

## **EXPERT INSIGHT: The shifting sands of transition plans**

*By Heather R. Rutland\**

In Texas, where there are more than 1,000 school districts of every imaginable size and demographic with remarkably disparate geography and resources, a bright-line rule for transition plans is difficult to draw. A handful of guiding principles should be part of every transition plan created no matter where you live in order to appropriately serve the students in your district and to withstand criticism from parents, advocates, and attorneys and even former students.

Under the IDEA, every student must have a transition plan in place as part of the student's IEP no later than the student's 16th birthday, though many states set the requirement to be on or before the student turns 14. Districts have a lot of latitude in developing these plans because the IDEA does not provide much specific guidance. Increasingly, however, districts are finding themselves called to account for not only the language of the transition plans, but also the way in which those plans are carried out. There is much discussion and training occurring on transition planning, but returning to the IDEA provisions themselves is the first step when trying to get your arms around the idea of postsecondary planning.

Under the IDEA, "transition planning" is broadly defined to mean "a coordinated set of activities for a child with a disability that is designed to be within a results-oriented process focused on improving the academic and functional achievement of the child to facilitate movement to post-school activities, including post-secondary education, vocational education, integrated (including supported employment), continuing and adult education, adult services, independent living, or community participation ..." 20 USC 1401 (34)(A).

It is exactly this sort of broad and expansive language that is easy to find overwhelming, but the most important take away from this provision is the need for transition planning to be a "results-oriented process," i.e., that there should be goals and objectives and data collection to show that the district's plan accomplished its aims, namely to help prepare the student for her postsecondary experience.

Just as when your IEP team meets to put academic and behavioral goals and objectives into the student's IEP based on individual needs, so should the IEP team approach transition planning. The plan should be "based on the child's individual needs, taking into account the child's strengths, preferences, and interests." 20 USC 1401 (34)(B). Having a student simply complete a preference inventory is not sufficient, especially if it is a preference inventory that the entire grade level takes.

Just as the plan for postsecondary transition must be tailored to the student, so too should be the tools used to inform that plan. *In re Student with a Disability*, 115 LRP 10858 (SEA IL 03/02/15) (finding that surveys and preference interviews that all students took were neither sufficiently individualized nor comprehensive enough to use as basis for transition planning). Though maddening, districts have also been found at fault for not conducting transition assessments where the student was habitually absent or indecisive. See, e.g., *Reynolds Sch. Dist.*, 115 LRP 3792 (SEA OR 12/15/14).

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Transition plan format also shows significant variation. Often this is dictated by the software your district uses, since there is nothing in the law that dictates the form the transition plan must take. What is clear is that a transition plan must identify:

1. The initiation date of services;
2. The frequency of services;
3. The location where services will be provided; and
4. The duration of services.

34 CFR 300.320 (a)(7).

But what are "transition services?" As will surprise no one, the Code of Federal Regulations supplies a spectacularly broad and unhelpful definition, stating that they may be special education services, if provided as specially designed instruction or a related service, if needed to assist a child with a disability to benefit from special education. 34 CFR 300.43 (b). Remember, however, that transition services should be a "coordinated set of activities that is designed to be within a results-oriented process." 20 USC 1401 (34)(A). This allows your IEP team to be creative and to craft transition goals that may not be exactly on point (for those districts without vocational opportunities in line with the student's interests) but still teach component skills and problem-solving strategies that will be necessary for success whether the student dreams of being an interpretative ribbon dancer or a pyrotechnics engineer. As with any defensibly drafted IEP, transition plans should be crafted so parents can clearly see the amount and type of transition services to be provided and the district can measure the results of its efforts. 71 Fed. Reg. 46,667 (2006).

*Heather R. Rutland is a shareholder in the Austin, Texas office of Eichelbaum, Wardell, Hansen, Powell & Mehl, PC. She practices throughout the State of Texas. Ms. Rutland serves school districts in various capacities but specializes in advising and defending districts in special education matters.*

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