

**Improve Your Transition Position**

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"You're right. It's not much of a mission statement."

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<https://www.ksbschoollaw.com/calendar/>




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**What's the Plan?**

- Overview of Transition Obligations
- Procedural Requirements for Transition
- Substantive Requirements
- Implementation Issues
- Other Interesting Transition Issues

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### The Transition Regulations



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### 34 C.F.R. 300.320(b)(1), (2)

- Beginning no later than the 1st IEP in effect when the child turns 16, or younger if determined appropriate, the IEP must include:
  - Appropriate measurable postsecondary goals based upon age-appropriate transition assessments related to training, education, employment and where appropriate, independent living skills; and;
  - The transition services (included courses of study) needed to assist the child in reaching those goals

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### Age 16

- South Dakota requires transition services beginning at age 16
  - Federal regulations allow states to require a younger age for transition services
- GAO asking for age to be lowered to 14 again. "Youth with Autism: Federal Agencies Should Take Additional Action to Support Transition-Age Youth," GAO-17-352 (May 4, 2017)

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**Definition of Transition Services**  
34 C.F.R. 300.43

- Services that the IDEA requires districts to provide to help transition special education students from school to post-school programs.
- May also be special education if provided as specially designed instruction, or a related services, if required to assist a child with a disability to benefit from special education.

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**Regulations contemplate transition to:**  
34 C.F.R. 300.43

- Postsecondary education
- Vocational education
- Integrated employment (including supported employment)
- Continuing and adult education
- Adult services
- Independent living OR
- Community participation

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**Geographic Realities for Rural Schools**




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**Letter to Bereuter,  
20 IDELR 536 (OSERS 1993)**

"What if community experiences, the development of employment, and other post-school adult living objectives are impossible to deliver on due to demographics, location, or lack of facilities, i.e. potential employers (their liability position) or to do so intrudes on the source available to another school (neighboring larger town and school)?"

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**Letter to Bereuter,  
20 IDELR 536 (OSERS 1993)**

- "It does not appear that the factors described in your constituent's inquiry would be sufficient to relieve a public agency of its obligation to ensure that needed transition services are provided in these areas. 34 CFR § 300.346(b)(1)."
- I.e.: impossibility is not a defense

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**In re Student with a Disability  
70 IDELR 212 (MT SEA 2017)**

- Student with cognitive delays
  - Graduated with regular high school diploma
  - Accepted at a local community college
  - Job at assisted living facility
- Parents challenging adequacy of student's postsecondary transition plan
  - No drivers license
  - Can't ride bike
  - Limited functional math

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**In re Student with a Disability  
70 IDELR 212 (MT SEA 2017)**

- Montana SEA:
  - Independent living skills not required in every IEP, only as team feels appropriate
  - "Being able to live independently is not the test for whether transition services are appropriate."
  - Appropriate transition doesn't mean student will never need help from family or others
  - Student had consistently wanted to attend community college for social work or LPN

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**In re Student with a Disability  
70 IDELR 212 (MT SEA 2017)**

- Montana SEA:
  - "Although Student may still exhibit some difficulties now and into the future, that does not mean that Student's transition services were inadequate or inappropriate. The transition plan developed for Student addressed training, education, employment and independent living taking into consideration Student's interests."

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**Procedural Requirements  
Related to Transition**




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**Procedural Requirements  
Related to Transition**

- Notice of Meeting
- Participants
- Required Elements of IEP

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**Notice of the Meeting  
34 CFR 300.322 (b)(2)**

- Notice must indicate:
  - that a purpose of the meeting will be the consideration of the postsecondary goals and transition services for the child;
  - that the agency will invite the student;
  - identify any other agency that will be invited to send a representative.

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**Mandatory Participants  
34 CFR 300.321 (a)**

- Parents
- Regular education teacher
- Special education teacher
- Representative of the public agency
- Individual who can interpret the evaluation results
- Other individuals who have knowledge or expertise (at parents'/LEA's discretion)
- Whenever appropriate, the child with a disability.

