

Section 2

REGULATIONS AFFECTING TRANSITION PLANNING



The purpose of including information on the laws and regulations in this guidebook is to reinforce the fact that transition services are mandated by the **Individuals with Disabilities Education Act (IDEA)** formerly called P.L. 94-142 which was reauthorized as the Individuals with Disabilities Education Improvement Act 2004 (PL108-446) (www.nichcy.org/reauth/IDEA2004regulations.pdf) In other words, they are not optional. All students who are classified as having a disability by their local Committee on Special Education need preparation to fully participate in community life as adults. It is important to know what constitutes transition services and that planning is an ongoing, dynamic process.

Transition Services refers to a coordinated set of activities for a student with a disability, designed 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 (but not limited to):

- post-secondary education;
- vocational education;
- integrated (competitive) employment (including supported employment);
- continuing and adult education;
- adult services;
- independent living; or
- community participation.

Comment: As you can see, the first part of the definition of transition services can include any aspect of adult life with which students and families will need some assistance. This does not mean that the school district must provide you with housing, for example, but it does mean that they must discuss with you during the planning meetings where you can get information and help with this issue.

The **measurable post-secondary goals** are destination statements, based upon the student's hopes and dreams for his/her self. They are future statements not behavioral objectives. There should be at least one outcome statement in each of the following areas that is developed in collaboration with the student and family.

- Employment: Will the student become part of the workforce?
- Education: Will the student go on to further education? This includes all lifelong learning activities such as: adult education, skill improvement workshops, training for hobbies as well as two and four-year college, armed forces and technical schools.
- Independent Living: How will the student be interacting with the community (outside of work and further education)?

The **coordinated set of activities** must be based on the individual student's needs, taking into account the student's preferences and interests, and shall include needed activities in the following areas:

- instruction
- community experiences
- related services

- the development of employment and other post-school adult-living objectives
- if appropriate, acquisition of daily living skills and functional vocational evaluation

Finally, participating agencies are identified. These are agencies, other than the local school district, which have agreed to provide transition services to the student. Collaborative planning and activities also provides information for **VESID (Westchester:914-946-1313, Rockland: 845-426-5410, Putnam: 845-452-5325) or CBVH (All 3 counties: 914-993-5370)** and the school to co-develop their service plans (the school develops the IEP, VESID and CBVH develop the IPE (Individualized Plan for Employment)).

The following information should be included about each agency listed:

- Agency Name
- Contact Person and Phone Number
- Service Being Delivered
- Implementation Date of Service

Comment: You will not be expected to know all of this information when you begin the transition planning process. Remember that this is not just one meeting. Since transition planning will begin as early as age fourteen, you can expect that needs, desires, and expectations will change and that you can shape the plan to fit

Also important are the related services that support you in achieving your educational, vocational, and other community-based goals. Related Services refers to:

- speech pathology and audiology;
- psychological services;
- school social work;
- physical therapy;
- occupational therapy;
- counseling services, including vocational and other rehabilitation counseling services;
- certain medical services;
- school health services;
- parent counseling and training;
- other appropriate developmental or corrective support services;
- transportation and mobility training
- interpreting assessments
- appropriate access to recreation; and
- other appropriate support services.

Comment: Remember that these services will be provided only as they relate to the student's educational, vocational, and other community based goals. Therefore, it is very important that each participant in this process identify what the student will need and then write it into the Individualized Education Program (IEP). Since some of these services will be necessary supports in adult life, it would be good to explore the community resources that are available for adults while students are still in school.

The above definitions are excerpts from the New York State Education Department's *Transition Services—A Planning and Implementation Guide* which is available online at www.vesid.nysed.gov/specialed/publications/transition/guide.htm

The transition planning process is meant to encourage Committees on Special Education to look beyond the traditional educational focus of the IEP and to be creative. For example, transition services may include travel training, self-advocacy, real work experiences, and/or involvement with community-based social networks.

School to work transition information can be found at <http://www.vesid.nysed.gov/do/transition.htm>

The Workforce Investment Act of 1998 (WIA) provides a variety of local activities and youth programs for eligible youth ages 14 to 21. The purpose of WIA is to assist all youth in achieving academic and employment success, training opportunities, mentoring opportunities, support services, and to provide incentives for recognition and achievement. Local communities provide youth activities and services in connection with the WIA One-Stop system and under the direction of local Youth Councils whose purpose is to provide expertise in youth workforce development policy and assist the local Workforce Investment Board (WIB) to:

- Develop and recommend local youth employment and training policy and practice;
- Broaden employment and training policy to incorporate youth development;
- Establish linkages with other organizations serving youth; and
- Evaluate a range of issues that impact young people's success in the labor market.

Contact **One Stop: Yonkers: 914-709-1373; Westchester: 914-995-7580; Putnam: 845-225-7043; Rockland: 845-356-6106.**

For additional disability policy information contact: www.onestops.info , www.dol.gov/odep or www.hhs.gov/newfreedom/init.html for information on "The New Freedom Initiative which seeks to integrate those with disabilities into the workforce.

The Ticket to Work Program is part of the Ticket to Work and Work Incentives Improvement Act of 1999 – legislation designed to remove many of the barriers that previously influenced people's decisions about going to work because of the concerns over losing health care coverage. Information can be gotten at www.yourtickettowork.com/index or by calling a toll free number: **1-866-968-7842**

It is also important to note that The Rehabilitation Act of 1973 which was amended to reflect the philosophy and service needs of the 1990's makes provisions for training, equipment, and other services that people with disabilities may need in order to work and live independently in their communities. The Rehabilitation Act states that:

Disability is a natural part of human experience and in no way diminishes the right of individuals to live independently; enjoy self-determination; make choices; contribute to society; pursue meaningful careers; and enjoy full inclusion and integration in the economic, political, social, cultural, and educational mainstream of American society." -- [Section 2(a)(3) of the Rehabilitation Act]

Section 504 of the Rehabilitation Act supports the belief that students with disabilities must have the same options as students without disabilities, including access to all school programs, buildings, and activities. As you can see, though, the Rehabilitation Act has application over the life span of people with disabilities.

For additional information on the Rehabilitation Act of 1973 as it relates to students and employment, you may contact the PACER (Parent Advocacy Coalition for Educational Rights) Center—(952) 838-9000. Their web site is www.pacer.org.

The Americans with Disabilities Act (ADA) of 1990 further promotes aspects of inclusion, integration, and accessibility in community employment, programs, and services across the life span. ADA specifically prohibits discrimination on the basis of disability in employment, state and local government, public accommodations, commercial facilities, transportation, and telecommunications. Contact DBTAC-Northeast ADA Center @ Cornell University @ 1-800-949-4232 or dbtacnortheast@cornell.edu for more specific information on any aspect of the ADA.

If you feel that you are not receiving the services or accommodations to which you are legally entitled after following the written procedure for appeals that is available through your local school district, then you may contact:

NYS Commission on Quality of Care (CQC):

www.cqcapd.state.ny.us/Advocacy/advocacy.htm

Putnam Independent Living Center: 845- 682-3926; www.putnamils.org

Rockland Independent Living Center: 845-624-1366; www.rilc.org

Westchester Independent Living Center: 914-682-3926; www.wilc.org

Westchester Disabled on the Move/Yonkers: 914-968-4717; www.wdom.org \

Student Advocacy: 914-347-3313; www.studentadvocacy.net

Legal Services of the Hudson Valley: 914-949-1305

For vocational issues, you may contact the Client Assistance Program (CAP) @ 1-800-624-4143; <http://www.vesid.nysed.gov/do/cap.htm>