

TRANSITION PLANNING

Acknowledgments

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About the Education Law Center

The Education Law Center (ELC) was established in 1973 to advocate on behalf of New Jersey's public school children for access to an appropriate education. ELC works to improve educational opportunities for low-income children and children with disabilities through public education, policy initiatives, research, communications, advocacy and, when necessary, legal action.

ELC operates two projects to improve education for New Jersey's children: the Student Rights Project (SRP) and the Abbott Schools Initiative (ASI). SRP provides free legal representation to school children who are denied access to an adequate or appropriate public education. The types of cases accepted by SRP include: special education, school discipline, school district admissions and other violations of individual student rights. ASI works to assure the full, effective and timely implementation of the programs and reforms ordered by the New Jersey Supreme Court in the landmark *Abbott v. Burke* rulings, in which ELC represents more than 340,000 preschool and school-age children in 30 urban school districts across the state. *Abbott* has been called "the most significant education case since the Supreme Court's desegregation ruling nearly 50 years ago" (*NY Times*, 2002) and, along with *Brown v. Board of Education*, the most important court ruling in New Jersey in the 20th century (*NJ Lawyer*, 2000).

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Disclaimer: The information provided in this guide helps explain the laws affecting the rights of students with disabilities to transition services in New Jersey, but does not constitute legal advice. The information is limited to post-school transition and does not discuss a child's right to transition planning at such other times as from early intervention to special education, or from elementary school to middle school. More information about transition planning at these times can be found on pages 43-44 and 55 of the Education Law Center's publication entitled "The Right to Special Education in New Jersey," available at: http://www.edlawcenter.org/assets/files/pdfs/publications/Rights_SpecialEducation_Guide.pdf.

WHAT IS POST-SCHOOL TRANSITION?

Post-school transition is the movement of a child with disabilities from school to activities that occur after the completion of school.

WHAT IS A TRANSITION PLAN?

A transition plan describes a course of study and related strategies and activities based on the student's strengths, interests and preferences, to assist the student in attaining postsecondary goals related to training, education, employment and/or independent living. The transition plan must be included in the IEP.

WHAT ARE TRANSITION SERVICES?

According to the federal Individuals with Disabilities Education Act (IDEA), transition services are focused on improving the academic and functional achievement of a student with disabilities to enable the student to move from school to post-school activities. Post-school activities can include: college, vocational training, employment, continuing and adult education, adult services, independent living, and/or community participation.

Transition services can be divided into the following activity or strategy areas:

- **Instruction**

- **Related Services** (Transportation and developmental, corrective, and other supportive services)
- **Community Experiences**
- **Daily Living Skills**
- **Functional Vocational Evaluations**

Examples of transition services include:

- Receiving daily living skills instruction and experience, such as banking and budgeting, personal health, cooking, independent living arrangements, and using public transportation
- Participating in career fairs
- Exploring and working towards admission requirements for vocational/technical school, college, or other post-secondary educational setting
- Exploring guardianship issues and estate planning
- Receiving training in vocational and/or pre-vocational skills
- Receiving job training and coaching
- Accessing community resources and governmental agencies for post-school support
- Visiting college campuses and meeting with student support services
- Enrolling in SAT preparatory courses
- Exploring county transportation options
- Receiving information about how to obtain a driver's license
- Learning about Social Security work incentives

<p>MUST TRANSITION SERVICES BE PROVIDED IN THE LEAST RESTRICTIVE ENVIRONMENT?</p>
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Yes. Just like all aspects of the educational program of a student with disabilities, transition services must be provided in the least restrictive environment ("LRE"). This means that a school district must ensure that, to the maximum extent appropriate, a child with disabilities is educated with children who do not have disabilities.

The federal Department of Education's Office of Special Education Programs (OSEP) provided specific guidance regarding how to apply LRE requirements to transition work placements. The letter, issued on June 22, 2012, confirmed that LRE requirements fully apply to transition services. The letter can be found at <http://www2.ed.gov/policy/speced/guid/idea/memosdcltrs/062212workplacelre2q2012.pdf>.