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34 CFR 300.321 (a)

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**Regular education teacher**  
34 CFR 300.321(a)(2)

“Not less than one regular education teacher of the child (if the child is, or may be, participating in the regular education environment)”

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**Regular education teacher**  
34 CFR 300.321(a)(2)

- R.G. v. New York City Dept. of Ed.*, 62 IDELR 84 (E.D.N.Y. 2013)
- “...inclusion of a general education teacher . . . would not necessarily have led to the formulation of a different IEP. . . . But the teacher would have had the opportunity to provide his or her views about F.G.’s needs and to persuade the other members to consider a general education placement . . .

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**In re Student with a Disability**  
115 LRP 8587 (SEA NY 2014)

- Student attended out-of-district placement from 7-11th grades
- 11th and 12th grade, ½ day at school, ½ at a vocational retail program
- 13th year IEP is subject of this dispute

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**In re Student with a Disability**  
115 LRP 8587 (SEA NY 2014)

- Parents wanted specific vocational program
- School decided to "hand schedule" a program to include internship, community program and reading program/academics
  - Academic program = 9 periods a day
  - Retail program = 5 periods a day
  - Internship = 2-3 periods a day

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**In re Student with a Disability**  
**115 LRP 8587 (SEA NY 2014)**

- Parents privately placed and sued for tuition reimbursement
- State Review Officer
  - The “program ... cannot be reasonably discerned and, as such, the parents did not have an adequate opportunity to make an informed decision as to its appropriateness prior to making a placement decision.”

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**In re Student with a Disability**  
**115 LRP 8587 (SEA NY 2014)**

- State Review Officer
  - “IEP team “was not properly composed in that neither the regular education teacher nor the special education teacher, who attended the meeting, were or would be a teacher of the student and that such violation further deprived the parents the opportunity to meaningfully participate in the development of the student’s IEP.”

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**Special education teacher**  
**34 CFR 300.321(a)(3)**

- “Not less than one special education teacher of the child, or where appropriate, not less than one special education provider of the child”

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**Hewlett-Woodmere Union Free Sch. Dist.**  
117 LRP 50305 (SEA NY 2017)

- Student OHI, migraines, anxiety, ADHD
  - Homebound instruction for junior year
  - School proposing return to neighborhood school for senior year
  - Special education teacher from school attended at "special education teacher of the child."
- Family:
  - Wrong special education teacher
  - Inadequate transition assessment

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**Hewlett-Woodmere Union Free Sch. Dist.**  
117 LRP 50305 (SEA NY 2017)

- SEA
  - Teacher at meeting would have been implementing IEP "would be familiar with the types of accommodations available to students of similar needs within a 15:1+1 special class.
  - Person who administered transition assessment did not have to be at meeting

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**Individual who can interpret evaluation**  
34 CFR 300.321(a)(5)

- "An individual who can interpret the instructional implications of evaluation results, who may be a member of the team described in paragraphs (a)(2) through (a)(6) of this section."

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**Bellflower Unif. Sch. Dist.,  
69 IDELR 196 (SEA Cal. 2017)**

- Student with ASD and ID
  - Student on track to graduate with diploma
  - Student said transition testing was "pointless"
  - Assessment indicated possible careers as a "costume designer...or taxidermist"
- Transition plan listed two goals: attend community college and get a job
- Mother wanted student to learn adaptive and functional skills

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**Bellflower Unif. Sch. Dist.,  
69 IDELR 196 (SEA Cal. 2017)**

- Staff:
  - can't get life skills on diploma track
  - can't change off diploma track without school psychologist

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**Bellflower Unif. Sch. Dist.,  
69 IDELR 196 (SEA Cal. 2017)**

- Administrative Law Judge
  - Student's medical professionals uniformly stated he would not have sufficient adaptive living skills
  - "diploma bound students can also be deficient in adaptive, functional living skills that hamper them from pursuing a transition's plans post-secondary goals."
  - If needed school psych to change tracks, she should have been at meeting

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**Bellflower Unif. Sch. Dist.,  
69 IDELR 196 (SEA Cal. 2017)**

- Awarded new IEE, compensatory education which the student could access "even after graduation"

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**Baltimore County Pub. Sch.  
118 LRP 33376 (SEA MD 2018)**

