Disability Rights WISCONSIN

The Individuals with Disabilities Education Act and Post-Secondary Transition

A Guide for Students and Parents

This resource is meant to be a general guide for people with disabilities, not legal advice. For legal advice specific to your situation, please talk to an attorney.

Who is Disability Rights Wisconsin?

Disability Rights Wisconsin (DRW) is a non-profit organization that helps people with disabilities in Wisconsin. Our programs give advocacy and legal support to protect the rights of people with disabilities.

You can visit our website at disabilityrightswi.org to learn more about our organization and services.

Disability Rights Wisconsin is a member of the **National Disability Rights Network (NDRN)**. NDRN is a nationwide protection and advocacy network of congressionally mandated disability rights agencies.

Learn more about the network: www.ndrn.org

Introduction

This guide is about post-secondary transition planning for students with disabilities. You will learn about your rights under the Individuals with Disabilities Education Act (IDEA) to help prepare for a successful transition from high school into adulthood.

Individuals with Disabilities Education Act

The **Individuals with Disabilities Education Act (IDEA)** is a federal law that protects students' rights in education and makes sure students with disabilities are given **a free, appropriate public education (FAPE)**.[1] A FAPE means the provision of specially designed instruction, at no cost to parents, that meets the needs of a student with disabilities.[2]

The IDEA safeguards the rights of eligible students with disabilities to get specially designed instruction and related services and supports to meet their unique needs. The purpose of these services is to make sure each student can make academic progress alongside their peers, in their least restrictive environment.

One of the main purposes of the IDEA is to prepare students with disabilities for adulthood including further education, employment, and independent living[3] — which is why transition planning is so important!

What is Transition Planning?

Transition planning is a process that helps you and your family think about your life after high school. It should focus on evaluating your goals, skills, strengths, and needs as you move from high school into adulthood and independent living.

Under the IDEA, transition planning must begin no later than the first Individualized Education Program (IEP) in effect when the student turns 16.[4] However, Wisconsin law requires transition planning to begin no later than in the first Individualized Education Program (IEP) in effect when the student turns 14.[5] If appropriate, the IEP team can decide to start transition planning sooner.

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1 20 U.S.C. § 1400.

2 20 U.S.C. § 1401(9).

3 20 U.S.C. § 1400(d)(1)(A).

4 34 C.F.R. § 300.320(b).

5 Wis. Stat. § 115.787(g)(1).

What are Transition Services?

The term **transition services** means a coordinated set of activities that:

A. is a results-oriented process focused on improving academic and functional achievement of the student to facilitate the student's transition to post-school activities. These post-school activities can include post-secondary education (like a college or university), vocational education, integrated employment (including supported employment), continuing and adult education, adult services, independent living, and community participation.

B. is based on the student's individual needs, taking into account the student'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.[6]

Transition services are to prepare for life after high school. They should support the learning of both academic *and* functional skills.

Transition Tip

You and your parents may be nervous about transition. The process doesn't have to be scary!

If you and your parents work together and focus on your skills, goals, and dreams, transition can be an exciting time. You will grow, learn new skills, and practice independence.

Learn about the transition process early! Knowing your rights will help you get ready for life after high school.

Remember, you and your parents have been preparing for adulthood since day one!

[6] 20 U.S.C. § 1401(34).

Post-Secondary Transition Plan

Transition planning is documented through a **Post-Secondary Transition Plan (PTP)**. The PTP becomes part of your IEP and progress tracking on your transition goals is done through the IEP process.[7] The PTP must have:

1. **Student invite**

2. **Invite to outside agencies**
   (as appropriate), with consent of the parent and/or student.

3. **Measurable Postsecondary Goals**
   based on age-appropriate transition assessments related to:
   - Training or education.
   - Employment.
   - Independent living skills (if appropriate).

4. **Description of transition services**
   including any courses of study the student needs.

You can learn more about Post-Secondary Transition Plan requirements on Wisconsin's Department of Public Instruction (DPI) website: dpi.wi.gov/sped/topics/transition

Post-Secondary Transition Plan Participants

Developing the PTP includes holding a planning meeting. You, the student, are the most important participant at this meeting. If you can't attend, a representative of your interests, like a parent, must be there to discuss transition and develop the plan. The rest of the IEP team will attend the transition planning meeting.

