

Secondary Transition Compliance: Part 1

Slide 1: The purpose of this module is to provide an overview of the requirements for secondary transition within the framework of The Individuals with Disabilities Education Improvement Act of 2004 (IDEA).

Slide 2: The purpose of IDEA is to ensure that all children with disabilities are provided a free and appropriate public education (FAPE) that emphasizes special education and related services designed to meet their unique needs and to prepare them for future education, employment, and independent living.

IDEA has established secondary transitional planning requirements to ensure that school districts provide the services and supports that the child will need to be prepared for engagement in post-secondary education, employment and independent living.

Slide 3: As required by *The Ohio Operating Standards for the Education of Children with Disabilities*, transition services shall be provided by individuals who have competencies, experiences and training to meet individual student's transition service needs.

Individuals coordinating transition services must obtain the Transition to Work endorsement OR possess the skills and knowledge listed on the next slide.

Slide 4: Individuals coordinating transition must possess the skills and knowledge for the following:

- Facilitate a planning process among multiple agencies, students and families to support a student's secondary transition process;
- Plan for the collection, sharing and utilization of student's transition data that is relevant to the student's post school outcomes, environment and support needs;
- Communicate a student's individual transition plan to students, families, educators and agencies;
- Coordinate the implementation of research-based practices that lead to effective postsecondary transition services and outcomes;
- Utilize methods to engage students and families in the secondary transition process;
- Assist in the coordination of referral processes from school to adult services systems;
- Link appropriate courses of study and instructional strategies to secondary transition related goals; and finally
- Create strategies that support the career development pathways of students with disabilities leading to career and college readiness.

Please Note: The Transition to Work Endorsement is currently required in Ohio for individuals working in the capacity of a Job Training Coordinator.)

Slide 5: While IDEA requires secondary transition planning to begin at age 16, in Ohio, secondary transition planning begins at age 14, or even younger if determined appropriate by the IEP team.

This means that all elements for secondary transition planning must be included within the IEP that is in effect when the child turns 14, or younger if determined appropriate by the IEP team.

Slide 6: For the first IEP that will be in effect when the child turns 14, or younger if appropriate, the school district must include the following in the parent invitation (PR-02) prior to the IEP meeting:

1. The IEP meeting will include the development of a transition plan;
2. The school district will invite the child; and
3. The school district will invite any outside agency that will be paying for or providing the transition services, such as the county board of developmental disabilities.

The school district must obtain parental consent before inviting any outside agency.

Slide 7: The child must be invited to any IEP meeting when secondary transition is discussed. There are no exceptions to this requirement.

The school district must document that the child was invited to the IEP meeting. For example, including the child on the PR-02 invitation form.

If the child does not attend the IEP team meeting, the school district must take other steps to ensure the child's career preferences and interests are considered.

Slide 8: When the child turns 18, which is the age of majority in Ohio, all rights under IDEA Part B will transfer from the parent or guardian to the child.

However, these rights will remain with a parent or guardian and will not transfer to the child if the child is legally determined to be unable to take on this responsibility.

At least one year before the child turns 18, the IEP must include signatures indicating the child and the parent or guardian have been informed that this transfer will take place.

This statement is included in the "Signatures" section of the IEP.

Slide 9: Representatives of other agencies that may pay for, or provide, the transition services in the IEP **must** be invited to the IEP meeting where transition is discussed.

This invitation must have the approval of the parent or the child if he or she has reached the age of majority.

If an agency fails to provide an agreed upon transition service, the IEP team must reconvene to identify alternative strategies to implement the transition services.

Slide 10: Effective July 22, 2016, the federal law known as The Workforce Innovation and Opportunity Act, commonly referred to by its acronym “W-I-O-A”, reauthorized the Workforce Investment Act of 1998, which includes the Rehabilitation Act.

The purpose of the WIOA is to increase access to employment, education, training, and support services in order to assist individuals with disabilities, including those with the most significant disabilities, to succeed in the competitive labor market.

Slide 11: The WIOA places significant emphasis on competitive integrated employment for all individuals with disabilities.

The WIOA provides the opportunities for youth with disabilities to be referred for vocational rehabilitation services as early as age 14.

If the youth is found eligible, these services are provided by the Opportunities for Ohioans with Disabilities (OOD).

Slide 12: Ohio Revised Code 5123.022 establishes a state policy which declares every individual with a developmental disability is presumed capable of competitive employment that takes place in an integrated setting.

The IEP must include appropriate measurable postsecondary goals and transition services that promote competitive employment in an integrated setting.

Slide 13: There is a focus on youth aged 24 and younger within Section 511 of the WIOA. Section 511 has required steps that must be taken prior to using special wage certificates, also known as 14(c) certificates, under the Fair Labor Standards Act (FLSA) to pay subminimum wages to individuals with disabilities.

School personnel must be aware of these three required steps, which include:

- Step 1. Pre-employment Transition Services or Transition Services have been provided.
- Step 2. The individual has applied for vocational rehabilitation (VR services) and has been found either ineligible or a case closed without an employment outcome.
- Step 3. The individual has been provided career counseling, along with information and referrals to public programs and other locally available resources that offer employment-related services and supports designed to attain competitive integrated employment.

These steps should not serve as a “checklist” approach to subsequent placement in a subminimum wage job.

Slide 14: Every attempt must be made by school district personnel to ensure that Section 511 is implemented with the spirit of Congressional intent. This intent is to ensure that individuals with disabilities, especially youth with disabilities, have a meaningful opportunity to prepare for, obtain, maintain, advance in, or regain competitive integrated employment, including supported or customized employment.” 34 CFR 397.1

The Ohio Department of Education has developed a guidance memo and documentation templates for school districts to use when completing this requirement.

School districts must also ensure that children with disabilities and their parents are aware of these requirements as applicable.

Slide 15: Section 511 also prohibits the Ohio Department of Education and school districts from contracting or developing other arrangements with entities that hold a 14 (c) subminimum wage certificate, in order to pay students subminimum wage.

School districts should direct specific questions related to payment of subminimum wage to the school district’s legal counsel and/or the Ohio Department of Labor.

Slide 16: The State Support Teams (SSTs) have created LiveBinders that contain resources to support Secondary Transition planning. These resources can be found at the website listed on this slide.

(<http://tinyurl.com/nqyn7cl> or <http://www.livebinders.com/play/play?id=1765024>)

Slide 17: Closing Slides

For more information, please visit:

<https://education.ohio.gov/Topics/Special-Education/Federal-and-State-Requirements>

For further support, contact your State Support Team (SST). To find your SST, please visit: <http://education.ohio.gov/Topics/District-and-School-Continuous-Improvement/State-Support-Teams>