- Student on autism spectrum
- Notice of meeting included transition
- SEA Complaint about participants and notice of meeting
- Participant list
  - Included school psych (who did not attend)
  - Did not include transition coordinator (who later came into meeting)

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**Baltimore County Pub. Sch.  
118 LRP 33376 (SEA MD 2018)**

- School Psych
  - Not required to be at this meeting as not required to review the IEP
  - Not a violation to have a listed participant not attend meeting unless the staff member is a mandatory participant

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**Baltimore County Pub. Sch.  
118 LRP 33376 (SEA MD 2018)**

- Transition Coordinator
  - Not required member of the team, not anticipated to be at team and therefore not required to be listed on invitation
  - “This office finds no legal authority for the assertion that the complainant’s approval was required in order for a member of the school staff to be consulted by the IEP team in order to address concerns he raised in the meeting”

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**Other Individuals  
34 CFR 300.321(a)(6)**

- At the discretion of the parent or the agency, other individuals who have knowledge or special expertise regarding the child, including related services personnel as appropriate

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**The Child  
34 CFR 300.321(a)(7)**

- District must invite the child with the disability to attend the transition planning meeting
- If child does not attend the IEP meeting, the district must ensure that the child’s preferences and interests are considered.
  - 300 C.F.R. 300.21

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**Gibson v. Forrest Hills Sch. Dist.**  
**62 IDELR 261 (S.D. Ohio 2014)**

- Multiply disabled student
- Relationship between school and parents acrimonious
- District did not invite student to meeting because they were concerned about student's ability to tolerate a lengthy, contentious IEP meeting

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**Gibson v. Forrest Hills Sch. Dist.**  
**62 IDELR 261 (S.D. Ohio 2014)**

- Hearing Officer:
  - Found procedural violation but did not order a remedy because of parents' responsibility for the poor relationship
- State Level Review Officer
  - District provided FAPE, so procedural error harmless
  - Parents were included as meaningful participants

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**Gibson v. Forrest Hills Sch. Dist.**  
**62 IDELR 261 (S.D. Ohio 2014)**

- District Court:
  - District violated requirement to invite the student to the meeting discussing postsecondary goals
  - Procedural violation might have been harmless if school had solicited student's input on her preferences and interests
  - District did not
    - Talk to student on her level about jobs
    - Take her to job shadow or assist
    - Conduct assessments

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**Baltimore County Pub. Sch.**  
118 LRP 33376 (SEA MD 2018)

- Student on autism spectrum
- Notice of meeting included transition
- Invitees included dad and student
  - School does not automatically go get kid from class to attend IEP meetings
  - School says it defers to parents' preference re whether student be brought out of class to meeting
  - Dad did not ask for student
  - Transition coordinator interviewed student

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**Baltimore County Pub. Sch.**  
118 LRP 33376 (SEA MD 2018)

- State Ed Complaint:
  - Student not at IEP meeting
  - Transition plan not created by person who actually interviewed student
- SEA:
  - Student invited to meeting as required
  - Student's preferences and interests communicated to team
  - IDEA doesn't require interviewer to be in meeting

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**Outside Agency**  
34 CFR 300.21

- The district must invite the representative of any participating agency that will be responsible for providing or paying for transition services
- Must seek consent **every time** district wishes to invite an agency representative to an IEP meeting. *Letter to Gray*, 50 IDELR 198 (OSEP 2008).

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**Outside Agency**  
34 CFR 300.21

- *Letter to Caplan*, 50 IDELR 168 (OSERS March 17, 2008)
  - No rule for when to include outside agency
  - "The decision of whether it would be appropriate to invite other agencies rests with the public agency and the parents or the child who has reached the age of majority..."
  - "... provided that the parents or the child who has reached the age of majority consents to the invitation..."

