such decision. A transition plan and graduation plan are required regardless of whether the student is on a non-diploma or diploma track.

  Consistent with the student's graduation plan, each IEP for a student with a disability, who will be 16 or older during the time period of the IEP, or younger if determined appropriate by the IEP team, must also contain a description of the course of study needed to assist the

[2] 34 C.F.R. §300.43(a)(1) and §300.320(b); DCMR 5-3001
[3] 34 C.F.R. §300.43(b); DCMR 5-3001
[4] 5 DCMR 2203.1

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student in preparing for his/her post-school activities. To the extent consistent with the student's post-school goals, the course of study must ensure each student has the knowledge and skills to qualify for and successfully complete a two or four-year postsecondary program, technical/vocational program, apprenticeship, or on-the-job training leading to a postsecondary credential (i.e. certificate, license, Associates, or Bachelor's degree). Each year the IEP team must reconsider the student's post-school goals and align the course of study with those desired goals. Decisions regarding the course of study should relate directly to the student's current level of performance and what he/she intends to do after graduation. Specifically the course of study should:

- Improve the academic and functional achievement of the student to facilitate his/her movement from secondary to post-school;
- Align with the student's transition goal(s); and
- Align with the academic requirements for a high school diploma, or if determined eligible, a Certificate of Completion.

Students placed in a nonpublic residential or day school must have the same opportunities for a high quality education as students in a traditional secondary setting. The LEA in which the student is enrolled remains responsible for ensuring the course of study is consistent with the student's transition plan, which should be consistent with all diploma or Certificate of Completion requirements.

- Transition Assessment. The LEA must conduct age-appropriate transition assessment(s) at a minimum in the areas of education, training, and employment, and, where appropriate, independent living.[5] Types of transition assessments include but are not limited to: behavioral assessment information, aptitude tests, interest and work values inventories, personality or preference tests, career maturity or readiness tests, self-determination assessments, work-related temperament scales, vocational assessment, and transition planning inventories.[6]

  The purpose of transition assessment(s) is to provide information to the IEP team in developing and writing practical, achievable, and measurable post-school goals; and assist in the identification of transition services necessary in helping the student reach those

[5] 34 C.F.R. §300.320(b)
[6] National Secondary Transition Technical Assistance Center http://www.nsttac.org/products_and_resources/tag.aspx

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goals. The transition assessment must be conducted prior to the student reaching age 16 and before the development of the post-school goals and transition services in the student's IEP. The transition assessment must support each post-school goal and provide information regarding the student's needs, strengths, preferences, and interests. The LEA must ensure transition assessments are an ongoing process of collecting data that adequately captures the student's current reading, math, and communication ability, needs, preferences, and interests. The transition assessment should indicate, at a minimum, the following:

1. What the student would like to do beyond secondary school (e.g., further education or training, employment, military, continuing or adult education);

2. Where the student would like to live (e.g., dorm, apartment, family home, group home, supported or independent living);

3. How the student would like to take part in his/her community (e.g., transportation, recreation, community activities, etc.).

- Transition Goals. Beginning no later than the first IEP to be in effect when the student turns 16, or younger if determined appropriate by the IEP team, and updated annually, the IEP must contain:

1. Appropriate measurable postsecondary goal(s) based upon age-appropriate transition assessments related to:

    a. Education,
    b. Training,
    c. Employment after high school, and
    d. Independent Living Skills (when appropriate[7]);

2. Transition services, including appropriate courses of study, needed to assist the student in reaching the stated postsecondary goals; and

3. A statement of needed transition services for the student, including, when appropriate, a statement of the interagency responsibilities or any needed linkages.[8]

[7] It is up to the student's IEP team to determine whether IEP goals related to the development of independent living skills are appropriate and necessary for the student to receive FAPE.
[8] 34 C.F.R. §300.320(b)

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Failure to provide transition services. If a participating agency, other than the LEA, fails to provide the transition services described in the IEP and in accordance with IDEA requirements, the LEA must reconvene the IEP team, or amend the IEP to identify alternative strategies to meet the transition goals.[9]

- Coordinated Set of Activities. The IEP team must consider in the development of the IEP, a coordinated set of activities to assist the student in reaching his/her post-school goals. Specifically, the activities must be based on the individual student's needs, taking into account the student's preferences and interests. Furthermore, the IEP team must consider:

    1. If the student is younger than 18 years of age, appropriate parental involvement in the student's transition;
    2. If the student is at least 18 years of age, appropriate parental involvement in the student's transition, if the parent is invited to participate by the adult student or the LEA;
    3. A functional vocational evaluation and training;
    4. Acquisition of daily living skills, if appropriate;
    5. Any postsecondary education options;
    6. Integrated employment, including supported employment;
    7. Independent living goals and objectives;
    8. Continuing and adult education;
    9. Adult services;
    10. Appropriate circumstances for referring a student or the student's parents to a governmental agency for services.