[7] Wis. Stats. § 115.787(2)(g).

Also, people from agencies like the Division of Vocational Rehabilitation (DVR), the Aging and Disability Resource Centers (ADRC), or others might go to the meeting to describe their programs and services, and to discuss eligibility for those services.

Community members or agencies that give or fund transition services can be involved in transition planning. Parents or the district can invite these members.[8]

You and your parents can invite others who know your disability-related needs to the transition planning meeting. Supportive individuals like family, friends, and community members can be helpful.

Your parents can also help with important informal transition-related activities including campus visits, transportation to or from a job site, and exploring adult community service agencies with you.

Student Invite

The **Student Invite** is a formal notice from the school district inviting you and/or your parents to the transition IEP meeting.[9] The invitation must state the purpose of the meeting and identify any outside agencies invited to participate.

Age-Appropriate Transition Assessments

Assessments and evaluations are necessary to guide transition planning. **Age-Appropriate Transition Assessments** include formal and informal assessments and evaluations such as achievement assessments, interest inventories, interviews, and, sometimes, situational on-site work assessments. These assessments are used to determine your level of functioning, identify your strengths and disability related needs, and understand your career interests and post-secondary goals. The information gathered is used to develop your transition goals.

Many Wisconsin schools use different online transition planning programs to help students look at possible career options. Ask your IEP team if your school uses any online planning programs.

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[8] Note: if the district invites the outside agency, the parent, or student if they are 18 years old, must provide written consent for their attendance.

[9] If you are 18 years old, the invite will be sent to you. If you are under 18 years old, the invite will go to your parents, legal guardian, or educational decision maker.

You can learn more about different types of transition assessments through the *National Secondary Transition Technical Assistance Center*: transitionta.org/wp-content/uploads/docs/TransitionAssessmentToolkit_Updated_2023b.pdf

Transition Tip

Assessments don't need to happen all at once; they can be completed gradually over your transition years.

For example, vocational assessments become more relevant the closer you are to graduation.

Transition Tip

Keep your interests and goals at the center of transition planning!

Encourage consideration of all possible jobs, careers, or positions within your preferences. Identify what you like about your chosen future interests and explore any possibilities within that field.

Post-Secondary Transition Goals

Post-secondary transition goals are a key part of the transition plan. The PTP must have post-secondary transition goals for academic progress, vocational or employment skills, and independent living skills.

Some examples of post-secondary goals include: attend a college, university, or technical school; complete a certification program; participate in vocational training; pursue post-secondary employment; receive on the job training with a job coach; participate in a humanitarian program; or enlist in the military.

Existing IEP goals: You should continue to make progress on your existing IEP goals and transition goals at the same time. The purpose of transition goals is to enhance the skills you've been working on and add to them, recognizing that different skills may be needed for independence. IEP and transition goals may overlap or change over time!

Tips for preparing for the Transition Planning Meeting

1. Schedule the transition planning meeting separately from an IEP meeting. Scheduling a separate transition meeting will prevent the team from rushing through your annual IEP meeting, giving everyone more time to address your transition needs.
2. Ask for a copy of the drafted PTP before the meeting. Be sure to look over all parts of the drafted PTP and note anything that's missing and any concerns or questions you have. Be ready to share your questions and concerns with the team before or during the meeting.
3. Write down any questions. Writing down all the questions you have about the IEP, PTP, or transition process will help during discussions with the IEP team. A full IEP meeting is not required when seeking general information, but you may always ask to convene an IEP meeting to discuss transition when appropriate.
4. Ask for the drafted IEP after the meeting so you and/or your parents can review it carefully. Make sure everything that was discussed and agreed to during the meeting is included in the IEP. If there is any missing information, or you have additional concerns, address them with the IEP case manager right away.
5. Keep copies of all educational records. As a parent/student, you are entitled to all your or your child's educational records. You can ask for the entire record from the school district. Once you or your child graduate, be sure to ask for the file for your own records.
6. Use the "*WHO-WHAT-WHEN*" method to track progress. Prepare a document with the following three sections to bring to the transition planning meeting:
    a. **WHO:** who is responsible for the initiation of the various transition activities and services?
    b. **WHAT:** what transition assessments, activities, or services will help you work towards meeting your goals?
    c. **WHEN:** when is the activity or service expected to start or finish?