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**Documenting a Transition Plan**

- No specific format required
- Checklist not enough

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**Mason City Community Sch. Dist.**  
21 IDELR 241 (SEA Iowa 1994)

- Multiply disabled student
- School attempted to graduate based on checklist
- Transition planning inadequate

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**Required Contents of IEP**  
34 CFR 300.320(a)

- PLEP or PLOP
- Measurable annual goals
- How progress will be measured
- Statement of services and supplementary aids
- Extent child will not participate in mainstream
- Accommodations on assessments
- Start date and duration of services
- Transition services
- Transfer of rights at age of majority

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**"PLEP" or "PLOP"**  
34 CFR 300.320(a)(1)




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**"PLEP"**  
**34 CFR 300.320(a)(1)**

- A statement of the child's present levels of academic achievement and functional performance, including--
  - (i) How the child's disability affects the child's involvement and progress in the general education curriculum (i.e., the same curriculum as for nondisabled children); or
  - (ii) For preschool children, as appropriate, how the disability affects the child's participation in appropriate activities;

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**Avon Grove Sch. Dist.**  
**117 LRP 31502 (SEA Penn. 2017)**

- 19 year old student with ASD
  - Extremely skilled in tech
- 13th year:
  - IEP set goals of "improving self-advocacy and emotional control"
- Served as student aid to tech teacher
  - Maliciously hacked into school's server
  - School suspended for 10 days; revoked tech privileges

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**Avon Grove Sch. Dist.**  
**117 LRP 31502 (SEA Penn. 2017)**

- Parents claimed denial of FAPE
- Hearing officer:
  - Revocation of tech privileges = change in placement
  - District would need "highly skilled paraeducator" to monitor student
  - Difficulty in implementing doesn't excuse need for transition services

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**Avon Grove Sch. Dist.**  
**117 LRP 31502 (SEA Penn. 2017)**

▪Hearing officer:  
 •Self-advocacy and emotional regulation goals had “no meaningful baselines”  
 •The “chosen methods of monitoring Student's progress on the goals relating to anxiety/emotional responses and self-advocacy were not based on objective measurement”

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**Avon Grove Sch. Dist.**  
**117 LRP 31502 (SEA Penn. 2017)**

▪Hearing officer:  
 •“Without any means to understand whether Student was making progress on these goals, this hearing officer concludes that Student was denied FAPE in these areas, and compensatory education shall be awarded for that deprivation.”

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**In re Student with a Disability**  
**117 LRP 20565 (SEA III. 2017)**

▪Student graduated, parents filed for due process alleging he was improperly graduated

- PLEP
  - Identified independent living skills “as needed”
  - Did not address student's vocational interview or ability to meet interest in attending community college and own a business
- Transition goals:
  - Only 2: tour a community college; set other goals
  - Did not include present levels
  - Were not individualized

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**In re Student with a Disability  
117 LRP 20565 (SEA III. 2017)**

"The Student expressed a desire to attend community college. However, there were no goals or transition services designed to provide increased support in the areas needed for him to pursue enrollment in a community college business program. Further, it was noted that the Student had no competitive vocational experience and he had identified independent living skill deficits. However, the District did not provide the Student with any vocational services nor did it provide any independent living skill assessment, goals, or services. The District failed to provide a transition plan, based upon age-appropriate transition assessments, to facilitate the Student's movement from school to post-secondary education, employment, and independent living and thus denied him FAPE."

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**In re Student with a Disability**  
**117 LRP 20565 (SEA III. 2017)**

▪"The Student is a 20-year old male who graduated from high school May 25, 2014. The Student currently lives with his mother and grandmother. He is not prepared to go to college, does not leave his home much, does not socialize with friends, does not drive and does not know how to take public transportation."

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**In re Student with a Disability**  
**117 LRP 20565 (SEA III. 2017)**

- Remedy:
  - Did not rescind diploma
  - Ordered compensatory education
  - Placed student at a private therapeutic day school for post-secondary students for two years at district's expense

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**Measurable Annual Goals**  
34 CFR 300.320(a)(2)

- A statement of measurable annual goals, including academic and functional goals designed to—
  - (A) Meet the child's needs that result from the child's disability to enable the child to be involved in and make progress in the general education curriculum; and
  - (B) Meet each of the child's other educational needs that result from the child's disability;

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**Douglas County Sch. Dist.**  
118 LRP 4601 (SEA Colo. 2017)

- Student is SLD writing, attends charter school
  - Staff all felt student needed to learn to advocate for himself, rather than relying on mom
  - "no goals identified to assist Student to learn these goals."