Before a child with a disability can be placed outside the general educational environment – for any reason - the IEP team must consider whether supplementary aids and services could be provided to enable the child to be educated satisfactorily in the general educational setting. In the case of transition services, LRE is likely to be the real world community in which the student will be living, working or engaging in other activity after high school graduation. For example, a student's transition services may include learning to ride a bus to a nearby grocery store where he or she is taught to shop for groceries, as well as a work placement in a local shop where he or she learns how to use the cash register.

For all transition services included in the IEP, the IEP team must consider, and include in the IEP, as appropriate, any supplementary aids and services needed to enable the student to participate with those who do not have disabilities. Therefore, a segregated employment program may be an appropriate transition service only if the IEP team makes such a determination based on the individual needs of the child, in accordance with the LRE requirements. For many students who are not continuing their education after high school, the goal of transition planning is integration into a typical work setting with appropriate supports.

WHAT IS TRANSITION PLANNING?

Good transition planning is outcome-oriented and focuses on specific steps that help the student reach his or her post-school goals. Transition services must be based on the

needs, strengths and preferences of the individual student. Transition planning occurs during an Individualized Education Program (IEP) meeting.

Information about specific transition services and planning is available from the New Jersey Department of Education's Office of Special Education Programs (OSEP), at: <http://www.state.nj.us/education/specialed/transition/SampleActivitiesStrategies.doc>

WHEN DOES TRANSITION PLANNING BEGIN?

In New Jersey, school districts must begin transition planning during the school year in which the child turns 14.

WHEN DO TRANSITION SERVICES BEGIN?

In New Jersey, transition services can begin as early as the school year in which the child turns 14.

WHICH GOVERNMENT AGENCIES ARE RESPONSIBLE FOR PROVIDING TRANSITION SERVICES?

IDEA and New Jersey's special education regulations require that school districts engage in transition planning to ensure a smooth transition from school to adult life for students with disabilities.

State vocational agencies also are responsible for providing transition planning and services. According to the federal Rehabilitation Act, state vocational rehabilitation agencies must coordinate with educational officials to ensure that students with disabilities who are eligible for vocational rehabilitation services do not experience an interruption in services after they leave the school setting. Vocational rehabilitation agencies are required to conduct outreach and identify those students with disabilities who may need transition services.

Transition services can also be provided by other entities such as the New Jersey Division of Developmental Disabilities.

WHAT ARE VOCATIONAL REHABILITATION SERVICES?

Vocational Rehabilitation services are services provided by state vocational rehabilitation agencies that prepare and enable individuals with disabilities to find and maintain jobs. A key purpose of the transition-service requirement of both IDEA and the Rehabilitation Act is to ensure students move smoothly from school-life to adulthood and from receipt of special education services to receipt of vocational rehabilitation services. Therefore, a student with an IEP should receive transition services to ensure that there is not a gap in service between leaving school and beginning services with a vocational rehabilitation agency.

Division of Vocational Rehabilitation Services (DVRS)

The New Jersey Division of Vocational Rehabilitation Services (DVRS) provides a wide range of vocational rehabilitation services to residents with disabilities other than visual impairments, in order to enable eligible individuals to obtain employment. DVRS provides vocational guidance and counseling, job placement assistance, post-secondary education, vocational skills training and many other services.

A student may apply to DVRS within two years of the anticipated high school graduation. If a student is determined eligible, he or she will meet with a DVRS counselor to work on the transition plans which will become a part of the IEP. At least one year prior to graduation, the rehabilitation counselor and the student will develop an Individualized Plan for Employment (IPE), which describes the student's vocational goals, and the necessary services to get and keep a job. The counselor will continue working with the individual until he or she has found - and demonstrated the ability to keep - a job.

To learn more about DVRS services, you can call the DVRS central office at (609) 292-5987 (voice) or (609) 292-2919 (TTY), or you can contact your local DVRS office, which you can find at: <http://lwd.dol.state.nj.us/labor/dvrs/content/dvrdirections.html>.

Commission for the Blind and Visually Impaired (CBVI)

The New Jersey Commission for the Blind and Visually Impaired (CBVI) provides vocational rehabilitation services and programs to all residents with visual impairments, in order to enable eligible individuals to obtain employment. CBVI's Transitional Program services include vocational evaluations, counseling, guidance and training, job placement assistance, post-secondary education and guidance and many other services.