Pre-Employment Transition Services

Pre-Employment Transition Services (Pre-ETS) is a program created by the federal Workforce Innovation and Opportunity Act (WIOA). The program prepares students for competitive integrated employment (CIE)[10] after high school.

Pre-ETS is provided through the Division of Vocational Rehabilitation (DVR) and available to all students with disabilities upon eligibility for services through DVR. Ask your IEP team about Pre-ETS and the services available through DVR.

If you get services through Pre-ETS, DVR must give instruction and services in the following five areas to prepare the student for CIE after high school:

1. **Job Exploration Counseling**

   Services related to the exploration of your interests and skills for employment. This may include the use of interest inventories, job shadowing, career fairs, or seminars.

2. **Work-Based Learning Experiences**

   In-school or after-school opportunities that may happen outside the traditional school setting, in an environment with the student's non-disabled peers, and can include internships, job shadowing, part-time jobs, school-based jobs, informational interviews, and volunteer positions.

3. **Post-Secondary Educational or Higher Education Programs Counseling**

   Services for providing information about post-secondary education and training programs. These services can help you decide whether to pursue further education and may include auditing college courses, assistive technology assessments, visits to college campuses, visiting campus disability centers, or preparing for college entrance exams.

4. **Workplace Readiness Training**

   Services to help you build social skills and independent living skills that you will need for employment, including learning interpersonal and communication skills, financial skill-building, and auxiliary aids and services.

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[10] **Competitive Integrated Employment** means a person with a disability receives at or above the minimum wage for their work in an environment with and without people with disabilities, receiving the same benefits provided to other employees without disabilities in the same or similar position.

5. **Instruction in Self Advocacy**

   Services focused on learning to ask for what you need, when you need it, to help you learn how to effectively communicate your interests, desires, needs, and rights.

Transition Tip

An important part of the WIOA is that school districts cannot place students in sub-minimum wage work settings before exploring community employment opportunities through DVR.

For more information on Pre-ETS, see the Division of Vocational Rehabilitation's *Policy Guide for Pre-Employment Transition Services*: dwd.wisconsin.gov/dvr/policy-guidance/edu-train/pre-ets-guide.htm

For more information on WIOA and Pre-ETS, see *Transition Services and the Workforce Innovation and Opportunities Act*: witig.org/wp-content/uploads/2020/02/transition-services-and-wioa-guide_1567692309.pdf

Outside Agencies and Transition Planning

Division of Vocational Rehabilitation

DVR and adult long-term services provide a variety of transition services, including: vocational training; education training; job coaching; assistance in finding employment; funding for job-related training, education, and equipment; vocational counseling; and help with independent living.

Transition Improvement Grant

Each school district has a transition coordinator under the Transition Improvement Grant (TIG). TIG's website includes all topics related to transition. In addition, various trainings on transition planning are often free and available to anyone interested. You can find more information about the Transition Improvement Grant at witig.org.

Course of Study

A **course of study** is a class or series of classes required for graduation and to meet your post-secondary transition goals, such as eligibility for college admission. You should work with the IEP team to create a course of study at the beginning of 9th grade.

Age of Majority

What is the Age of Majority?

You reach the **"age of majority"** under the IDEA when you turn 18. This can be a confusing time for families because you are between two systems with different rights and responsibilities.

Once you've turned 18, all your educational rights transfer from your parents to you, and you are now responsible for making decisions about your education. This may seem overwhelming for parents and students — but if you're prepared, it can be an exciting time!

Additionally, your parent may still be a part of the IEP team to support you with educational decision making if you wish- simply invite them to your IEP meeting.

Making Decisions About Your Education

If you would rather have your parent continue to make decisions about your education on your behalf, your family may consider an Educational Decision Making Agreement or a Supported Decision-Making Agreement.