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**Douglas County Sch. Dist.  
118 LRP 4601 (SEA Colo. 2017)**

▪Transition

- "...the Post-Secondary Transition Plan remained virtually identical [prior] IEP. "
- The plan identifies Student's area of interest in the area of Information Technology.
- "...there are no updates on what, if anything, has been achieved during this one year time period to support Student achieving his post-secondary goals, including researching concurrent enrollment opportunities..."

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**Progress Measures and Reports  
34 CFR 300.320(a)(3)**




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**Progress Measures and Reports  
34 CFR 300.320(a)(3)**

- A description of--
  - (i) How the child's progress toward meeting the annual goals described in paragraph (2) of this section will be measured; and
  - (ii) When periodic reports on the progress the child is making toward meeting the annual goals (such as through the use of quarterly or other periodic reports, concurrent with the issuance of report cards) will be provided;

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**Letter to Pugh,  
69 IDELR 135 (OSEP Jan. 18, 2017)**

- Must report on progress toward **transition goals**
- No requirement to report on **transition services**

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**Substantive Requirements for Transition Plans and Services**



A cartoon showing a man and a woman standing next to a stack of books. The man is speaking to the woman. A speech bubble from the man says: "OUTCOMES?...normally we just measure the height of the files!"

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**Substantive Requirements**

- Postsecondary Education Track
- Career/Trade Track
- Life Skills

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### Postsecondary Ed.



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### Kid With Clear Career and Educational Path

STATE UNIVERSITY



"I'm majoring in political science and minoring in ballet — I want to be a spin doctor."

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### In re: Student with a Disability 70 IDELR 30 (SEA SD 2017)

- Gifted student with SLD
- Heavy academic and extracurricular load
- Family asked to "try it" without services for first 5 weeks
  - Upset when teachers didn't know about IEP
  - FERPA issues
  - Also alleged transition planning inadequate

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**In re: Student with a Disability  
70 IDELR 30 (SEA SD 2017)**

- South Dakota SEA:
  - Must implement IEP with fidelity once it is written and adopted
  - FERPA issues
    - Teachers had legitimate interest
    - Coach had legitimate interest
    - Statements in front of peers wrong
  - Transition:
    - School entitled to defer to clear career goals
    - Services listed in plan are appropriate

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**K.C. v. Mansfield Indep. Sch.  
52 IDELR 103 (N.D. Tex. 2009)**

- Student with Williams Syndrome
  - Student interested in music but music was not included in transition plan or services
  - Instead school placed her in career prep activities in area of child care, fashion
  - Parents privately enrolled in residential placement that provides functional living skills training and music education

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**K.C. v. Mansfield Indep. Sch.  
52 IDELR 103 (N.D. Tex. 2009)**

- School:
  - 9th grade, K.C. participated in choir but fear of jeopardizing the choir's performance at contest
  - 10th grade transported to choir program in neighboring HS; received failing grades for each grading period because she could not read music
  - 11th grade placed in "Ready, Set, Teach" to assist a music teacher with kindergarten students; program proved inappropriate for K.C. and she was removed from it

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**K.C. v. Mansfield Indep. Sch.  
52 IDELR 103 (N.D. Tex. 2009)**

- Hearing officer:
  - K.C.'s skill scores were highest in child development, fashion, and child care.
  - K.C.'s interest scores were also highest in these areas.
  - K.C. also had a high interest score in the area of performing arts, but her skill score in this area was in the "very low" range.
  - Transition plan and services appropriate

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**Kid without Clear Career  
and Educational Path**




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**Rogers v. Hempfield Sch. Dist.  
73 IDELR 7 (E.D. Penn. 2018)**

- Student with ASD
  - Throughout high school received transition-related graduation project
  - Very anxious about life after high school; changed mind constantly
  - Teacher: very suggestible
  - IEP: "student may attend community college post-graduation" but is "unsure of .. How he would like to be employed in the future" and "he changes is mind and is influenced easily..."