- IEP Team. The LEA is responsible for ensuring each student with a disability has in place appropriate, measurable, post-school goals by age 16. To ensure the student's transition goals are relevant and individualized and to the extent appropriate, the LEA must invite a representative from the District of Columbia Rehabilitation Services Administration (DC RSA) and other public agencies that are likely to be responsible for providing or paying for transition services.[10] The parents, or adult student, must provide consent for the LEA to invite any such agencies.[11] In addition, the LEA must invite the student to the IEP team meeting and document the measures it has taken to invite the student.[12] If the student is

[9] 34 C.F.R. §300.324(c)
[10] 34 C.F.R. §300.321(b)(3)
[11] 34 C.F.R. §300.321(b)(3)
[12] 34 C.F.R. §300.321(a) and (b)(1) and 34 C.F.R. §300.322(a)(2)(B)

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unable to attend, the LEA must take other steps to ensure the student's preferences and interests are considered.[13]

Parental consent (or consent by an adult student) must be obtained before personally identifiable information is released to officials of participating agencies that provide or pay for transition services[14] to ensure the protection of confidentiality of any personally identifiable data, information and records collected or maintained by the LEA. Although the LEA has the responsibility to invite (after receiving parent or adult student consent) individuals from other agencies, the LEA does not have the authority to require the other agency representative to attend the IEP meeting.

- Summary of Performance. A Summary of Performance (SOP) is required under the reauthorization of IDEA of 2004 and should be provided to the student no later than 60 days prior to graduation or the age at which the student exceeds the District of Columbia's age eligibility for Free Appropriate Public Education (FAPE);[15] the LEA must ensure each student is provided, at no cost, a SOP. The SOP must include a summary of the student's academic achievement, cognitive, and functional performance; and recommendations on how to assist the student in meeting his/her post-school goals.[16] The information provided in the SOP and accompanying documentation is important to assist the student in establishing eligibility for reasonable accommodations and supports in postsecondary settings and other public agency programs. Typically, an IEP and/or SOP alone are not sufficient documentation of a disability; therefore, accompany documentation such as a psychological or neuropsychological report (no more than three years old) is recommended and should be included. The SOP is most useful when the student (and parents when appropriate if the student is 18 years or older) has the opportunity to actively participate in the development of the document.

- Prior Written Notice. Prior to the student completing the last semester of secondary school in which he/she is expected to graduate with a diploma or a certificate of completion, the LEA must provide the student (if over age 18) AND the parents with a Prior Written Notice (PWN) of the discontinuation of services at the end of the school year. The PWN must clearly state that the student will no longer be entitled to receive special education services from the LEA.[17]

[13] 34 C.F.R. §300.321(b)(2), 5 DCMR 3003.4(b)
[14] 34 C.F.R. §300.622(b)(2)
[15] 5 DCMR 3000
[16] 20 U.S.C. 1414(c); 34 C.F.R. §300.305(e)(3)
[17] 34 C.F.R. §300.102(a)(3)(iii)

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- Transfer of Rights at Age of Majority. Beginning not later than one year before the student reaches the age of 18 (except for a student who has been determined to be incompetent under District of Columbia Law)[18]; the LEA must provide notice to both the student and the student's parents of the rights under Part B of IDEA that will transfer to the student upon reaching the age of 18. Additionally, the student's IEP must include a statement that the student and parents have been informed.[19] When the student reaches 18, the LEA must provide notice to the student and the student's parents of the transfer of rights as part of the procedural safeguards.[20] The rights regarding educational records must also be transferred to the student and the LEA must include a statement indicating such transfer in the notice. [21]

- Data Collection Requirements. The OSSE is responsible for administering within one (1) year of leaving high school a follow up survey for each student who had an IEP and is no longer in secondary school.[22] Each LEA is responsible for providing the OSSE accurate demographic information prior to the student graduating or exiting high school.

- Monitoring and Compliance. Each LEA must certify and provide to the OSSE no later than July 31 of the current year, the total number of youth with IEPs aged 16 and above which had appropriate transition goals and services as outlined in this policy, DCMR, and IDEA.

Compliance and Monitoring

The U.S. Department of Education's Office of Special Education Programs (OSEP) requires that every State Education Agency to monitor LEAs to ensure compliance with IDEA Part B, including timely evaluations and reevaluations.[23] A finding of LEA noncompliance by the OSSE results in the requirement to submit an improvement plan containing corrective actions for each area of noncompliance. The OSSE may also recommend or require training and technical assistance to LEA staff when crafting corrective actions. All items of noncompliance must, by federal law, be corrected within one year of the finding; sustained noncompliance by an LEA may result in sanctions that include potential withholding of Part B grant funding.[24]

Further Guidance, Training and Technical Assistance

[18] 34 C.F.R.§300.520(a)(1)(ii); 5 DCMR 3023
[19] 34 C.F.R.§300.320(c)
[20] 34 C.F.R.§300.520(a)
[21] 34 C.F.R. §§300.613 through 300.624; 34 C.F.R.§ 300.625(c)
[22] National Dissemination Center for Children with Disabilities: www.nichcy.org
[23] 34 C.F.R. §300.600
[24] 34 C.F.R. §300.604(a)

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The OSSE is committed to ensuring that LEAs have the knowledge base and tools to conduct timely and appropriate evaluations and reevaluations. The OSSE will conduct activities to support LEA compliance, including, but not limited to:

- Clear written guidelines for schools on this issue, containing specific scenarios and examples; answers to frequently asked questions; and clarity concerning the use of the State Special Education Data System (SEDS) to document evaluations and reevaluations.

- In-person professional development for school personnel to ensure knowledgeable implementation.

If you have questions or concerns regarding this Memorandum, please contact Amy Maisterra, Chief of Staff, Department of Special Education, at (202) 481-3870, or by e-mail at amy.maisterra@dc.gov.

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