ACSA EVERY CHILD COUNTS SYMPOSIUM

LEGAL ISSUES ASSOCIATED WITH SPECIAL EDUCATION INDIVIDUALIZED TRANSITION PLANS

February 6, 2020

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Legal Issues Associated with Special Education
Individualized Transition Plans

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Legal Issues Associated with Special Education Individualized Transition Plans
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Presented by:
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Agenda

• Transition Plan Requirements
• Transition Assessments
• Postsecondary Goals
• Transition Services
• Review of Case Law
Transition Plans

- Beginning not later than the first individualized education program to be in effect when the pupil is 16 years of age, or younger if determined appropriate by the individualized education program team, and updated annually thereafter, the individualized education program shall include appropriate measurable postsecondary goals and transition services needed to assist the pupil in reaching those goals.

[E.C. § 56345(a)(8)]

Transition Plan Requirements

1. State the student was invited to participate in the IEP meeting;
2. Describe how the student participated in the process;
3. Invite, with parent’s permission, appropriate support agencies;
4. State/describe what age-appropriate transition assessments/instruments were used;
5. Write appropriate, measurable postsecondary goals (updated annually);
6. State what transition services will be used to support the student’s postsecondary goals;
7. Identify different activities that will be employed to help the student achieve his/her postsecondary goals;
8. Identify any activities in the community in which the student will be participating;
9. Include any related services the student may need based on their disability that will help the student achieve his/her postsecondary goals.
Student Participation

- The LEA shall invite the child with a disability to attend his or her IEP meeting if the purpose of the meeting will be consideration of the postsecondary goals and transition services needed to assist the child in reaching those goals.  
  [34 CFR § 300.37(b)(1)]
- If the child does not attend the IEP meeting, the LEA must take other steps to ensure that the child’s preferences and interests are considered.  
  [34 CFR § 300.321(b)(2)]

Inviting Appropriate Support Agencies

- If appropriate, a representative of a participating agency that is likely to be responsible for providing or paying for transition services should be invited to the IEP meeting with the prior consent of the parent (or student who has reached the age of majority).  [34 CFR § 300.321(b)(3)]
- Keep documentation of parental consent to invite the outside agency.
- Keep documentation of the invitation to the outside agency.
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Transition Assessments

- Transition assessment is an ongoing process of collecting data on the individual’s needs, preferences, and interests as they relate to the demands of current and future work, education, independent living, and social assessments.
- Assessment needs to be comprehensive and not just vocational.
  - Assessment should be able to rule out independent living needs, if appropriate.
- IEP should reflect transition assessment information/results used to identify the student’s preferences and interests for transition planning as they related to his/her postsecondary goals.
- Describe what the student is interested in and wants to pursue in areas of education, career and living based on the information you get from the transition assessments.

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Postsecondary Goals

- A student’s IEP must include appropriate, measurable postsecondary goals or goals that cover education or training, employment, and, if appropriate, independent living.
- Postsecondary goals are what the student plans on doing upon graduation/completing school.
- The gap between the results of the transition assessments and the student’s interests is the basis for the postsecondary goals.
- Example: After high school I will enroll in Santa Rosa Junior College to earn an Early Childhood Education credential.
- Must update goals annually.
- It is recommended that the postsecondary goal is linked to an annual goal that will support the skills needed to reach the student’s postsecondary goals.
Postsecondary Goals

1. **Education/Training Goals:**
   - Enroll at a college or university; earn an occupational certificate; enroll in vocational training; enter an apprenticeship; complete on the job training; enroll in adult education.

2. **Employment Goals:**
   - Get a competitive job; start a business; do volunteer work in the community.

3. **Independent Living Goals:**
   - Live independently; live with family, roommates; live independently with supportive services; live in a group home; manage finances/household; access community independently; use public transportation.

- Set the expectation that students have the right and responsibility to work if they can.
- Focus the IEP on the student’s plan for the future.
- Engage students in the decision-making process.
- Focus on the career/employment goal first. Then utilize job information to validate education and training requirements and the skills needed for successful employment.
- Incorporate industry standards and common core academic standards in postsecondary and annual goal statements.
- Validate goal statements annually using annual career/transition assessment data.
- Engage students in developing their individualized learning plans.
- Goals move from general to specific as students mature.
Transition Services

• “Transition services” means a coordinated set of activities for an individual with exceptional needs that does all of the following:
  • Is designed within a results-oriented process, that is focused on improving the academic and functional achievement of the individual with exceptional needs to facilitate the movement of the pupil from school to post-school activities, including postsecondary education, vocational education, integrated employment, including supported employment, continuing and adult education, adult services, independent living, or community participation.
  • Is based upon the individual needs of the pupil, taking into account the strengths, preferences, and interests of the pupil.
  • Includes instruction, related services, community experiences, the development of employment and other post-school adult living objectives, and, if appropriate, acquisition of daily living skills and provision of a functional vocational evaluation.

Transition Services

• Transition services for individuals with exceptional needs may be special education, if provided as specially designed instruction, or a designated instruction and service, if required to assist a pupil to benefit from special education.
• If a participating agency, other than the local educational agency, fails to provide the transition services described in the IEP, the local educational agency shall reconvene the individualized education program team to identify alternative strategies to meet the transition service needs for the pupil set out in the program.
• [E.C. § 56345.1]
Transition Services

• When the IDEA was reauthorized, commenters asked the U.S. Department of Education to re-define “transition services.” The Department of Education responded:
  • “We do not believe it is necessary to change the definition of transition services because the definition is written broadly to include a range of services, including vocational and career training that are needed to meet the individual needs of a child with a disability. The definition clearly states that decisions regarding transition services must be made on the basis of the child’s individual needs, taking into account the child’s strengths, preferences, and interests. As with all special education and related services, the student’s IEP Team determines the transition services that are needed to provide FAPE to a child with a disability based on the needs of the child, not on the disability category or severity of the disability. We do not believe further clarification is necessary.”
Activities to Support Transition Services

- Career research paper;
- College application;
- Job applications;
- Resume writing;
- Self-unit on cooking; and
- Workability training.

Community Experiences

- Job shadowing;
- Community-based instruction;
- Service learning;
- Community service;
- Youth group; and
- Scouts.
Related Services

- Speech and language;
- Occupational therapy;
- Deaf and hard of hearing services;
- Orientation and mobility transportation; and/or
- Career counseling.

ITP Assessment, Goals and Services

- Student had diagnoses of cerebral palsy, encephalopathy, cognitive and other deficits that significantly interfered with his access to educational curriculum.
- Student was eligible under OI and MR.
- Primarily a nonverbal communicator – could not functionally speak or read.
- At annual IEP, team determined, through observations in the classroom setting, Student needed to develop basic daily living skills and prevocational skills. He could not do a lot of tasks independently and worked better on a 1:1 basis; he wore diapers and depended on adults for toileting; could choose own lunch or snack but sometimes preferred not to.
- District had not assessed Student's employment preferences and his prevocational skills/needs, such as the ability to understand and follow instructions; to complete tasks; to follow rules, including being on time; to focus and pay attention to detail; and to understand safety for himself and others. Aside from the general determination that Student was prevocational, the LEAs did not assess his prevocational training skill interests or needs.

Montebello Unified School District, Los Angeles County Office Of Education, and Bellflower Unified School District, OAH Case No. 2008090354 (April 2009)
ITP Assessment, Goals and Services

- Student’s triennial reassessments showed:
  - Limited communication ability, relied heavily on gestures and augmentative voice output devices
  - Could not functionally speak or read or write his name
  - No job experience, limited job awareness
  - Needed adult assistance for dressing, eating, toileting
  - Needed to develop basic daily living and prevocational skills
- ALJ found that, due to the student’s limited cognitive and academic functioning, all assessments were related to postsecondary education and independent living needs.
  - Assessments did not assess in the area of employment interests and prevocational training.
  - Assessments should have observed the student in work or independent living activities.
  - Assessments should have assessed prevocational levels of performance such as: ability to understand/follow instructions; complete tasks; follow rules, including being on time; focus/pay attention to detail; and understand safety of self and others.

Montebello Unified School District, Los Angeles County Office Of Education, and Bellflower Unified School District, OAH Case No. 2008090354 (April 2009)

ITP Assessment, Goals and Services

- Based on the triennial assessments, the IEP drafted an IEP that included:
  - Goals in community and independent living
  - ITP goals of “might” benefit from afterschool or weekend recreation, “could” help out at home; goals/activities were vague/not measurable; activity boxes/statements of students’ levels of need were blank.
- ALJ found that the transition assessment and ITP amounted to a denial of FAPE.
  - Subsequent CDE compliance decision required Montebello USD to offer compensatory education related to postsecondary transition, provide staff training, and to complete “student interest inventories and functional vocational assessments” for several students, including this one.

Montebello Unified School District, Los Angeles County Office Of Education, and Bellflower Unified School District, OAH Case No. 2008090354 (April 2009)
How the ALJ Ruled

- ALJ found assessment of Student’s employment interests and preferences and prevocational work readiness was valid, and that the limited results reflected Student’s limited cognition, functional skills, and exposure to vocational options.
- In discussing the triennial assessments the ALJ discussed how each assessment related to Student’s transition needs:
  - Speech and Language: related to student’s transition needs as it dealt with his ability to communicate orally and non-orally in postsecondary education, training, employment and self-care setting.
  - Psychoeducational: related to all transition areas, including postsecondary education, employment, training, and independent living skills, in that Student’s limited cognitive and adaptive development must be considered in working toward realistic postsecondary goals and services to help him progress.
  - Augmentative Communication: assessed Student’s skills and needs for expressive and receptive methods of communication related to all postsecondary areas of development.
  - Occupational Therapy: related to Student’s transition needs and skills for increased fine and gross motor development and independent living skills in all postsecondary areas of concern.

Montebello Unified School District, Los Angeles County Office Of Education, and Bellflower Unified School District, OAH Case No. 2008090354 (April 2009)

ITP Assessment, Goals and Services

- Montebello USD hired a ROP/transition specialist to conduct a vocational assessment of the student, and had district staff interview the student to determine his occupational interests/prefences.
  - Transition specialist administered the Personal Data Wizard Interest Survey (PDWIS) and the Reading-Free Vocational Interest Inventory (R-FVII) – assessments that were accessible to student based on his lower comprehension and non-verbal skills after testing for comprehension of pictures.
  - Transition specialist also reviewed a SCANS Work Readiness Evaluation with Student’s SDC teacher, which placed him in the “needs development” category in all areas.
  - Transition specialist testified that his limited ability to communicate and his hygienic odor problem could hinder his ability to acquire gainful employment. In addition, due to his physical and functional limitations, she concluded that it was unlikely that he would be successful on his own in seeking or retaining employment.
- IEP Team used the new assessment to draft a new ITP for student.

Montebello Unified School District, Los Angeles County Office Of Education, and Bellflower Unified School District, OAH Case No. 2008090354 (April 2009)
How the ALJ Ruled

- The ITP contained measurable, appropriate goals, services and activities to address Student’s transition needs.
- A long range postsecondary employment goal was added for a “work/activity center/program” to appropriately reflect vocational experience and training at Lincoln.
- In addition, the ITP added specific annual goals in every category, which remedied the prior lack of annual ITP goals.
  - The annual goals all had beginning and ending dates, were measurable, and were appropriate to support Student’s transition needs, along with his placement at MHS in a functional daily living and work skills SH/SDC.
  - In the area of community experience, the annual goal was to begin in September 2007 and continue to February 2008, for Student to attend the YMCA with his one-to-one aide once a week, and engage in movement activities with verbal assistance as needed.
  - Student was then unable to locate the letter “B,” the first letter of his first name, from a total of nine letters given to him. The ITP goal was for him to locate and point to the letter “B,” given a selection of nine letters, in two out of three trials with 100 percent accuracy.
  - Also a daily living skills goal to sort coins, because Student could only sort pennies and dimes.
  - These goals were related to his postsecondary transition to adult living to progress in recognizing his name, if not the alphabet, and working with money, and recognized his unique levels of ability and need.

Montebello Unified School District, Los Angeles County Office Of Education, and Bellflower Unified School District, OAH Case No. 2008090354 (April 2009)

Important Take-Away

- Appropriate measurable postsecondary goals must be based on age-appropriate transition assessments related to training, education, employment and independent living skills.
- Postsecondary goals must refer to activities that will take place after high school in order to be considered “measurable.”
- Annual goals or services/activities constitute the transition plan or path from high school to the potential accomplishment of the long range postsecondary goals.
- Transition services must assist a pupil in reaching his postsecondary goals, e.g. postsecondary goals for vocational training and community experiences must be supported with services such as a work experience program, community-based instruction.
- LEAs should have provided the student with toilet training as a related service to support his postsecondary transition since his dependence on diapers for performing his bodily functions will significantly impede his progress as an adult.
- Invitation of outside agencies: must be invited if likely to be responsible to provide or fund a transition service, but parents must consent.
  - Frequency, location and duration of ITP services: can be less specific than annual goals because frequency and duration is often difficult to predict (e.g., can state weekly community experiences without having to specify specific location of businesses or restaurants).

Montebello Unified School District, Los Angeles County Office Of Education, and Bellflower Unified School District, OAH Case No. 2008090354 (April 2009)
Procedural versus Substantive Error

- The failure to properly formulate a transition plan may be a procedural violation of the IDEA that warrants relief only upon a showing of a loss of educational opportunity or a denial of a FAPE.
  - *Board of Education v. Ross* (7th Cir. 2007) 486 F.3d 267, 276 (7th Cir. 2007) (despite transition plans being a mandatory component of an IEP, notation in IEP that the transition plan would be “deferred” was procedural violation);
  - *A.S. v. Madison Metro School Dist.*, 477 F.Supp.2d 969, 978 (D.Wis. 2007) (allegation of inadequate transition plan treated as procedural violation); and
  - *Virginia S., et al. v. Dept. of Ed., State of Hawaii* (D.Hawaii, January 8, 2007, Civ. No. 06-00128) (transition plan violated procedural requirements of IDEA, but was ultimately found to be harmless error, when it was not based on an interview with the student or parents, did not reference student’s interests, and which generically described post-secondary goals as graduation from high school and employment following post-secondary education).

Failure to Assess Not Necessarily a Substantive Denial of FAPE

- In *Antelope Valley UHSD*, OAH Case No. 2012050676 (Feb. 2013), the ALJ found that the “[a]lthough assessments may be done in conjunction with developing an ITP, they are not necessarily required by IDEA.”
  - The evidence showed that the district had not done any transition assessments for student until March 2012, when informal assessments in that area were completed.
  - In the 2010-2012, the student had an ITP in place, it was reviewed annually, and the student’s IEP goals incorporated his transition needs.
  - The District’s witnesses credibly testified that the IEP team had enough information before it to understand the student’s post-secondary goals and transitional needs.
  - The student offered no evidence that he had other transitional needs that were not addressed by the February 2011 IEP team or during the 2010-2011 school year. Accordingly, there was no denial of FAPE.
  - **Remember: Best Practice is to follow all procedural requirements of the IDEA, including conducting transition assessments.**
Failure to Provide an ITP Not Necessarily a Substantive Denial of FAPE

• In LAUSD, et al, OAH Case No. 2010010284 (June 2010), the school failed to hold an annual IEP meeting, conduct a transition assessment, and/or create an ITP.
• The ALJ found that the procedural violation did not result in the student being denied a FAPE because the school:
  • “[I]ncorporates in its program a workforce development class and an advisory class to assist its students in planning for post-secondary school life including academic planning, career planning and independent living skills. Student admitted that she participated, and is still participating, in this program as she received instruction in how to obtain employment and resume-writing; investigated going to a four-year or community college; and received, and is still receiving, assistance in obtaining an internship. Additionally, Student was provided courses in dance and cosmetology at NVCS, which were areas identified by Student where she desired to find employment.
  . . . Thus, Student has not demonstrated that she was deprived of any services which may have been provided for her had an IEP team meeting been held as she received services comparable or exceeding what she may have gotten with an IEP.”

There Is No Requirement of Success In All Transition Goals

• School districts are not required to ensure that students are successful in achieving all of their transition goals.
• In High v. Exeter Township Sch. Dist. (E.D. Pa 2010), 2010 WL 363832, the court determined that the school district was not required to ensure student was successful in fulfilling her desire to attend college, as the IDEA was meant to create opportunities for disabled children, and not to guarantee a specific result.
• The court in Exeter also discussed how a transition plan compares with an IEP, and noted that the statutory requirements for transition plans contain no progress monitoring requirement. An IEP must include a method to measure a child’s progress; however, a transition plan must only be updated annually and include measurable post-secondary goals and corresponding services.
• The Exeter case has been cited favorably by OAH.
• School districts are not obligated to provide a transition plan that takes into account all possible post-secondary outcomes.
• Simi Valley USD, OAH Case No. N2007120033/N2008010898 (July 2008)
A Defensible ITP

• In LAUSD, OAH Case No. 2011110413 (May 2012), an ALJ determined that a 2009 ITP and a 2010 ITP, in conjunction with the operative IEP, provided “some educational benefit.”
  • Both plans identified specific post-secondary career and college interests.
  • Both plans included measurable post-secondary goals and activities related to training, education, employment, and independent living skills to address the student’s needs.
  • Specifically, the ITPs called for:
    • Job-related basic skills instruction
    • Complete instruction in money management or other life skills
    • Attending vocational school
    • Attending community college
    • Completing a transition class

• The ITP included transition services of a transition class to reach his identified goals of:
  • “[B]y September 2010, Student ‘will research the duties, responsibilities, training, education requirements, salary, benefits, and working conditions of a web designer, as evidenced by the transitions report,’ and that, along with Student, the transitions teacher would be responsible for implementing this transition service’; and
  • “[B]y September 2010, Student ‘will research post-secondary placements that offer an education in web design, as evidenced by the transitions report,’ and that, along with Student, the transitions teacher would be responsible for implementing this transition service.”
A Defensible ITP

- The ITP included a measurable community experience goal.
  - Student had shared that he was not ready to get his drivers license.
  - The goal provided that: “By September 2010, Student ‘will plan and complete a trip on public transportation once a month, as evidenced by parent report.’ Although the ITP listed Student, his parents, and his family as the individuals responsible for implementing this goal, the credible testimony of [the post-secondary transition coordinator] established that her transitions class provided a unit where the pupils, including Student, planned trips from one destination to another by using the Metro’s website.”

- The ITP included a measurable post-school living goal.
  - Student expressed desire to live with his family after graduation.
  - The goal provided that: “[B]y September 2010, Student ‘will learn how to do laundry, including sorting, setting the correct temperature, drying, folding, and putting away clothes, as per by parent report.’ Although the ITP listed Student, his parents, and his family as the individuals responsible for implementing this goal, the evidence established, through the credible testimony of [the post-secondary transition coordinator] that learning to do laundry was also part of the curriculum of her transitions class.”

- The ITP included two measurable post-school education and employment goals:
  - “[B]y September 2010, Student ‘will continue to learn about basic independent living skills and basic finances in the transitions class, as evidenced by classwork,’ and that, along with Student, the transitions teacher would be responsible for implementing this goal. According to the credible testimony of [the post-secondary transitions coordinator], her transitions class curriculum included material about accounts and budgeting.”
  - “[B]y September 2010, Student ‘will complete a minimum of 16 hours of community service this year, as evidenced by service log,’ and that Student, his parents, and his family would be responsible for implementing that goal.”
ITP Assessment, Goals and Services

- Student was a 20 year old student who had been eligible under SLD and OHI (ADD). Student graduated with a HS diploma at age 18.
- The Central California Diagnostic Center and the District had completed assessments that evaluated Student’s vocational and transition needs.
- District utilized a battery of tests designed to identify Student’s vocational abilities and interests. Assessor conducted other subsequent assessments, which included information from Parents, as well as having Student complete surveys both online and offline.
- As part of her assessment, assessor interviewed District staff, Student’s Parents, and Student regarding his post-secondary school goals and career interests. Student completed career interests’ survey questions, to fully identify his needs, career preferences, strengths and areas of needs for transition.

*Calaveras Unified School District, OAH Case No. 2012060827 (October 2012)*

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ITP Assessment, Goals and Services

- Postsecondary school career interests: Auto mechanic or law enforcement.
- District began to offer Student programs, services and supports that would support his expressed interests, especially in the areas of automobile mechanic and law enforcement. Classes in auto and police science offered.
- District transition specialist kept contact log with Student which helped prove that ITP was implemented, which reflected discussions with Student at least 10 times about his post-secondary school career interests, and that information was presented and discussed regarding available career options.
- District transition specialist attended at least three IEP team meetings where she presented results of her assessments, and advised Student of at least three career fairs being held at Student’s campus.

*Calaveras Unified School District, OAH Case No. 2012060827 (October 2012)*
ITP Assessment, Goals and Services

- Student ITPs included appropriate and measurable post-secondary goals. The goals were outcome oriented as they supported Student’s interest in becoming an auto mechanic or law enforcement personnel.
- The goals also supported Student’s interests in college education and post-secondary school employment.
- The goals were supported by the assessment’s results.
- The goals were worked on while Student was at CHS, and Student took and passed relevant courses designed to enable his interest in auto mechanic, law enforcement, and proceed to college, if desired.
- His credits in the courses were college transferable, as District wanted to ensure that Student could benefit from continuum of coursework in the areas of Student’s expressed career interests.

Calaveras Unified School District, OAH Case No. 2012060827 (October 2012)

ITP Assessment, Goals and Services

- During his time at CHS, Student was provided information and encouraged to access career assistance from the local “Mother Lode Job Training and Placement – Job Connection” center.
- Student was also offered Study Hall help - an after-school tutoring program where Student could obtain additional academic assistance especially in math and language arts.
- Student participated in Resume Writing workshop, which was part of his English class during his senior year.
- Interviewing skills were taught through the workability program, but Student refused to participate in the workability program.

Calaveras Unified School District, OAH Case No. 2012060827 (October 2012)
How the ALJ Ruled

- Student failed to establish that District failed to offer him appropriate ITPs, or failed to include appropriate measurable post-secondary school goals.
- District conducted appropriate transition assessments and developed appropriate transition plans. The ITPs appropriately identified transition services needed by Student to achieve his transition goals.
- Student’s IEPs/ITPs were based on his individual needs, expressed vocational desires and appropriately considered Student’s strengths and weaknesses.
- The goals included in the ITPs were outcome-oriented, practical and achievable by Student given his interests, abilities and strengths.
- District appropriately planned for Student’s post-secondary school future. The IEP goals were appropriately implemented, serviced and supported and the ITPs addressed all of Student’s areas of his needs.

Calaveras Unified School District, OAH Case No. 2012060827 (October 2012)

ITP Must be Individualized

- Student was a 19-year old who exhibited severe autistic-like behaviors, social and emotional difficulty and behavioral problems. He had limited cognitive abilities and concomitant difficulty in paying attention and concentrating on school work. As a consequence, he had delayed academic skills.
- Student was conserved by his parents when he turned 18.
- Student was awarded a HS diploma.
- ALJ found that there was no evidence that the student had not met one or more of the requirements for a regular high school diploma.
- Parents alleged that Student’s individual transition plans (ITP’s) were not congruent with his unique needs and failed to provide adequate support to transition him to postsecondary life. They argued that:
  - Student had not developed any independent living skills. He was unable to dress himself or ride a bus, had no employment skills, and was unable to attend college.
  - He could not functionally communicate or understand dangerous situations, and required constant adult supervision and support.
  - Student had never been taken into the community or provided vocational training by District staff, as called for in the ITPs.

Los Angeles Unified School District, OAH Case No. 2013050272 (September 2013)
How the ALJ Ruled

- Student’s ITP did not reflect his unique deficits because no comprehensive transition assessments were ever completed.
  - Thus, Student’s ITP was not individualized to his postsecondary needs.
- There were no clear postsecondary goals except to state that student was interested in pursuing a career in music and technology and Student’s goal was to “communicate personal preference using an identified mode of communication.”
  - Thus, the goal was vague, unmeasurable, and fails to assist Student’s transition to postsecondary life.
- Student was unable to obtain a driver’s license, complete a resume, develop a work portfolio, obtain letters of recommendation, or pursue a career in music and technology; however, ITP stated Student would complete these activities.
  - Thus, Student’s vocational and postsecondary activities were not unique to Student, whose abilities were far below what was required to complete the activities listed in his ITP.
- District did not implement student ITP and IEP team did not consider Student’s postsecondary transition needs when developing Student exit IEP.
  - District was required to fund an independent consultant to develop an ITP.
  - Assessment had to include recommendations for agencies other than the district who the parent could contact for assistance.

*Los Angeles Unified School District, OAH Case No. 2013050272 (September 2013)*

ITP and Mental Health Needs

- 17 year old student eligible under ED.
  - Multiple suicide attempts led parents to request IEP placement in an RTC. District offered day treatment program.
- Students ITP noted that she needed to complete a career assessment.
  - Based on Student’s desire to attend college and major in public relations, the plan provided for a postsecondary educational goal to attend college, a postsecondary employment goal to work part-time while attending college, and a postsecondary independent living goal to live independently upon completion of school.
  - The plan included transition services to support each of these goals.
    - For the goal to attend college, the plan provided for Student to complete career research in her chosen career of interest, complete her last two years of high school, and take tours of colleges.
    - For independent living, Student was to work on a budget and explore different living options. For employment, Student would complete a career assessment, do career research, and learn skills related to completing applications, along with industry tours.
    - The IEP also included an annual goal in the area of career exploration, noting that Student had not engaged in career exploration activities to date in order to research jobs of interest.

*Sacramento City Unified School District v. R.H., 2016 WL 5870774 (E.D. Cal. 10/7/16)*
ITP and Mental Health Needs

• The IEP offered Student 30 minutes monthly of career awareness services, and career awareness activities were also embedded in the curriculum. Student participated in an independent living skills class at the NPS twice a week, with a focus on social skills, daily living skills, and career exploration.

• Student was critical of the individual transition plan because it did not include any goals or services to help her advocate for mental health services after high school, or to understand her underlying mental health issues.

Sacramento City Unified School District v. R.H., 2016 WL 5870774 (E.D. Cal. 10/7/16)

ITP and Mental Health Needs

• ALJ found that since the individual transition plan was part of Student’s June 2013 IEP, which included self-advocacy and multiple social emotional goals to support her mental health needs, the IEP was not deficient for not having additional mental health goals/services as part of ITP.

• ALJ made note that the ITP was developed by a District behavior intervention specialist who was part of the ERMHS team that assessed Student while she was in the hospital and was aware of her significant mental health needs.

• Student’s initial transition plan provided her the foundational skills in postsecondary planning that would be further developed as she entered her twelfth grade year.

• The ITP addressed Student’s needs in the legally required areas of postsecondary education or training, employment, and independent living skills.

• The ITP was based on Student’s stated interests in going to college and having a career.

• The ITP was supported by annual goals, addressing areas such as completing high school, job interests, completing a career assessment, and college tours.

• District revised the ITP plan to more accurately reflect student's specific interests in particular colleges and job areas and added appropriate transition services, including completing a career exploration assessment online, attending college workshops, researching “job families” related to her interests, and interviewing professionals within those areas of interest.

Sacramento City Unified School District v. R.H., 2016 WL 5870774 (E.D. Cal. 10/7/16)
ITP Goals and Services

- 19 year old male, eligible under ED, and sometimes also due to autism. Suffered psychiatric collapse and was placed by District at Heritage RTC in Utah. Returned to District HS for senior year and graduated with HS diploma.
- His initial ITP reported that Student took the World of Work Career Interest Survey and wanted to be either a professional actor or a scientist such as a microbiologist, a biologist, or a geneticist. The plan set forth the following goals:
  - Training or Education: “Upon completion of school . . . [Student] will attend Marin Community College.”
    - To support the first goal, the plan provided for activities such as meeting the Disabled Student’s counselor at the College of Marin and learning how to enroll in classes and secure accommodations there.
  - Employment: “Upon completion of school . . . [Student] is uncertain at this time whether he wants to work part-time or be a full-time student.”
    - To support the second, Student was to get an on-campus job for two months while still at Heritage, to see if he could maintain his grades and work at the same time.
  - Independent Living: “Upon completion of school [Student] wants to live with his parents for the first two years of community college.”
    - To support the third, Student was to “learn and practice taking public transportation to and from home and College of Marin.” The plan also listed Student’s graduation requirements and course of study.

Tamalpais Union High School District, OAH Case No. 2015010202 (July 2015)

ITP Goals and Services

- Each of the transition goals was cross-referenced to the same three annual goals for social-emotional improvement, interpersonal conflicts and employment in the IEP. The plan did not contain any specific community activity.
- ITP addressed Student’s independent living skills only in the goal that Student would live with Parents, and the activity that he would learn was to take the bus to the College of Marin. The IEP noted that Student “does fairly well getting his activities of daily living (chores) completed each day.”

Tamalpais Union High School District, OAH Case No. 2015010202 (July 2015)
How the ALJ Ruled

• ALJ found that the initial ITP fulfilled most of the minimum standards set forth in special education law. It had goals based on Student’s plans, as measured by assessment, in the required areas of education, training and employment, and had activities related to those goals.

• The plan’s failure to contain community activities violated the IDEA’s requirement that a transition plan include such activities, but it was not a substantive denial of FAPE.

• Student did not meet his burden of proof that separate goals and activities for independent living skills were appropriate in the 2013 transition plan. The fact that Student displayed adequate living skills at his RTC supported the conclusion that no transition goal in that area was appropriate for his 2013 transition plan.

Tamalpais Union High School District, OAH Case No. 2015010202 (July 2015)

Revised Goals and Services

• Student’s transition plan was revised as part of his February 28, 2014 IEP. Student was interviewed and given a 126-question career assessment called COIN.

• The plan set forth the following goals:

  • Training or Education: “Upon completion of school . . . [Student] will attend College of Marin and then transfer to a 4 year college.”
    • To support the education goal, the plan provided for activities such as visiting the college, taking placement tests, enrolling, and investigating different support services in the community in case he would need academic support after leaving high school.

  • Employment: “Upon completion of school . . . [Student] will do something in theater or the sciences.”
    • To support the employment goal, the plan provided for “career exploration” and noted that Student was considering an internship with Marin Shakespeare or a position as a summer volunteer for Wild Care.

  • Independent Living: “Upon completion of school [Student] wants to live with his parents for the first 2 years of community college.”
    • To support the independent living goal, Student was to learn and practice taking public transportation to and from home and College of Marin. The plan did not propose a separate community activity.

Tamalpais Union High School District, OAH Case No. 2015010202 (July 2015)
Revised Goals and Services

- The 2014 transition plan listed and updated Student’s graduation requirements and course of study.
- Each of the transition goals cross-referenced the three annual goals in the new IEP for social-emotional improvement, interpersonal conflicts and employment.
- The IEP team updated the educational transitional goal to reflect Student’s growing certainty about his career path. The team also updated the employment goal to reflect Student’s continuing interest in science and also his growing interest in the theater.