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**Rogers v. Hempfield Sch. Dist.**  
73 IDELR 7 (E.D. Penn. 2018)

- Did not graduate after 12th grade; enrolled in school-to-work program
- At end of 13th year, parents asked that student be enrolled at local college
  - School:
    - he can't enroll without a diploma
    - Didn't offer graduation because hadn't met banking and anxiety management goals
    - Offered dual enrollment

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**Rogers v. Hempfield Sch. Dist.**  
73 IDELR 7 (E.D. Penn. 2018)

- Parents enrolled in college without diploma in program designed for ID students
- School tried to serve; student refused
- Student flourished
- 14th year: student and parent didn't attend IEP meeting

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**Rogers v. Hempfield Sch. Dist.**  
73 IDELR 7 (E.D. Penn. 2018)

- Parents filed due process seeking tuition reimbursement
- Hearing officer:
  - District appropriately planned and provided transition services
  - The goals were "measurable, with defined goals for employment and education, but also reflect Student's indecision regarding his post-secondary goals."

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**S.G.W. v. Eugene Sch. Dist.,  
69 IDELR 181 (D. Ore. 2017)**

- High school student with ASD
- Transition goals:
  - learning skills related to a job in the law, acquiring a part-time job in a legal office, and learning to cook, maintain an apartment, and make a budget
  - Goals were not based on age appropriate transition assessments, but only on a single interview with student

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**S.G.W. v. Eugene Sch. Dist.,  
69 IDELR 181 (D. Ore. 2017)**

- Transition services:
  - Student would take two "transitions" classes (finance and career), participate in a career day, and visit a local community college
  - These courses are generally available to all students and thus not individualized to meet student's needs

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**S.G.W. v. Eugene Sch. Dist.,  
69 IDELR 181 (D. Ore. 2017)**

- Transition implementation:
  - Student never took the career transitions class
  - Unclear whether she visited the community college
  - All student did was a single career day, which was appropriate but inadequate
- School:
  - student chose to take other classes
  - If she had taken class, she would have taken transition assessments that would have informed the development of transition goals and services.

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**S.G.W. v. Eugene Sch. Dist.,  
69 IDELR 181 (D. Ore. 2017)**

- Court:
  - School is attempting to place the blame for any transition services deficiency on student
  - although the IDEA does not mandate any particular transition assessment tool, a student interview, without more, is insufficient.
  - Transitions classes available to all students could be a part of transition services; but can't be a one-size-fits-all.

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**Life Skills Transition Goals**



"My dad's teaching me how to mow the lawn, fish, and use the grill. I'm teaching him how to Google, text, and use an iPod."

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**Geniviva v. Hampton Twnshp. Sch. Dist.  
72 IDELR 57 (W.D. Penn. 2018)**

- 21-year-old student with Down Syndrome and expressive language disorder
  - Throughout high school, parents sought to focus on student's academics and not functional life skills
  - School gave in philosophically on that preference
  - After certificate of completion, insisted on placement in life skills classes

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**Geniviva v. Hampton Twnshp. Sch. Dist.**  
**72 IDELR 57 (W.D. Penn. 2018)**

- Parents enrolled in ID program at local university and sued for tuition reimbursement
  - Argued high school classroom was not LRE
  - What is a "peer" under LRE?
- Hearing Officer:
  - Placement appropriate

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**Implementation Issues**



"To get what you want, first create a list of compelling and meaningful goals. Next, draft a dynamic plan of action, then follow through with consistent maximum effort. If that doesn't work, just cry and point."

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**Implementation of Transition Services**  
**34 C.F.R. 300.18(b)(2)**

- Transition statement must include three areas:
  - Instruction
  - Community experiences
  - Development of employment and other post-school living objectives
- Must include, where appropriate the acquisition of
  - Daily living skills and
  - Functional vocational evaluation

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**Gallup-McKinley County Schs.**  
108 LRP 21191 (SEA NM 2007)

- Transition plan placed most responsibility for transition planning on outside agencies and on family
- Few responsibilities given to staff not carried out
- “It is not the parents’ responsibility to prod the district staff into action to ensure implementation”

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**Joaquin v. Friendship Pub. Charter Sch.**  
188 F. Supp. 3d 1 (D.D.C. 2016)

- Student with ADHD excessively absent
- Weekly schedule did not indicate that he received any of his IEP-mandated transition services
- Parent filed for due process

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**Joaquin v. Friendship Pub. Charter Sch.**  
188 F. Supp. 3d 1 (D.D.C. 2016)

- School’s defense: even if we had implemented transition perfectly, student was gone so much he would not have benefitted from the services
- H.O.: procedural error no FAPE denial
- District Court:
  - IDEA only concerned with whether services were provided, not with whether student would have benefitted.