Students can be referred to the CBVI's Transitional Program beginning at age 14. At that point, a student will receive services from a CBVI teacher and a transition counselor. The transition counselor will visit the student's school and will be in contact with the parent or legal guardian. The transition counselor will work with the student and parent or guardian to create goals focused on successful transitioning out of school. The counselor arranges for the student to explore particular jobs in expressed areas of interest and arranges for testing to assist in career planning. The counselor can also provide consultation to school personnel on best practices for assisting students with visual impairments. During a student's last year of formal education, the student's transition counselor and Transition Services Supervisor will meet with a Vocational Rehabilitation Supervisor to create an Individualized Plan for Employment (IPE) which describes the student's vocational goals, and the necessary services to get and keep a job. For more information, you may wish to contact Greg Patty, CBVI's Coordinator of Vocational Rehabilitation Services at (973) 648-4796.

CBVI provides a number of additional programs for students, both during the school year and in the summer, that expose students to a variety of careers, life-skills training, and mentoring opportunities. For more information, you can contact the Supervisor of Transitional Services at CBVI, Debbie Kassoff-Sainz, at (973) 693-6489.

To find your local CBVI office, you can call (877) 685-8878 or (973) 648-3333 or visit <http://www.state.nj.us/humanservices/cbvi/facilities/>.

WHAT SERVICES ARE AVAILABLE FOR POST-SCHOOL TRANSITION IN ADDITION TO VOCATIONAL REHABILITATION SERVICES?
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New Jersey's Division of Developmental Disabilities (DDD) funds the following services, in addition to case management and information and referral services, which are intended to help support individuals with developmental disabilities who reside in the community:

1. Day services: Day services allow individuals to remain active outside their home and develop social relationships with others. They also provide families and caregivers with time to pursue their own interests and activities. One type of Day Service available for eligible individuals is Self-Directed Day Services (SDDS) which provides a "budget" to graduating individuals. With the budget, individuals can create an individualized day program, and purchase services from qualified providers, such as tutors, community colleges, job coaches, personal assistants, as well as DVRS and CBVI. If you are interested in SDDS for your child, you should contact your child's DDD case manager and express an interest in SDDS funding no later than September of the year during which high school graduation is anticipated. Once you have contacted the case manager, your child should receive an assessment of needs, known as the Developmental Disabilities Resource Tool (DDRT). This is a telephone survey conducted by the New Jersey Institute of Technology (NJIT). Based on the survey, DDD will determine your child's budget to be used upon completion of high school. The parent and/or student is responsible for creating an Essential Lifestyle Plan

(ELP) to submit to DDD for approval. DDD will provide eligible and approved individuals with a Support Coordinator, who will help create an appropriate program using the SDDS budget, and provide assistance through the SDDS process.

To learn more about SDDS, you can:

- attend free trainings and workshops that are provided by the Family Support Center of New Jersey (FSC) in conjunction with DDD. For information, you can contact Lorraine D'Sylva-Lee or Laura Kay at (732) 528-8080 or visit <http://www.fscnj.org/content/trainings/index.html>. FSC also has a database of all approved community providers, which is a great resource for families who are designing a program through SDDS. You can access the database at www.fscnj.org.
 - request a copy of "Self-Directed Day Services for Transitioning Services" from The Arc of Monmouth at (732) 493-1919 or by visiting <http://www.arcofmonmouth.org/>
 - request a copy of "Self-Directed Day Services" by contacting Family Support Center of New Jersey at (800) 372-6510 or (732) 528-8080, or by contacting The Arc of Monmouth at (732) 493-1919.
2. Residential services: Currently there is a waiting list of over 4,000 people on DDD's priority residential waiting list, also known as "urgent category," whom DDD will match with residential homes and home support services. Check the DDD website for criteria for placing your family member on this list, at <http://www.state.nj.us/humanservices/ddd/services/apply/>.
 3. Family Support Services: For more information about these services that assist families caring for loved ones at home, contact DDD's central office at (800)-832-9173, or visit <http://www.state.nj.us/humanservices/ddd/services/fss/index.html>.

In order to receive services funded by DDD, an individual must apply and be determined eligible. The application process can be lengthy and time-consuming, as DDD requires extensive documentation. Therefore, it is important to contact DDD as soon as possible to determine if your child is eligible by calling the central office at (800)-832-9173, or your local office, which can be found at:

<http://www.state.nj.us/humanservices/ddd/staff/cso/>.