Activities to Support Postsecondary Goals

- Student’s teacher invited three guest speakers into her classroom to discuss their careers, and Student participated in the resulting discussions.
- Student’s teacher planned a fourth career workshop, on science careers, specifically for Student, but it was at the end of the year and Student did not attend. Student declined to attend a field trip led by Ms. Leland to the College of Marin, including its office for disabled students, because he preferred to visit the campus with Parents.
- Student’s teacher facilitated Student’s involvement in the community. She took Student on a field trip to Wild Care, a community nonprofit in San Rafael dedicated to animals, so he could learn about working in the nonprofit world. Student was interested in Wild Care, and applied for employment there. Ms. Leland wrote Wild Care a letter of recommendation for him, and he was later called in for an interview. Beginning in spring 2014, Student also became involved with Marin Shakespeare, and seriously considered a summer internship there.
- Student’s teacher brought a representative of the College of Marin to her classroom to discuss the college’s benefits, the credits required, the course catalogue, and related topics.
Activities to Support Postsecondary Goals

The student’s teacher also organized a workshop presented by the District’s College and Career Center specialist at which time the details of enrollment in college with the class’s seniors was discussed, and during that session the student enrolled in the College of Marin and printed out his certificate of enrollment.

The student’s teacher brought a College of Marin representative to the high school to administer the college’s placement tests in a place in which her students were comfortable. The student preferred to take the test on the College of Marin campus, and when he missed his first appointment, the student’s teacher helped arrange another one.

The student also registered through the Marin County Office of Education’s workability program for the Personal Data Wizard, a website that guides students through activities such as getting a driver’s license, writing a resume, taking online workshops, writing cover letters, and learning interview skills and budgeting.

With the student’s teacher’s encouragement, the student also participated in a workshop called “Summer 2014: How to Get a Life,” in which he was an active participant. The teacher of that seminar later sent him some materials. The student was not attending school at the end of the year, so the student’s teacher created a transition portfolio that included notes from guest speakers and a letter of recommendation from her, and gave it to the parents.

How the ALJ ruled

The goals were in the required areas and were based on the student’s ambitions as reflected by interview and assessment.

They were only loosely coordinated with the student’s new annual goals, but no law requires a closer connection.

The employment goal, that the student “will do something in theater or the sciences,” was vague, but that merely reflected the fact that the student had not yet foreclosed the possibility of a career in theater.

The student’s activities with Wild Care and Marin Shakespeare satisfied the requirement of community activities.

The student did not need an independent living skills goal in the 2014 transition plan as this was not an area of need.
Analyzing the Impact of a Defective Transition Plan

- “There was no evidence that any alleged flaw in either of Student’s transition plans had any effect on his education, his career ambitions, his educational plans, or any other aspect of his transition to post-secondary life. There was no evidence that his transition was less than entirely successful. There was no evidence that any flaw in the transition plans complicated his enrollment at the College of Marin, his obtaining courses, his arranging disability accommodations or transportation, or any other aspect of his post-secondary life. He was already involved in community activities through Marin Shakespeare and Wild Care, and the evidence showed he was engaged in a sustained effort to meet and become acquainted with as wide a range of people as possible. There was no evidence he was isolated or without friends or activities. On this record, Student matriculated successfully to the College of Marin in fall 2014 without a single difficulty.”

Tamalpais Union High School District, OAH Case No. 2015010202 (July 2015)

ITP Assessment, Goals and Services

- Adopted child who began having severe attachment issues as an adolescent.
- Parents placed unilaterally in out-of-state RTC.
- District conducted initial assessment and found student eligible under SLD and SLI.
- FAPE offer: District therapeutic program with counseling and speech and language services.
- As part of the initial assessment, the psychologist administered the Homes and Dreams Assessment (informal assessment) to Student to help determine how to support his post high school transition. She asked him a series of questions about his dreams, strengths, career interests, learning preferences, personality, potential hurdles, needed accommodations, post high school education plans, and employment plans.

Mountain View-Los Altos Union High School District, OAH Case No. 2016050172 (December 2016)
ITP Assessment, Goals and Services

- The ITP contained two goals for Student. The first goal provided for Student to research and compare junior colleges, colleges, or universities to find schools that would fit his skills, interests, and abilities. To support this goal the ITP offered access to career day, college fairs, college orientation, college/career resource center, and Naviance (a computer system used for researching schools and vocational programs).
- The second goal focused on Student researching and exploring realistic post high school career opportunities. To facilitate this goal, Student would be provided access to community based education activities such as volunteering and job shadowing, and career day events.
- Student’s IEP included a life skills goal, which focused on Student learning to access community resources and transportation services. Although this goal is not listed as a transition goal, the ALJ determined it helped support Student’s post-secondary transition plan.
- Both ITP goals were supported by the offered services of 30 minutes yearly of vocational counseling, 10 minutes monthly of career awareness counseling, and 10 minutes per month of college awareness and preparation.
- Mountain View-Los Altos’s workability and placement specialist would provide these services. Both the workability and placement specialist and Student’s case manager would work with Student on writing an effective resume, learning effective interviewing skills, and finding employment opportunities. The case manager would work with Student during the study skills class to support these goals.

Mountain View-Los Altos Union High School District, OAH Case No. 2016050172 (December 2016)

How the ALJ ruled

- The ALJ ruled that the District actively engaged in fact gathering in order to be able to provide the IEP team with sufficient information about Student’s transition needs to able to offer Student an appropriate Individualized Transition Plan. It conducted its own assessment and utilized the results of the NPS’s assessments to gather sufficient information.

Mountain View-Los Altos Union High School District, OAH Case No. 2016050172 (December 2016)
Important Take-Away

- The adequacy of transition services must be viewed in aggregate in light of the child’s overall needs. The test is whether the IEP, taken in its entirety, is reasonably calculated to enable the particular child to garner educational benefit.
- School districts are not required to ensure that students are successful in achieving all of their transition goals. The IDEA was meant to create opportunities for disabled children, and not to guarantee a specific result, such as acceptance into college.
- The statutory requirements for transition plans contain no progress monitoring requirement.
- An IEP must include a method to measure a child’s progress; however, a transition plan must only be updated annually and include measurable postsecondary goals and corresponding services.

Mountain View-Los Altos Union High School District, OAH Case No. 2016050172 (December 2016)

Important Take-Away

- Like many teenagers, Student had some possibly unrealistic career goals, such as becoming a disc jockey or BMX racer. Part of the offered Individualized Transition Plan was designed to help Student focus on realistic career goals. On the surface the amount of offered service time seemed low, but combined with the IEP’s placement offer and other services (i.e. the study skills class and case manager’s services), the offer was appropriate to meet Student’s needs.
- Additionally, the computer services, college visits, job fairs, and other services listed in the transition plan supported the goals.
- Therefore, Mountain View-Los Altos did not deny Student a FAPE by failing to offer Student an appropriate Individualized Transition Plan.

Mountain View-Los Altos Union High School District, OAH Case No. 2016050172 (December 2016)
Diploma Track Students and Adaptive/Functional Skills Training

• In Bellflower USD, OAH Case No. 2016090310 (Jan. 2017), the ALJ found that the district had denied the student a FAPE by failing to provide him with a procedurally sufficient ITP, properly supported by IEP goals and services, that would enable him to function in the community so that he could pursue his post-secondary goals.

• The district did not assess and determine student’s abilities despite that his parents and “medical team” indicated that he would not be able to function in the community after graduation.

• The district did not provide needed services on the basis that the student was capable of functioning in the community after graduation by relying on various public agencies and colleges to provide needed post-secondary support.

• “District did not meet its affirmative obligation to provide adaptive and functional living skills services that would better enable Student to pursue his post-secondary goals in the community.”

• “Diploma-bound students can also be deficient in adaptive, functional living skills that hamper them from pursuing a transition plan’s post-secondary goals, which was the case for Student.”

Questions?

Information in this presentation, including but not limited to PowerPoint handouts and presenters’ comments, is summary only and not legal advice. We advise you consult with legal counsel to determine how this information may apply to your specific facts and circumstances.

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(707) 524-2690
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This manual and accompanying IEP Forms were developed by members of the State SELPA Association to address the legal requirements of IDEA, state law, and the State Performance Plan as appropriate. This IEP is a recommended template to provide greater consistency for districts around California. The California Department of Education, Special Education Division also posts it on their website.
FORM 2 (PAGE 1) – TRANSITION PLAN (ITP)

This form must be completed in time to be in effect when the student reaches 16 years of age or sooner if appropriate or will reach 16 years of age before the next annual review.

1. Student was invited: The student is to be invited on the meeting notification form. When the student is invited mark YES on the transition page. Keep the documentation of the meeting notification in the student’s file.

2. Agency was invited: When appropriate support agencies need to be invited on the meeting notification, with the parent/guardian/students permission. If an agency is invited mark YES, when it is “not appropriate” mark N/A. You should never need to mark NO. Keep the documentation of the meeting notification in the student’s file.

IDEA 2004 requires that, "to the extent appropriate, with the consent of the parent or a child who has reached the age of majority, …the public agency must invite a representative of any participating agency that is likely to be responsible for providing or paying for transition services" (300.321 [b][3]).

3. How the Student Participated in the Process: Describe how the student participated in the process by choosing the best answer. Note: IEP teams may choose more than one option.

4. Age-appropriate transition assessments/instruments were used: Age-appropriate transition assessments/instruments are to be used and drive the individual transition planning portion of the IEP. When used mark YES. The next step is to record the transition assessment information/results used to identify the student's preferences and interests for transition planning as they relate to his/her post-secondary goals Assessment needs to be comprehensive NOT JUST Vocational. This information serves as Present Levels for the transition section of the IEP. The post-secondary goals are what the student plans on doing upon graduation/completing school. The gap between the results of the transition assessment and the student’s interests is the basis for the post-secondary goals.

Describe what the student is interested in and wants to pursue in areas of education, career and living based on the information you get from the transition assessments. Be sure this is documented on Form 1A.

Transition assessment is the ongoing process of collecting data on the individual's needs, preferences, and interests as they relate to the demands of current and future work, education, independent living, and social environments. Age appropriate assessment based on the student's chronological age may need to be adapted for some students so that meaningful data are obtained.

Presence of the following information, as appropriate, in the student's file and a clear link of such information to the student's postsecondary goal(s) would meet the requirements of age appropriate transition assessment.

- State mandated test scores gathered during high school
- Quarterly or semester grades or progress notes throughout high school
- Current psychological assessment data indicating areas of strength and weakness, while documenting the presence of a diagnosed disability
- College entrance exam scores, if applying to 4-year colleges
- Informal interviews with students
- Interest inventories or questionnaires
- Career interest inventory and/or career skill inventory
- An adaptive behavior scale (with a student self-assessment component included)
- Teacher/ employer observations of school or community-based work experiences
- Various student self-assessments.
Best practices would also include assessment information (a) provided by multiple people, (b) regarding student performance in multiple environments, (c) based on naturally occurring experiences, (d) that is understandable, and (d) that was gathered through instruments and methods sensitive to cultural diversity.

5. Student’s Postsecondary Goals:
The student’s IEP must include appropriate measurable postsecondary goal or goals that cover education or training, employment, and, if appropriate, independent living.

Postsecondary goals refer to those goals that a student hopes to achieve after exiting high school. A postsecondary goal is not the process of pursuing or moving toward a desired outcome, but the identification of what the desired outcome will be.

**EXAMPLES**

**Education/Training:**
- Upon completion of school, I will join the Army.
- Upon completion of school, I will enroll in the local Community College.
- Upon completion of school, I will learn independent living skills from the Regional Center.

**Employment:**
- Upon completion of school, I will work as a mechanic.
- Upon completion of school, I will work as a teacher.
- Upon completion of school, I will work at the Opportunity Center.
- Upon completion of school, I will work in competitive employment.
- Upon completion of school, I will work in supported employment.

**Independent Living**
- Upon completion of school, I will live on my own.
- Upon completion of school, I will live with friends in a home or apartment.
- Upon completion of school, I will live on my own with help from my family.

Make sure the post-secondary goal is linked to an annual goal that will support the skills needed to reach the students post-secondary goals.

Person/agency responsible: Put in the student’s name and then whoever else will also be responsible.

Updated Annually: There must be documentation that the postsecondary goals in the IEP are for the current year, and have been updated according to the student’s changing strengths, preferences and interests.

6. Transition Services Codes: Chose an appropriate Transition Service Code that will be used to support the student’s post-secondary goal.

| 820 | **College Awareness Preparation:** College awareness is the result of acts that promote and increase student learning about higher education opportunities, information and options that are available including, but not limited to, career planning, course prerequisites, admission eligibility and financial aid. |
| 830  | **Vocational Assessment, Counseling, Guidance, and Career Assessment**: Organized educational programs that are directly related to the preparation of individuals for paid or unpaid employment and may include provision for work experience, job coaching, development and/or placement, and situational assessment. This includes career counseling to assist student in assessing his/her aptitudes, abilities, and interests in order to make realistic career decisions. (Title 5 §3051.14). |
| 840  | **Career Awareness**: Transition services include a provision in paragraph (1)(c)(vi), self-advocacy, career planning, and career guidance. This comment also emphasized the need for coordination between this provision and the Perkins Act to ensure that students with disabilities in middle schools will be able to access vocational education funds. (34 CFR §300.29). |
| 850  | **Work Experience Education**: Work experience education means organized educational programs that are directly related to the preparation of individuals for paid or unpaid employment, or for additional preparation for a career requiring other than a baccalaureate or advanced degree. (34 CFR 300.26) |
| 855  | **Job Coaching**: Job coaching is a service that provides assistance and guidance to an employee who may be experiencing difficulty with one or more aspects of the daily job tasks and functions. The service is provided by a job coach who is highly successful, skilled, and trained on the job who can determine how the employee that is experiencing difficulty learns best and formulate a training plan to improve job performance. |
| 860  | **Mentoring**: Mentoring is a sustained coaching relationship between a student and teacher through on-going involvement and offers support, guidance, encouragement, and assistance as the learner encounters challenges with respect to a particular area such as acquisition of job skills. Mentoring can be either formal as in planned, structured instruction or informal that occurs naturally through friendship, counseling and collegiality in a casual, unplanned way. |
| 865  | **Agency Linkages (referral and placement)**: Service coordination and case management that facilitates the linkage of individualized education programs under this part and individualized family service plans under part C with individualized service plans under multiple Federal and State programs, such as Title I of the Rehabilitation Act of 1973 (vocational rehabilitation), Title XIX of the Social Security Act (Medicaid), and Title XVI of the Social Security Act (supplemental security income). (34 CFR §613). |
| 870  | **Travel Training (includes mobility training)**: Orientation and mobility services—(i) Means services provided to blind or visually impaired children by qualified personnel to enable those students to attain systematic orientation to and safe movement within their environments in school, home, and community. |
| 890  | **Other Transition Services**: These services may include program coordination, case management and meetings, and crafting linkages between schools and between schools and postsecondary agencies. |

Transition services are a coordinated set of activities for a student with a disability that:
- Is designed to be within a results-oriented process, 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 postsecondary education; vocational education; integrated employment (including supported employment); continuing and adult education; adult services; independent living or community participation.
- Is based on the individual child’s needs, taking into account their strengths, preferences, and interests;
- 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.
7. Activities to Support Transition Service: Identify different activities that will be employed to help the student achieve his/her post-secondary goals. (Ex. career research paper, college application, job applications, resume writing, self-help unit on cooking, Workability training etc.)

8. Community Experiences as Appropriate: Identify any activities in the community in which the student will be participating in the community. (Ex. Job shadowing, community based instruction, service learning, community service, youth group, scouts, and ballet)

9. Related Services/DIS as Appropriate: Include any related services the student may need based on their disability that will help the student achieve his/her post-secondary goals. (ex. Speech and Language, Deaf and Hard of Hearing services, Orientation and Mobility Transportation, Career Counseling, etc.)
FORM 2 (PAGE 2) - TRANSITION PLAN (ITP)

1. Course of Study: Courses of study are defined as a multi-year description of coursework that explicitly connect to the student’s desired post-school goals, from the students’ current to anticipated exit year. Transcripts are not considered a course of study unless they also contain the list of future required courses to be completed by the student. Include a sentence as to how the completion of the student’s course of study and diploma or certificate of completion will increase the student’s ability to achieve his or her post-secondary goals. Here are options for conveying this information:

The chart below reflects the generic courses with commonly used course titles

<table>
<thead>
<tr>
<th>Grade 9</th>
<th>Grade 10</th>
<th>Grade 11</th>
<th>Grade 12</th>
</tr>
</thead>
<tbody>
<tr>
<td>English I</td>
<td>English II</td>
<td>English III</td>
<td>English IV</td>
</tr>
<tr>
<td>Social Science</td>
<td>Social Science</td>
<td>Social Science</td>
<td>Social Science</td>
</tr>
<tr>
<td>(personal growth, geography)</td>
<td>(History)</td>
<td>(American)</td>
<td>(Economics)</td>
</tr>
<tr>
<td>Math (Algebra I)</td>
<td>Math (Intermediary Algebra)</td>
<td>Math (Geometry)</td>
<td>Elective</td>
</tr>
<tr>
<td>Science (Biology)</td>
<td>Science (Physical Science) PE Elective</td>
<td>Science (Chemistry)</td>
<td>Elective</td>
</tr>
</tbody>
</table>

- Electives are defined as Foreign Language (a language that is not English), Visual/Performing Arts, and Career-Technical Education classes and Regional Occupation Programs/Classes.
- The course of study may also include extracurricular activities that relate to post-secondary goals (yearbook, school newspaper, athletics, student leadership organizations (Future Farmers of America, Future Business Leaders of America, Key Clubs, etc.)

The school transcript suffices for meeting this expectation only if it includes the multi-year course of study. If it only lists the current or past years’ classes, grades and credits, it is insufficient for meeting this requirement.

A sample course of study for a certificate bound student may include:

<table>
<thead>
<tr>
<th>Functional Academics</th>
<th>Domestic Domain</th>
<th>Community Domain</th>
<th>Vocational Domain</th>
</tr>
</thead>
<tbody>
<tr>
<td>Math</td>
<td>Grooming &amp; Hygiene</td>
<td>Social Behavior</td>
<td>Career Exploration</td>
</tr>
<tr>
<td>English Language Arts</td>
<td>Personal Safety</td>
<td>Community Resources</td>
<td>Work Related Training</td>
</tr>
<tr>
<td>Listening &amp; Speaking</td>
<td>Life Skills</td>
<td>Recreation and Leisure</td>
<td>Future Living, Working</td>
</tr>
</tbody>
</table>

Diploma: Attach a form with all diploma coursework presently being completed and all required future coursework that needs to be completed. Be sure to include the names of the specific electives that are being taken and will be taken.

Certificate: Describe the functional areas being worked on currently and future areas to be addressed prior to Exit from school.

2. Units/Credits: Update the units/credits the student has completed up to this meeting and then the units/credits the student still has to complete or has pending for a diploma/certificate including what the student will take in the next IEP cycle.

3. Course of Study leads to: The IEP Team indicates by checking which option - a Certificate of Completion or a Diploma – will the courses the student is currently enrolled in lead to a certificate of completion or a diploma.
4. Transfer of Rights: On or before the student’s 17th birthday, the teacher is to explain that he and/or she will assume all special education rights and protections upon turning 18 (unless a conservator has been appointed by the court). Review the Notice of Procedural Safeguards with the student. Have the student and parent sign this section.

Educational Benefit Reminder

- Is there an appropriate measurable post-secondary goal or goals that covers education or training, employment, and as needed, independent living?
- Are the post-secondary goals updated annually?
- Are the post-secondary goals based on age appropriate transition assessments?
- Are there transition services in the IEP that will reasonably enable the student to meet his/her post-secondary goals?
- Does the course of study reasonably enable the student to meet their post-secondary goals?
- Is there an annual IEP goal related to the student’s transition services needs?
- Was the student invited and involved in their transition planning?
- Was a representative of any participating agency invited to the IEP Team meeting with prior consent from parent, guardian, or student?
**STATE SELPA IEP TEMPLATE**  
**TRANSITION PLAN (ITP)**

<table>
<thead>
<tr>
<th>Student Name ____________________</th>
<th>Date of Birth <em><strong>/</strong></em>/_______</th>
<th>IEP Date <em><strong>/</strong></em>/_______</th>
</tr>
</thead>
</table>

Student Invited [ ] Yes  [ ] No  
If appropriate, and agreed upon, agencies invited [ ] Yes  [ ] No  [ ] N/a

Describe how the student participated in the process  
[ ] Present at meeting  [ ] Interview Prior  
[ ] Interest Inventories  [ ] Questionnaire

Age-appropriate transition assessments/instruments were used  
[ ] Yes  [ ] No

Describe the results of the assessments  __________________________________________________________

<table>
<thead>
<tr>
<th><strong>Student’s Post Secondary Goal Training or Education (Required)</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Upon completion of school I will</strong> _________________________</td>
</tr>
<tr>
<td><strong>Activities to Support Post Secondary Goal</strong> ____________________</td>
</tr>
<tr>
<td><strong>Community Experiences as Appropriate</strong> ____________________</td>
</tr>
<tr>
<td><strong>Related Services as Appropriate</strong> ____________________</td>
</tr>
<tr>
<td><strong>Linked to Annual Goal #</strong> ____________________</td>
</tr>
<tr>
<td><strong>Person / Agency Responsible</strong> ____________________</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Student’s Post Secondary Goal Employment (Required)</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Upon completion of school I will</strong> _________________________</td>
</tr>
<tr>
<td><strong>Activities to Support Post Secondary Goal</strong> ____________________</td>
</tr>
<tr>
<td><strong>Community Experiences as Appropriate</strong> ____________________</td>
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<tr>
<td><strong>Related Services as Appropriate</strong> ____________________</td>
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<td><strong>Linked to Annual Goal #</strong> ____________________</td>
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<tr>
<td><strong>Person / Agency Responsible</strong> ____________________</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Student’s Post Secondary Goal Independent Living (As appropriate)</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Upon completion of school I will</strong> _________________________</td>
</tr>
<tr>
<td><strong>Activities to Support Post Secondary Goal</strong> ____________________</td>
</tr>
<tr>
<td><strong>Community Experiences as Appropriate</strong> ____________________</td>
</tr>
<tr>
<td><strong>Related Services as Appropriate</strong> ____________________</td>
</tr>
<tr>
<td><strong>Linked to Annual Goal #</strong> ____________________</td>
</tr>
<tr>
<td><strong>Person / Agency Responsible</strong> ____________________</td>
</tr>
</tbody>
</table>
Student Name ______________________ Date of Birth ___/___/_______ IEP Date ___/___/_______

District Graduation Requirements

Course of Study
A multi-year description of student’s coursework from current year to anticipated exit year, in order to enable the student to meet their post-secondary goal ☐Yes ☐No

Units / Credits Completed _________________ Units / Credits Pending ______________________

Student’s Course of Study leads to: (Select one option below) Anticipated Completion Date ___/___/______
☐ Certificate of Completion ☐ Diploma

Age of Majority
☐ On or before the student’s 17th birthday, he/she has been advised of rights at age of majority (age 18)

By whom _____________________________________________ Date ___/___/_______

When you reach the age of 18, the age of majority, you have the right to receive all information about your educational program and make all decisions related to your education. This includes the right to represent yourself at an IEP meeting and sign the IEP in place of your parent or guardian.

Is there an appropriate measurable post-secondary goal(s) that covers education or training, employment, and, as needed, independent living. ☐Yes ☐No

Is the post-secondary goal(s) addressed/updated in conjunction with the development of the Annual IEP. ☐Yes ☐No

Are there transition services included in the IEP that will reasonably enable the student to meet his or her post-secondary goals. ☐Yes ☐No

Are there annual goal(s) included in the IEP that are related to the student’s transition service needs. ☐Yes ☐No
Secondary Transition Planning: The Basics
Achieve Successful Outcomes AND Meet Mandates

✓ Help Students Achieve Positive Outcomes
✓ Write IEPs that meet the Legal Mandate
✓ Implement IEPs using Best Practices

High Expectations + Effective Transition Planning = Positive Outcomes
Readiness for College, Careers & Quality Adult Life
Fall 2017
Transition Planning: The Basics
From Mandate to Practices that Lead to Successful Outcomes

This document is developed to assist transition teams to develop effective transition language in the IEP that is compliant with current legal mandates. It recognizes that transition is a process - not a document - so it lists the Federal and State mandates for secondary transition on one page with corresponding research-based best practices on the opposite page.

Following are the primary resources utilized:
National Collaborative on Workforce and Disability – Youth (NCWD-Youth)  www.ncwd-youth.info
National Technical Assistance Center on Transition (NTACT)  http://www.transitionta.org
Transition Coalition  www.transitioncoalition.org
National Office of Special Education and Rehabilitation Services (OSERS)  2017 A Transition Guide  www2.ed.gov/about/offices/list/osers/index.html
IDEA Website  https://sites.ed.gov/idea

California Department of Education  www.cde.ca.gov/specaeducation
California Department of Education Web-Guide to Secondary Transition  www.cde.ca.gov/sp/se/st/
National Post School Outcome Center  www.psocenter.org
California Department of Rehabilitation (DOR):  www.dor.ca.gov

Department of Labor: Workforce Innovation and Opportunity Act (WIOA)  www.doleta.gov/wioa
Workforce Innovation Technical Assistance Center  www.wintac.org
Implications of WIOA on DOR and Education

Department of Labor Office of Disability Employment Policy (ODEP):  www.dol.gov/odep

California Department of Health and Human Services
Blueprint for Competitive Employment  http://www.chhs.ca.gov/Pages/Competitive-Integrated-Employment

Other References:
Final Regulations to align IDEA mandates with Every Student Succeeds Act: Federal Register

A Better Bottom Line: Employing People with Disabilities, Blueprint for Governors 2012-13 Chair's Initiative, National Governor’s Association

The 2020 Federal Youth Transition Plan: A Federal interagency strategy for collaboration

Indicator 13 language is based on the NTACT/NSTTAC) Indicator 13 Checklist
Percent of youth aged 16 and above with an IEP that includes coordinated, measurable, annual IEP goals and transition services that will reasonably enable the child to meet the post-secondary goals (20 U.S. S.C.1416(a)(3)(B). IDEA regulations cited are based on Regulations: Part 300 / D / 300.320)

Indicator 14 information is based on the National Post-school Outcomes Center (NSPO).

Further, the regulations recognize that there are numerous mediating factors that positively or negatively affect an adult’s acquisition of goals for which a school could not be held accountable (IDEA Part B, 614,(d)(1)(A)VIII;300.1(a). (Translation: LEA is not responsible for decisions students make after leaving school.)

Copies of these resources are available for purchase at the California Transition Alliance Website  www.catransitionalliance.org. Updated July 2017

Compiled by Sue Sawyer, CA Transition Alliance
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Expectations are Changing

This document recognizes that expectations for youth are changing.
The educational system is focusing on college and career readiness - transition for all, including students with disabilities. This focus validates the need for all students to have a plan for their future as they leave the K-12 system. There is increasing focus on the value of post-secondary education as part of the path to employment for middle-skill as well as high-skill jobs. Earning a livable wage requires some post-secondary education and training.

There are multiple pathways to careers from on-the-job training provided by employers, on-line educational opportunities, the military, apprenticeships, occupational certification, and traditional degree programs that are offered through community colleges and four year universities.

Recent legislation - the Workforce Innovation and Opportunity Act reauthorizes the Rehabilitation Act and employment services provided by the America's Job Centers.

There is an increasing focus on Employment for All. Employment First initiatives emphasize that work is a right and a responsibility for everyone who is a capable of working.

The Partnership for 21st Century Skills tells us that the four most critical skills for success in employment are the 4 Cs: 1. Communication  2. Collaboration  3. Critical Thinking  4. Creativity

There are many reasons people work in addition to the need to make a living wage. The primary reasons people work (in order of priority) are to:

1. feel good about ourselves   4. stay physically active
2. be around others   5. make money
3. continue to learn

There is increasing emphasis placed on post-school outcomes - based on discovering what students are doing after they leave high school. We need to know if students who left school are working and/or pursuing post-school education and training.

The Bad News: National and State statistics define our challenge

21% of working age adults with disabilities are employed versus 69% of people without disabilities.
65% of students with IEPs earn a high school diploma in California vs. 85% of students without disabilities
90% of employers prefer to hire youth with high school diplomas. 70% of jobs require diplomas.
25% of people with disabilities live in poverty with average annual incomes less than $15,000.
26% of high schools offer work-based experiences versus 74% classroom based learning.
26% of workers with Intellectual Disabilities/Developmental Disabilities (ID/DD) are working in community employment, with the majority still in sheltered and non-work settings. Employment First initiatives are focusing on transitioning ID/DD youth directly into integrated competitive employment (ICE) as they leave school.

The Good News

People who are competitively employed are contributing to the economy.

• 600,000 scientists and engineers currently employed have disabilities.
• Employment training and vocational experiences lead to better post-school outcomes.
• Improvements occur in academic performance, school attendance, social development and increased problem-solving ability, enhanced “soft skills”, job readiness, and knowledge of entrepreneurial skills.
• Some of the top innovators in the US have disabilities, including Chief Executive Officers of Ford Motor Company, Xerox, Turner Television and Apple.
Terminology

It is important to be aware of recent legislation and reform initiatives that are being developed that impact transition for all youth, including students with disabilities. Here is a list of “buzz words” we need to know.

**College Readiness** is most commonly defined as being ready for college level coursework without remediation. It means more than pursuing any post-secondary experience, including two and four year institutions leading to a credential, certificate, degree or license. Research tells us that there are numerous factors that indicate that we are actually college ready, including independence, self-determination, social and emotional skills and attitudes (e.g. maturity, resiliency, self-management, self-advocacy, and interpersonal relations), college knowledge (e.g., finding the right post-secondary education match, understanding the college application process, and applying for financial aid), critical thinking, lifelong learning, and employment skills. Source: COLLEGE & CAREER READINESS & SUCCESS Center at American Institutes for Research

**Career Readiness** means that a high school graduate has the English and math knowledge and skills needed to qualify for and succeed in post-secondary job training and or/education necessary for their chosen career.