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**Joaquin v. Friendship Pub. Charter Sch.**  
**188 F. Supp. 3d 1 (D.D.C. 2016)**

- “To hold otherwise would be to transform the IDEA into a protector of outcomes rather than opportunities; just as a plaintiff cannot prevail on a claim that a duly formulated and implemented IEP brought about no actual educational progress, the IDEA does not recognize a defense that the proper implementation of an IEP provision would have yielded no incremental benefit.”

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**Hempfield Area Sch. Dist.**  
**71 IDELR 179 (SEA Penn. 2017)**

- Student with ASD and OHI Crohns
  - Difficulty with expressive language, appropriately expressing emotion nonverbally and social skills (but not behavior)
  - Placed in vocational technical program “in line with student’s career interest”
- Voc-tech Program
  - ½ day in classroom, ½ in open area
  - Sometimes kids in both areas
  - Teacher circulates

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**Hempfield Area Sch. Dist.**  
**71 IDELR 179 (SEA Penn. 2017)**

- Voc-Tech Teacher knew of IEP but not all specific social deficits
- Unknown to school student bullied at voc-tech program
  - Bathroom issues
  - Food issues
  - Backback and property
- Student posts threats on social media and later commits acts of self-harm

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**Hempfield Area Sch. Dist.  
71 IDELR 179 (SEA Penn. 2017)**

- School removes from voc-tech, replaces transition services with school-based experiences
- Parents sue for comp ed for time student was in voc-tech
- School: no deliberate indifference because no knowledge

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**Hempfield Area Sch. Dist.  
71 IDELR 179 (SEA Penn. 2017)**

- Hearing Officer:
  - “There can be no doubt on this record that the bullying to which Student was subject resulted in substantial restriction of Student’s opportunities for learning ... and thus amounted to a denial of FAPE for which compensatory education will be awarded.”
  - “The District’s lack of knowledge notwithstanding, student has clearly been denied FAPE with respect to post-secondary transition services....”

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**Random Grab-Bag**




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**District of Columbia Pub. Sch.  
117 LRP 34551 (SEA DC 2017)**

- Student with ED, OHI ADHD
- Significant behavior issues, along with suspensions and truancy
- Refuses to fill out interest assessments, would not participate in transition interview
  - School made phone calls, in person communication
- Mother files for due process alleging failure to provide FAPE

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**District of Columbia Pub. Sch.  
117 LRP 34551 (SEA DC 2017)**

- "Although the update of the IEP required that a transition plan be included in the IEP and that the transition plan be based on an assessment of the student, and there was evidence that the student refused to complete the assessment, these factors do not excuse School's failure to convene an annual IEP review meeting [with a transition plan included]."

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**Benicia Unif. Sch. Dist.  
118 LRP 2930 (SEA Cal. 2018)**

- 21-year-old student with macrocephaly and cognitive impairments
- School proposes to issue diploma after student achieves sufficient credits and meets goals (January, 2016 = 13th year)
  - GPA 3.229
  - Successful job experiences
  - Student aid in elementary classroom

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**Benicia Unif. Sch. Dist.  
118 LRP 2930 (SEA Cal. 2018)**

- Parents refuse to agree to graduation; ask for IEE
  - School refuses because not eligible for special ed
- File due process and seek stay put
  - School refuses to meet
  - Sent student diploma (parents sent back)

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**Benicia Unif. Sch. Dist.  
118 LRP 2930 (SEA Cal. 2018)**

- School ultimately wins
- But family obtaining 2 years of additional services through foot-dragging and stay put

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**Failure of participating agency to provide transition services**

(c) *Failure to meet transition objectives* —(1) *Participating agency failure.* If a participating agency, other than the public agency, fails to provide the transition services described in the IEP in accordance with § 300.320(b), the public agency must reconvene the IEP Team to identify alternative strategies to meet the transition objectives for the child set out in the IEP.

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### Questions?



"While I appreciate your input, what I really need from you is some output."

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