If students who are eligible for DDD services graduate or leave high school before completion of their education entitlement, they may not be eligible for DDD services at that point. Rather, eligibility for DDD services occurs on July 1 after the individuals turn 21, at which point the students will be placed on DDD's waiting list.

Individuals may receive services from DDD, DVRS and/or CBVI at the same time should they be found eligible by each agency.

WHAT CAN I DO IF I AM NOT SATISFIED WITH THE SERVICES AND SUPPORT PROVIDED BY DVRS, DDD AND/OR CBVI?

If you do not receive sufficient support from DVRS or CBVI, you may wish to contact the Client Assistance Program (CAP) at Disability Rights New Jersey (DRNJ) which can assist you in resolving any disputes regarding the provision of vocational rehabilitation services. You can reach CAP at (800) 922-7233 (voice) or (609) 633.7106 (TTY).

If DVRS, DDD and/or CBVI fail to provide agreed-upon services contained in the IEP, the school district must hold a meeting to identify other strategies to meet the transition goals.

WHAT CAN I DO TO HELP MY CHILD PREPARE FOR TRANSITION?

There are several things that you can do to help prepare your child for post-school transition:

- Even as early as preschool, encourage your child to think about his/her interests and identify jobs or academic topics that s/he likes.
- Give your young child specific chores around the house to foster daily living skills and involve your child in community experiences to expose him/her to various work functions and develop social skills.
- Once your child reaches middle school age, make a written request to the Child Study Team (CST) to conduct formal testing to assess your child's vocational skills and interests, and begin to research supported employment and independent living programs.
- Ensure that your child has a transition plan in place beginning the year that your child turns 14, and ensure that the transition plan is detailed and appropriate, given your child's needs, interests and abilities.
- When your child reaches high school, research potential post-high school programs and services, and include your child in the process, if possible.
- Start thinking about financial planning for adulthood by looking into Social Security Supplemental Security Income ("SSI") benefits, guardianship and relevant insurance.

HOW DO I MAKE SURE THAT A TRANSITION PLAN IS INCLUDED IN MY CHILD'S IEP?

If your child is likely to need ongoing supports and services after graduation, it is recommended that outside agencies be involved in the transition planning process. The IEP Team is required to invite a representative of any agency that is likely to be responsible for providing or paying for services, such as DVRS, DDD and/or CBVI, to participate in the transition planning process. You may also request that representatives from these agencies be present at IEP meetings. You should make this request, in writing, to your child's IEP Team. Representatives from DVRS, DDD and/or CBVI are

not required to attend IEP meetings, however, and schools do not have authority over them to mandate attendance. However, schools should make a reasonable effort to obtain their attendance. If the appropriate agencies do not attend the IEP meeting, the school district must take other steps to obtain the agencies' participation in planning transition services.

If your child's high school has a transition coordinator, you may also request that he or she be present at the IEP meetings.

Your child should attend the IEP meetings where transition services are discussed. However, even if your child does not attend the IEP meetings, the school must take steps to ensure that your child's preferences and interests are considered in the development of the transition plan.

HOW OFTEN MUST THE TRANSITION PLAN BE UPDATED?

The transition plan must be updated at least annually.

WHAT CAN I DO IF I AM NOT SATISFIED WITH THE SCHOOL DISTRICT'S PROVISION OF TRANSITION PLANNING AND SERVICES?
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If the district is failing to provide agreed-upon services contained in the IEP, or if the district failed to provide a transition plan for a student who is 14 years old or above, you should immediately contact your child's case manager and the district's Director of Special Services to resolve the matter.

Should you be unable to resolve the matter with district personnel, you have the right, as a parent of a child with a disability, to resolve a dispute with a school district regarding transition planning and services through mediation, a due process hearing, or complaint investigation. New Jersey's Department of Education (NJDOE) has developed forms for requesting each type of complaint resolution procedure. For more

information about mediation and due process petitions, you may visit NJDOE's website at <http://www.state.nj.us/education/specialed/due/>. For more information about requesting a complaint investigation, you may visit NJDOE's website at <http://www.state.nj.us/education/specialed/complaint/>.

WHAT ADDITIONAL RESOURCES ARE THERE FOR TRANSITION PLANNING?