**Work-Based Learning is defined in Ed. Code (51760-51769.5)** as an educational approach or instructional methodology that uses the workplace or real work to provide pupils with the knowledge and skills that will help them connect school experiences to real-life work activities and future career opportunities. Work-based learning should be an integral part of a more comprehensive program that integrates academic courses and career technical education. There are an array of work-based learning experiences for career awareness, career exploration, career preparation and career training. A good resource for information regarding the array of options is the Work-Based Learning Continuum that is available, at www.ConnectEdCalifornia.org

**Competitive Integrated Employment - The optimal employment outcome:** Full time or part-time work at minimum wage or higher, with wages and benefits similar to employees without disabilities performing the same work, and fully integrated with co-workers without disabilities. Source: WIOA

**Customized Employment:** Competitive integrated employment for an individual with a significant disability that is based on an individualized determination of the strengths, needs, and interests of the individual with a significant disability and the business needs of the employer and carried out “through flexible strategies.” Source: Workforce Opportunity and Innovation Act

**Self-determination** is believing you can control your own destiny. Self-determination is a combination of attitudes and abilities that lead people to set goals for themselves and to take the initiative to reach these goals. It is about being in charge, but is not necessarily the same thing as self-sufficiency or independence. It means making your own choices, learning to effectively solve problems, and taking control and responsibility for one’s life. Practicing self-determination also means one experiences the consequences of making choices. (Source: Pacer Center at www.pacer.org) Self-Determination is a growing priority for individuals who access the developmental disability services through Regional Centers throughout the state.

**High School Diploma: Every Student Succeeds Act (ESSA)** defines the high school diploma as (a) the standard high school diploma awarded to the preponderance of students in the State that is fully aligned with State standards, or a higher diploma, (b) except that a regular high school diploma shall not be aligned to the alternate academic achievement standards and does not include a recognized equivalent diploma, such as a general equivalency diploma, certificate of completion, certificate of attendance or similar lesser credential.

Compiled by Sue Sawyer, CA Transition Alliance
New Opportunities
Recent legislation at the state and federal levels has the potential to offer new options for programs and services that will help youth with disabilities make successful transitions to post-secondary education and training and employment. This legislation provides insight into the direction of future legislative priorities with emphasis on competitive employment, focus on industry sectors, strengthening collaboration and more clearly defining expectations.

Workforce Innovation and Opportunity Act (WIOA) federal level legislation that includes changes for the Department of Rehabilitation, Education, Independent Living Centers and traditional community resources like One Stop Centers that are now part of the America's Job Center.

Highlights of WIOA Changes: (Source - Institute for Community Inclusion & www.ca.gov/dor)
- Defines a much larger role for the Department of Rehabilitation to play in partnership with schools to improve transition. The Pre-employment transition services outlined in the law include job-exploration counseling, work-based learning experiences, counseling on post-secondary opportunities, workplace readiness training, and self-advocacy skills training starting at age 14.
- Defines Customized Employment and Competitive, Integrated Employment.
- Puts significant limitations on the use of sub-minimum wages.
- Defines youth (ages 14-24) and student (ages 14-21)

AB 86 Adult Education: (www.ab86.cccco.edu)
Currently grant funds are provided to regional consortia to create and implement a plan to better provide adults in the region with all of the following:
- Basic skills including classes required for diplomas, including High School Equivalency Diplomas.
- Classes for immigrants eligible for education services in citizenship, English as second language and workforce preparation classes in basic skills.
- Education programs for adults with disabilities
- Short-term career technical education programs with high employment potential.
- Programs for apprenticeships.

California Career Pathways (www.cde.ca.gov/ci/ct/pt/)
- Work-based learning opportunities for students in partnership with regional business/industry sectors.
- Define regional labor market options that identify high-skill, high-wage job, high-growth industry sectors and establish / strengthen regional collaborations between business, education (K-12 and colleges), and one-stop centers.
- Develop and integrate standards-based academics with career-relevant, sequenced curriculum.
- Articulate pathways from high school to post-secondary education and training.
- Ensure Pathway Programs lead to post-secondary degrees or certificates, including stackable credentials.

Every Student Succeed Act (ESSA), is the latest update of the Elementary and Secondary Education Act. The ESSA acknowledges that students with IEPs are general education students first. It encourages the use of universal design teaching strategies. It limits the number of students who qualify for alternative assessment.
Secondary Transition Services as Defined in IDEA

The term “transition services” means a coordinated set of activities for a child with a disability that:
(34 CFR 300 43(a) 120 U.S.C. 1401 (34)

- Is designed to be 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 post-secondary education, vocational education, integrated employment (including supported employment), continuing and adult education, adult services, independent living, or community participation;
  - Is based on the individual child’s needs, taking into account the child’s strengths, preferences, and interests; and
  - Includes instruction, related services, community experiences, the development of employment and other post-school adult living objectives, and, if appropriate, acquisition of daily living skills and functional vocational evaluation.

And includes:
- To the extent appropriate, with the consent of the parents or child who has reached the age of majority, the public agency must invite a representative of any participating agency that is likely to be responsible for providing or paying for transition services. (34 CFR 300.321(b)(3))
- Transition services, begin not later than the first IEP to be in effect when the child turns 16, or younger if determined by the IEP Team, and are updated annually. The IEP must include measurable post-secondary goals based upon age appropriate assessments related to training, education, employment, and where appropriate, independent living skills and the transition services (including the course of study) needed to help the child in reaching those goals.

How to Construct the Transition Individualized Education Program

Compilation by Sue Sawyer, CA Transition Alliance
State Performance Plan

IDEA requires each state to develop a performance plan and evaluate progress toward achieving the goals listed on the plan.

The State of California’s Performance Plan lists four indicators that specifically related to transition:

1. Increase Percent of youth with IEPs graduating with a regular diploma
2. Decrease the drop-out rate
3. Achieve compliance with federal guidelines on the IEP
4. Improve outcomes in employment, education/training, and independent living

The California State Performance Plan Indicator 13:
“Achieving Compliance with Federal Guidelines on the IEP”

Schools are required to document that they meet the elements of Indicator 13.
In order to be compliant the answer should be “yes” to each of the following questions.
This tool ensures the IEP is written as required by federal regulations.

1. Are there appropriate measurable post-secondary goals in the areas of education & training, employment, and as needed, independent living skills?

2. Are the post-secondary goals updated annually?

3. Is there evidence that the measurable post-secondary goal(s) were based on age-appropriate transition assessment?

4. Are there transition services in the IEP that will reasonably enable the student to meet his/her post-secondary goal?

5. Do transition services include courses of study that will reasonably enable the student to meet his or her post-secondary goal(s)?

6. Is (are) there annual IEP goals related to the student’s transition service needs?

7. Is there evidence that the student was invited to the IEP team meeting where transition services were discussed?

8. If appropriate, is there evidence that a representative of any participating agency was invited to the IEP team meeting with prior consent of the parent or student who has achieved the age of majority?
1. Post-secondary Goals
   - Education and training
   - Employment
   - Independent Living
2. Update Annually
3. Age appropriate assessment
4. Transition services
5. Course of study
6. Annual goals directly related to post-secondary goals
7. Student Invited to the IEP
8. Representative of agency that provides post-school transition support invited to the IEP.

Remember, it is necessary to provide documentation in the student record of:
- Assessments
- Invitations to student
- Invitation to agencies or justification for not inviting agencies.

Assessments drive the IEP and document the need for services.

Reasons agencies are not invited or don’t attend with that justify the indication that it is not applicable:
- Agencies that will pay for or provide services listed in the IEP are not available.
- Parent or student at age of majority refuses to consent.
- It is too early to determine the student will need agency involvement.

Some agencies may not attend the IEP, but do provide services. These services need to be documented in the student’s record.
Focus on Outcomes  
SPP Indicator 14  
There is an increasing emphasis on “outcomes” that answer this question:  
**What do our students do after they leave high school?**

There is a need to conduct follow-up surveys to verify the percentage of students who are no longer in school, had IEPs at the time they left, and were pursuing post-secondary education and training and/or employment goals.

**Revised Definitions of post-school outcomes**

<table>
<thead>
<tr>
<th>Outcomes</th>
<th>Definitions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Enrolled in higher education within one year of leaving high school.</td>
<td>Youth have enrolled on a full- or part-time basis in a: community college (2-year program) or college/university (4- or more year program) Completed at least one term.</td>
</tr>
<tr>
<td>Enrolled in higher education or competitively employed within one year of leaving high school</td>
<td>Youth have worked for pay at or above the minimum wage in a setting with others who are nondisabled period Average 20 hours a week for at least 90 days at any time in the year since leaving high school. This includes military employment.</td>
</tr>
<tr>
<td>Enrolled in higher education or in some other postsecondary education or training program; or competitively employed or in some other employment within one year of leaving high school</td>
<td>Youth have worked for pay or been self-employed for a period of at least 90 days at any time in the year since leaving high school. This includes working in a family business (e.g., farm, store, fishing, ranching, catering services, etc.) Youth have been enrolled on a full or part-time basis for at least one complete term at any time in the year since leaving high school in an education or training program (e.g., Job Corps, adult education, workforce development program, vocational technical school which is less than a 2-year program).</td>
</tr>
</tbody>
</table>

Source: National Post-School Outcomes Center and National Technical Assistance Center on Transition
The Best Way to Follow Up- Is to TALK with the student!

The National Post-School Outcomes Center recommends the following best practices to conduct follow-up surveys after students leave school. These recommendations are strategies that have been recommended by families and youth.

1. **Talk about it before students leave school.**
   - Explain its purpose, provide questions and timelines.
   - Share the stories of former students- how many pursued post-secondary education and training; how many are working and what kinds of jobs they have.
   - Provide information about the survey at the final IEP meeting.
   - Ask students to join a Facebook page to maintain contact with students.
   - As youth who they hope contacts them (a favorite teachers, coach, and school counselor).
   - Ask youth who they would like to respond to the survey if they are not available.

2. **Create familiarity- help students and their families to become familiar with the survey.**
   - Teach students the vocabulary on the survey.
   - Share the survey with students and their families to provide it is legitimate, not a scam.
   - Identify the person who has a relationship with the student to conduct the survey.

3. **Show interest when conducting the survey- be attentive when youth share their stories.**
   - Be enthusiastic
   - Be interested in the answers youth provide.
   - Convey a non-judgmental tone when talking with youth; don’t sound disappointed.
   - Avoid reading the survey in monotone, use vocal inflections.

4. **Provide incentives to former students as a reason to participate in the survey.**
   - Remind students that the information they share will help other students with disabilities.
   - Remind students that their information will help the school do a better job.
   - Provide information about jobs, colleges and services that students may need.
   - Give gift certificates from local restaurants and businesses (given by businesses) to the hardest to locate youth.

5. **Making Contact**
   - Contact family members near significant dates when youth may be in touch (holidays, etc.).
   - Maintain a list of family members still in school (cousins, siblings).
   - Vary calls, leave messages with call back info. Call each contact number three times.

Do you use your information about student outcomes to improve your transition services?
Factors that Lead to Positive Outcomes for Students with IEPs

Research and experience tell us that students who stay in school and graduate are more likely to be able to work and continue their education. For students with IEPs, quality IEPs written to meet the mandate AND the spirit of transition have a higher likelihood of helping students prepare for their future. Finally, when well written IEPs are implemented using research-best best practices, students are even more likely to achieve positive outcomes.

Indicator 17 as defined by California Department of Education, 2016, focuses on implementation of the State Systemic Improvement Plan that has developed a new accountability system that aligns local resources with student needs to support continuous improvement.

The goal is to create a coherent educational system for All students and develop a statewide system for support.

The current State Systemic Improvement Plan focuses on improving academic achievement outcomes for students with disabilities and who are also English Learners, foster youth, and/or students who are eligible for free and reduced price meals. A priority of this work is to set the foundation for one coherent system of education in which students receive the support they need in the most inclusive environment.
Researched Best Practices: The National Transition Technical Assistance Center (NTACT) confirms the four highlighted factors below have the greatest influence on achieving outcomes in all three areas (education/training, employment and independent living):

Research tells us these are the promising practices that lead to positive outcomes in education, employment and independent living. Source: NSTTAC Predictor Implementation  www.transitionta.org.

<table>
<thead>
<tr>
<th>Factor/Topic</th>
<th>Education</th>
<th>Employment</th>
<th>Independent Living</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Inclusion in general ed.: Access to general education classes and curriculum. Classes with non-disabled peers</strong></td>
<td>✔</td>
<td>✔</td>
<td>✔</td>
</tr>
<tr>
<td><strong>Work Experience: Participation in workplace. Can include job shadowing, internships or paid work experience</strong></td>
<td>✔</td>
<td>✔</td>
<td>✔</td>
</tr>
<tr>
<td><strong>Independent Living Skills: Self Care and life skills required to live independently</strong></td>
<td>✔</td>
<td>✔</td>
<td>✔</td>
</tr>
<tr>
<td><strong>Student Support: Network of family, educators, agencies that provide services to facilitate transition</strong></td>
<td>✔</td>
<td>✔</td>
<td>✔</td>
</tr>
<tr>
<td><strong>Career Awareness: Learn about opportunities, education and skills needed for a variety of careers</strong></td>
<td>✔</td>
<td>✔</td>
<td></td>
</tr>
<tr>
<td><strong>Community Experience: Activities that occur outside the school setting and supported by in-class instruction</strong></td>
<td>✔</td>
<td>✔</td>
<td></td>
</tr>
<tr>
<td><strong>High School Diploma: Meet district graduation requirements for diplomas</strong></td>
<td>✔</td>
<td>✔</td>
<td></td>
</tr>
<tr>
<td><strong>Interagency Collaboration: Cross-agency and program collaborative efforts to link youth/families to resources</strong></td>
<td>✔</td>
<td>✔</td>
<td></td>
</tr>
<tr>
<td><strong>Occupational Courses: Career-Technical Classes</strong></td>
<td>✔</td>
<td>✔</td>
<td></td>
</tr>
<tr>
<td><strong>Parental Involvement: Parents/family/supportive adults are active, engaged participants in planning</strong></td>
<td>✔</td>
<td>✔</td>
<td></td>
</tr>
<tr>
<td><strong>Program of Study: Courses, experiences, and curriculum designed to develop student academic &amp; functional skills</strong></td>
<td>✔</td>
<td>✔</td>
<td></td>
</tr>
<tr>
<td><strong>Self-Advocacy: Ability to make choices, solve problems, set goals, and evaluate options &amp; state goals</strong></td>
<td>✔</td>
<td>✔</td>
<td></td>
</tr>
<tr>
<td><strong>Social Skills: Behaviors &amp; attitudes that focus on communication and collaboration</strong></td>
<td>✔</td>
<td>✔</td>
<td></td>
</tr>
<tr>
<td><strong>Transition Program: Contracts with agencies that move students from school settings to adult life</strong></td>
<td>✔</td>
<td>✔</td>
<td></td>
</tr>
<tr>
<td><strong>Vocational Education: Courses that focus on career development and preparation for specific careers</strong></td>
<td>✔</td>
<td>✔</td>
<td></td>
</tr>
<tr>
<td><strong>Work Study: Paid or unpaid work experience and work skills instruction; integrated academic/work skills</strong></td>
<td>✔</td>
<td>✔</td>
<td></td>
</tr>
</tbody>
</table>

Research and best practices inform us how to write and implement the IEP to achieve outcomes that are important for the student, the family and the community as students move toward adulthood.

**Effective transition services prepare youth for their adult roles of productive worker, contributing citizen, responsible family member, & lifelong learner in the life settings of work, home, community and the classroom (the learning environment).**
1A. Mandates: Write appropriate, measurable post-secondary goals (IDEA 2004 Section 614(d)(I)(A)VIII)

Post-secondary goals are statements of what the student will achieve after leaving high school. The goals must be stated in terms that can be counted as occurring or not occurring. Words like “hopes to, plans to” are not measurable.

What should measurable post-secondary goals look like?
Use this formula to state the goal:
After high school I will ____________________ behavior ____________________ where/how

Example: After high school I will enroll at Shasta College to earn an Early Childhood Education Credential.

These post-secondary goals are examples of behaviors that are based on IDEA guidelines:

- **Post-secondary education / training goals**
  - Enroll in a college or university to study ____________________.
  - Earn an occupational certificate in ____________________.
  - Enroll in vocational training in ____________________. (cosmetology, pet grooming, heavy equipment operation, etc.)
  - Enter the military for training in ____________________.
  - Enter an apprenticeship in the field of ____________________.
  - Complete on the job training for ____________________.
  - Enroll in adult education

- **Employment Goals**
  - Get a competitive job - work full time / part time (specify employment desired)
  - Get a job that is integrated competitive employment (specify employment desired)
  - Start a business – Entrepreneurship (specify business desired)
  - Do volunteer work in the community (specify volunteer position desired)

- **Independent Living**
  - Live independently
  - Live with family, roommates
  - Live independently with supportive services
  - Live in group home
  - Manage finances, household
  - Access community – independently
  - Use Public transportation
  - Participate in leisure and recreation activities in the community

2A. Mandates: Update Goals Annually
Goals need to be updated annually. Goals may change as students gain experience, opportunities, training and work experience. Post-secondary goals evolve from general to specific as students grow and mature.
1B. Best Practices: Writing appropriate measurable post-secondary goals
When measurable post-secondary goals are the core of the IEP, the educational plan makes sense to students, parents, teachers, counselors and transition agency partners.

The IEP is based on student’s goals. It is important that students learn and apply a decision-making process.

- Set the expectation that students have the right and responsibility to work if they can.
- Focus the IEP on the student’s plan for their future.
- Engage students in decision-making process beginning at the latest, in middle school.
- Focus on the career/employment goal first. Utilize job information (O’NET) to validate education and training requirements and the skills needed for successful employment.
- Incorporate industry standards and common core academic standards in post-secondary and annual goal statements.
- Validate goal statements annually using annual career / transition assessment data.
  - Encourage students to present their goals through authentic assessments.

Engage students in developing their individualized learning plans, a planning tool developed by the National Collaborative on Workforce and Disability for Youth (NCWD-youth.)

Goals change and should move from general to specific as students mature.

2B. Best Practice: Update goals annually
As students mature, and have new experiences, their goals mature and need to be reviewed annually through an assessment process. The review process may verify goals and services remain the same or new goals will be set by the student. The goals need annual review to validate or update them to reflect current goals.
3A. Mandates: Goals are based on age appropriate assessments

IDEA 2004 stipulates: "The IEP must include measurable post-secondary goals based upon age appropriate assessments related to training, education, employment, and where appropriate, independent living skills and the transition services (including the course of study) needed to help the child in reaching those goals".

Federal IDEA Guidance: Each year, the transition assessments should be revisited in a more specific manner, targeting the student’s development. For students in grades nine and ten, a career exploration measure or interest inventory is typically satisfactory. For an older student, a vocational skills assessment is more appropriate. Assessment should address all three components of transition- employment, post-secondary education and training, and independent living. Assessment information may be summarized on the Transition Page of the IEP or the section that describes present levels of academic achievement and functional performance.

Basic assessment strategies include interviews, the discover process, interest surveys, computerized information systems, portfolios, observation and interviews. There are an array of free tools and resources available. Transition assessment includes career/vocational assessments and an evaluation of other transition issues (academic skills, readiness for transition, life skills, resources, and eligibility for support systems). Assessments should document the entire transition IEP. They should validate post-secondary goals, identify needed transition services, and most importantly, help students and their families set goals and plan their future.

- Assessments should be reviewed annually to form the basis of the transition plan.
- As students move closer to leaving high school, it is important to address issues related to readiness for transition, availability of resources and eligibility for services.

Source: Pennsylvania Youth Transition Partnership
3B. Best Practices: Goals are based on age-appropriate transition assessments
Person-Centered Planning is the key to quality transition planning and preparation.
Assessment should lead to self-discovery.

- Who am I? Who are my allies?
- What are my unique talents and interests? What do I do (hobbies, recreation, interests)?
- What do I want in life now and in the future?
- What are the main barriers to getting what I want from school and my community?
- What are my options for achieving my goals?

And lead to gaining personal insight that leads to informed choices!

Hints for choosing career/vocational assessments:
- Is it easy for the student to use?
- Is it age/grade appropriate? Can students relate to language?
- Does it stereotype career choices?
- Is it easy to read and interpret? (Does it assess interests or reading skills)?
- Does it provide feedback that leads to reflection?
- Does it enhance insights?
- Does it reflect the current and emerging job market and employment skills?

And don’t forget
The power of reflection!!!!!

Some of the Most Common and Easily Accessed Free Assessment Resources

<table>
<thead>
<tr>
<th>California Career Resource Network (CalCRN)</th>
<th>Two CA Sites that received national recognition for career development resources for youth with disabilities</th>
</tr>
</thead>
<tbody>
<tr>
<td>California Career Zone California Career Planning Guide</td>
<td>TIPS for Success <a href="http://www.catransitionalliance.org">www.catransitionalliance.org</a></td>
</tr>
<tr>
<td><a href="http://www.californiacareers.info">www.californiacareers.info</a></td>
<td></td>
</tr>
<tr>
<td>Life Skills inventories: Casey Life Skills (Rates life skills) <a href="http://www.caseylifeskills.org">www.caseylifeskills.org</a></td>
<td>Resources for Individuals with ID/DD</td>
</tr>
<tr>
<td>Transition Health Care Checklist</td>
<td>E Jam Environmental Assessment <a href="http://www.transitioncoalition.org">www.transitioncoalition.org</a></td>
</tr>
<tr>
<td><a href="http://www.portal.state.pa.us">http://www.portal.state.pa.us</a></td>
<td>How I want to Spend My Time</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>National Career Information resources</th>
<th>Assessment using the Discovery Method engages youth and their allies to identify goals, dreams, assets, allies and challenges. It may form the foundation for students to present their goals in a multimedia format as the mature while in school.</th>
</tr>
</thead>
<tbody>
<tr>
<td>O’NET- (a National databank of career information) <a href="http://www.onetonline.org">www.onetonline.org</a></td>
<td><a href="http://www.imdetermined.org">www.imdetermined.org</a></td>
</tr>
<tr>
<td><a href="http://www.mynextmove.org">www.mynextmove.org</a></td>
<td>Classroom Activities and Curriculum Resources</td>
</tr>
<tr>
<td>Employment Development Department: edd.ca.gov</td>
<td>California Career Briefs offer career assessment, career exploration activities and career curriculum resources</td>
</tr>
<tr>
<td>Occupational Guides Local job information</td>
<td>Skills to Pay the Bills <a href="http://www.dol.gov/odep/topics/youth/softskills/">http://www.dol.gov/odep/topics/youth/softskills/</a></td>
</tr>
<tr>
<td>Bureau of Labor Statistics have resources for students. <a href="http://www.bls.gov/k12students.htm">www.bls.gov/k12students.htm</a></td>
<td>Individualized Learning Plans <a href="http://www.ncwd-youth.info">www.ncwd-youth.info</a></td>
</tr>
<tr>
<td>Occupational Outlook Handbook bls.gov/ooh</td>
<td>My Skills My Future</td>
</tr>
</tbody>
</table>
4A. Mandates: Transition services

The term “transition services” means a coordinated set of activities for a child with a disability ...

IEPs are required to list transition services that will be provided to help youth achieve their transition goals. Transition services, begin not later than the first IEP to be in effect when the child turns 16, or younger if determined by the IEP Team. Annually updated IEPs must include measurable post-secondary goals based upon age appropriate assessments related to training, education, employment, and where appropriate, independent living skills and the transition services (including the course of study) needed to help the child in reaching those goals.

- IDEA defines the services as instruction, related services, community experiences, the development of employment and other post-school adult living objectives, and, if appropriate, acquisition of daily living skills and functional vocational evaluation.

The California Special Education Information Management System (CASEMIS) lists numerous service codes that may be used to describe transition services - if the assessment information documents the need for the services. Related Services refers specifically to designated instructional services (DIS)

However, The 800 Codes are the most closely aligned with transition services and reflect many of the national post-school outcomes predictors of success.

Transition Services as listed in IDEA Regulations and California Education Code with California Special Education Information Management System (CASEMIS) Codes

<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>820</td>
<td>College Awareness Preparation</td>
</tr>
<tr>
<td>830</td>
<td>Vocational Assessment, Guidance, Career Assessment</td>
</tr>
<tr>
<td>840</td>
<td>Career Awareness, Self-Advocacy, Career Planning</td>
</tr>
<tr>
<td>850</td>
<td>Work Experience Education</td>
</tr>
<tr>
<td>855</td>
<td>Job Coaching</td>
</tr>
<tr>
<td>860</td>
<td>Mentoring, Sustained coaching</td>
</tr>
<tr>
<td>865</td>
<td>Agency Linkages (referral and placement</td>
</tr>
<tr>
<td>870</td>
<td>Travel Training (includes Mobility training)</td>
</tr>
<tr>
<td>890</td>
<td>Other Transition Services (program coordination, case management, meetings, crafting linkages)</td>
</tr>
<tr>
<td>900</td>
<td>Other special education, Related Services</td>
</tr>
</tbody>
</table>

The justification for services is defined through the assessment process.

The Workforce Innovation and Opportunities Act (WIOA) mandates that the Department of Rehabilitation, America's Job Centers and Education agencies work together to provide Pre-Employment Training Services to youth and students with disabilities. (www.wintac.org)

<table>
<thead>
<tr>
<th>Workforce Innovation and Opportunities Act Pre-employment Training Services</th>
<th>CASEMIS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Work Exploration Counseling (career interest assessments results, labor market information, career pathways)</td>
<td>830, 840</td>
</tr>
<tr>
<td>Work-based Learning Experiences (internships, short term employment, OJT, worksite tours, job shadowing, career mentor)</td>
<td>840, 850</td>
</tr>
<tr>
<td>Counseling on opportunities for enrollment in post-secondary education, training (advisement, application, financial aid)</td>
<td>820, 840</td>
</tr>
<tr>
<td>Workplace Readiness Training to development social skills, independent living</td>
<td>830</td>
</tr>
<tr>
<td>Self-advocacy Training (instruction related to rights, responsibilities, accommodations, communication, youth leadership)</td>
<td>840</td>
</tr>
</tbody>
</table>

Compiled by Sue Sawyer, CA Transition Alliance
4B. Best Practices: Transition services

The coordinated set of activities delineates who will do what this year to assist the student in achieving the annual goals to support movement toward the post-secondary outcomes.

Evidence-Based Best practices tell us:

- It is recommended that there should be at least one transition service listed that corresponds or connects to each post-secondary outcome; and

- The student’s IEP should document transition services that focus on improving the academic and functional achievement of the student to facilitate their movement from school to post-school and,

- Transition services include academic and functional activities, supports and services.

As we review language in recent legislation that directly relates to transition (WIOA, ESSA, Higher Education Opportunity Act) and make connections to IDEA, the following themes emerge:

| Self-Advocacy: Self-determination skills, knowledge of disability and accommodations, leadership opportunities, goal setting and problem-solving lead to post-school success. |
| Community Experiences: Training that takes place in the natural environment focused on social skills, domestic skills, accessing public transportation and on the job training. |
| Inclusion in General Education: Students who participate in regular education placements, and in career technical and occupation specific classes, are more likely to be engaged in post-high school education, employment and independent living. Teachers collaborate with core academic and Career-Technical Education (CTE) Teachers. There is a need for instruction to embrace universal design and the multi-tiered system of support. Students benefit from participating in classes that embrace differentiated instruction. |
| Career Development: Services that engage students in exploring career and educational options, effective job search skills, and the development of job readiness skills needed for success in the workplace and in the classroom. Career development results in career planning based on informed choices. Career Guidance helps the students explore jobs, the training they require, and labor market information to identify industries that have the highest potential for opportunities for jobs. |
| Career-Technical Training through career pathways that lead to high pay, high demand jobs. Participation in internships and apprenticeships. Earning Stackable Credentials enhance employment opportunities. |
| Early College experiences through dual enrollment enhances the transition from high school to postsecondary education and training. |
| Paid Employment / Work Experience: Working provides an opportunity to apply learning and develop college and career readiness, knowledge and skills (academic skills, technical skills, higher order thinking skills and applied workplace skills) that lead to employment. |
| Connections: Workplace mentors, family support system, interdisciplinary and interagency collaboration. Local Partnership Agreements that define roles, referral processes, service and agreements to participate as members of the IEP team greatly enhances movement From school to adult services. |

5A. Mandates: Course of study

Courses of study are defined as a multi-year description of coursework to achieve the student’s desired post-school goals, from the student’s current to anticipated exit year. (NSTTAC Indicator 13 Guide)

Based on a review of legislation and California Education Code (EC) that inform the course of study for the state of California, and, with the goal of making sure we do not create liabilities for any students, the California Secondary Transition Leadership Team has recommended:

1. The course of study must intentionally and explicitly reflect each student’s secondary completion goals and post-secondary transition goals.

2. For students who plan to earn a high school diploma the student must meet State and district graduation requirements. SB 172 Liu required that schools grant a diploma to any pupil who completed grade twelve in the 2003–04 school year or a subsequent school year and met all applicable graduation requirements other than the passage of the high school exit examination.

3. Elective classes or those meeting the State and district graduation requirements such as performing and visual arts, foreign language (language other than English including American Sign Language), and career technical classes should reflect the individual student’s career interests and post-secondary goals.

4. The course of study should be sufficiently generic to be portable across district and/or state lines.

5. Student progress toward achieving a high school diploma or certificate of completion should be monitored at least once annually with consideration given to attendance, grades, credit status and other educational performance measures. The course of study should also be reviewed at least once annually for all students.

6. It should be recognized that, to the maximum extent possible, attainment of a high school diploma should be recognized as partially meeting post-secondary education and employment goals. (Some employers require a diploma to meet their minimum requirement when considering job applicants).

7. It should be emphasized that the course of study and attainment of a diploma or certificate are not sufficient to document the provision of transition services as mandated in IDEA.

8. For students whose course of study will lead to certificates that are alternatives to a high school diploma, the certificate should intentionally and explicitly reflect each student’s secondary completion goals and post-secondary goals. The citations in Education Code (EC) include:

   **EC Section 56390**
   Complete a prescribed alternative course of study
   Meet IEP goals and objectives
   Satisfactorily attend and participate in instruction.

   **EC Section 56026**
   Age Out of the K-12 system at age 22

9. Courses of study that lead to certificates of completion should include annual IEP goals that explicitly describe evidence-based instructional practices and predictors with appropriate criterion measures of performance / achievement that when attained, demonstrate progress toward achieving post-secondary goals.

(Minimum California high school graduation requirements are: Three years of English; Two years of mathematics; 3 years of social science; two years of science; two years of physical education; one year of foreign language or visual and performing arts or one year of career-technical education (source: CalEd Facts May, 2015)
5B. Best Practice: Course of study

The course of study defines the multi-year set of classes in the pathway to secondary goals (graduation, diploma, certificate) that begins in middle school and culminates the last year in school.

Post-secondary Education Goal

If the Post-secondary Education Goal is to enroll at a college or university, the post-secondary institution entrance requirements influence the course of study.

