

Special Education

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Individuals with Disabilities Education Act 2004 (IDEA)

- Website: (<http://idea.ed.gov/explore/home>)
- **20 U.S.C.A. § 1400 et seq.**

IDEA governs how students identified as having qualified disabilities are educated and disciplined...
- **20 U.S.C.A. § 1401(34): Transition Services Defined**

“The term ‘transition services’ means a coordinated set of activities for a child with a disability that—

 - 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 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 post-school adult living objectives, and, when appropriate, acquisition of daily living skills and functional vocational evaluation.”
- **20 U.S.C.A. § 1414(d)(1)(A): Individualized education program**

(i) “In general: The term ‘individualized education program’ or ‘IEP’ means a written statement for each child with a disability that is developed, reviewed, and revised in accordance with this section and that includes” . . .

 - **20 U.S.C.A. § 1414(d)(1)(A)(i)(VIII): Individualized Transition Plan (ITP) as part of the student’s Individualized Education Plan (IEP)**
 - (VIII) “beginning not later than the first IEP to be in effect when the child is 16, and updated annually thereafter-
 - (aa) appropriate measurable postsecondary goals based upon age appropriate transition assessments related to training, education, employment, and, where appropriate, independent living skills;
 - (bb) the transition services (including courses of study) needed to assist the child in reaching those goals; and
 - (cc) beginning not later than 1 year before the child reaches the age of majority under State law, a statement that the child has been informed of the child's rights under this

chapter, if any, that will transfer to the child on reaching the age of majority under section 1415(m) of this title.”

Code of Federal Regulations

- Website: (<http://idea.ed.gov/explore/home>)

Transition Services; Generally 34 C.F.R. § 300.43

- (a) mirrors the definition of transition services set out in 20 U.S.C.A. § 1401(34)
- (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.”

Student’s Participation in ITP planning/Transition Services Participants 34 C.F.R. § 300.321(b): Student’s Participation in ITP planning/Transition Services Participants:

- (1) “. . . 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 . . .”
- (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.”

School District and Participating Agency Responsibilities for Transition Services 34 C.F.R. § 300.324(c)(1)

- Participating agency failure. “If a participating agency . . . fails to provide the transition services described in the IEP . . . 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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Oregon Revised Statutes

- Website: (<http://www.leg.state.or.us/ors/>)

Special Education

- **ORS Chapter 343 (2005)**
definitions/requirements generally mirror IDEA 2004
- **ORS 343.035(18)(b): Special Education Services Include Transition Services**
“Special education’ also includes speech-language services, transition services or other related services designated by rule if it consists of specially designed instruction, at no cost to the parents, to meet the unique needs of a child with a disability.”

Coordinating Special Education Services under IDEA 2004 with DHS/Child Welfare Transitional Planning in Oregon

ORS 419B.343(3); Transitional Services Required under Oregon Juvenile Code

“Any time after a ward attains 14 years of age, if the department determines that it is appropriate, but in no case later than the date the ward attains 16 years of age, the department shall ensure that the case planning in the case addresses the ward’s needs and goals for a successful transition to independent living, including needs and goals related to housing, physical and mental health, education, employment, community connections and supportive relationships.”

Oregon Administrative Rules

- Website: (<http://arcweb.sos.state.or.us/banners/rules.htm>)
- note: new OARs will be finalized in late April 2007, the following notes the old number and new number; proposed amendments align wording with federal regulation, renumber, and update language
- OARs closely mirror federal regulations

Transition Services; Generally new # 581-015-2000, old # 581-015-0005

(35) "Transition services" means a coordinated set of activities for a student with a disability that:

- (a) Is designed within an outcome-oriented process, that promotes movement from school to post school activities, including postsecondary education, vocational training, integrated employment (including supported employment), continuing and adult education, adult services, independent living, or community participation;
- (b) Is based on the individual student's needs, taking into account the student's preferences and interests; and
- (c) Includes:
 - (A) Instruction;
 - (B) Related services;
 - (C) Community experiences;
 - (D) The development of employment and other post school adult living objectives; and
 - (E) If appropriate, acquisition of daily living skills and functional vocational evaluation; and
- (d) 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.

Content of IEP; Transition new # 581-015-220, old # 581-015-0068

For the purposes of transition, the IEP shall include:

- (a) For each student with a disability beginning at age 14 (or younger, if determined appropriate by the IEP team), and updated annually, a statement of the transition service needs of the student under the applicable components of the student's IEP that focuses on the student's courses of study;
- (b) For each student beginning at age 16 (or younger, if determined appropriate by the IEP team), a statement of needed transition services for the student, including, if appropriate, a statement of the interagency responsibilities or any needed linkages; and
- (c) Beginning a least one year before a student reaches age 18, or when the district obtains actual knowledge that within one year the student will marry or become emancipated prior to age 18, a statement that the district has informed the student that procedural rights will transfer to the student upon age 18, marriage or emancipation, which ever occurs first.

Student's Participation in ITP planning/Transition Services Participants new # 581-015-2210, old # 581-015-0066

(2) Transition services participants shall be as follows:

- (a) If a purpose of the meeting is the consideration of transition for a student, the school district shall invite the student. If the student does not attend the meeting, the school district shall take other steps to ensure that the student's preferences and interests are considered.
- (b) If a purpose of the meeting is the consideration of transition services for a student, the school district shall also invite a representative of any other agency that is likely to be responsible for providing or paying for transition services. If an agency invited to send a representative to a meeting does not do so, the school district shall take other steps to obtain the participation of the other agency in the planning of any transition services.

School District and Participating Agency Responsibilities for Transition Services

new # 581-015-2235, old # 581-015-0070

- (1) If a participating agency fails to provide agreed-upon transition services contained in the IEP of a student with a disability, the school district responsible for the student's education shall, as soon as possible, initiate an IEP meeting to identify alternative strategies to meet the transition objectives for the student set out in the IEP and, if necessary, to revise the student's IEP.
- (2) Nothing in this part relieves any participating agency, including a state vocational rehabilitation agency, of the responsibility to provide or pay for any transition service that the agency would otherwise provide to students with disabilities who meet the eligibility criteria of that agency.

Transition and Special Education Resources

Oregon Department of Education (ODE)

- Website: (<http://www.ode.state.or.us>)

Oregon Advocacy Center

- Website: (<http://www.oradvocacy.org>)
- a non-profit organization that offers legal advocacy for people with disabilities, including advice about special education

The Council of Parent Attorneys and Advocates (COPAA)

- Website: (<http://www.copaa.net>)
- Organization of parents, attorneys, and advocates facilitating collaboration between parents and educators to secure high quality education for youth with disabilities
- Website has extensive resource listings and attorney search engine

National Center on Secondary Education and Transition

- Website: (<http://www.ncset.org>)
- “[C]oordinates national resources, offers technical assistance, and disseminates information related to secondary education and transition for youth with disabilities in order to create opportunities for youth to achieve successful futures.”

National Dissemination Center for Children with Disabilities

- Website: (<http://www.nichcy.org/>)
- Includes information about IDEA 2004, No Child Left Behind, educational best practices, and other topics related to youth with disabilities

National Secondary Transition Technical Assistance Center

- Website: (<http://nsttac.org/nsttac/>)
- A website designed to “[t]o assist states to build capacity to support and improve transition planning, services, and outcomes for youth with disabilities.”

National Longitudinal Transition Study

- Website: (<http://www.nlts2.org/>)
- Funded by the U.S. Dept. of Education, this website documents the experience of several teenagers as they move from high school to postsecondary life.