- The Transition Checklist, created by the National Transition Network, with amendments by Education Law Center, provides specific tasks for students and parents as they prepare for transitioning out of school. The Checklist is attached to this manual.
- The Center for Independent Living (CIL) for your county, which is part of a network of non-residential centers in New Jersey that provide services to individuals with significant disabilities. Your local CIL may be able to provide non-attorney advocates to assist with transition decisions and/or attend IEP meetings. Advocates may also be able to assist students with self-advocacy and independent living planning. You can reach the state CIL office at (609) 581-4500 (voice) or (609) 581-4555 (TTY), or by visiting <http://www.njsilc.org/> where you can also locate your county CIL.
- ELC's publication entitled "**The Right to Special Education in New Jersey**," which discusses transition planning on pages 43-44, and is available at http://www.edlawcenter.org/assets/files/pdfs/publications/Rights_SpecialEducation_Guide.pdf.
- The New Jersey Department of Education, which provides resources related to transition on its website at <http://www.state.nj.us/education/specialed/transition/>.
- The Statewide Parent Advocacy Network of New Jersey (SPAN) provides resources regarding "Transition to Adulthood" on its website at <http://www.spannj.org/transition/TransitionCD/indeximages/index2.html>.

TRANSITION CHECKLIST

The following is a checklist of transition activities to consider when preparing an individual transition plan section of the IEP. The student's skills and interests will determine which items on the checklist are relevant. Use the checklist as a guide for developing transition activities that should be included in the IEP. It can help identify who should be part of the IEP team. Responsibility for carrying out the specific transition activities should be determined at the IEP meetings.

Four to Five Years Before Leaving the School District

- Identify personal learning styles and the necessary accommodations to be a successful learner and worker.
- Identify career interests and skills, complete interest and career inventories, and identify additional education or training requirements.
- Explore options for post-secondary education and admission criteria.
- Identify interests and options for future living arrangements, including supports.
- Learn to effectively communicate interests, preferences, and needs.
- Be able to explain disability and the needed accommodations.
- Learn and practice informed decision making skills.
- Investigate assistive technology tools that can increase community involvement and employment opportunities.
- Broaden experiences with community activities and expand friendships.
- Pursue and use local transportation options outside of family.
- Investigate money management and identify necessary skills.
- Acquire identification card and the ability to communicate personal information.
- Identify and begin learning skills necessary for independent living.
- Learn and practice personal health care.

Two to Three Years Before Leaving the School District

- Identify community support services and programs (vocational rehabilitation, county services, Centers for Independent Living, etc.).
- Invite adult service providers, peers to the IEP transition meeting.
- Match career interests and skills with vocational course work and community work experiences.
- Gather more information on post secondary programs and the support services offered; and make arrangements for accommodations to take college entrance exams.
- Identify health care providers and become informed about sexuality and family planning issues.
- Determine the need for financial support (Supplemental Security Income, state financial supplemental programs, Medicare, etc.).
- Learn and practice appropriate interpersonal, communication, and social skills for different settings (employment, school, recreation, with peers, etc.).
- Explore legal status with regard to decision-making both prior to, and once having reached the age of majority, including guardianship.

- Begin a resume and update it as needed.
- Practice independent living skills (budgeting, shopping, cooking, housekeeping, etc.).
- Identify needed personal assistant services, and if appropriate, learn to direct and manage these services.

One Year Before Leaving the School District

- Apply for financial support programs. (Supplemental Security Income, independent living services, vocational rehabilitation, personal assistant services, etc.).
- Identify public transportation options, and apply as needed (New Jersey Transit reduced fare application; Access Link; county para-transit, etc.).
- Identify post-secondary schools and arrange for accommodations.
- Practice effective communication by developing interview skills, asking for help, and identifying necessary accommodations at post secondary and work environments.
- Specify desired job and obtain paid employment with supports as needed.
- Take responsibility for arriving on time to work, appointments, and social activities.
- Identify health insurance coverage options, and apply for Medicaid when student turns 18 if applicable.
- Assume responsibility for health care needs (making appointments, filling and taking prescriptions etc.).
- Register to vote and if male, register for selective service.

Source: Parent Brief, Winter 1996, National Transition Network (with amendments by Education Law Center, September 2011)