This chart reflects the generic courses with commonly used course titles based on CSU or UC entrance standards:

<table>
<thead>
<tr>
<th>Grade 9</th>
<th>Grade 10</th>
<th>Grade 11</th>
<th>Grade 12</th>
</tr>
</thead>
<tbody>
<tr>
<td>English I</td>
<td>English II</td>
<td>English III</td>
<td>English IV</td>
</tr>
<tr>
<td>Social Science*</td>
<td>Social Science (History)</td>
<td>Social Science /History</td>
<td>Social Science (Economics)</td>
</tr>
<tr>
<td>Math (Algebra I)</td>
<td>Math (Intermediary Algebra)</td>
<td>Math (Geometry)</td>
<td>Elective</td>
</tr>
<tr>
<td>Science (Biology)</td>
<td>Science (Physical Science)</td>
<td>Science (chemistry)</td>
<td>Elective</td>
</tr>
<tr>
<td>PE</td>
<td>PE</td>
<td>Elective</td>
<td>Elective</td>
</tr>
<tr>
<td>Elective</td>
<td></td>
<td>Elective</td>
<td>Elective</td>
</tr>
</tbody>
</table>

- Electives are defined as Foreign Language (a language that is not English), Visual/Performing Arts, and Career-Technical Education classes and Regional Occupation Programs/Classes.
- The course of study may also include extracurricular activities that relate to post-secondary goals (yearbook, school newspaper, athletics, student leadership organizations (Future Farmers of America, Future Business Leaders of America, Key Clubs, etc).
- Career Pathway Programs have tools that clearly define the course of study for career-themed pathways and programs funded through the California Career Pathway Trust.
- * A-G course outline stipulates two years of history/social science; CA state requires 3 years.
- The local governing board of the LEA with the active involvement of parents, administrators, teachers, and pupils, shall adopt alternative means for pupils to complete the prescribed course of study, which may include:
  - Practical demonstration of skills and competencies
  - Supervised work experience or other outside school experience
  - Career technical education classes offered in high schools
  - Courses offered by regional occupational centers or programs
  - Interdisciplinary study
  - Independent study
  - Credit earned at a postsecondary institution

If the secondary exit goal is the certificate of completion, the course of study should reflect the same level of preparation for post-secondary goals.

The Certificate of Completion is defined by the LEA. It is increasingly important that the certificate is meaningful for the next environment (work, home, community and college). Some programs have created “Work Ready Certificates”. A diploma requires a series of classes. The certificate has the same mandate to list a set of classes or instructional units/competencies that must be completed to earn a certificate. Newly authorized Every Student Succeeds Act suggest that students who participate in standards-based alternative assessments may qualify for alternative high school diplomas. Further clarification through regulations are required.

A sample course of study for a certificate bound student may include:

<table>
<thead>
<tr>
<th>Functional Academics</th>
<th>Domestic Domain</th>
<th>Community Domain</th>
<th>Vocational Domain</th>
</tr>
</thead>
<tbody>
<tr>
<td>Math</td>
<td>Grooming / Hygiene</td>
<td>Social Behavior</td>
<td>Career Exploration</td>
</tr>
<tr>
<td>English / Language</td>
<td>Personal Safety</td>
<td>Community Resources</td>
<td>Work Related Training</td>
</tr>
<tr>
<td>Arts</td>
<td>Life Skills</td>
<td>Recreation and Leisure</td>
<td>Future Living, Working</td>
</tr>
<tr>
<td>Listening / Speaking</td>
<td></td>
<td>Communication Skills</td>
<td></td>
</tr>
</tbody>
</table>

The Certificate of Completion is NOT Equivalent to the High School Diploma. It does not meet Employment qualifications if the employer requires a diploma. It does not qualify students for financial aid for continuing education, if the source of financial aid requires a diploma.

An Education and Career Plan can be attached to the IEP with the statement that this course of study lists classes and graduation requirements that prepare_____ for his/her post-secondary education and employment goals. The school transcript suffices for meeting this expectation only if it includes the multi-year course of study. If it only lists the current or past years’ classes, grades and credits, it is insufficient for meeting this requirement.
6A. Mandates: Annual IEP goals

Federal Guideline
For each area where a post-secondary measurable outcome/goal is identified, a measurable, annual IEP goal with benchmarks must be developed.

IDEA defines annual goals in Regulations: Part 300 / D / 300.320 / a / 2 / i

A statement of measurable annual goals, including academic and functional goals designed to--

(A) Meet the child’s needs that result from the child’s disability to enable the child to be involved in and make progress in the general education curriculum; and

(B) Meet each of the child’s other educational needs that result from the child’s disability;

Functional skills are defined as motor skills, social interaction and communication, personal living skills, and community living skills) and on an overall measure of independence. Source: The Academic Achievement and Functional Performance of Youth With Disabilities A Report From the National Longitudinal Transition Study-2 (NLTS2) 2006

Annual goals may be listed in the IEP in the section entitled Annual Goals and Benchmarks and referenced by number on the Transition pages of the IEP.

The Annual IEP Goal identifies what will be worked on this year to build the student’s skills in achieving the post-school outcomes.

A Transition Plan has two types of goals:

<table>
<thead>
<tr>
<th>Post-Secondary Goals</th>
<th>Measurable Annual Goals</th>
</tr>
</thead>
<tbody>
<tr>
<td>Measurable statements of what a student will achieve leaving high school</td>
<td>What will be worked on this year to help build the student’s skills in achieving the post-secondary outcome?</td>
</tr>
<tr>
<td>Post = AFTER Secondary = HIGH SCHOOL</td>
<td>Annual = EACH May be a statement in the transition plan of the academic goals</td>
</tr>
</tbody>
</table>

Outcomes are achieved after students leave secondary education and are defined as employment, education/training and independent living. Outcome data is based on post-secondary follow-up.
6B. Best Practices: Annual goals

The annual goals or instructional objectives define what the student is reasonably expected to do this year in order to achieve the post-secondary goal.

The formula for writing annual goals is SMART

Specific  Measurable  Action  Realistic/Relevant  Time Limited

Contextual Learning is a methodology that teaches academic standards in the contextual of their application to work, education and independent living. For example, the student’s post-secondary goal is employment. Triangulating goals is a strategy that takes the post-school employment goal and uses career information (ONET) and Common Core Anchor Standards to inform the post-school education goal and annual goals. (www.cordonline.org)

<table>
<thead>
<tr>
<th>Transition Topic</th>
<th>KNOW academic standards</th>
<th>DO: Application to employment</th>
<th>Authentic Assessment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Job Search Skills</td>
<td>Common Core Standards</td>
<td>Apply for a job online</td>
<td>Print out application and resume for portfolio.</td>
</tr>
<tr>
<td></td>
<td>Reading, craft, structure</td>
<td>Read job announcement</td>
<td>Fill in forms</td>
</tr>
<tr>
<td></td>
<td>Writing production, research</td>
<td>Research job using ONET</td>
<td>Dictate information</td>
</tr>
<tr>
<td></td>
<td><strong>Industry Standards: SCANS</strong></td>
<td>Complete application</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Basic Skills, Information Technology</td>
<td>Write resume</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Submit on line</td>
<td></td>
</tr>
</tbody>
</table>

As students with IEPs are integrated into general education classes, these are commonly used terms that relate to teaching and learning. California Ed Code references these terms in the areas of assessment and teaching specific student populations, such as English Learns, as well as students with disabilities.

**Universal Access/Design:** Universal Access / Design Universal access in education is a concept that encompasses planning for the widest variety of learners from the beginning of the lesson design process; it should not be “added on” as an afterthought. www.pacer.org http://lessonbuilder.cast.org/

**Differentiated Instruction:** A teaching / instructional strategy that is designed to meet the needs of all students by factoring students’ individual learning styles and levels of readiness first before designing a lesson plan. Research on the effectiveness of differentiation shows this method benefits a wide range of students, from those with learning disabilities to those who are considered high ability.

**Multi-tiered system of support:** MTSS is an integrated, comprehensive framework that focuses on CA academic standards, core instruction, differentiated learning, student-centered learning, individualized student needs, and the alignment of systems necessary for all students’ academic, behavioral, and social success. (See page 36).

**Accommodations:** Accommodation” is any variation in the assessment environment or process that does not fundamentally alter what the test measures or affect the comparability of scores. “Accommodations” may include variations in scheduling, setting, aids, equipment, and presentation format.

**Modifications:** A modification is any variation in the assessment environment or process that fundamentally alters what the test measures or affects the comparability of test scores.

There are lots of resources that help us define annual goals. They include:

California Career Center http://www.californiacareers.info/#Lessons
Common Core Anchor Standards, O’NET / My Next Move Blooms Digital Taxonomy
Career Clusters Essential Standards, Smart Balance Assessment, Partnership for 21st Century
Freshman Transition Standards (Georgetown University) Standards for Career Ready Practice
Life Skills Inventories, Career-Technical Education foundation standards.

The Zarrow Center for Learning website includes transition assessment and goal generator and self-determination tools. http://www.ou.edu/education/centers-and-partnerships/zarrow.html

Compiled by Sue Sawyer, CA Transition Alliance
7A. Compliance Requires: Student participation in the IEP

IDEA requires that the IEP is based on the individual child’s needs, taking into account the child’s strengths, preferences and interests. Regulations: Part 300 / D / 300.320

Indicator 13 requires that the student is invited to the IEP.

The public agency shall invite the child with a disability to attend his or her IEP meeting if the purpose of the meeting will be the consideration of the post-secondary goals for the child and the transition services needed to assist the child in reaching those goals. 34CFR300.37(b)(1)

If the child does not attend the IEP Team meeting the public agency must take other steps to ensure that the child’s preferences and interests are considered. 34CFR 300.321(b)(2).

Transition planning is about the student’s movement from high school to post-school life. It is based on the student’s plans for the future. Therefore the student’s input is essential. The needs and desires of the student and family are the core of the planning process.

The student may need preparation and practice in participating in the meeting.

There are five levels of participation in the IEP (Source: Transition Coalition)

1. Student input provided indirectly based on a questionnaire or survey,
2. Passive Observer (in the room, avoids the conversation).
3. Reluctant participant (responds to direct questions).
5. Leader (demonstrates leadership skills in the IEP).

Student Behaviors Associated with Post-School Employment and Education

1. Strengths/Limitations: Express and describe personal strengths and limitations; assistance needs
2. Disability Awareness: Ability to describe disability and accommodation needs.
3. Persistence: work toward goal until it is accomplished; or after facing adversity.
4. Interaction with others: maintain friendships, work collaboratively with small groups, or teams.
5. Goal Setting: Understand importance of setting goals; set post-school goals that match interests.
6. Employment: Express desire to work, demonstrate job readiness, complete training, get a job.
7. Student involvement in IEP: Discuss goals with IEP team, actively lead the IEP.


It is important that the student develop knowledge of their disabilities and effective accommodations. The stigma of having a disability is so strong that approximately 60% of students who had IEPs during high school indicated that they did not have a disability the year after they exited high school.

(Newman, Wagner, Cameto, & Knokey, 2009).
7B. Best Practices: Student participation in the IEP

Self-Advocacy and Self Determination are essential skills for students with disabilities. They are especially important as agencies that provide post-secondary transition support emphasize person-centered planning.

There are four ways students can be involved in the IEP process:

- Planning the IEP includes laying the foundation for the meeting by identifying strengths, needs, establishing goals, considering options and preparing resources to use at the IEP meeting.
- Drafting the IEP provides practice in self-advocacy skills - includes having students write a draft of their IEP that reflects their strengths and needs as well as interests and preferences.
- Participating in the IEP Meeting: Demonstrate self-advocacy skills. Student has the opportunity to share interests, preferences and needs and participate in the process of developing the transition plan.
- Implementing the IEP: Evaluate their own progress toward achieving goals.

**Self-Advocacy**

Understanding your strengths and needs, identifying your personal goals, knowing your legal rights and responsibilities, and communicating these to others.

**Characteristics of Self Determined People**

- Awareness of personal preferences, interests, strengths and limitations
- Ability to identify wants and needs
- Make choices based on preferences, interests, wants and needs
- Ability to consider a variety of options and anticipate consequences for their decisions
- Ability to evaluate decisions based on the outcomes of previous decisions and revise future decisions accordingly
- Ability to set goals and work towards them
- Problem-solving skills
- Striving for independence while recognizing interdependence with others
- Self-advocacy skills
- Independent performance skills and ability to adjust performance
- Persistence
- Ability to assume responsibility for actions and decisions
- Self Confidence

*From A Practical Guide for Teaching Self-Determination, Sharon Field, Jim Martin, et al, Reston VA, Council for Exceptional Children*

Employ self-advocacy strategies to prepare students to participate actively in the IEP.

- **Inventory your strengths** - areas to improve or learn, goals and choices for learning or needed accommodations. Students complete an inventory sheet they can use at the IEP meetings.
- **Provide inventory information** Use inventory, portfolio, presentation video, etc.
- **Listen and respond** - learn the proper times to listen and respond.
- **Ask questions** - teach students to ask questions when they don’t understand something.
- **State your goals** - students list the goals they would like to see in their IEP.
- **Use the IEP as an opportunity to develop self-advocacy and leadership skills.**
8A. Mandates: An invitation to representatives of any participating agencies to attend the IEP team meeting

IDEA 2004 stipulates: If appropriate, a representative of a participating agency that is likely to be responsible for providing or paying for transition services should be invited to the IEP team meeting with the prior consent of the parent (or student who has reached the age of majority).

Documentation of the parental consent to invite the outside agency should be maintained.
Documentation of the invitation to the outside agency should also be maintained.

The rational used to determine agency involvement is not applicable (NA) should be included:
- Refusal by parent or student who has reached the age of majority to consent to agency participation.
- The IEP does not listed transition services that are likely to be paid for or provided by an outside agency.
- It is too early to determine if there is a need for outside agency involvement

The GAO Report entitled STUDENTS WITH DISABILITIES
Better Federal Coordination Could Lessen Challenges in the Transition from High School
From the July 2012 report to the Ranking Member, Committee on Education and the Workforce, House of Representatives

Students with disabilities face several challenges accessing federally funded programs that can provide transition services as they leave high school for post-secondary education or the workforce. These include difficulty navigating multiple programs that are not always coordinated; possible delays in service as they wait to be served by adult programs; limited access to transition services; a lack of adequate information or awareness on the part of parents, students, and service providers of available programs that may provide transition services after high school; and a lack of preparedness for post-secondary education or employment. Prior GAO work identified many of these same challenges, which is indicative of the longstanding and persistent nature of the challenges facing students with disabilities as they transition out of high school.

The primary reasons it is difficult to manage and prepare for transition cited in the report are:

- Lack of coordination of services among programs: Schools are required to invite agencies that provide transition services to IEP meetings, but agencies are not required to attend.
- Delays in services because of differing definitions of disabilities and eligibility criteria; differing assessment requirements and inability to share information.
- Lack of adequate information and awareness of options after high school.
- Inadequate preparation for post-secondary education and the workforce- driven by the emphasis on academic testing causing less time for career-technical and life skills education.

Recently enacted WIOA legislation addresses the connections between transition services and Education, Department of Rehabilitation, and America's Job Centers (One Stop Centers).
8B. Best Practices: Parent/family and interagency collaboration

It is important to note that the IEP Team membership includes families, who play a critical role in the transition process. They are typically the coach, mentor, and advocate when the student leaves school. They need to be encouraged to actively engage in the IEP process and the development of post-school goals. They need information and support to access community agencies and resources that support youth they leave school.

A recent GAO report demonstrates the challenges students and families face as they try to navigate agencies after they leave high school. Agencies require students apply for services. They have a more narrow focus on transition than the K-12 system. They are allowed to have waiting lists. They also have different definitions of disabilities. Services can vary widely within state systems based on the community resources. Linking youth to agencies while in school make connections easier.

This chart demonstrates some of the issues.

![Chart showing services and agencies supporting students with disabilities in transition.]

Convene your local Community of Practice- collaborate with the agencies that provide transition services after high school.

<table>
<thead>
<tr>
<th>Employment</th>
<th>Education/Training</th>
<th>Independent Living</th>
</tr>
</thead>
<tbody>
<tr>
<td>For All</td>
<td>Department of Labor</td>
<td>Community College/ Universities</td>
</tr>
<tr>
<td></td>
<td>▪ Employment Dev. Dept.</td>
<td>Military</td>
</tr>
<tr>
<td></td>
<td>▪ WIOA / America’s Job Centers</td>
<td>Technical Training</td>
</tr>
<tr>
<td></td>
<td>▪ California Conservation Corps</td>
<td>Adult Education</td>
</tr>
<tr>
<td></td>
<td>▪ Job Corps</td>
<td>Regional Occupation Program</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Short term Certification</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Community Education</td>
</tr>
<tr>
<td>Disability Specific</td>
<td>Department of Rehabilitation Regional Centers</td>
<td>Community College-Disabled Student Programs and Services (DSPS)</td>
</tr>
<tr>
<td></td>
<td>Vendor programs</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Independent Living Centers/ programs</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Dial a Ride/Ride on Demand</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Social Security-SSI</td>
</tr>
</tbody>
</table>

- Partner with agencies in advance of IEP- with parent and student permission.
- Form local / regional Community of Practice or Partnership Groups to address transition.
- Invite agencies to the classroom. Offer informational workshops, meetings for parents.
- Collaborate with agencies to create a Local Partnership Agreement.
- Create community resource maps and information for students and parents to navigate transition.
- Communicate with transition destinations-Learn what students need to know and do to be ready for the next environment.
Collaboration among agencies requires effective communication. It is important to hear all perspectives.

These are some common terms that mean different things to different audiences:

<table>
<thead>
<tr>
<th>When you say I Hear</th>
<th>Outcomes</th>
<th>Assessment</th>
<th>Course of Study</th>
<th>Post-secondary Goals</th>
<th>Self-Advocacy</th>
<th>Self Determination</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Student</strong></td>
<td>Where do I go??</td>
<td>Not Another Test!!</td>
<td>Classes?</td>
<td>I am not sure what my options are.</td>
<td>If I talk, will they listen?</td>
<td>I am in charge of my future?</td>
</tr>
<tr>
<td><strong>Parent</strong></td>
<td>What is out there for my child?</td>
<td>Not another test - more test anxiety! Will it help or discourage?</td>
<td>What classes lead to graduation?</td>
<td>Are these goals realistic?</td>
<td>I want them to listen to me too</td>
<td>Where do I get the information to guide my child to ask for what he or she needs?</td>
</tr>
<tr>
<td><strong>General Ed.</strong></td>
<td>College and career readiness</td>
<td>Academic Finals Smarter Balance</td>
<td>Education/Career Plan</td>
<td>College / University</td>
<td>Pick a university Ask for help</td>
<td>I will guide students to make choices</td>
</tr>
<tr>
<td><strong>Special ed.</strong></td>
<td>Post-secondary education and training, employment,</td>
<td>Psycho-ed test Academic test Transition and Career surveys life skills evaluation</td>
<td>Course of study</td>
<td>Goals related to post-secondary education training, work, independent living</td>
<td>Know your disability Ask for accommodations</td>
<td>Use your initiative to plan your future and share your plans.</td>
</tr>
<tr>
<td><strong>College</strong></td>
<td>Persistence - Complete your degree or certificate Transfer from college</td>
<td>Placement tests Eligibility for DSPS Finals Test for license...</td>
<td>Education Plan</td>
<td>Major</td>
<td>Students need to know what classes they want and ask for DSPS services they need.</td>
<td>Responsibility for career and education planning. They must use initiative to ask for help.</td>
</tr>
<tr>
<td><strong>Department of Rehabilitation</strong></td>
<td>Employment</td>
<td>Vocational eval. Work Readiness Situational Assessment</td>
<td>What classes or programs relate to employment goal</td>
<td>Employment Goal</td>
<td>Can they describe their disability and state their employment goal</td>
<td>Set realistic goals for themselves and advocate for their needs.</td>
</tr>
<tr>
<td><strong>Developmental Disabilities Services</strong></td>
<td>Integrated competitive employment Quality life</td>
<td>Eligibility for services Specialized assessments</td>
<td>Classes to earn diploma or certificate</td>
<td>Do you want to leave high school with a diploma or certificate?</td>
<td>Request services when developing a program plan</td>
<td>State goals for the future, Make choices about services to meet needs.</td>
</tr>
<tr>
<td><strong>Business</strong></td>
<td>Responsible, Productive Employee with skills to do the job.</td>
<td>On the job evaluation</td>
<td>What training does they employee need</td>
<td>Minimum qualifications for jobs</td>
<td>Speak up. Ask for what you need Disclose your disability</td>
<td>Plan ahead Complete education and training to advance</td>
</tr>
<tr>
<td><strong>America Job Centers</strong></td>
<td>Employment</td>
<td>Verification of eligibility</td>
<td>Employment plan</td>
<td>Employment</td>
<td>Express your goals and ask for what you need.</td>
<td>What services are provided? Which ones meet my needs?</td>
</tr>
</tbody>
</table>
Appendices
Local Partnership Agreement Template

As laws and regulations clearly define roles and expectations related to transition, it is important to create local partnership agreements. The California Blueprint for CIE makes partnership agreements necessary to achieve Real Work for Real Pay in the Real World for students with intellectual/developmental disabilities (IDD)

The Local Partnership Agreement Template is available at http://www.chhs.ca.gov/Pages/Competitive-Integrated-Employment-(CIE).aspx

These are the essential components of Local Partnership Agreements

1. Define the intent and purpose of the collaboration.

2. Identify core partners. In terms of CIE, these partners are LEAs, DOR districts and Regional Centers.

3. Identify community partners
   Additional partners in transition may include colleges and universities, business partners, social services, juvenile justice, non-profit organizations, including parent groups, social security, career-technical pathways, Adult Education, America's Job Centers and other community resources.

4. Develop roles and responsibilities with a focus on person-centered planning

5. Define referral and intake process

6. Coordination of plans: Agencies have planning tools (schools- IEP, DOR-IPE, Regional Center-IPP
   Other plans are generated for youth through, for example, employment services, juvenile justice, social services and post-secondary education and training programs.

   Plans need to be synchronized and avoid requiring duplicate or competing expectations.

7. Information Sharing: Youth who reach the age of majority have the right to disclose and not to disclose. It is important to gain their permission to share their information.
   Examples of information that might be shared include, but are not limited to eligibility documentation, youth plans, assessment Information, education and work histories, employment or transition portfolios.

8. Resources: What resources do partners offer? How and when are they available?


10. System measurement or evaluation- Is the partnership working? How has data improved? Have intended outcomes been achieved?
A Transition Guide To Postsecondary Education and Employment for Students and Youth with Disabilities    Developed by the Office of Special Education and Rehabilitation Services, May 2017

www.2ed.gov offers a suggested timeline for seamless transition services.

<table>
<thead>
<tr>
<th></th>
<th>IEP</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Participate in your IEP or your child’s IEP development to ensure that transition services are addressed in your child’s IEP by age 16 (or earlier, depending on your state’s laws). Students with disabilities and their representatives are critical members of the IEP Team and have valuable information that is needed for quality transition planning.</td>
</tr>
<tr>
<td>2</td>
<td>Be Familiar with steps to Transition Planning</td>
</tr>
<tr>
<td></td>
<td>Schools should</td>
</tr>
<tr>
<td></td>
<td>1. Invite the student;</td>
</tr>
<tr>
<td></td>
<td>2. Administer appropriate transition assessments;</td>
</tr>
<tr>
<td></td>
<td>3. Determine needs, interests, preferences and strengths;</td>
</tr>
<tr>
<td></td>
<td>4. Develop post-secondary goals;</td>
</tr>
<tr>
<td></td>
<td>5. Create annual goals consistent with post-secondary goals;</td>
</tr>
<tr>
<td></td>
<td>6. Determine transition services, including course of study needed to assist your student in reaching those goals;</td>
</tr>
<tr>
<td></td>
<td>7. Consult with other agencies, in particular, the VR agency</td>
</tr>
<tr>
<td></td>
<td>8. Update annually.</td>
</tr>
<tr>
<td>3</td>
<td>Implementation of transition services</td>
</tr>
<tr>
<td></td>
<td>Provide transition services as identified in the IEP. Pre-Employment Transition services are provided under the Rehabilitation Act. Alignment of the IEP and IPE facilitates a seamless transition process.</td>
</tr>
<tr>
<td>4</td>
<td>Referral to VR or other Adult Agencies</td>
</tr>
<tr>
<td></td>
<td>1. Pre-Employment Transition services provided under the Rehabilitation Act as appropriate.</td>
</tr>
<tr>
<td></td>
<td>2. Familiarize yourself with laws related to other programs and</td>
</tr>
<tr>
<td></td>
<td>3. Learn about community agencies that provide services to support students, such as travel planning, independent living skills</td>
</tr>
<tr>
<td>5</td>
<td>VR Application process</td>
</tr>
<tr>
<td></td>
<td>1. Share employment interests and capabilities during the intake interview.</td>
</tr>
<tr>
<td></td>
<td>2. Focus on assessment(s) that lead to the student’s postsecondary goals.</td>
</tr>
<tr>
<td>6</td>
<td>Individualized Plan for Employment</td>
</tr>
<tr>
<td></td>
<td>Once a student is determined eligible for VR services, the IPE must be developed and approved within 90 days, and no later than the time the student leaves the educational setting.</td>
</tr>
<tr>
<td>7</td>
<td>Common VR Services under the Rehabilitation Act</td>
</tr>
<tr>
<td></td>
<td>1. Transition Services</td>
</tr>
<tr>
<td></td>
<td>2. Vocational Counseling</td>
</tr>
<tr>
<td></td>
<td>3. Vocational Training</td>
</tr>
<tr>
<td></td>
<td>4. Post-Secondary Education</td>
</tr>
<tr>
<td></td>
<td>5. Supported Employment Services</td>
</tr>
<tr>
<td></td>
<td>6. Career Development and</td>
</tr>
<tr>
<td></td>
<td>7. Job Placement</td>
</tr>
<tr>
<td>8</td>
<td>VR service Record Closure</td>
</tr>
<tr>
<td></td>
<td>As a result of the student or youth with a disability</td>
</tr>
<tr>
<td></td>
<td>1. Achieving an Employment Outcome or</td>
</tr>
<tr>
<td></td>
<td>2. No longer pursuing an employment outcome, and therefore, determined ineligible for VR services.</td>
</tr>
</tbody>
</table>

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**VR is Department of Rehabilitation (DOR) in California**

**Pre-Employment Transition Services:**

1. Job Exploration Counseling
2. Work Based learning experiences, which may include in-school or after-school opportunities, or experience outside the traditional school setting, (including internships) that is provided in an integrated setting;
3. Counseling on opportunities for enrollment in comprehensive transition or post-secondary educational programs at institutions of higher education;
4. Workplace Readiness training to develop social skills and independent living;
5. Instruction in self-advocacy, which may include peer mentoring.

Compiled by Sue Sawyer, CA Transition Alliance
Transition Questions We All Want to Ask

Here are a list of the most common questions regarding Transition in the IEP. This is an abbreviated version. The annotated version has extensive citations of laws and regulations upon which these answers are based. Both documents are available at www.catransitionalliance.org. Bob Snowden, Ed.D is credited with the research.

What is the difference between the terms mandate and compliance?

**Mandate** is defined as a written order or command. The Individuals with Education Act (IDEA) mandates special education law.

**Compliance** means to obey the law.

Are “best practices” also legally defensible practices?

Best practices are tools or activities used to meet the multifaceted needs of students with disabilities in the educational setting. There exists an evolving array of available research-based strategies and supports that are considered to be best practices. All practices delineated in the student’s IEP are legally defensible.

What extra steps are required to ensure the individualized education plan (IEP) is legally defensible?

To ensure the IEP is legally defensible education agencies must comply with federal and state special education laws. Districts must ensure school personnel are knowledgeable about child find; evaluation; IEP development; IEP implementation; provision of FAPE; protection of the rights of children and their parents to procedural due process and safeguards in the evaluation and placement process; and address secondary transition services.

When is an assessment plan required to meet the mandate to provide transition assessments?

For a student age sixteen and older, if the instrument used for transition assessment is a norm-referenced test of achievement, then an assessment plan is required. If the whole class is assessed for acquisition of a criterion-referenced skills or informal assessments to collect data are conducted for individual students, an assessment plan is not required.

Do we need to complete an assessment plan when transition and career exploration are integrated into the class curriculum?

If transition and career exploration are integrated into the class curriculum, and the data is collected on all students using criterion referenced assessments, an assessment plan is not required.

If a student is assessed individually to gather data using norm-referenced test of achievement, then an assessment plan is required.
What is the difference between transition services and career guidance and planning?

The difference between transition services and career guidance is the inclusion of transition planning in the IEP to assist in the student in becoming a productive member of his/her community.

Secondary transition services requirement at its inception is an affirmative action-type push to codify career/vocational planning for students with disabilities.

If general education personal growth class offers career planning (like the 10 year plan) could it meet the transition requirements related to assessment, course of study, post-secondary goals?

Yes, general education career planning activities can meet the transition requirements related to assessments, course of study, and post-secondary goals as long as they are documented in the student’s IEP.

Are related services required to be listed on the IEP or are they offered as needed? Is transition IEP required to list related services?

Yes, related services are required to be listed on the IEP and transition services is a mandated component of the IEP. It is the responsibility of the IEP team to consider what related services the child needs and the detail with which the team specifies them in the IEP.

How do we list post-secondary goals on the IEP if the student refuses to express goals?

Special education law states transition goals and services must be in the student’s IEP beginning in the year the student turns 16, or younger if determined appropriate. Getting the student to actively participate in transition planning is not always an easy task. A teacher must be creative in attempts to verify preferences, interests, and goals. Best practices suggest transition planning should take place before the IEP meeting. Since it might involve assessments and multiple meetings there should be ample time allotted for assessments and planning. During the transition planning process there will be many conversations, with many different people. Make sure notes are taken on any conversations with the student, family members, teachers, school administrators, evaluators, service providers, doctors, nurses and/or advocates. It is a good idea to follow-up with a brief note or e-mail to confirm what was said about the student’s preferences, interest and goals.

How do we find the time to provided transition services if students rarely attend school?

All districts have policy and procedures, in place, for students who are not meeting attendance expectations. Interventions provided to individual students who are not attending school regularly should be tracked and data should be analyzed to determine the effectiveness of the intervention efforts.

Students and families with multiple issues or more intensive problems should participate in School Attendance Review Boards (SARB) or other multidisciplinary teams that include student, their family and school staff such as Student Success Teams (SST).
How do we document transition services for students who are in general education classes 100% of the time and involved in extracurricular activities?

Districts are mandated to document the student’s transition services through the IEP process. It is reasonable to document the student’s performance in general education classes, and engagement in extracurricular activities as part of transition record-keeping.

Are teachers providing DIS services (e.g. Adaptive PE, speech and language) required to address transition in their IEPs?

Yes, DIS personnel are required to address transition in the student’s IEP. Tie the services to transition topics. For example, the DIS Adaptive PE Services may reference transition goals related the fitness, wellness and recreation; the DIS Language Specialist may reference transition goals related to communication skills required for employment or soft skills- interpersonal skills, cooperation, and listening skills.

The law requires IEPs to address transition at age 16. What is the recommended age to address transition in their IEPs?

Special education law specifically states transitions will begin when the student is “16 years of age, or younger if determined appropriate by the IEP team.” Many states require transition services at an early age.