Find the Supported Decision-Making form here:
www.dhs.wisconsin.gov/library/collection/f-02377

Parents may also experience outside pressure to explore seeking guardianship over the soon-to-be adult. Guardianship is a **highly** intrusive form of substituted decision making and DRW encourages each family to consider all other options to support the student as they grow into adulthood, and to only consider guardianship as a last resort. You, like any other student, should feel empowered in making your own choices, decisions, and even mistakes!

To learn more about alternatives to guardianship, see:

- Wisconsin Board for People with Developmental Disabilities toolkit:
  wi-bpdd.org/index.php/SupportedDecision-Making/

- Department of Public Instruction, *Supported Decision-Making: Because Choices Matter*: dpi.wi.gov/sites/default/files/imce/sped/pdf/sdma-info-bul.pdf
- Wisconsin Department of Health Services, *Client Rights: Guardianship*: www.dhs.wisconsin.gov/clientrights/guardianship.htm
- Guardianship Support Center website: gwaar.org/guardianship-resources
- Wisconsin Bar Association, *What You Should Know*: www.wisbar.org/forPublic/ForEducators/Documents/What-You-Should-Know.pdf

Post-Secondary Transition Plan Implementation

Under the IDEA, the school has various requirements for implementing transition services. During transition, the school must continue giving a Free Appropriate Public Education (FAPE), including giving the student the supports and services necessary to make progress on their IEP goals.[11]

You have the right to review the appropriateness of your transition goals and to monitor progress on those goals. Consider the following questions:

1. Does your transition plan include measurable goals for necessary post-secondary training, education, employment, and independent living skills?
2. Are your transition goals based on the results of age-appropriate assessments?
3. Does your plan include transition services to help you achieve your transition goals?
4. Does your plan include a course of study appropriate for your transition goals?
5. Will your transition goals be updated every year?
6. Were you invited to the IEP meeting when transition services were discussed?

[11] 34 C.F.R. 300.305(e)(3).

Summary of Performance and Graduation

A **summary of performance (SoP)** is one of the final steps of the transition process before graduation. The SoP is used to summarize your strengths, disability related needs, and present levels of academic and functional performance. It should include the types of individualized instruction and services you got during school and recommendations for future accommodations you may need after graduation.

The IEP team should develop your summary of performance before you exit special education services from the school district.

Summary

The transition process is critical in making sure students like you learn the skills you need to live and work in your communities, and to make important and complex decisions about your future. Working together with your family, school, and community providers will help you prepare for life after high school!

Transition Resources

- **Wisconsin Department of Public Instruction,** *Transition Planning for Students with Disabilities*: dpi.wi.gov/sped/topics/transition
- **Transition Improvement Grant (TIG):** witig.org
- **Cooperative Education Service Agencies (CESA)**: dpi.wi.gov/cesa
- **Wisconsin Department of Health Services (DHS)**, *Children's Long-Term Support: Transition Planning for Youth*: www.dhs.wisconsin.gov/clts/transition.htm
- **Wrightslaw,** *Transition, Transition Services, Transition Planning*: www.wrightslaw.com/info/trans.index.htm
- **Great Lakes Inter-Tribal Council,** *Vocational Rehabilitation for Native Americans (VRNA)*: www.glitc.org/programs/vocational-rehabilitation/vocational-rehabilitation-for-native-americans/overview-vrna/
- **National Technical Assistance on Transition (NTACT)**: transitionta.org
- **Transition Improvement Grant, WiTransition App:** witig.org/self-advocacy-tools/witransition-app
- **National Parent Center on Transition and Employment:** www.pacer.org/advice-guidance/topic-preparing-for-adulthood

Transition Resources

- **Wisconsin Board for People with Developmental Disabilities (BPDD):** wi-bpdd.org
- **Wisconsin Family Assistance Center for Education, Training, and Support (WI FACETS),** *Self-Advocacy Resources*: wifacets.org
- **Waisman Center,** *Health Transition Wisconsin: Families & Youth*: healthtransitionwi.org/families-youth
- **Aging and Disability Resource Centers (ADRCs):** www.dhs.wisconsin.gov/adrc/index.htm
- **Independent Living Centers (ILCs):** www.dhs.wisconsin.gov/disabilities/physical/ilcs.htm
- **Disability Rights Wisconsin,** *Voting Resources*: disabilityrightswi.org/resource-center/voting