Can we meet the course of study mandate if we attach the four year education/employment plan developed by school counselors with students?

Yes, a four year plan by a school counselor can meet the course of study requirement if the counselor is invited to the IEP team meeting and the contents of the plan is documented in the student’s IEP.

Can responsibility be assigned to students and/or parents on the transition IEP?

Yes, responsibility regarding aspects of transition services can be assigned to the student and/or parent. Special education law mandate that students and parents are full and equal participants with the District in the development of the IEP. This means they must be invited to the meetings regarding the special education programming for the student and they must have equal voice in developing the program.

Can we state the student participates in A-G courses?

Yes, student progress in A-G courses are an integral part of the IEP process. All teachers keep data on which skills their students have mastered and special education law requires the utilization of that information to make informed decisions on the instructional needs of the student.
How do we list dual enrollment courses that typically offered in partnership between the high schools and local community colleges?

Transition services mandate facilitating the movement of the pupil from secondary activities to post-secondary education. Best practice would involve developing a memorandum of understanding between the secondary education system and the community college.

How do we invite agencies to participate in the IEP if our community is small, rural and isolated therefore, lacking agency partners?

Special education law states the school needs to reconvene the IEP team to identify alternative strategies to meet the transition needs of the student. Most service agencies like the Department of Rehabilitation have regional offices that cover large territories. Contact the regional office to invite a representative to a student or group of students who may become clients.

Do we need to document the services agencies provide students?

Yes, all schools need to document the services other agencies provide students with disabilities. A time to collect this type of information is when the parents are interviewed.

What supporting documentation is recommended to document the provision of services listed on the IEP.

When a complaint is filed against a district with the state that claims violation of federal and state special education law, district must provide documentation to support compliance. Depending of the complexity of the complaint, documentation may include, but are not limited to, district forms, policies and procedures, cumulative files, copy of IEPs, referrals, assessments, inventories, reports, notes, minutes of meetings, student progress reports, work samples, report cards, attendance reports, service logs, etc.
Apply tiered intervention model to postsecondary transition

Source: Transition Coalition www.transitioncoalition.org

Key points:
• Set up career development classes to assist with transition
• Keep students engaged in Tier 2 with 'Check & Connect'
• Employ intensive person-centered planning in Tier 3

< Apply tiered intervention model to postsecondary transition

While the three-tier intervention model is often affiliated with RTI in the classroom, it also works quite well for transitioning students to life after high school, sources say.

"This model is similar in structure to RTI, but the difference is that it looks at academics and functional skills along with specific transition areas that we address," said Michael Stoehr, an educational consultant for the Pennsylvania Training and Technical Assistance Network, or PaTTAN.


For instance, Tier 1 focuses on assessment and career planning for all students. Supplemental assistance is provided at Tier 2 for students who may need more targeted interventions. And at Tier 3, school staff engages in intensive transition assessment and planning for the student, Stoehr said.

"We've been encouraging school districts to look at postsecondary transition for all students, not just students with disabilities," Stoehr said. "The most important thing I think this model has done in schools that have really embraced it is ... it has broken down the silos between general and special education because you are working more collaboratively. It's an approach that looks at all our kids, whether they have an IEP or not."

Consider these steps:

Break down support barriers between special, general ed in Tier 1

Tier 1 looks at the entire student body and focuses on student-directed transition planning and progress monitoring.

Students with disabilities who receive Tier 1 supports are fully included in general education classrooms and complete the same coursework -- they may just need extra support for transition planning, Stoehr said.

For example, extra support at Tier 1 could involve biweekly or monthly postsecondary advisory sessions with a guidance counselor. In addition, the student may be required to create a personal plan of study, which could include employment interests, postsecondary goals, and courses to take to reach those goals.

"To go along with Tier 1, you would ideally have a specific class or elective open to all students that looks specifically at transitional programming, such as a career readiness class or career development course," Stoehr said. Usually, districts will offer these classes at key transition times in seventh and eighth grade, and again in 10th and 11th grades. IEP teams can incorporate such classes into students' transition plans and goals, he said.

Consider supervision, student engagement in Tier 2

"Students at Tier 2 are engaged in more specific instruction around supports for developing employment skills," Stoehr said. They may have more intensive disabilities or could be in jeopardy of dropping out, he said.

Examples of Tier 2 interventions include using work-based assessments, which evaluate a student's performance in the workplace, conducting FBAs, and using the "Check & Connect" approach, Stoehr said.

Check & Connect assesses students' learning engagement by "checking on students" through close monitoring of their attendance, behavior, and grades, and "connecting with students" by offering individualized support through partnership with school personnel, families, and community service providers.

Furthermore, while students in Tier 1 may not need targeted supervision during internships and work experiences, this is something to consider for students in Tier 2, Stoehr said.
Engage in person-centered planning in Tier 3

"In Tier 3, most of the students have IEPs and are in the 18-21 age group," Stoehr said. The interventions here are much more concentrated on small group instruction and intensive person-centered planning.

For students with disabilities, person-centered planning involves having IEP teams come together to look at the students' needs and map out their futures, Stoehr said. Oftentimes this is done in the presence of staff members from community-based organizations or social services agencies.

To provide person-centered planning in Tier 3, Stoehr has been working with project RENEW, an organization that provides transition-based training to school staff.

Other Tier 3 interventions include one-on-one job coaching and individualized instruction on self-determination, social skills, and independent living, Stoehr said.

Incorporate 6 constructs of college and career readiness

The tiered transition model was originally developed in part by Mary Morningstar, director of the Transition Coalition and associate professor in the Department of Special Education at the University of Kansas, Stoehr said.

Morningstar has since applied the tiered model across six constructs of college and career readiness.

Consider the first construct, which is critical thinking, Morningstar said. A student with significant disabilities can still work on his critical thinking, she said. But to do so, he may need more significant supports such as increased intervention or assistive technology. Therefore, the student would move from Tier 1 to either Tier 2 or Tier 3, she said.

"The construct would stay the same across tiers, but how you implement changes at the instruction level," she said.

See also:
Use 6 constructs as "blueprint" for your transition planning (August 27)
Launch school-based enterprise for students with significant disabilities (July 24)
Avoid 3 common mistakes in postsecondary transition planning (December 6)

For more stories and guidance on this topic, see the Postsecondary Transition Roundup.
Philip Barnes covers postsecondary transition and charter school topics for LRP Publications

September 3, 2014
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### Essential Skills for Employment
Skills required to find, maintain, and advance in all careers
Compiled by Sue Sawyer, CA Transition Alliance

<table>
<thead>
<tr>
<th>Standards for Career Ready Practice</th>
<th><a href="http://www.careertech.org">www.careertech.org</a></th>
</tr>
</thead>
<tbody>
<tr>
<td>Apply appropriate technical and academic knowledge</td>
<td></td>
</tr>
<tr>
<td>Communicate clearly, effectively and with reason</td>
<td></td>
</tr>
<tr>
<td>Develop an education and career plan aligned with personal goals</td>
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<td>Apply technology to enhance productivity</td>
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<td>Utilize critical thinking to make sense of problems and persevere to solve them.</td>
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<tr>
<td>Practice personal health and understand financial literacy</td>
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<td>Act as a responsible citizen in the workplace and community</td>
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<td>Model integrity, ethical leadership and effective management</td>
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<tr>
<td>Work productively in teams while integrating cultural and global competence</td>
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<tr>
<td>Demonstrate creativity and innovation</td>
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<tr>
<td>Employ valid and reliable research strategies</td>
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<td>Understand environmental, social and economic impact of decisions</td>
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<tr>
<td>Character, Social and Emotional Skills, Soft Skills, Grit</td>
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<tr>
<td>Non-cognitive Traits and Habits, 21st Century Skills, Growth Mindset</td>
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<td>Key Interdisciplinary Subjects</td>
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<tr>
<td>Global Awareness, Civic, Financial, Health, Environmental Literacy</td>
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<td>Learning and Innovation Skills</td>
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<td>Creativity, Critical Thinking, Communication, Collaboration</td>
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<td>Information, Media and Technology Skills</td>
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<td>Life and Career Skills</td>
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<td>Flexibility &amp; Adaptability, Initiative &amp; Self-Direction, Social &amp; Cultural Skills, Productivity &amp; Accountability, Leadership &amp; Responsibility</td>
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<tr>
<td>Cognitive skills</td>
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<tr>
<td>Plan, Organize, Strategize</td>
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<td>Pay attention to, remember details</td>
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<td>Start and stop actions, Form concepts, think abstract</td>
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<td>Behavior &amp; Social Skills</td>
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<tr>
<td>Monitor, regulate behavior</td>
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<td>Plan future behavior related to new tasks</td>
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<tr>
<td>Anticipate outcomes, adapt to change</td>
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<td>O'NET</td>
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<td>My Next Move</td>
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<th>Equipped for the Future</th>
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<tr>
<td>Communication</td>
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<tr>
<td>Observe, convey ideas in writing</td>
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<td>Listen actively, Speak, Read</td>
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<td>Decision-Making</td>
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<td>Use Math to solve problems</td>
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<td>Plan and solve problems</td>
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<td>Make decisions</td>
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<td>Interpersonal Skills</td>
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<td>Cooperate, Resolve conflict</td>
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<td>Advocate &amp; Influence</td>
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<td>Guide Others</td>
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<td>Lifelong Learning Skills</td>
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<td>Take Responsibility for Learning</td>
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<td>Use information/communications technologies</td>
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<td>Learn through research</td>
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<td>Reflect and Evaluation</td>
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| Soft Skills to Pay the Bills |
| Essential Skills for Getting a Job | www.dol.gov/odep |
| Communication Skills |
| Enthusiasm & Attitude |
| Teamwork |
| Networking |
| Problem Solving & Critical Thinking |
| Professionalism |

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<th>Technical skills for each occupation:</th>
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<td>My Next Move</td>
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BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENTS ON BEHALF OF STUDENT, OAH CASE NO. 2008090354
v.

MONTEBELLO UNIFIED SCHOOL
DISTRICT, LOS ANGELES COUNTY
OFFICE OF EDUCATION, AND
BELLFLOWER UNIFIED SCHOOL
DISTRICT.

DECISION

Administrative Law Judge (ALJ) Deidre L. Johnson, Office of Administrative
Hearings, Special Education Division (OAH), State of California, heard this matter from
February 23 through 27, 2009, in Montebello, California.

Student and his father (Parent) were represented during the hearing by Jessica Toth,
Attorney at Law, Learning Rights Law Center, and Shawna Parks and Anna Rivera,
Attorneys at Law, Disability Rights Legal Center. In addition, attorney Lewis Bossing and
The Legal Aid Society Employment Law Center were co-counsel of record. Parent was
present throughout the hearing. Spanish/English interpreter Ana Juliao provided
interpretation services to Parent during the hearing. Student was present for part of one day.

Karen Gilyard, Attorney at Law, Atkinson, Andelson, Loya, Ruud & Romo,
represented the Montebello Unified School District (Montebello) and the Los Angeles
County Office of Education (LACOE). Co-counsel Carlos Gonzales of the same firm was
present during most of the hearing. Donna Wakano, a teacher on special assignment for
Montebello, was present during the hearing. Dr. Gary Levin, Project Director III of LACOE,
was present through most of the hearing, and James Albanese, LACOE Administrative
Compliance and Support Services, attended for part of a day.

Marcia Brady, Attorney at Law, Law Offices of Eric Bathon, represented Bellflower
Unified School District (Bellflower), and Victoria Medina, Bellflower Director of Special
Education, was present during the hearing.
On September 11, 2008, Student filed a request for a due process hearing (complaint) with OAH.\(^1\) On October 10, 2008, OAH granted a continuance of the hearing. At hearing, oral and documentary evidence were received. At the request of the parties, the record remained open until March 20, 2009, for the submission of written closing arguments. On that date both parties timely filed closing arguments, the record was closed, and the matter was submitted.

**ISSUES\(^2\)**

1. Beginning on September 11, 2006, did Bellflower, Montebello, and LACOE fail to timely and appropriately assess Student's unique needs regarding postsecondary transition for the 2006-2007 and 2007-2008 school years?

2. Did Bellflower, Montebello, and LACOE deny the meaningful participation of Student and Parent in an individualized education program (IEP) meeting in December 2006, and thereby deny Student a free appropriate public education (FAPE)?

3. Beginning on September 11, 2006, did Bellflower, Montebello, and LACOE offer or provide inadequate transition planning and related services for Student for the 2006-2007 and 2007-2008 school years, and thereby deny him a FAPE by failing to:

   (A) Offer in the IEPs, or provide appropriate, measurable postsecondary transition goals that were based on age-appropriate transition assessments related to training, education, employment and independent living skills, and that met his unique transition needs;

   (B) Offer in the IEPs, or provide appropriate transition services based on Student’s unique needs, taking into account his strengths, preferences, and interests, including vocational and community experiences, functional communication and daily living skills instruction or training, and independent toilet training;

   (C) Invite outside agencies to Student’s IEP meetings that would be responsible for providing or paying for transition services; and

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\(^1\) Although Student initially filed documents in August, 2008, OAH determined, in an order issued on October 2, 2008, that the complaint was filed on September 11, 2008, when OAH received Student’s identifying information as required by law.

\(^2\) The ALJ has reframed and reorganized the issues for purposes of clarity, consistency, and organization.
(D) Identify in the IEP transition plans the frequency, location, and duration of all transition services?

4. For the 2007-2008 school year, did Montebello and LACOE deny Student a FAPE by failing to provide the alternative augmentative communication devices specified in his IEPs?

REQUESTED REMEDIES

As a result of the legal violations alleged above, Student requests an order requiring the responding parties to provide compensatory education to him in the form of: (1) 720 hours of compensatory vocational and functional skills training and services; (2) a toilet training assessment, training plan, and 264 hours of toileting training; and (3) 440 hours of direct communication instruction with augmentative communication devices by a qualified speech and language pathologist, until he exits his educational program at the age of 22, or longer if necessary.

CONTENTIONS OF THE PARTIES

The specific contentions of the parties are set forth in this Decision within each issue regarding Student's postsecondary transition assessments, goals, and services for the 2006-2007 and 2007-2008 school years. Generally, Student contends that Montebello, Bellflower, and LACOE were all local educational agencies (LEAs) responsible for Student’s education, and that they should be jointly and severally liable for the violations claimed in his complaint.

Montebello concedes that it was a responsible LEA for all or part of the 2006-2007 and 2007-2008 school years as the school district of residence. However, Montebello and LACOE assert that Bellflower was a responsible LEA for Student’s special education and related services for the 2006-2007 school year, until April 17, 2007, when he transferred to Montebello.

Bellflower contends that Montebello was the responsible LEA for the 2006-2007 school year because Bellflower was merely a service provider for Montebello. In addition, Bellflower asserts that, because it was not joined as a party to this action until OAH ordered its joinder on December 11, 2008, the two-year statute of limitations applicable to this matter limits its exposure for liability to the time period between December 11, 2006, and April 17, 2007.

LACOE contends that it was not an LEA responsible for Student’s education during either school year, except regarding augmentative communication services that it provided to Student as a related service while he attended high school in each district.
FACTUAL FINDINGS

Jurisdiction and Background

1. Student is 18 years old and has lived with Parent within the geographical boundaries of Montebello for many years. Parent holds Student’s educational rights and makes all educational decisions for him.

2. Student has multiple disabilities. He receives special education and related services under the categories of orthopedic impairment and mental retardation. He has medical diagnoses of spastic quad type cerebral palsy (1990), anoxic encephalopathy status post cardiac arrest (1995, lack of oxygen to the brain), a pacemaker, and a history of seizures. He also has severe delays in motor, speech and language development, and he is moderately delayed in the areas of cognitive and adaptive functioning. Student is not ambulatory, uses a wheelchair, and is primarily a nonverbal communicator. He uses the English language during school, and uses English and Spanish at home. His cerebral palsy, encephalopathy, cognitive and other deficits significantly interfere with his access to the educational curriculum. He is very social, outgoing, and polite.

3. Montebello provided special educational services to Student through an arrangement with LACOE through the 2003-2004 school year. LACOE placed Student in a LACOE special day class (SDC) for the severely handicapped (SH) at a middle school in Bellflower. In 2003 or 2004, LACOE transferred its SDC programs and services to Bellflower pursuant to a program transfer approved by the California Department of Education (CDE).

4. Student entered 11th grade at Mayfair High School (Mayfair) in Bellflower in the fall of 2006. In the spring of 2007, Student transferred to Montebello High School (MHS) in Montebello, and completed 12th grade at MHS in June 2008. He has not graduated from high school. Student still receives special education and related services from Montebello and is expected to do so until he reaches the age of 22.\(^3\) This case focuses on the postsecondary transition plans, goals and services offered and provided to Student during his 11th and 12th grade school years at both Mayfair and MHS.

Responsible LEAs

5. Due process hearing procedures extend to “the public education agency involved in any decisions regarding a pupil.” “Public agency” includes a school district, county office of education, special education local plan area, in some circumstances a charter school, or any other public agency under the auspices of the state or any political subdivisions of the state providing special education or related services to individuals with

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\(^3\) The right to special education is extended to those pupils between the ages of 19 through 21 years old with preexisting IEPs who have not yet completed their prescribed courses of study, have not met proficiency standards, or have not graduated from high school with a regular high school diploma.
exceptional needs. An LEA is generally responsible for providing a FAPE to students with disabilities who reside within the LEA’s jurisdiction. A school district may contract with another public school district for the provision of special education services.

6. During the hearing, Montebello, LACOE, and Bellflower did not present oral or documentary evidence bearing directly on the issue of the arrangements between them for providing Student’s education, aside from IEP documents. However, Montebello and LACOE filed a motion with OAH to add Bellflower as a party on November 4, 2008. They submitted documents in connection with that motion, including declarations under penalty of perjury from Dr. Levin and Ms. Wakano, neither of whom testified at hearing. Bellflower was served with the motion and did not file any written response opposing the motion or the evidence supporting the motion. Since these documents are part of the records in this case, official notice is taken of them.\(^4\) OAH granted the motion and ordered Bellflower to be joined as a party to the action on December 11, 2008.

7. The evidence established that at all times relevant in this case, Montebello was the LEA responsible for Student’s special education and related services for both the 2006-2007 and 2007-2008 school year as the school district with educational jurisdiction based on Student’s residency in that district. While Student was placed at Bellflower, Montebello coordinated and contracted for his assessments, including the triennial assessments before a February 2007 IEP meeting. (Factual Findings 22 through 54.) Montebello representatives frequently attended the Bellflower IEP meetings for Student, including Jose Fonseca, Montebello’s program specialist, and Courtney Adolph, Montebello’s legal counsel. In 2006, CDE ordered Montebello to offer Student compensatory transition services, and the Bellflower IEP team thereafter offered compensatory in-home independent living and functional skills tutoring. Montebello was therefore a responsible LEA for Student’s 11th and 12 grade school years for the 2006-2007 and 2007-2008 school years.

8. Bellflower contends that it was merely a service provider under contract to Montebello for the 2006-2007 school year until Student transferred to Montebello in April 2007. Bellflower was a member school district of the Mid-Cities Special Education Local Planning Area (SELPA), which included LACOE. Montebello was a member of the Montebello-Downey SELPA, which also included LACOE. The IEP documents for the 2006-2007 school year at Bellflower stated that Bellflower was the program operator of the IEP, and that Montebello was Student’s school district of residence.

9. When Montebello moved to add Bellflower as a necessary party to this proceeding in December 2008, Montebello argued that Bellflower was a necessary party as an additional school district that provided educational services to Student. Bellflower did not oppose the motion to join it as a necessary party or submit evidence that it was only a service provider when it had every opportunity and incentive to do so. Bellflower did not make a

\(^4\) See, by analogy, Government Code section 11515 governing official notice under the Administrative Procedure Act.
timely motion for reconsideration of the joinder order, and its defense now on that basis is 
not persuasive. No one from Bellflower testified, and Bellflower did not submit any 
evidence of a written service provider contract that limited its role, liability or exposure 
under the IDEA to that of a service provider.

10. The evidence established that Bellflower, a member of the Mid-Cities SELPA, 
cooperated with Montebello, a member of the Downey-Montebello SELPA, and with 
LACOE to place Student at Bellflower many years ago. Bellflower operated its own special 
education programs and services, including SH/SDC classes. Under this cooperative 
arrangement during Student’s 11th grade year, Bellflower offered him a special education 
placement and services that were under its control and management, including an SH/SDC 
class that was not available in Montebello. Bellflower arranged and convened the IEP 
meetings and made the IEP and individualized transition plan (ITP) offers for Student’s 11th 
grade school year based on its programs and services, supplemented by LACOE’s 
augmentative communication services. Bellflower’s administrative personnel attended 
Student’s IEP meetings to authorize the offers. As set forth in Factual Findings 44 and 45, 
when the parties realized that Bellflower did not offer sheltered work experience programs 
for its high school students, Student was transferred to Montebello through an inter-district 
transfer. Montebello had a contractual relationship with Lincoln, a nonpublic agency (NPA), 
for supported and sheltered work experience and training for pupils over the age of 16. If 
Bellflower had merely been another service provider under contract to Montebello, there 
would have been no need for an inter-district transfer in order to accomplish Student’s 
simultaneous enrollment at Lincoln.

11. The evidence established that LACOE was a public education agency involved 
in limited decisions about Student’s education after 2004, in the role of a service provider of 
augmentative communication devices and consultation, assessment, and training services. 
LACOE augmentative communication specialists were members on the IEP teams only at 
those meetings where augmentative communication devices were discussed. (Factual 
Findings 119 through 126.) LACOE had no decision-making role in making either 
Bellflower’s or Montebello’s offers of FAPE at the IEP meetings at a either a management or 
administrative level. Therefore, LACOE was not an LEA, was only responsible for the 
augmentative communication services, and was not otherwise responsible for Student’s 
education in either school year.

12. Based on the foregoing, it is determined that Bellflower was also a responsible 
LEA for Student’s educational services for part of the 2006-2007 school year until April 17, 
2007, when he transferred to Montebello. Bellflower argues that, if it is held to be a 
responsible LEA, civil law standards should apply to limit its liability from the date it was 
joined as a party. Bellflower contends that the statute of limitations applicable to a party 
joined after an action has commenced is to be measured from the date the party was joined.

13. California law provides that a request for a due process hearing “shall be filed 
within two years from the date the party initiating the request knew or had reason to know of 
the facts underlying the basis for the request.” As set forth in Factual Findings 23,
Footnote 5, since Student filed his complaint on September 11, 2008, the applicable timeframe for this case began on September 11, 2006. The law provides for two express exceptions to the two-year statute of limitations that do not apply in this case. Special education law is silent on the application of the two-year statute of limitations to a party joined in a case after the request for a due process hearing against other parties has already been filed.

14. Under civil law, as a general rule, an "amended complaint" that adds a new defendant does not relate back to the date of filing the original complaint and the statute of limitations is applied as of the date the amended complaint is filed, not the date the original complaint is filed. An exception to the no-relation back doctrine is provided where, if a new defendant is substituted for a "Doe" defendant named in the original complaint, the courts will generally allow the claim against the substituted party to relate back to the original complaint. A further requirement for application of the exception is that the moving party adding the new defendant must have been genuinely ignorant of the new party's identity at the time the original complaint was filed.

15. At the time Bellflower was joined as a party on December 11, 2008, Student did not file an amended complaint. OAH deemed the complaint to be amended and ordered the caption of the case to be changed accordingly. Student had actual notice of Bellflower's identity at the time he filed his original request for due process because he had attended high school in Bellflower for part of his 11th grade year involved in this case. Since special education law is silent on the application of the two-year statute of limitations in these circumstances, the civil law's reasoning should apply. It would not be equitable to allow Student to extend the statute of limitations to a time prior to Bellflower's joinder in the case, particularly since Student attended Bellflower.

16. Based on the foregoing, Bellflower was an LEA responsible for Student's education for the 2006-2007 school year for a four-month window period between December 11, 2006 and April 17, 2007, when Student transferred to Montebello. Bellflower and Montebello were both LEAs responsible for Student's education during that four-month period, and are therefore jointly and severally liable for the transition violations found herein during that time frame.

Assessment of Postsecondary Transition Needs

17. Student contends that the LEAs failed to timely and appropriately assess his unique needs regarding postsecondary transition planning and services in order to develop postsecondary transition goals and services for both the 2006-2007 and the 2007-2008 school years.

18. A special education pupil must be reassessed, following an initial assessment and determination of eligibility, not more frequently than once a year, and at least once every three years (triennial assessment), unless the parent and the LEA agree otherwise. No single procedure may be used as the sole criterion for determining whether the student has a
disability or an appropriate educational program. An IEP meeting to review the assessment must occur within 60 days of the receipt of parental consent for the assessment.

19. Beginning not later than the IEP in effect when a pupil becomes 16 years of age (or younger if appropriate), his or her IEP must have postsecondary goals that are based on age-appropriate transition assessments related to training, education, employment, and where appropriate, independent living skills, and transition services needed to assist the pupil in reaching the postsecondary goals. Thereafter, the postsecondary goals and transition services shall be updated annually.

20. Transition services for high school students are an essential component of a FAPE. The objective of transition services is to facilitate the movement of high school pupils with disabilities from school to post-school activities, including “postsecondary education, vocational education, integrated employment, including supported employment, continuing and adult education, adult services, independent living, or community participation.” The transition laws place an affirmative duty on the school districts to conduct transition assessments in order to develop appropriate postsecondary goals.

21. To determine whether an LEA offered a FAPE, including transition services, the IEP must meet both the procedural and substantive requirements of the reauthorized Individuals with Disabilities Education Improvement Act (IDEA 2004). Not every procedural violation is sufficient to support a finding that a student was denied a FAPE. To constitute a denial of FAPE, the procedural inadequacy must have (a) impeded the child’s right to a FAPE, (b) significantly impeded the parent’s opportunity to participate in the decision making process regarding the provision of FAPE, or (c) caused a deprivation of educational benefits.

Transition Assessments by the Age of 16

22. Student turned 16 years of age in July 2006. For the 2006-2007 school year, he contends that the LEAs had not conducted reliable, complete transition assessments related to his training, education, employment, and independent living skills. Bellflower and Montebello contend that multiple assessments had been conducted that complied with the requirements for transition assessments.

23. On February 22, 2006, when Student was in 10th grade at Mayfair, Bellflower convened an IEP meeting for an annual review of his progress and placement, and to offer him an ITP as part of his IEP. The appropriateness of the IEP offers made at those meetings, and the assessments the offers were based on, are beyond the applicable two-year statute of limitations and are therefore not at issue in this proceeding. Nevertheless, the assessments

5 By order dated October 31, 2008, OAH determined that Student’s asserted issues for the 2005-2006 school year were beyond the applicable two-year statute of limitations, which was not equitably tolled while Student pursued other legal forums. Accordingly, references to the “2006-2007 school year” at issue herein begin on September 11, 2006, two years prior to the date the complaint was filed.
and IEPs are relevant to determine the information known to the parties as of September 11, 2006, what transition-related assessments had been conducted by then, and what IEP transition services were then in effect based on those assessments.

24. The February 2006 IEP team members reviewed Student’s academic and functional progress, and speech and language, APE, and augmentative communication assessments. Robert Frankeberger, a Bellflower speech and language pathologist, reported to the IEP team that he saw Student twice a week for speech therapy sessions but thought the sessions should be reduced to support the use of augmentative communication devices. Mr. Frankeberger’s annual reassessment review was informal and there was no written report. Student was primarily a non-oral communicator who relied on gestures and augmentative voice output devices. This reassessment was related to his postsecondary transition to be able to communicate his wants and needs in any future educational or vocational setting, as well as in the community.

25. LACOE augmentative communication specialist Laura Dean Miller conducted an observational assessment for the annual IEP. Ms. Miller obtained a Bachelor’s degree in speech in 1968, a Master’s degree in speech pathology and audiology in 1992, a Master’s degree in education administration, and has many years of experience as an audiologist and speech therapist in the area of augmentative communication. She had first assessed Student for LACOE in 1998 and provided support and consultation to Bellflower for its speech and language therapy services for him. In 2006, she found that he had made little progress since his last IEP utilizing three communication devices on loan from LACOE to his classroom: Bookworm, Step-by-Step, and Go Talk 9. The Bookworm used colored buttons to match up a specific reading passage on attached pages but did not have pictures on the buttons for Student to understand the matching function. The Step-by-Step was a conversational exchange device that used a programmed script to tell a story about Student’s weekend, for example, to another person. This device enabled Student to initiate a conversation. The Go Talk 9 had nine picture squares with corresponding picture overlays that could be changed, and Student could press the square for the picture that represented what he wanted to communicate.

26. Ms. Miller interviewed Student and the classroom staff to evaluate his functional use of the devices. She established that he was not using Bookworm and recommended its return to LACOE. She established that Student used the GoTalk 9 routinely during his speech sessions and in the community, and was able to use six of the nine picture squares appropriately. He used the GoTalk 9 to make a choice of an activity or when playing a game. However, Ms. Miller established that Student preferred to comment orally or by gesture and needed some cuing to use any of the devices. Ms. Miller found that he only used the Step-By-Step device on a limited basis, as it needed to be programmed by an adult with a new story or event at least weekly.

27. The February 2006 IEP team’s annual review assessed Student’s then-present levels of academic and functional performance. Student could not functionally speak or read. He had good attendance at school, could recognize his name but not write it on his
own, could match a series of four-letter word safety signs and protective vocabulary, could
match coins but not identify all consistently, and understood some concepts of quantity such
as big/little, and could sort by color and shape. Student’s social and emotional functioning
showed that he was pleasant and well-liked by his peers, enjoyed group games such as bingo
or cards, but occasionally would grab or throw things. His psycho-motor development
required APE services. The APE teacher reported that Student could navigate his manual
wheelchair around the school with supervision, and that he could get into and out of the
wheelchair with little help. He wore braces and used a walker at home but not at school. He
liked to use the computer, sit at tables with other pupils, and could pick up small items with a
pincer grasp.

28. Student’s prevocational and daily living skills in the classroom were reviewed
as well. He could put away classroom materials when asked and enjoyed helping in the
classroom. However, he would occasionally refuse to do tasks, and sometimes quit a task
before he was done. He could not do a lot of tasks independently and worked better on a
one-to-one basis. In the area of self help and adaptive behavior, Student was able to choose
his own lunch or snack but sometimes preferred not to. He would try to wipe his face, hands
and lap after eating. However, Student wore diapers and depended on adults for his toileting.
He did not tell someone, or did not know, when he needed to go to the bathroom or needed to
be changed.

29. The February 2006 IEP team knew from the annual review and their
discussion of Student’s unique needs that he needed to develop basic daily living and
prevocational skills. The team offered Student an ITP to begin developing postsecondary
transition services and related goals. The assessments conducted and relied on by the IEP
team included the informal academic, functional, speech and language, APE and ACC
reassessments discussed above. These areas of assessment related to his postsecondary
transition needs regarding further basic education, oral and written communication, and
independent living skills. However, there was no employment or prevocational assessment
related to Student’s postsecondary interests or preferences.

30. As set forth in Factual Findings 39 and 58, Dr. John Johnson analyzed
Bellflower’s and Montebello’s ITPs for both the 2006-2007 and 2007-2008 school years, met
with Student and his father, evaluated Student’s transition needs, and issued a written report
in February 2009. He has been an Associate Professor in the Department of Special
Education of San Diego State University for nine years, teaches courses in transition, and has
authored numerous publications in the area of transition. He obtained a Master’s Degree in
Special Education in 1983, and a Ph.D in Education in 1993. Dr. Johnson persuasively
established that the LEAs had not assessed Student’s employment preferences or interests.
Student was 16 years old and there was no indication the LEAs knew what he might be
interested in pursuing after high school. Dr. Johnson also established that the LEAs had not
adequately assessed Student’s prevocational skills and needs and that the LEAs should have

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6 Other evidence established that Student did not like to maneuver the manual wheelchair by himself and preferred to be pushed by his aide or an adult.
assessed him by observing him in work or independent living activities, such as a situational or functional assessment in the classroom or in the community. As set forth above, the annual review included some prevocational observations of Student performing tasks in the classroom, but there was little information evaluating his prevocational levels of performance, such as the ability to understand and follow instructions; to complete tasks; to follow rules, including being on time; to focus and pay attention to detail; and to understand safety for himself and others. Aside from the general determination that Student was prevocational, the LEAs did not assess his prevocational training skill interests or needs.

31. The evidence therefore supports Student’s contention that, beginning on September 11, 2006, for the 2006-2007 school year in 11th grade, the LEAs had not conducted age-appropriate transition assessments related to the areas of employment preferences and interests, and prevocational training. The annual reassessments showed that Student was prevocational, with no job experience and little job awareness. Due to Student’s limited cognitive and academic functioning, Student’s independent and self-help living skills were an appropriate transition concern. His self-help skills were reviewed and known to the IEP team, including his lack of initiation, knowledge of safety signs, ability to dress his upper body and eat, need for adult assistance to dress his lower body and for toileting, and needs for a one-to-one aide and frequent prompting. Thus, these assessments were all related to Student’s postsecondary education and independent living needs as required by law. However, the LEAs’ assessments for Student did not assess him in the areas of employment interests and prevocational training.

32. Based on the foregoing, as of September 11, 2006, Bellflower’s and Montebello’s failure to assess Student in the areas of employment and training as required by law violated the transition assessment laws. However, as set forth in Factual Findings 36 through 43, the LEAs completed a vocational assessment of Student on September 27, 2006, and held an IEP meeting on October 30, 2006, to discuss the assessment. Thus, this violation of the assessment laws was immediately remedied. No further remedy for this violation was requested or is warranted.

CDE Compliance Orders Regarding Transition

33. For the 2005-2006 school year in 10th grade, Student and other pupils filed compliance complaints against Montebello with CDE regarding its provision of postsecondary transition assessments and services. By March 2006, CDE had conducted investigations and determined that Montebello was out of compliance with special education laws and/or regulations pertaining to postsecondary transition assessments and services. CDE did not name Bellflower or LACOE as LEAs responsible for Student’s transition assessments and services.

34. Dr. Terry Poulos was a special education program consultant with CDE from December 2005 to January 2008, and monitored Montebello’s compliance with the orders. CDE issued corrective action orders to Montebello in March and August 2006, requiring Montebello to offer compensatory education related to postsecondary transition to certain
pupils including Student; to provide staff training sessions on IEP transition services; and to complete “student interest inventories and functional vocational assessments” for certain pupils, including Student. In addition, Dr. Poulos established that CDE also ordered Montebello to explore, pursuant to assessment recommendations, “different alternative augmentative communication devices” and to establish a toileting schedule for him, among other orders.

35. The specific violations CDE found for the 2005-2006 school year are not in the record and, in any event, would not be dispositive of the issues in the present case, which involve different school years and issues. CDE conducts limited investigations, has 60 days to investigate and issue a report regarding technical compliance, and does not have jurisdiction to determine whether any violation may result in a denial of a FAPE. Therefore, the 2006 CDE orders were considered in evaluating the timing of the LEAs’ transition assessments and service offers in 2006, but otherwise accorded little weight.

Transition Assessments During the 2006-2007 School Year

Vocational Assessment

36. Subsequent to the CDE corrective action orders discussed above, Montebello offered Student a vocational assessment and contracted with Linda Skipper, a Regional Occupational Program (ROP) and transition specialist with Bellflower, to conduct the assessment. In addition, in August 2006, Ms. Tilton interviewed Student to find out what his occupational interests or preferences were.

37. Ms. Skipper conducted a vocational assessment of Student at Mayfair and issued a report on September 27, 2006. She has a Bachelor’s degree in occupational studies and vocational arts with an emphasis in transition, and a Master’s degree in education administration. Ms. Skipper administered the Personal Data Wizard Interest Survey (PDWIS) and the Reading-Free Vocational Interest Inventory (R-FVII). The PDWIS was an internet based assessment containing over 500 digital photographs. Ms. Skipper verbally explained the pictures to Student and tested for comprehension. He identified six out of 10 as “vocations” correctly. Student controlled the computer mouse to make his choices of vocations that interested him but, due to his fine motor deficits, was not able to scroll down the screen page. The R-FVII was a non-reading inventory that used pictures illustrating occupational situations, and Student’s comprehension was similar to that for the PDWIS. His highest percentiles of employment interest were in the areas of patient care and laundry service, and these areas reflected settings that were familiar to him. Student’s augmentative communication device was not working at the time of the assessment. However, Student was able to complete the assessment without the device.

8 ROP is a regional job training program through the Los Angeles County Office of Education for students 16 years of age and older that provides prevocational and vocational training and work experience.
38. Ms. Skipper also reviewed a SCANS Work Readiness Evaluation with Student’s SDC teacher, Ms. Tilton. Ms. Tilton’s responses placed him in the “needs development” category in all areas. During the assessment, Ms. Skipper found that he had a noticeable odor of urine. She did not assess his self help skills. Ms. Skipper confirmed that Student was in a prevocational stage. She was persuasive that his limited ability to communicate and his hygienic odor problem could hinder his ability to acquire gainful employment. In addition, due to his physical and functional limitations, she concluded that it was unlikely that he would be successful on his own in seeking or retaining employment. Ms. Skipper testified persuasively that Student needed work experience and prevocational training in high school, and would benefit from continued postsecondary education in an adult transition program, including a sheltered workshop setting, where he could continue to explore possible vocations and work on daily living skills.

39. Dr. John Johnson, Student’s transition expert, analyzed the LEAs’ ITPs for both the 2006-2007 and 2007-2008 school years, and issued a written report in February 2009. In his report, Dr. Johnson did not consider that any of the LEAs’ assessments qualified as “transition assessments” except for the September 2006 vocational assessment, and the December 2006 Transition Planning Parent Interview. He concluded that no age-appropriate assessments related to the required areas of postsecondary transition concerns had been conducted by the LEAs prior to the September 2006 vocational assessment. That conclusion was incorrect because, as set forth in Factual Findings 22 through 54, the annual reassessments conducted before the February 2006 IEP were related to Student’s postsecondary education and independent living needs as required by law. However, Dr. Johnson was correct that Montebello had failed to adequately assess Student in the required transition-related areas of employment and prevocational training by September 11, 2006.

40. Regarding the September 27, 2006 vocational assessment, Dr. Johnson testified that both of the employment interest surveys utilized by Ms. Skipper were not developmentally appropriate for Student. He testified that the PDWIS, developed by Humboldt State University, was designed for pupils without disabilities, and that the R-FVII was normed for pupils with mild intellectual disabilities. Dr. Johnson therefore questioned how much Student may have comprehended based on his limited cognitive functioning and experience, and young developmental age of a two to four-year-old, and “suspected” that he did not understand much. Dr. Johnson’s testimony on this point was not persuasive.

41. The law’s requirement for “age-appropriate” transition assessments does not specify whether it refers to developmental or chronological age. The employment interest surveys do not assess a pupil’s skills in any vocational area. They are tools to discern what a pupil’s possible areas of preference and interest may be. Student was over 16 years old when the vocational assessment was conducted. No test protocols were introduced into evidence, and there was no evidence that the test manufacturers of either survey required Student to

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9 Dr. Johnson also analyzed a 2004 triennial psychoeducational assessment that was not presented at hearing and is therefore not considered.
read anything in order to be properly assessed, or whether developmental age was a factor to be considered. Both interest surveys were pictorial in nature. Student was able to independently move the computer mouse to show if he was interested in any of the occupational areas depicted (except for scrolling). Moreover, Ms. Skipper was careful to test Student’s comprehension, found a 60 percent accuracy rate, and took that into consideration. Thus, Student did not establish that being provided with adult help to have the pictures and employment areas explained to him invalidated this assessment. The results indicated that Student expressed an interest in working in the areas of patient care and laundry service, which were functional areas familiar to him. The LEAs were required to take Student’s preferences and interests into account in developing transition services and the results reflected his limited cognitive ability and experience.

42. Dr. Johnson was also critical of Ms. Skipper’s use of the SCANS Work Readiness Evaluation because, in his opinion, it was of questionable validity for pupils with significant intellectual disability. However, he did not explain what he meant or how it operated to invalidate her vocational assessment. As set forth in Factual Findings 37 and 38, Ms. Skipper was a qualified transition specialist and had discretion to select appropriate assessment instruments.

43. Based on the foregoing, the evidence established that the September 2006 vocational assessment of Student’s employment interests and preferences and prevocational work readiness was valid, and that the limited results reflected Student’s limited cognition, functional skills, and exposure to vocational options. The assessment occurred shortly after the beginning of the 2006-2007 school year, and 16 days after the September 11, 2006 statute of limitations date. Assuming that a 16-day delay between September 11, and September 27, 2006, when the assessment was completed, constituted a procedural violation, it did not impede Student’s right to a FAPE, and requires no remedy. In any event, the violation was immediately remedied because the LEAs completed the vocational assessment and held an IEP meeting on October 30, 2006. Therefore, no further remedy is warranted at this time.

**Triennial Assessments**

44. On October 30, 2006, Bellflower timely held an IEP meeting as required by law to review the September 2006 vocational assessment and update Student’s IEP and ITP. Ms. Skipper presented the results of her assessment to the IEP team. She recommended The Arc of California as a sheltered or supported work activity and training program for Student to experience working and learn some prevocational skills. In addition, the team discussed Lincoln as another option. Lincoln, an NPA, is a sheltered workshop center that works in partnership with schools and employs pupils aged 16 years or older and adults with developmental disabilities who need a more restrictive and less challenging job environment. It provides on-the-job vocational training, work experience, and supervision. However, Bellflower did not have supplemental community work programs for high school pupils, and the parties agreed to continue the discussion at an IEP meeting in December 2006.
45. On December 18, 2006, Bellflower convened another IEP meeting to investigate options for augmentative communication devices and discuss the vocational instruction issue. Montebello was present at the meeting. The team discussed Student’s ITP in light of Ms. Skipper’s recommendation for supported or sheltered work experience, and the lack of such a program at Bellflower. The team discussed transferring Student to Montebello, because Montebello could offer sheltered employment workshop services through its service contract with Lincoln. The team, including Parent and his representative, agreed to continue the discussion of Student’s employment development to the next IEP meeting in February 2007, which would be his triennial assessment IEP. Parent signed an assessment plan for comprehensive triennial assessments on December 18, 2006. The LEAs had 60 days from that date to complete the assessments and review them at an IEP meeting.

**Transition Assessment**

46. Pursuant to the December 2006 assessment plan, the LEAs were obligated to conduct assessments of Student in the following areas: cognitive development and learning potential; academic; adaptive behavior; social and emotional; motor performance and physical fitness; psycho-motor development and perception; language, speech and communication; occupational therapy and assistive technology, and transition. In December 2006, Ms. Tilton, the Bellflower SDC teacher, conducted a Transition Planning Parent Interview with Parent, in order to obtain his input and learn of his concerns regarding Student’s postsecondary transition activities. The interview results reported that Parent had low expectations for his son’s future. Parent did not think Student would be able to work after high school; was not aware of any agencies that might assist them after high school other than the Regional Center; thought Student did not have any hobbies, interests, or recreational activities; and that Parent’s primary concern was to help Student become more independent in case something happened to Parent. This information regarding Parent’s concerns supplemented the vocational assessment’s regarding Students employment preferences and interests. The February 2007 IEP team reviewed Parent’s concerns.

**Speech and Language Assessment**

47. The February 2007 triennial IEP team reviewed Student’s speech and language assessment report dated January 22, 2007. Mr. Frankeberger, Bellflower’s speech and language pathologist, reported to the IEP team that Student primarily used augmentative communication devices, gestures, noises, facial expressions, actions, pointing, pictures, and some speech or attempted speech for expressive communication. Student’s limited verbal skills involved articulation deficits that made it very difficult to understand him. Mr. Frankeberger reported that Student was then using three voice output devices on loan from LACOE to his classroom, the Step-by-Step, the Go Talk 9 Plus (+), and the BigMac. Student could understand language at a basic conversation level and exhibited pragmatic communicative intent. He had good eye contact but required some prompting to maintain focus for a reasonable amount of time. This speech and language assessment was related to Student’s transition needs as it dealt with his ability to communicate orally and non-ormally in postsecondary education, training, employment, and self-care settings.
Psychoeducational Assessment

48. The February 2007 IEP team reviewed a psychoeducational assessment report of Student dated February 17, 2007, by J. David Miller, a credentialed school psychologist with Bellflower. Mr. Miller assessed Student’s cognitive functioning using the Naglieri Nonverbal Ability Test (NNAT) and the Southern California Ordinal Scales of Development (SCOSD) test. For social emotional and adaptive behavior, Mr. Miller administered the Adaptive Behavior Assessment System—Second Edition (ABAS-II) teacher and parent surveys, and the Behavior Assessment Scale for Children—Second Edition (BASC-2) teacher and parent rating scales. He also reviewed Student’s records, including the vocational assessment. Mr. Miller reported that Student’s cognitive functioning was in the deficient range, with a preoperational intuitive thought level, at most, of that of a four to seven year old child, and generally that of a two to four-year old. Mr. Miller found that Student’s adaptive behaviors, including adaptability, social skills, leadership, daily living activities, and functional communication, were deficient and in the clinically significant range. This psychoeducational assessment related to all transition areas, including postsecondary education, employment, training, and independent living skills, in that Student’s limited cognitive and adaptive development must be considered in working toward realistic postsecondary goals and services to help him progress.

Augmentative Communication Assessment

49. The February 2007 IEP team reviewed an augmentative communication assessment report of Student dated January 12, 2007, by Cynthia Cottier, an augmentative communication specialist with Augmentative Communication Therapies (ACT). Montebello referred Student to ACT, and the assessment was conducted at Mayfair. Ms. Cottier assessed his augmentative communication needs by observation and direct interaction and did not conduct formalized testing. Student’s preferred or instinctual means of communication was to attempt speech, which was usually unintelligible. She concluded that, at the age of 16 and a half, his speech would probably not improve sufficiently to be a reliable means of primary communication, rendering augmentative communication systems a suitable alternative. She found that Student exhibited the most accuracy when the message areas of the devices were at least one inch by one inch in size.

50. Ms. Cottier assessed Student’s use of four augmentative communication systems that were available to him at Mayfair. He had a picture communication notebook with picture boards in English and Spanish. He was able to flip the pages to point to the intended picture, but did not use it as a primary means of expressive communication and needed to be prompted to use it. Student had a Go Talk 9+, with 12 picture squares and several overlays that he was able to pull out and change. He was able to select appropriate messages during structured tasks but did not initiate its use and needed prompting. He also had access to a Step-by-Step device for conversation with his peers, and the BigMac, a single message device. Ms. Cottier showed Student various dynamic display systems that automatically and quickly changed to specified vocabulary when a particular message area was selected. She reported that Student responded positively to the DynaVox Minimo, and
recommended its use to the triennial IEP team. This augmentative communication assessment assessed Student’s skills and needs for expressive and receptive methods of communication related to all postsecondary areas of development.

**Occupational Therapy Assessment**

51. The February 2007 IEP team reviewed and relied on an occupational therapy assessment report of Student dated February 6, 2007, by Harpreet Khandpur, an occupational therapist with Gallagher Pediatric Therapy (GPT). Montebello requested the assessment and reported concerns to GPT about Student’s functional gross motor, fine motor, and sensory processing. At that time, Student received occupational therapy and physical therapy consultation services through California Children’s Services (CCS). Mr. Khandpur reviewed prior records and assessed Student at Mayfair in his classroom and snack areas, and his one-to-one aide was present. Mr. Khandpur concluded that Student did not need direct occupational therapy services during school. He had adequate strength and upper body muscle tone and functional gross motor abilities to safely maneuver his wheelchair at school and good sitting balance. Student’s fine motor strengths included bilateral hand use for the classroom and self-care tasks. Mr. Khandpur reported that the classroom teacher and the aide were able to assist with Student’s self-care needs, including toileting and eating, and recommended that Student be given opportunities to practice self-care activities for feeding, opening packages, and dressing during the school day to encourage independence in life skills. This occupational therapy assessment was related to Student’s transition needs and skills for increased fine and gross motor development and independent living skills in all postsecondary areas of concern.

52. Effective April 17, 2007, Student transferred from Bellflower to Montebello for the last few months of 11th grade. Although Student’s home high school of residence in Montebello was Bell Gardens High School, he was placed at MHS to access its SH/SDC and its sheltered work experience partnership with Lincoln. Montebello held an IEP meeting on April 16, 2007 and offered a 30-day interim placement while it evaluated his levels of performance and needs.

53. Montebello convened another IEP meeting on May 17, 2007, and the IEP team considered Student’s prior assessments and levels of performance discussed above. In addition, in preparing for that IEP meeting, Montebello SDC teacher Diana Hernandez conducted transition interviews with Student and Parent, and an employment interest survey with Student to learn of their interests, preferences, and concerns. Montebello offered an educational placement and related services and a new ITP that included enrollment at

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10 Student was eligible for low incidence funding through CCS due to his orthopedic disability. “Low incidence disability” means a severe disabling condition of a hearing, vision, or orthopedic impairment, or any combination thereof. (Ed. Code, § 56026.5.) CCS monitored his daily living abilities and needs and supported him by funding and providing his wheelchair, the augmentative communication devices, and occupational therapy consultation services and evaluations for the LEAs.
Lincoln in May 2007 for vocational work experience and training. Parent agreed to the Lincoln work experience program, but did not consent to the IEP.

54. Based on the foregoing, for the 2006-2007 school year, as of September 27, 2006, the LEAs had complied with the legal requirements to conduct transition assessments of Student related to education, employment, training, and independent living skills. The LEAs conducted comprehensive assessments in all areas related to his unique needs. Accordingly, there was no violation of the assessment laws for that period, and no denial of FAPE was established.

Assessments for the 2007-2008 School Year

55. Student contends that for the 2007-2008 school year in 12th grade, the LEAs were required to timely and appropriately assess his transition needs, including a situational assessment at Lincoln. Montebello contends that all transition assessments required by law were conducted.

56. For the 2007-2008 school year, Student continued in the Lincoln work experience program. By the next annual IEP that would occur in the spring of 2008, Montebello was required by law to reassess Student by reviewing the existing data, updating his transition goals and services, and deciding if any additional data was necessary to determine his needs, program and services.

57. An IEP meeting was held on October 10, 2007. Student had been working at the Lincoln Training Center two times a week since May 2007. The evidence established that Lincoln provides sheltered prevocational and vocational experiences to persons with moderate to severe disabilities including piece work and assembly line work such as packaging. On October 4, 2007, Michael Zamora, who was a transition work skills specialist at Lincoln, conducted an observational or situational assessment of Student’s work skills, and submitted a written evaluation to Montebello for the IEP meeting. Mr. Zamora evaluated Student in the areas of relations with others, attitude—application to work, judgment, dependability, ability to learn, and quality of work. The rating scale ranged from a one for poor, to a five for exceptional. Student scored a three or four in most categories, and only obtained a score of two in the area of ability to learn (“rather slow to learn”). His attendance and punctuality were noted as regular. Mr. Zamora commented that Student made a good attempt at all jobs presented to him and got along with all peers and staff.

58. Dr. Johnson was critical of Mr. Zamora’s report and testified that it was not a situational assessment of Student. Rather, he called it a standard work performance evaluation. A situational or functional assessment focuses on what a person can do and what he needs to learn to do in the natural, functional environment while performing tasks. Mr. Zamora’s evaluation covered both what Student could and could not do because the rating scores identified areas of deficit in the lower range of scores, including things like using poor judgment. The evaluation was not optimal; it was not detailed or comprehensive and did not address completion of tasks, for example. However, Student did not establish that the LEAs
situational observation of him in the work and training environment of Lincoln was not appropriate.

59. On March 4, 2008, Montebello convened Student’s annual IEP meeting for 12th grade. The IEP team reviewed informal annual reassessment information in all areas related to Student’s unique needs, including augmentative communication, and a written functional occupational therapy status assessment from CCS. Prior to the end of the school year, Montebello convened another IEP meeting on May 28, 2008, for the purpose of replacing an augmentative communication device. Montebello agreed to conduct an observation of Student’s use of the new device prior to an IEP meeting scheduled for July 2008. The evidence established that no one requested an assessment of Student outside of the annual reassessment obligation for the 2007-2008 school year, and that no exceptional circumstances otherwise called for a new assessment in any area of need.

60. Based on the foregoing, for the 2007-2008 school year in 12th grade, Montebello timely conducted an annual reassessment of Student and no further assessment was requested or is warranted. Accordingly, there were no transition-related assessment violations for the 2007-2008 school year.

Meaningful Participation in December 2006 IEP Meetings

61. Student’s complaint contends that the LEAs denied his and Parent’s meaningful participation in an IEP meeting on December 18, 2006. However, Student’s closing brief contends that the LEAs denied their meaningful participation in IEP meetings for both school years, including not engaging Parent in meaningful dialog. Bellflower and Montebello contend that Student and Parent were aware of, and received valid notice of the IEP meetings, were represented by legal counsel, and had full opportunity to participate in the meetings.

62. Student’s issues for hearing are limited to those set forth in his complaint. As framed in the Issues section of this decision, Student’s complaint about lack of meaningful participation is limited to the IEP meeting on December 18, 2006. Student’s complaint claimed that he was not invited to that meeting, and that the IEP meeting notice failed on its face to inform Parent that transition services would be discussed. For the 2007-2008 school year in 12th grade, Student did not describe any problem about lack of meaningful participation in any IEP meeting. He did not seek to amend the complaint as to this issue prior to hearing. Therefore, no other IEP meetings are at issue with respect to this problem.

63. The LEAs’ version of the December 18, 2006 IEP documents admitted into evidence is Exhibit M2. Student’s version of that IEP is Exhibit S32. Neither of these exhibits contains a written notice scheduling the IEP meeting. Parent did not testify about the December 2006 IEP meeting and did not testify about any lack of adequate notice of the meeting. In addition, as set forth in Factual Findings 44 and 45, the IEP team, including Parent, agreed at the October 2006 IEP meeting to continue the discussion of Student’s transition plan and vocational services at the December 2006 IEP meeting. For both of those
meetings, Parent was present and he and Student were represented by Allyson Stockton, an
advocate with the Learning Rights Law Center. Parent and Student therefore had advance
notice that transition services would be discussed at the meeting.

64. Based on the foregoing, Student did not meet his burden to establish lack of
adequate notice of the December 2006 IEP meeting, or that he and Parent were denied
meaningful participation in that meeting. Therefore, there was no procedural violation and
no denial of FAPE.

Postsecondary Transition Goals Offered in the IEPs

Measurable Goals Considering Student’s Strengths, Preferences, and Interests

65. Student contends that the LEAs’ postsecondary goals for both the 2006-2007
and the 2007-2008 school year denied him a FAPE because, procedurally, they were not
based on required transition assessments, not linked to Student’s unique transition needs, not
measurable, and were otherwise substantively inappropriate. Bellflower and Montebello
contend that the postsecondary goals for both years met all legal requirements and did not
deny Student a FAPE.

66. An IEP must include measurable annual goals designed to meet the pupil’s
needs that result from the disability to enable him or her to be involved in and make progress
in the general education curriculum and meet the pupil’s other educational needs that result
from the disability. The law requires that the IEP must include appropriate measurable
postsecondary goals based on age-appropriate transition assessments. An IEP is to be
evaluated in light of information available at the time it was developed, and is not to be
evaluated in hindsight. If the IEP does not conform to these procedural requirements, it may
constitute a denial of FAPE if the violation significantly impeded a parent’s right to
participate in the decision making process, impeded the pupil’s right to a FAPE, or caused a
deprivation of educational benefits. For a school district’s IEP to offer a substantive FAPE,
the proposed program must be specially designed to address the pupil’s unique needs, and be
reasonably calculated to provide some educational benefit.

67. The LEAs included transition plan forms as separate pages in the IEP
documents. Both Bellflower and Montebello called their transition planning forms ITPs.
For the 2006-2007 school year, from September 11, 2006 to April 17, 2007, Bellflower’s ITP
form was two pages. From April 17, 2007 through the 2007-2008 school year, Montebello’s
ITP form was three pages. Although the formats of the forms for both school districts varied
slightly, they both contained similar information. The first section on Bellflower’s form was
labeled “Long Range Goals/Desired Post-School Outcomes,” and on Montebello’s form the
first section was labeled “Desired Post-School Outcomes.” The purpose of the first section
was to set forth a pupil’s long-range postsecondary goals. The second page of Bellflower’s
form and the next two pages of the Montebello form contained specific transition-related
“Activities” in the following areas: instruction or education; community participation or
experience; employment and other post-school or adult living objectives; daily living skills;
functional vocational evaluation; and, for Montebello, additional transition services/activities. In addition, there was a column next to each proposed annual transition activity for a statement of the pupil’s present level of performance or statement of needs.

68. Student’s contentions rely heavily on Dr. Johnson’s testimony and detailed written analysis that the ITPs for both school years were inappropriate. Dr. Johnson reviewed the IEPs, ITPs and assessments, and interviewed Student and Parent. Dr. Johnson examined all of the ITPs and transition goals for both years utilizing the “minimum accepted professional standards” as delineated in a reporting instrument called the Indicator 13 Checklist. The Indicator 13 Checklist addresses transition services and was designed by the National Secondary Transition Technical Assistance Center (NSTTAC) to assist states in planning and reporting special education data to the United Stated Department of Education’s Office of Special Education Planning (OSEP). Indicator 13 addresses the 13th OSEP reporting category, that of transition services. Dr. Johnson established that the Indicator 13 Checklist covers 20 specified criteria for professional standards and evidence-based practices in transition planning and services. However, Dr. Johnson, who is not an attorney, did not establish that the Indicator 13 checklist criteria were incorporated into the IDEA or California special education law by either amendment of the applicable statutes or regulations. There is no legal requirement that a school district’s postsecondary goals and transition services in an IEP must comply with Indicator 13 in order to provide a FAPE.

69. Dr. Johnson combined education and training into one category (as did both school districts), and analyzed employment and independent living skills as separate categories. For each of the three main categories, Dr. Johnson established that Indicator 13 addresses six questions, imbedded within which are the 20 professional standards. The first question was “were there any measurable postsecondary goals?” Based on Dr. Johnson’s analysis, he found that all of the ITPs for both school years involved the “clear and unequivocal absence of measurable post-secondary goals....” Consequently, the ITPs failed each of the other five questions as well. As discussed below, Dr. Johnson’s general rejection of all of the LEAs’ postsecondary goals was not persuasive. His analytical approach did not provide for flexibility, nor did it analyze the ITPs in the context of the IEPs. For example, where there was no functional communication goal in an ITP, the fact that the IEP had an augmentative communication goal was not taken into consideration.

70. Dr. Johnson’s criticism of the poor organization and writing of the LEAs’ ITPs was well-founded but that did not establish that the goals were invalid. For example, he was critical of the LEAs’ use of checkboxes on the form, and insisted that postsecondary goals must be written in declarative statements. There is no such legal requirement. For example, in the February 2006 Bellflower ITP, a long range postsecondary goal checked for Student in the area of post-school living options was “Live with Family.” And, in the May 2007 Montebello ITP, the long range postsecondary goals, called “Desired Post-School Outcomes” instead, had a check in the box under the “Employment/Career” category for “Work/Activity Center/Program.” Dr. Johnson concluded that these were not measurable postsecondary goals because he could not tell when they would occur. He concluded, despite the phrase “post-school,” that none of the goals in any of the ITPs were “stated or intended” to occur
after exiting or completing high school. Moreover, he opined that “work/activity center” was not an observable behavior but a category.

71. Dr. Johnson criticized the LEAs’ use of the word “activities” to describe the specific annual goals proposed in the various categories to support the long range postsecondary goals in the ITPs for the 2006-2007 school year. Because an IEP is an annual program for education and services for children with disabilities, annual goals or activities constitute the transition plan or path from high school to the potential accomplishment of the long range postsecondary goals. Bellflower’s ITP form called the specific annual goals on the road to the postsecondary goals “activities.” Montebello changed the label from “activities” to “goals” in the May 2007 ITP form. Whether the annual events were called annual goals, activities, or services would appear to be a matter of form, not substance, and does not establish a violation of the law. Thus, Dr. Johnson was not persuasive on this point.

72. The LEAs offered the testimony and analysis of transition expert Dr. Gary Greene to counter Student’s contentions. Dr. Greene has been a professor of special education at the California State University in Long Beach for 16 years and obtained a Ph.D in special education in 1986. He holds multiple California teaching credentials and has served on the CDE’s Transition to Adult Life Leadership Team, taught college-level transition courses, and developed training materials to assist school districts to train staff in the area of transition planning and services. In addition to reviewing the LEAs’ IEPs and ITPs for Student, Dr. Greene reviewed Dr. Johnson’s report, and observed Student both in class at MHS and at his current vocational training job at the Lincoln Training Center (Lincoln), a private, nonprofit sheltered workshop center. Dr. Greene credibly established that Montebello’s “Desired Post-School Outcomes” were postsecondary goals after high school and involved objective measurable events or behaviors that would either occur or not. While conceding that he has seen school district transition plans that did not use checkboxes and were better organized and written, he persuasively established that Montebello’s ITP format contained all elements required by law to be addressed for transition planning.

73. Dr. Greene’s credibly established that the transition plan was a process that evolved over time as a pupil’s preferences and skills changed. The law required the LEAs to take Student’s unique needs, strengths, preferences and interests into account to create transition goals and services in the IEPs to help prepare him to choose from a wide variety of post-school options, and to develop his prevocational, vocational, educational, employment and independent living skills to develop and grow toward gainful employment as an adult. Student did not establish that the law requires exact dates for long range multi-year postsecondary goals in order for them to be measurable. The law did not require the LEAs to pin down specific job categories for Student, or to target specific dates by which he would, for example, become a greeter at a retail store, or enroll in specific post-school job training. Dr. Greene was persuasive that the long range goals listed in Montebello’s ITPs for 12th grade were measurable and referred to activities that would take place after high school. He was also persuasive that Bellflower’s and Montebello’s long range goals for Student’s independent living, which provided community access for recreation and living at home with his family, while not specific, were appropriate to address his needs and measurable as post-
school occurrences. Dr. Greene’s analysis reviewed the general contents of the ITPs and the relationship between the subjects or categories to valid transition objectives. To that extent, he was persuasive that the ITPs for 11th grade did not comply with the law, and that the ITPs for 12th grade addressed everything the law required, as discussed further below. However, Dr. Greene did not analyze the appropriateness of the ITP goals in relation to Student’s unique needs. That issue is also addressed below.

Postsecondary Goals for the 2006-2007 School Year

74. Student contends that the LEAs’ postsecondary goals for the 2006-2007 school year did not comply with the legal requirements for transition planning and services, were otherwise substantively inappropriate, and denied him a FAPE. Bellflower and Montebello contend that the postsecondary goals in Student’s ITPs for 11th grade complied with the law.

75. At the annual IEP meeting on February 22, 2006, the IEP team reviewed and completed the ITP portion of the IEP documents, which offered Student postsecondary goals and transition services. The appropriateness of that ITP must be evaluated as of September 11, 2006, when it was in effect. In the area of education and training, the LEAs offered Student a “transition program” after high school through Bellflower. This was offered instead of other listed choices for adult school, community college, vocational training, and “adult day activity center/community based program.” Since a transition program after high school for a pupil who will continue to receive special education services is required by law, this did not constitute a valid postsecondary goal as there was no indication what it would entail. The ITP did not offer Student any long range goal in the area of employment. While it is possible that the transition program would address vocational training, the vocational training box was not checked. The long range goals for community and independent living, to have access to community resources and services such a shopping and banking, and living with his family were adequately stated.

76. Dr. Johnson’s criticism of the February 2006 ITP in effect in September 2006 was well founded. As set forth in Factual Findings 22 through 38, the LEAs did not assess Student’s employment or prevocational skill levels and needs necessary to become employable until September 27, 2006. Since Student’s prevocational skills had not been assessed as of September 11, 2006, the long range postsecondary goals were not based on a complete transition assessment as required by law. Moreover, the LEAs did not offer any annual goals or services to support the long range goals, except for community and daily living goals. For community participation, the ITP merely observed that Student “might” benefit from after school or weekend recreation. For daily living skills, the ITP suggested he could help out at home. These goals or activities were vague and not measurable. The activity boxes and statements of Student’s levels of need were blank. Accordingly, the ITP in effect on September 11, 2006, offered no long range postsecondary or annual employment or vocational goals, contained a vague education goal for the 2006-2007 school year, and was not based on a transition assessment, as required by law. The LEAs therefore committed a procedural violation of the transition laws. This procedural violation impeded Student’s right to a FAPE and significantly impeded Parent’s opportunity to participate in the IEP
decision-making process because required areas of his postsecondary transition were not addressed and were not discussed in the IEP meetings. Student was therefore denied a FAPE.

77. An appropriate remedy for this violation would be to order the LEAs to conduct an adequate vocational assessment and offer long range postsecondary and annual transition goals that addressed Student’s transition needs. However, as set forth in Factual Findings 36 through 43, the LEAs conducted a vocational assessment on September 27, 2006, and held an IEP meeting on October 30, 2006. After review of the vocational assessment, the October 2006 ITP was not significantly different from the February 2006 ITP and remained deficient. The only change to the long range education and training goal was to replace Bellflower with Montebello for the vague, post-school transition program. No long range or annual vocational goal was added for sheltered work experience as recommended by Ms. Skipper. Bellflower did not have a program to offer, and Parent agreed to continue the discussion to the December 2006 IEP meeting. As set forth in Factual Findings 44 and 45, at the December 2006 IEP, the parties again agreed to postpone the transition discussion to the next annual IEP meeting in February 2007, and the procedural violation continued.

78. At the February 2007 IEP meeting, the LEAs did not add a long range postsecondary employment goal to the ITP but added an explanation why there was no goal: because Student was “at the interest level right now. He needs to develop some basic skills before he can be considered for any employment.” This approach violated the legal requirement to have a postsecondary employment goal in the IEP. It was short-sighted and did not take Ms. Skipper’s vocational assessment into consideration. The IEP documents as a whole clearly reflected that the IEP teams were discussing some kind of sheltered work experience for Student. And yet, no annual transition goals or activities in the areas of education, training or employment were offered at any time before Student transferred to Montebello in April 2007. Based on the foregoing, the procedural violation continued. This procedural violation did not significantly impede Parent’s opportunity to participate in the IEP process because the IEP team was actively proposing a sheltered work experience program, trying to find a way to offer it, and Parent consented to the continuances. However, the violation impeded Student’s right to a FAPE since there were no valid employment or education goals or transition services before he transferred to Montebello, and the violation therefore denied Student a FAPE.

79. After Student transferred to Montebello on April 17, 2007, the 30 day interim placement continued the goals and services from Bellflower pending the transfer review, no ITP goals or services were added, and the procedural violation continued, which denied Student a FAPE. At the May 17, 2007 IEP meeting, the ITP stated that Student’s education and training goal was “TBD,” or “to be determined,” no long range postsecondary goal in education and training was offered, and the procedural violation continued.

80. This procedural violation did not impede Student’s right to a FAPE or significantly impede Parent’s participation in the decision-making process after May 17,
2007, because the May 2007 IEP and ITP otherwise contained measurable, appropriate goals, services and activities to address Student’s transition needs. A long range postsecondary employment goal was added for a “work/activity center/program” to appropriately reflect vocational experience and training at Lincoln. In addition, the ITP finally added specific annual goals in every category, which remedied the prior lack of annual ITP goals. The annual goals all had beginning and ending dates, were measurable, and were appropriate to support Student’s transition needs, along with his placement at MHS in a functional daily living and work skills SH/SDC. For example, in the area of community experience, the annual goal was to begin in September 2007 and continue to February 2008, for Student to attend the YMCA with his one-to-one aide once a week, and engage in movement activities with verbal assistance as needed. The goal was measurable and observable. Under education, for example, Student was then unable to locate the letter “B,” the first letter of his first name, from a total of nine letters given to him. The ITP goal was for him to locate and point to the letter “B,” given a selection of nine letters, in two out of three trials with 100 percent accuracy. There was also a daily living skills goal to sort coins, because Student could only sort pennies and dimes. These goals were related to his postsecondary transition to adult living to progress in recognizing his name, if not the alphabet, and working with money, and recognized his unique levels of ability and need.

81. Dr. Johnson’s criticism that the annual goals were not related or “linked” to Student’s transition needs was therefore not persuasive. The May 2007 ITP was based on all of Student’s prior assessments, including the vocational assessment, and included a goal for completing tasks both in the classroom and at Lincoln. Based on the foregoing, as of the May 2007 ITP, the procedural violation of not having a long range postsecondary education and training goal did not impede Student’s right to a FAPE or deny him educational benefit.

82. As set forth in Factual Findings 65 through 81, the ITPs from September 11, 2006 to May 17, 2007, denied Student a FAPE. Student is therefore entitled to compensatory education as a remedy.

Postsecondary Goals for the 2007-2008 School Year

83. Student contends that Montebello’s postsecondary goals for the 2007-2008 school year failed to comply with the legal requirements for postsecondary goals, and otherwise denied him a FAPE. Montebello contends that the postsecondary goals in Student’s ITP for 12th grade complied with the law. For the beginning of the 2007-2008 school year, when Student was in 12th grade, the May 2007 ITP was in effect.

84. Montebello convened an IEP meeting on October 10, 2007. Student’s long range postsecondary education and training goal remained “TBD,” which constituted a procedural violation because the transition laws required postsecondary education and training goals. However, the IEP provided that Student would attend SH/SDC classes at MHS that taught functional English, math, survival signs and daily living skills in the morning, and work skills training in the afternoon, such as sorting, collating, packaging, electric stapling, shredding, and cleaning. The classes addressed functional and
prevocational instruction and training and thus supported his path to postsecondary transition. In addition, the ITP provided that Student would attend Lincoln twice a week, and would be given classroom duties to learn independent living skills, including washing dishes, and cleaning tables and the microwave. The ITP also had annual goals and services to support his transition in all areas similar to those in the May 2007 ITP.

85. The October 2007 ITP may not have been well organized or optimal; however the goals were sufficient to address Student’s transition needs in all areas as required by law. Consequently, the lack of an identified postsecondary education and training goal did not impede Student’s right to a FAPE, nor did it significantly impede Parent’s opportunity to participate in the decision making process. Student’s progress at Lincoln and in the SDC classes was reviewed by the IEP team and there was no evidence that Parent was deprived of information.

86. At the annual IEP meeting on March 4, 2008, there was still no long range postsecondary education or training goal for Student as required by law, which continued the procedural violation. However, as determined above, the lack of an identified long range education and training goal did not impede Student’s right to a FAPE or significantly impede Parent’s right to participate in the IEP process because the annual goals and services in the IEP as a whole, including the ITP, were based on Student’s long range postsecondary needs in all categories, including goals for the SDC work training classes, working at Lincoln, going to the YMCA, functional reading, identifying coins, and completing tasks. There was an augmentative communication device goal to support his expressive communication to add simple phrases to the device. In addition, an activity or goal was added to take Student out to visit different stores in Los Angeles County for community experiences once a week.

87. Accordingly, for the 2007-2008 school year, Student did not establish that Montebello committed any procedural or substantive violations with respect to his postsecondary and annual transition goals and services that denied him a FAPE.

Transition Services to Support Student’s Transition Needs

88. Student contends that the LEAs failed to provide sufficient transition services to meet his unique needs, taking into account his strengths, preferences, and interests, and to support his postsecondary transition for both school years. Student claims that he should have received more vocational and daily living skills training. Bellflower and Montebello contend that they offered appropriate transition services to support Student’s postsecondary goals.

89. The IEP must contain transition services needed to assist the pupil in reaching his or her postsecondary goals. The transition services or “coordinated set of activities” must be based upon the individual needs of the pupil, “taking into account the strengths, preferences and interests of the pupil.” Transition services include instruction, related services, community experiences, the development of employment and other post-school adult living objectives, and acquisition of daily living skills. The term “related services”
includes transportation and other developmental, corrective, and supportive services as may be required to assist the pupil to benefit from special education.

**Vocational and Community Experiences**

90. Student contends that the LEAs did not offer or provide him with sufficient vocational and community experiences during 11th and 12th grade. As set forth in Factual Findings 65 through 82, the IEPs and ITPs for the 2006-2007 school year at Bellflower, until he transferred to Montebello in April 2007, did not contain any long range postsecondary goals for vocational training and contained an unacceptably vague goal to attend a transition program after high school. There were no annual vocational goals or services. The ITPs also contained a valid postsecondary community participation goal for Student to access community resources. However, there were no valid or measurable annual community related goals or services. The IEPs of which the transition plans were a part also offered no vocational or community experience opportunities or services at Bellflower. The lack of goals and services to provide Student with vocational and community experiences during that time period constituted a procedural violation.

91. This procedural violation impeded Student’s right to a FAPE, significantly impeded Parent’s opportunity to participate in the IEP decision-making process since no goals or services in these mandatory areas were offered, and deprived Student of educational benefit. Dr. Johnson and Scott Shepard, a vocational expert, were persuasive that the LEAs should have offered Student vocational and community experiences during his 11th grade year in high school at Bellflower. Dr. Johnson established that, even though Student is at significant risk of being institutionalized as an adult with severe disabilities, he could potentially be successful in a supported employment environment if he were to have exposure and experience in the “real world” in order to learn what is possible. Therefore, this violation denied Student a FAPE. No vocational or community experiences were provided to him until May 2007. Student was without such experiences from September 11, 2006, through May 17, 2007, and he is therefore entitled to compensatory education.

92. As set forth in Factual Findings 52 through 56, after Student transferred to Montebello in April 2007, Montebello offered him work experience and training at Lincoln twice a week, which began in May 2007, and continued through 12th grade for the 2007-2008 school year. In addition, Montebello provided a YMCA goal or activity once a week, supported by the classroom teacher and aide; and trips to different stores in Los Angeles County. Janet Machado, Student’s SDC teacher and case manager for 12th grade, credibly established that community based instruction was part of her class, and trips were taken to fast food restaurants, drug stores and shopping centers, grocery stores, an open air farmer’s market, and clothing stores such as Ross and Marshalls. The LEAs suggested increasing the sheltered work experience and training to three times a week, but Parent declined. Dr. Johnson was critical that more variety of experiences should have been provided, and that limiting Student’s work experience to Lincoln was not optimal to help him learn what he may like or be successful at in other settings. However, the services offered met the
requirements of the transition law, and the LEAs were not required to optimize Student's access to vocational and community opportunities.

93. Based on the foregoing, for the last month of 11th grade, and for 12th grade in the 2007-2008 school year, there was no FAPE denial because the LEAs provided Student with appropriate vocational and community experiences and did not commit a procedural violation of the transition laws.

*Functional Communication and Daily Living Skills Instruction or Training*

94. Student contends that the transition services during the 2006-2007 and 2007-2008 school years failed to have appropriate functional communication and daily living skills instruction or training to support his transition toward postsecondary life. The LEAs contend that the ITPs and IEPs provided appropriate functional communication and daily living skills instruction and training.

95. The ITPs for the 2006-2007 school year while Student was in 11th grade at Bellflower did not contain any postsecondary or annual, functional communication or daily living skill goals or services. (See Factual Findings 65 through 82.) Student was functionally nonverbal and his limited augmentative communication and daily living abilities needed development to assist him to transition to post-school activities. He was dependent on adults for virtually every aspect of his life and his daily living skills were fundamental to his transition to adulthood. While the transition statutes and regulations do not state where in the IEP the transition goals and services should be listed, the law requires them to be clearly stated in the IEP. Both Dr. Johnson and Dr. Greene persuasively established that the IEP should identify the postsecondary goals and transition services as such in a separate transition portion of the IEP. Even so, the IEP should be read as a whole document. Since Student’s severe communication deficits and limited daily living skills were material to his transition planning and postsecondary success, the LEAs should have had functional communication and daily living skills goals or services in the ITPs to support his transition to post-school life. Accordingly, the lack of any functional communication and living skills goals or services in Student’s ITPs constituted a procedural violation for the 2006-2007 school year until May 2007.

96. However, the evidence did not establish that this procedural violation impeded Student’s right to a FAPE, denied him educational benefit, or significantly impeded Parent’s opportunity to participate in the IEP process at Bellflower. The IEPs for 11th grade at Bellflower, as a whole, contained functional communication and functional living skills goals and services, including augmentative communication evaluations, communication device trials and trainings, and daily living skills goals. For example, after Student’s augmentative communication needs were reassessed, the February 2007 IEP team, including Parent, agreed to a trial period with the Minimo dynamic display device. Student had a functional academic and community goal to identify survival words when prompted. The targeted words included “men, women, in, out, exit, enter, danger, caution, emergency, walk, don’t walk, poison, office...” He could then identify eight to 10 words in the classroom, and
by February 2007, he could identify or match 15 to 20 survival words. However, it was not clear whether he understood them. As set forth in Factual Findings 90 through 93, while Student attended Bellflower he did not receive sufficient community experiences in which to apply the functional communication instruction. The IEPs had a social emotional goal to be able to work in small groups without outbursts, and functional skills goal to be able to sort coins and match word-cards with the days of the week and months of the year. The IEPs at Bellflower also had a language/communication goal for Student to use vocal output devices, and provided speech and language services. Student was resistant to using the augmentative communication devices, and the aim of the goals was to increase his daily usage of them for functional communication.\(^{11}\) Therefore, this procedural violation from September 11, 2006 through April 2007 did not deny Student a FAPE.

97. For the last month of Student’s 11th grade school year and the 2007-2008 school year in 12th grade, the IEPs and ITPs offered and provided many functional communication and daily living skills goals, instruction, services, and activities. Montebello continued providing him with speech and language therapy twice a week. Montebello continued providing functional skills goals and instruction in math to identify coins, and to learn survival words in class and in the community, to communicate with the BigMac vocal device to select his food choices for breakfast and lunch at school, and to do warm up and stretching exercises, increase his use of his vocal output devices, match shapes, and identify the days of the week. The ITPs provided that Student would observe home cooking videos and practice spreading jelly or butter on toast. Student was placed in Ms. Hernandez’s and Ms. Machado’s SH/SDCs at MHS that taught functional daily living and work skills training. The classes worked on self help skills, functional math and language arts (e.g., shopping, shopping lists, and the value of money), and functional and prevocational skills such as cleaning, gardening, sorting and packing. As set forth in Factual Finding 92, the class went on many trips to various businesses and stores in the community, and Student used his BigMac to communicate on the trips. Father was offered training on the communication devices Student was using and was asked to submit lists of words to add to the devices for communication in the home. The IEP teams continually discussed the communication devices and explored which ones were available and working for him. (Factual Findings 119 through 126.) The IEP team also added an ITP goal to program Student’s communication devices with words suitable to use in the work setting at Lincoln.

98. Dr. Johnson was critical that the functional communication and daily living skills instruction and services were insufficient and not specifically tied to Student’s postsecondary transition goals because there was not enough information in the ITPs to determine how learning to butter toast, for example, related to Student’s transition to adult life. Dr. Johnson’s testimony on this point was not persuasive because, as set forth in Factual Findings 65 through 73, Indicator 13, the analytical tool he used to conclude that none of the services were linked to specific postsecondary goals, is not the legal measure of the appropriateness of the transition services. Mr. Shepard was critical that more travel training

\(^{11}\) The LEAs increased Student’s speech and language services to twice a week pursuant to CDE’s 2006 corrective action order.
or transportation services should have been provided. However, the IEPs provided that Student would have special word cards for the school bus driver when he took the bus. In addition, Student's travel and transportation skills were worked on weekly as he went on the community trips. Overall, given Student's limited cognitive, orthopedic, and functional development, the above goals, services and activities after Student transferred to Montebello were designed to address his unique functional communication and daily living skills needs, and were reasonably calculated to provide him with some educational benefit.

99. Based on the foregoing, for the last month of 11th grade and the 2007-2008 school year in 12th grade, Student did not establish that the transition plans, goals and services in his IEPs for functional communication and daily living skills training were inappropriate to support his transition toward postsecondary life. Therefore, there was no denial of FAPE on this basis.

Independent Toilet Training

100. Student contends that the LEAs failed to provide independent toilet training as a related service to support his postsecondary transition. Bellflower and Montebello defend that toilet training was not appropriate because he did not possess the ability to physically know when he needed to go to the bathroom, and they complied with CDE's order to have a toileting schedule.

101. The evidence established that Student has limited use of his lower extremities, attends school in a wheelchair, can use a walker at home, and has enough upper body strength to lift himself from his wheelchair. Student wears diapers to school and depends on his one-to-one aide or other adult to change his diaper periodically during the school day. He does not communicate a need to use the toilet during the day. As of September 11, 2006, for the 2006-2007 school year in 11th grade, there was no toileting schedule for him.

102. Ms. Skipper established that, during her September 2006 vocational assessment, Student had a noticeable odor of urine which she concluded could hinder his ability to acquire gainful employment. (Factual Findings 36 through 43.) Therefore, the LEAs were aware that Student's toileting limitations were an area of need at least by the October 2006 IEP meeting. However, they were aware of this before the beginning of the 2006-2007 school year, when CDE ordered Montebello to establish a toileting schedule for Student. (Factual Findings 33 through 35.)

103. As set forth in Factual Findings 44 and 45, Bellflower held IEP meetings in October and December 2006. Montebello representatives were present at both meetings. At the October 2006 IEP meeting, CCS reported to the IEP team its opinion that Student was not aware of when his body signaled a need to use the toilet. The LEAs established a toileting schedule for Student at the December 2006 IEP meeting. The schedule was for changing Student's diaper three times during each school day, and did not provide for toilet training for him to learn to transfer to a toilet to perform his bodily functions. After Student
transferred to Montebello in the spring of 2007, Montebello continued the diaper-changing toileting schedule.

104. Mr. Shepard is the director of Avenues, an NPA that provides supported living services to disabled children and adults with funding primarily through the Regional Centers, including round-the-clock care in the home. In addition, he is an instructor at California State University Northridge and teaches transition classes for school teachers. Mr. Shepard corroborated Ms. Skipper’s concerns and credibly established that at least half of the service providers he is aware of will exclude people from their programs if they are not toilet trained. He conceded that many agencies do not or are not legally allowed to exclude diaper or catheter-dependent people. Dr. Johnson was also persuasive that there are toilet training methods that should be used to at least try to train and support Student to become more independent in this area.

105. Neither party presented any direct evidence to establish whether Student does or does not have the ability to physically sense when he needs to use the toilet, or whether he may, but is not able to communicate that need. However, the LEAs did not establish that these abilities are a necessary prerequisite for toilet training services. Since Student possesses sufficient upper body strength to transfer from his wheelchair, and does so regularly, Dr. Johnson established that Student may be capable of being taught to transfer to a toilet on a regular basis if there were support bars, and a training schedule that did not wait until after his diaper was soiled to change it. Daily living skills assessments showed that Student can use his hands to eat with a fork and spoon and dress his upper body. The February 2007 annual reassessment showed that he could help pull up his pants and could wash his hands when directed to a sink. During toilet training, issues regarding his fine motor limitations and successful hygiene could be evaluated.

106. Based on the foregoing, for both school years in 11th and 12th grades, Student met his burden of persuasion that the LEAs should have provided him with toilet training as a related service to support his postsecondary transition since his dependence on diapers for performing his bodily functions will significantly impede his progress as an adult. The LEAs did not produce any evidence to establish that toilet training had been tried in the past but did not work, for example, or that toilet training is not otherwise a unique area of need related to Student’s appropriate postsecondary transition. As a result, the lack of transition services for toilet training constituted a procedural violation that impeded Student’s right to a FAPE and deprived him of educational benefit. Student was therefore denied a FAPE, and is entitled to receive compensatory toilet training services as a remedy.

Invitation of Outside Agencies to the Transition IEP Meetings

107. Student contends that the LEAs should have invited outside agencies that were likely or potentially likely to be responsible for providing postsecondary transition services to him to the IEP/TTP meetings during both school years. Bellflower and Montebello contend that they complied with the requirement to invite pertinent outside agencies to the IEP meetings.
108. The ITP is required to contain the transition services that the IEP team determines are needed to assist a pupil in reaching his long range postsecondary goals. If an outside agency is likely to be responsible to provide or fund a transition service, the LEA shall invite a representative of the participating agency to the IEP meeting, provided the parent consents and it is otherwise appropriate.

109. Student's issues are limited to those set forth in his complaint. For the 2006-2007 school year, his complaint stated that the LEAs should have invited The Arc of California to the October 2006 IEP meeting, where a sheltered workshop setting was discussed, because Ms. Skipper recommended The Arc in her September 2006 vocational assessment report. (Factual Findings 36 through 44.) However, the fact that one assessor recommended a particular NPA or agency does not mean that it was "likely" that it would be responsible to provide the service. In fact, the evidence demonstrated that Bellflower informed the parties that it had a contract with ARC only for pupils over the age of 18, and could not provide a sheltered work program through ARC to Student, who was then 16.

110. The complaint also says that other relevant outside agency service providers should have regularly been invited to the 11th grade IEP meetings, but did not specify which. Student now argues the Regional Center should have been invited. However, the evidence established that a Regional Center representative attended Student's annual IEP meeting on February 20, 2007, and explained to the IEP team, including Parent, what options and services would be available to Student through the Regional Center after he leaves the school system. Parent was invited to call the representative to set up an individualized program plan (IPP) meeting. Therefore, the evidence showed that appropriate agencies attended Student's IEP meetings during 11th grade. He did not establish a procedural violation during the 2006-2007 school year on this ground.

111. Student's complaint stated that, for the 2007-2008 school year, the LEAs should have invited outside agencies in addition to Lincoln to the October 2007 IEP meeting. Montebello invited Lincoln to and participated in that IEP meeting because Student was then placed at Lincoln for sheltered work experience twice a week, and Lincoln was the service provider. Student's complaint states that the LEAs should have also invited representatives from an independent living center, a knowledgeable financial expert on matters such as Social Security, Medicaid, and MediCal, and a knowledgeable personal care provider or rehabilitation counselor. While Student would have preferred to have some of these representatives as the IEP meeting, he did not provide any evidence that the agencies were likely to provide or fund any services to him for that school year or for the next few years while he continues to receive special education services.

112. The evidence established that outside agencies attended Student's IEP meetings as appropriate when their services or funding was implicated. For example, CCS attended Student's IEP meetings when their services were necessary to report an OT evaluation or discuss his wheelchair or augmentative communication devices because they funded those items. LACOE personnel attended Student's IEP meetings where their
augmentative communication services were involved because LACOE was the augmentative communication service provider.

113. Based on the foregoing, Student did not establish that the LEAs failed to invite outside agencies required to be invited to the 11th and 12th grade IEP meetings, and there was no violation or denial of FAPE.

Frequency, Location and Duration of ITP Services

114. Student contends that his ITPs for both school years failed to identify the frequency, location and duration of transition services. The LEAs contend that the ITPs provided appropriate information required by law.

115. Generally, an IEP is required to set forth the frequency and duration of educational programs and related services. The law regarding the provision of transition services “needed to assist the pupil in reaching the postsecondary goals” is silent as to the level of specificity required. Student contends that transition services should be subject to the same statutory requirements as any other service in an IEP.

116. However, Student’s expert transition witness, Dr. Johnson, and Montebello’s expert transition witness, Dr. Greene, both acknowledged that the nature of the postsecondary transition services did not lend itself to the same type of analysis as that for an annual academic goal or service, where goal progress is measured pursuant to repetitive tests or trials and services were often more fluid. Postsecondary transition services span several years with broad-based objectives that progress and change. Hence, the standards for transition services are less stringent than those for annual IEP services in terms of specificity because the frequency and duration of the transition services is often difficult if not impossible to predict.

117. As set forth in F actual Findings 74 through 82, the ITPs for Student during the 2006-2007 school year through April 17, 2007, while he was in 11th grade at Bellflower, did not contain any measurable or valid transition services. Therefore, this issue is not applicable to those ITPs because there were no transition services, which was found to constitute a separate FAPE violation.

118. The ITPs for the last month of 11th grade, and the 2007-2008 school year in 12th grade offered services which had beginning and ending dates. While Student’s attorneys were critical that more than just an annual time-frame was required for Student’s transition services, the evidence established that the services were offered in context. The fact that the ITPs did not establish how frequently Student would attend Lincoln was not critical because other places in the ITPs established his schedule for Lincoln. The LEAs were not required to, and could not reasonably establish a date by which Student would become employed at an identified job given the nature of his deficits and limited skills. The locations of some of the services, such as the YMCA, were known to the parties. The augmentative communication services were on a consultation or as needed basis and that was
not shown to be inappropriate. The community experiences were weekly, and no greater specificity was required in the formal ITP document to specify the locations of businesses or restaurants. Therefore, the evidence did not establish that, after Student transferred to Montebello, the LEAs failed to comply with a requirement for the ITPs to set forth the frequency, location or duration of transition services. Accordingly, no procedural violations were established and Student was not denied a FAPE on this basis.

**Provision of Augmentative Communication Devices Required by the IEPs**

119. Student’s complaint contends that, for the 2007-2008 school year in 12th grade, Montebello and LACOE denied him a FAPE by failing to provide him with the augmentative communication devices that were required by his IEPs and were necessary to his postsecondary transition. Montebello and LACOE assert that they were involved in testing the devices in order to determine which device(s) would be appropriate to meet Student’s needs, and complied with the IEPs. As set forth in Factual Finding 11, LACOE was a service provider for augmentative communication.

120. A failure to implement any provision of the IEP may amount to a FAPE violation only where the failure has been determined to be material. A material deviation from an IEP occurs when the program or services provided to the student fall significantly short of those required by his or her IEP. A student is not required to demonstrate that he or she suffered educational harm in order to prevail.

121. Ms. Miller, LACOE’s augmentative communication specialist, presented Ms. Cottier’s augmentative communication assessment report to the February 2007 IEP team at Bellflower. (Factual Findings 49 and 50.) Ms. Cottier recommended the DynVox Minimo device for Student based on her observations during the assessment. Ms. Miller testified persuasively that she did not agree with Ms. Cottier’s recommendation for the Minimo because she thought it was too complex for Student. Student had used the Go Talk since elementary school, and used it more frequently than the other devices to deliver simple messages, such as selecting food. The IEP team agreed to obtain a Minimo on loan for Student to try for an unspecified period of time, and to continue his access to the other devices during the trial period. Bellflower, Montebello and LACOE agreed to order the Minimo dynamic display on a trial basis despite concerns that it might not be a suitable device. Student received the Minimo for initial training while at Bellflower. After Student transferred to Montebello, the May 2007 IEP meeting noted the concerns, but agreed to recommend that Montebello and LACOE rent a Minimo device to try it.

122. For the 2007-2008 school year, Montebello’s IEPs noted that Student’s then-present levels of communication development included using the GoTalk, BigMac, Step-by-
Step, "and/or Minimo." LACOE assigned augmentative communication specialist Mary Bergman to provide consultative and training services. Montebello thereafter rented the Minimo. The evidence did not establish when Student received it. Student did not establish that there was any material deviation from the IEP in providing this service.

123. At the October 2007 IEP meeting at Montebello, the team noted that Student was still learning to use the Minimo. The October IEP provided that the BigMac, Go Talk and Step-by-Step would be sent home with Student regularly. The IEP did not provide that the Minimo would be sent home because he was still learning how to use it in the school setting. Ms. Bergman established that CCS and LACOE policies were to make sure the pupil learned to use the device properly before expanding its use to other settings. Ms. Machado was persuasive that the BigMac and Go Talk devices were sent home with Student to provide functional communication access until January or February 2008, when Parent asked her to stop sending them home. For some time period of not more than two months, the Step-by-Step was unavailable to Student as it was apparently being repaired. Student did not establish that this deviation from the IEP was material, he had access to other voice output devices, and there was no violation or denial of FAPE.

124. Ms. Bergman determined during the trial period that the Minimo was not a good match for Student because it was too sophisticated for his functional level; it had a keyboard and he did not spell or read. She was persuasive that Student needed a less complex device with pictures and simple phrases. Ms. Bergman credibly established that by early 2008, DynaVox, the manufacturer of the Minimo, discontinued making it and replaced it with the DynaVox M3 (M3). The M3 had pictures with scenes which Student could readily access, pre-installed voices, and could be programmed by inserting pages to provide phrases, such as asking for help or asking for more work. DynaVox agreed to loan Montebello (or LACOE) an M3 for a trial period with Student.

125. The evidence did not establish when Student received the loaned M3 for testing. He used other vocal output devices until it came. In the spring of 2008, Student demonstrated to Ms. Bergman that the M3 was a good match for him and it was ordered through CCS. The March 4, 2008 IEP indicated that the team's recommendation for the M3 would be forwarded to CCS to begin the purchase process, and the IEP did not provide a deadline by which it had to be in place. Ms. Bergman credibly testified that since the M3 trial period was over and the IEP team decided to obtain it, DynaVox required the loaned M3 to be returned to the company pending the purchase. She also established that the purchase process often took many months. Montebello and LACOE gave Student another Minimo to use in the interim, and he did not receive the permanent M3 device until October 2008. Student did not establish that any delay in obtaining either the loaned or permanent M3 constituted a material deviation from his IEPs, which did not provide for deadlines. Student had access to alternative voice output devices throughout the school year.

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13 The 2008-2009 school year is not at issue in this proceeding.
126. Based on the foregoing, Student did not establish that Montebello and LACOE failed to provide him with communication devices as required by his IEPs. To the extent he was without a particular device for some time, he did not establish that the failure to implement the vocal output device provisions of the IEPS constituted a material deviation that fell significantly short of the services he should have received. Consequently, there was no denial of FAPE.

Remedies and Compensatory Education

127. When a LEA fails to provide a FAPE to a student with a disability, the student is entitled to relief that is “appropriate” in light of the purposes of the IDEA. Compensatory education is a form of equitable relief that may be granted for the denial of appropriate special education services to help overcome lost educational opportunity. The purpose of compensatory education is to ensure that the student is appropriately educated within the meaning of the law. Where the actions of parents are unreasonable, equitable relief may be reduced or denied.

128. As determined in Factual Findings 3 through 16, Montebello is responsible as Student’s LEA of residence for all violations found in this Decision, and Bellflower is an additional LEA jointly and severally responsible for the violations found in this decision for a window period between December 11, 2006 and April 17, 2007, only. Therefore, even though the specific determinations below are addressed to “Bellflower and Montebello,” the awards and orders made should be prorated among the parties accordingly.

129. Dr. Johnson established that Student is at risk for failure in the postsecondary transition areas of education, training, employment, and independent life skills. Dr. Johnson established that the last year or two of high school for Student was a critical time to provide transition goals and related services to meet his unique needs to help avoid the dangerous pitfalls of institutionalization as an adult.

130. Bellflower and Montebello contend that they should not be found to have denied Student a FAPE, or at least should not be ordered to provide any compensatory relief to him, because CDE found Montebello to be in compliance with its corrective action orders, and because Dr. Greene analyzed Student’s ITPs and determined that Montebello’s ITPs after April 2007 complied with the postsecondary transition laws. However, Dr. Greene did not analyze the ITPs in connection Student’s unique needs but established that those ITPs contained all of the types of information required by law. Moreover, CDE did not evaluate Bellflower’s role as an LEA, and Dr. Greene found that Bellflower’s ITPs were defective and did not comply with the transition laws. In addition, CDE did not make determinations of violations of FAPE.

131. Based on Factual Findings 22 through 54, Bellflower and Montebello denied Student a FAPE for the 2006-2007 school year from September 11, 2006 to May 17, 2007, by not having valid long range postsecondary and annual employment and education goals and transition services in the ITPs and IEPs. Based on Factual Findings 88 through 93,
Bellflower and Montebello denied Student a FAPE for that same time period, essentially most of Student’s 11th grade year, by not offering or providing any vocational or community experiences necessary to support his transition needs. Student is therefore entitled to compensatory education. The compensatory education should be delivered by an NPA, instead of Montebello, because there was no evidence that Montebello has qualified school staff to provide these services, outside of its vocational contract with Lincoln. Since Montebello has currently placed Student in vocational training at Lincoln, his compensatory vocational services should be provided by another NPA, not Lincoln, in order to provide independent services and varied vocational experiences and training.

132. Student has requested 720 hours of compensatory vocational services based on both 11th and 12th grade. The amount requested is based on a 44-week school year, including the extended school year, for two years, at the rate of 10 compensatory hours per week, and includes a subtotal of 440 hours of compensatory services for 11th grade violations. The evidence does not sustain that level of intensity. The nature of the violations and the severity of Student’s deficits indicate that a year of compensatory services of about four hours a week would provide compensatory benefit. Therefore, based on a 44-week school year, the compensatory amount is calculated as the equivalent of four hours of compensatory vocational services per week for one school year, or 176 hours of direct services, plus additional hours for supervision and consultation. Since no evidence was provided as to suitable ratios for supervision and consultation hours as compared to service hours, the ALJ has estimated an approximate amount of 20 percent extra for supervision and consultation, or 34 additional hours, for a total of 210 hours for purpose of calculating the amount of compensatory education. Bearing in mind that the violations occurred during a critical time in Student’s transition to adulthood, Bellflower and Montebello shall therefore be ordered to provide 210 hours of vocational training, experience and counseling from an independent NPA. The total hours shall include direct services (one-to-one and/or small group) at school and in the community, including supervision of the delivery of the services, and consultation with Student’s teachers, aides, school staff, and employers. However, the total hours may be allocated and delivered as reasonably provided for by contract between the LEAs and the NPA.

133. Based on Factual Findings 100 through 106, Bellflower and Montebello’s failures to offer or provide related services for toilet training to support Student’s transition to postsecondary life for both the 2006-2007 and 2007-2008 school years denied him a FAPE. Student is therefore entitled to compensatory toilet training services from an independent NPA, including an assessment, toilet training services, and parental training. The services should be provided by an NPA to provide independent services with a qualified provider, and because Montebello did not establish that its staff was trained in independent toilet training. Student requests a total of 264 hours of services, calculated on the basis of 30 minutes per school day over two 44-week school years, including up to 20 hours of parental training, and up to 25 percent of the total for consultation with school staff. However, compensatory education is not based on a one-to-one ratio according to what may not have been provided in the past, but is based on Student’s needs to overcome the loss of educational benefit. The evidence established that Student needs about one year of
consistent, daily independent toilet training services to compensate for his past loss of such services.\textsuperscript{14} Therefore, the compensatory services shall be provided to Student calculated on the basis of one school year, or 44 weeks, at 30 minutes per school day, for a total of 110 hours of direct toilet training services. The ALJ has estimated, for purposes of calculating an amount, an approximate amount of 20 percent additionally allocated for supervision of the delivery of the services, and consultation with Student’s teachers, aides, school staff, and employers, for an additional amount of 22 hours, plus additional hours allocated to an initial toileting assessment, and up to 20 hours for parental training, for a total of 170 hours of toilet training services. However, the total hours may be allocated and delivered as reasonably provided for by contract between the LEAs and the NPA.

LEGAL CONCLUSIONS

1. Student, as the party requesting relief, has the burden of proof in this proceeding. (\textit{Schaffer v. Weast} (2005) 546 U.S. 49 [126 S.Ct. 528].) The issues in a due process hearing are limited to those identified in the written due process complaint. (20 U.S.C. § 1415(f)(3)(B); Ed. Code, § 56502, subd. (i).)

2. A child with a disability has the right to a FAPE under IDEA 2004. (20 U.S.C. § 1412(a)(1)(A); Ed. Code, §§ 56000, 56026.) FAPE is defined as special education, and related services, that are available to the student at no cost to the parent, that meet the state educational standards, and that conform to the student’s individualized education program (IEP). (20 U.S.C. § 1401(9); Ed. Code, § 56031; Cal. Code Regs., tit. 5, § 3001, subd. (o).) The right to special education is extended to pupils between the ages of 19 through 21 years old with preexisting IEPs who have not yet completed their prescribed courses of study, have not met proficiency standards or have not graduated from high school with a regular high school diploma. (Ed. Code, § 56026, subd. (c)(4).)

Public Agencies Responsible for Educational Services

3. Due process hearing procedures extend to “the public education agency involved in any decisions regarding a pupil.” (Ed. Code, § 56501, subd. (a).) “Public agency” includes a school district, county office of education, SELPA, a charter school in some instances, or any other public agency under the auspices of the state or any political subdivisions of the state providing special education or related services to individuals with exceptional needs. (Ed. Code, §§ 56028.5, 56500.) An LEA is generally responsible for providing a free appropriate public education (FAPE) to students with disabilities who reside within the LEA’s jurisdiction.\textsuperscript{15} (20 U.S.C. § 1414(d)(2)(A); Ed. Code, § 48200.) A school

\textsuperscript{14} After one year of such consistent, daily services, there should be sufficient data for an IEP team to determine whether the continuation of such services would be appropriate to provide a FAPE in the future.

\textsuperscript{15} California Education Code section 56026.3 defines an LEA as a school district, county office of education, a special education local plan area, or a charter school participating as a member of a special education local plan area.
district may contract with another public school district for the provision of special education services. (Ed. Code § 56369.)

Statute of Limitations

4. California law provides that a request for a due process hearing “shall be filed within two years from the date the party initiating the request knew or had reason to know of the facts underlying the basis for the request.” (Ed. Code § 56505, subd. (1); see, Miller, etc. v. San Mateo-Foster City Unified Sch. Dist. (N.D. Cal. 2004) 318 F.Supp.2d 851, 860-61.) The two-year statute of limitations expressly does not apply if the parent was prevented from requesting the due process hearing by either of the following: (1) specific misrepresentations by the local educational agency (LEA) that it had solved the problem forming the basis of the due process hearing request; or (2) the withholding of information by the LEA that was required to be provided to the parent. (Ed. Code § 56505, subd. (1).)

5. Looking to civil law for guidance, as a general rule, an “amended complaint” that adds a new defendant does not relate back to the date of filing the original complaint and the statute of limitations is applied as of the date the amended complaint is filed, not the date the original complaint is filed.” (Woo v. Superior Court (1999) 75 Cal.App.4th 169, 176 [89 Cal. Rptr. 2d 20].) An exception to the no-relief back rule is provided under Code of Civil Procedure section 474, if a new defendant is substituted for a “Doe” defendant named in the original complaint, and the courts will generally allow the claim against the substituted party to relate back to the original complaint. A further requirement for application of the exception is that the moving party adding the new defendant must have been genuinely ignorant of the new party’s identity at the time the original complaint was filed. (Optical Surplus, Inc. v. Superior Court (1991) 228 Cal.App.3d 776, 783-784 [279 Cal.Rptr. 194]; Hazel v. Hewlett (1988) 201 Cal.App.3d 1458, 1464-1466.)

Were Bellflower, Montebello and LACOE the LEAs responsible for Student’s special education and related services for the 2006-2007 and 2007-2008 school years?

6. As set forth in Factual Findings 5 through 16, and Legal Conclusions 2 through 5, LACOE was not an LEA, and was only responsible for Student’s augmentative communication services in this case, and not for any other educational or related services. As Student’s school district of residence, Montebello was the LEA responsible for his special education and related services during both 11th and 12th grade for the 2006-2007 and 2007-2008 school years. Bellflower was also an LEA responsible for Student’s educational services for part of the 2006-2007 school year, because Bellflower made educational decisions for him, offered educational programs and services, and conducted IEP meetings based on its own administration and separate SELPA. There was no evidence that it was a mere service provider for Montebello. Bellflower was therefore also responsible for the violations found to have occurred during 11th grade. However, due to application of the two-year statute of limitations, Bellflower’s liability commenced two years prior to December 11, 2008, when it was joined as a party to this action. Therefore, Bellflower’s
liability in this Decision is limited to the four-month time period between December 11, 2006, and April 17, 2007, when Student transferred to Montebello.

Assessments

7. Before any action is taken with respect to the initial placement of a child with special needs, an assessment of the pupil’s educational needs shall be conducted. (Ed. Code, § 56320.) The student must be assessed in all areas related to his or her suspected disability, and no single procedure may be used as the sole criterion for determining whether the student has a disability or an appropriate educational program. (20 U.S.C. § 1414(a)(2), (3); Ed. Code, § 56320, subsd. (e), (f).) Thereafter, special education students must be reassessed not more frequently than once a year, and shall be reassessed at least once every three years, unless the parent and the local educational agency (LEA) agree otherwise.

8. As part of an annual reassessment, the IEP team is required to review existing assessment data and identify what additional data, if any, is needed to determine continued eligibility, present levels of performance and educational needs, and whether any additions or modifications to the special education and related services are needed to enable the pupil to meet the annual goals and participate in the general curriculum. (Ed. Code, § 56381.) A reassessment shall be conducted if the LEA determines “that the educational or related services needs, including improved academic achievement and functional performance, of the pupil warrant a reassessment.” (20 U.S.C. § 1414(a)(2)(A); Ed. Code, § 56381, subd. (a).) An individualized education program (IEP) meeting to review the assessment must occur within 60 days of the receipt of parental consent for the assessment. (Ed. Code, § 56321.)

Transition Assessments

9. Beginning not later than the first IEP to be in effect when a child with a disability turns 16, and updated annually thereafter, the IEP must include appropriate measurable postsecondary goals related to training, education, employment, and, where appropriate, independent living skills. (20 U.S.C. § 1414(d)(1)(A)(i)(VIII)(aa)-(bb); 34 C.F.R. § 300.320(b) (2006); Ed. Code, §56345, subd. (a)(8).) The postsecondary goals must be based upon age-appropriate transition assessments and must be updated annually. (Ibid.) In addition to identifying such postsecondary goals, every IEP beginning with age 16 must also include transition services to assist the child in reaching those postsecondary goals. (Ibid.)

1. Beginning on September 11, 2006, did Bellflower and Montebello fail to timely and appropriately assess Student’s unique needs regarding postsecondary transition for the 2006-2007 and 2007-2008 school years?

10. As set forth in Factual Findings 17 through 32 and Legal Conclusions 7 through 9, Bellflower and Montebello failed to assess Student’s employment and prevocational training skills by September 11, 2006, but otherwise assessed all other areas related to postsecondary needs and goals, including education, and independent living skills.
This violation of the legal requirements for assessment was immediately remedied as Bellflower and Montebello conducted a vocational assessment in September 2006, and reviewed it at an IEP meeting in October 2006. Therefore no further remedy is warranted.

11. As set forth in Factual Findings 36 through 54, and Legal Conclusions 7 through 9, for the rest of the 2006-2007 school year until Student transferred to Montebello on April 17, 2007, Bellflower and Montebello timely and appropriately reassessed Student for the annual IEP in February 2007, and no further assessments were requested or warranted. Therefore, there was no denial of FAPE.

12. As set forth in Factual Findings 53 through 60, and Legal Conclusions 7 through 9, thereafter, after Student transferred to Montebello for the rest of 11th grade, and the 2007-2008 school year in 12th grade, Montebello timely and appropriately reassessed Student for the annual IEP in March 2008, and no further assessments were requested or warranted, and there was no FAPE denial.

Procedural Violations and Substantive FAPE

13. There are two parts to the legal analysis of whether a LEA such as a school district offered a pupil a FAPE, whether the LEA has complied with the procedures set forth in the IDEA, and whether the IEP developed through those procedures was substantively appropriate. (Board of Educ. of the Hendrick Hudson Cent. School Dist. v. Rowley (1982) 458 U.S. 176, 206-07 [73 L.Ed.2d 690], cited as Rowley.) Procedural flaws do not automatically require a finding of a denial of FAPE. A procedural violation does not constitute a denial of FAPE unless the procedural inadequacy (a) impeded the child’s right to a FAPE; (b) significantly impeded the parent’s opportunity to participate in the decision making process regarding the provision of FAPE; or (c) caused a deprivation of educational benefits. (20 U.S.C. § 1415(f)(3)(E)(i) & (ii); Ed. Code, § 56505, subd. (j); W.G. v. Board of Trustees of Target Range School Dist. No. 23 (9th Cir. 1992) 960 F.2d 1479, 1483-1484.)

14. For a school district’s IEP to offer a student a substantive FAPE, the proposed program must be specially designed to address the student’s unique needs, and be reasonably calculated to provide the student with some educational benefit. (20 U.S.C. § 1401(9).) FAPE must provide a threshold “basic floor of opportunity” in public education that “consists of educational instruction specially designed to meet the unique needs of the handicapped child, supported by such services as are necessary to permit the child ‘to benefit’ from the instruction.” (Rowley, 458 U.S. at p. 189.) The Rowley court rejected the argument that school districts are required to provide services “sufficient to maximize each child’s potential commensurate with the opportunity provided other children.” (Id. at pp. 198-200.) The court determined that the IEP must be reasonably calculated to provide the student with some educational benefit. The IDEA does not require school districts to provide special education pupils with the best education available, or to provide instruction or services that maximize a student’s abilities. (Rowley, supra, at p. 198.) The Ninth Circuit refers to the “some educational benefit” standard of Rowley simply as “educational benefit.” (See, e.g., M.L. v. Fed. Way School Dist. (2004) 394 F.3d 634.) It has also referred to the
educational benefit standard as "meaningful educational benefit." (N.B v. Hellgate Elementary School Dist. (9th Cir. 2007) 541 F.3d 1202, 1212-1213; Adams v. State of Oregon (9th Cir. 1999) 195 F.3d 1141, 1149.) Other circuits have interpreted the standard to mean more than trivial or "de minimus" benefit, or at least "meaningful" benefit. (See, e.g., Houston Indep. Sch. Dist. v. Bobby R. (5th Cir. 2000) 200 F.3d 341; L.E. v. Ramsey Bd. of Educ. (3d Cir. 2006) 435 F.3d 384.)

15. An IEP is to be evaluated in light of information available at the time it was developed, and is not to be evaluated in hindsight. (Adams etc. v. State of Oregon, supra, 195 F.3d at 1149.) The Ninth Circuit has endorsed the "snapshot rule," explaining that "[a]n IEP is a snapshot, not a retrospective." The IEP must be evaluated in terms of what was objectively reasonable when it was developed. (Ibid; Christopher S. v. Stanislaus County Off. of Ed. (9th Cir. 2004) 384 F.3d 1205, 1212; Pitchford v. Salem-Kaiser School Dist. No. 24J (D.Ore. 2001) 155 F.Supp.2d 1213, 1236.) To determine whether a school district offered a pupil a FAPE, the focus is on the appropriateness of the placement offered by the school district, and not on the alternative preferred by the parents. (Gregory K. v. Longview School Dist. (9th Cir. 1987) 811 F.2d 1307, 1314.)

2. Did Bellflower and Montebello deny Student and Parent meaningful participation in the December 18, 2006 IEP meeting, and thereby deny Student a FAPE?

16. As set forth in Factual Findings 61 through 64 and Legal Conclusions 13 through 15, there was insufficient evidence to establish Student's claims that he and Parent were denied meaningful participation in the December 2006 IEP meeting by virtue of lack of valid notice or other circumstances. Accordingly, no procedural violation was established and there was no denial of FAPE on this basis.

Transition Services

17. "Transition services" means "a coordinated set of activities for an individual with exceptional needs" that: (1) is designed within a results-oriented process that is focused on improving the academic and functional achievement of the individual with exceptional needs to facilitate the movement of the pupil from school to post-school activities, including postsecondary education, vocational education, integrated employment, including supported employment, continuing and adult education, adult services, independent living, or community participation; (2) is based upon the individual needs of the pupil, taking into account the strengths, preferences, and interests of the pupil, and (3) includes instruction, related services, community experiences, the development of employment and other post-school adult living objectives, and, if appropriate, acquisition of daily living skills and provision of a functional vocational evaluation. (20 U.S.C. § 1401(34); Ed. Code, § 56345.1, subd. (a).) Transition services may consist of specially designed instruction or a designated instruction and service. (34 C.F.R. § 300.43(b); Ed. Code, § 56345.1, subd. (b).) Where the transition services are to be provided by outside agencies, the outside participating agencies should be invited, with the consent of the parent, to any IEP meeting where their likely funding or provision of those services is involved. (Ed. Code § 56341, subd. (d)(3).)
18. The failure to properly formulate a transition plan may be a procedural violation of the IDEA that warrants relief upon a showing of a loss of educational opportunity or a denial of a FAPE. (Board of Education v. Ross (7th Cir. 2007) 486 F.3d 267, 276 [despite transition plans being a mandatory component of an IEP, notation in IEP that the transition plan would be “deferred” was procedural violation]; A.S. v. Madison Metro School Dist. (D. Wis. 2007) 477 F.Supp.2d 969, 978 [allegation of inadequate transition plan treated as procedural violation]; see also Virginia S., et al. v. Dept. of Ed., State of Hawaii (D. Hawaii, January 8, 2007, Civ. No. 06-00128) 2007 U.S. Dist. Lexis 1518 [transition plan violated procedural requirements of IDEA, but was ultimately found to be harmless error, when it was not based on an interview with the student or parents, did not reference student’s interests, and which generically described post-secondary goals as graduation from high school and employment following post-secondary education].)

3(A). Beginning on September 11, 2006, did Bellflower and Montebello have inadequate transition planning and services for Student, and thereby deny him a FAPE for the 2006-2007 and 2007-2008 school years by failing to offer or provide appropriate, measurable postsecondary transition goals that were based on age-appropriate assessments related to training, education, employment, and independent living skills, and which met his unique transition needs?

19. As set forth in Factual Findings 65 through 82, and Legal Conclusions 13 through 15, 17, and 18, for the 2006-2007 school year from September 11, 2006 to April 17, 2007, when Student transferred to Montebello, the responsible LEAs, Bellflower and Montebello, failed to offer or provide Student an appropriate postsecondary or annual transition goal in the areas of employment and education, and committed a procedural violation. This procedural violation did not significantly impede Parent’s opportunity to participate in the IEP process because he actively participated on the IEP teams to arrange Student’s sheltered vocational services at Lincoln, and consented to the continuances of the meetings. However, the violation impeded Student’s right to a FAPE since there were no valid employment or education goals or transition services before he transferred to Montebello, and the violation therefore denied Student a FAPE.

20. At the IEP meeting on May 17, 2007, after Student transferred to Montebello, no long range postsecondary goal in education and training was offered, and the procedural violation continued. This procedural violation did not impede Student’s right to a FAPE or significantly impede Parent’s participation in the decision-making process after May 17, 2007, because the May 2007 IEP and ITP otherwise contained measurable, appropriate goals, services and activities to address Student’s transition needs. Thereafter, for the remainder of the 2007-2008 school year, there was no denial of FAPE because Student did not establish that the LEAs committed any procedural or substantive violations with respect to his postsecondary and annual transition goals and services.
3(B). Did Bellflower and Montebello have inadequate transition planning and services for Student, and thereby deny him a FAPE for the 2006-2007 and 2007-2008 school years by failing to offer or provide appropriate transition services, including vocational and community experiences, functional communication and daily living skills training, and independent toilet training?

21. **Vocational and Community Experiences:** As set forth in Factual Findings 88 through 93, and Legal Conclusions 13 through 15, 17, and 18, Bellflower and Montebello failed to offer or provide Student any vocational or community experiences during 11th grade from September 11, 2006, until after he transferred to Montebello in April 2007. The lack of goals and services to provide Student with vocational and community experiences during that time period denied Student a FAPE.

22. For the last month of 11th grade after May 17, 2007, and for the 2007-2008 school year, Montebello offered vocational and community experiences in the IEPs. Student did not establish that Montebello failed to offer or provide appropriate vocational and community experiences, as he was placed in the Lincoln sheltered workshop program, and had weekly community experiences and outings to the YMCA for exercise and to various businesses, restaurants, and shops to learn about daily living skills and vocational possibilities in the community. Accordingly, Montebello provided Student with appropriate vocational and community experiences, and there was no denial of FAPE for that period based on this ground.

23. **Functional Communication and Daily Living Skills Training:** As set forth in Factual Findings 94 through 99 and Legal Conclusions 13 through 15, 17, and 18, the lack of any functional communication and living skills goals or services in Student’s ITPs constituted a procedural violation for the 2006-2007 school year at Bellflower until May 2007. However, this procedural violation did not Student’s right to a FAPE, deny him educational benefit, or significantly impede Parent’s opportunity to participate in the IEP process at Bellflower because the IEPs for 11th grade at Bellflower, as a whole, contained appropriate functional communication and functional living skills goals and services that were discussed at the IEP meetings. Therefore, there was no denial of FAPE on this basis during that time period.

24. During the last month of Student’s 11th grade for the 2006-2007 school year, and for the 2007-2008 school year in 12th grade, the IEPs and ITPs offered and provided many appropriate, functional communication and daily living skills goals, instruction, services, and activities. Therefore, Student did not establish that Montebello denied him a FAPE during that time period on this basis.

25. **Independent Toileting Training:** As set forth in Factual Findings 100 through 106, and Legal Conclusions 13 through 15, 17, and 18, for both school years in 11th and 12th grades, Student established that Bellflower and Montebello should have provided him with toilet training as a related service to support his postsecondary transition since his dependence on diapers for performing his bodily functions will significantly impede his
progress as an adult. As a result, the lack of transition services for toilet training constituted a procedural violation that impeded Student’s right to a FAPE and deprived him of educational benefit. Student was therefore denied a FAPE.

3(C). Did Bellflower and Montebello fail to invite outside agencies that would be responsible for providing or paying for transition services to Student’s IEP meetings and thereby deny him a FAPE for the 2006-2007 and 2007-2008 school years?

26. As set forth in Factual Findings 107 through 113, and Legal Conclusions 13 through 15, 17, and 18, Student did not establish that Bellflower and Montebello failed to invite outside agencies required to be invited to the October 2006 and October 2007 IEP meetings, and there was no procedural violation or denial of FAPE on this basis.

3(D). Did Bellflower and Montebello have inadequate transition planning and services for Student, and thereby deny him a FAPE for the 2006-2007 and 2007-2008 school years by failing to identify in the IEP transition services plans the frequency, location, and duration of all transition services?

27. As set forth in Factual Findings 114 through 118, and Legal Conclusions 13 through 15, 17, and 18, this issue does not apply to the 11th grade ITPs at Bellflower because there were no transition services offered. The ITPs for the last month of 11th grade and the 2007-2008 school year in 12th grade offered services which all had beginning and ending dates. Due to the nature of the transition services, the standards were not the same as those for annual goals, and the frequency and duration of services were often difficult to predict. Accordingly Student did not establish a procedural violation and there was no denial of FAPE on this basis.

Material Failure to Implement IEP Services

28. A failure to implement an IEP will constitute a violation of a pupil’s right to a FAPE only if the failure was material. There is no statutory requirement that a district must perfectly adhere to an IEP, and, therefore, minor implementation failures will not be deemed a denial of FAPE. A material failure to implement an IEP occurs when the services a school district provides to a disabled pupil fall significantly short of the services required by the IEP. (Van Duyn, et al. v. Baker School District 5J (9th Cir. 2007) 481 F.3d 770.) A party challenging the implementation of an IEP must show more than a de minimus failure to implement all elements of that IEP, and instead, must demonstrate that the school board failed to implement substantial and significant provisions of the IEP. (Ibid.) The materiality test is not a requirement that prejudice must be shown. "[T]he materiality standard does not require that the child suffer demonstrable educational harm in order to prevail." (Ibid., at p. 822.)

4. For the 2007-2008 school year, did Montebello and LACOE deny Student a FAPE by failing to provide the alternative augmentative communication devices specified in his IEPs?
29. As set forth in Factual Findings 119 through 126, and Legal Conclusions 28, Student did not establish that Montebello and LACOE failed to provide him with augmentative communication devices as required by his IEPs. Even if he was without a particular device for some time, he did not establish that the lapse constituted a failure to implement the vocal output device provisions of the IEPs, or that it constituted a material deviation of an IEP that fell significantly short of the services he should have received. Montebello was required to provide Student with appropriate vocal output devices to augment his communication, which was an ongoing process of determining which devices were suited to support his needs. Consequently, there was no denial of FAPE on this basis.

Compensatory Education

30. When an LEA fails to provide a FAPE to a student with a disability, the student is entitled to relief that is “appropriate” in light of the purposes of the IDEA. (School Committee of Burlington v. Department of Educ. (1996) 471 U.S. 359, 369-371; 20 U.S.C. § 1415(i)(2)(C)(3).) Based on the principle set forth in Burlington, federal courts have held that compensatory education is a form of equitable relief that may be granted for the denial of appropriate special education services to help overcome past educational opportunity. (Student W. v. Puyallup Sch. Dist. (9th Cir. 1994) 31 F.3d 1489, 1496.) The purpose of compensatory education is to “ensure that the student is appropriately educated within the meaning of IDEA.” (Ibid.) Reimbursement may be denied based on a finding that the actions of parents were unreasonable. (See 20 U.S.C. § 1412(a)(10)(C)(iii)(III); 34 C.F.R. § 300.148(d)(3).) For example, in Patricia P. ex rel Jacob P. v. Board of Education (7th Cir. 2000) 203 F.3d 462, 469, parents who did not allow a school district a reasonable opportunity to evaluate a child following a parental unilateral placement forfeited their claim for reimbursement.

31. Based on the denials of FAPE as determined in Legal Conclusions 19 and 21, Student is entitled to compensatory vocational training and education. In determining the length of time over which compensatory vocational training and services should be provided as an equitable remedy for the LEAs’ violations, it is noted that the denials of FAPE occurred primarily during Student’s 11th grade year of high school, which not only impeded Student’s progress during his 11th and 12th grade years of high school, but also consequently diminished his current progress as well due to his slow rate of learning. Therefore, as calculated in Factual Finding 132, Bellflower and Montebello shall provide compensatory vocational training, experiences, and counseling in the total amount of 210 hours of vocational services through an NPA, including direct services, supervision and consultation.

32. Based on the denials of FAPE as determined in Legal Conclusion 25, Student is entitled to compensatory education due to Bellflower’s and Montebello’s failures to offer or provide independent toilet training services to Student for both the 2006-2007 and 2007-2008 school years. As set forth in Factual Finding 133, Student is therefore entitled to a total of 170 hours of compensatory toilet training services, including assessment, direct services, parental training, supervision and consultation.
ORDER

1. As compensatory education for all of the violations found herein related to Student’s postsecondary vocational goals and transition services, Bellflower and Montebello shall provide a total of 210 hours of vocational services through a qualified vocational NPA provider prior to December 31, 2010. This shall include direct services to Student during school and during any job or training site where Student is placed or employed pursuant to his IEP, and may include services in the community. The services shall include, but are not limited to direct vocational training, vocational and community experiences, and vocational counseling; and may include up to 42 hours allocated for indirect consultation and supervision services. The direct vocational services must include individual one-to-one services, and may include small group services in the discretion of the service provider, unless the parties otherwise agree. The time of delivery of the services shall be coordinated between Student, Parents, the NPA provider, and Montebello.

2. To implement this order for compensatory vocational services, Student and the LEAs may nominate one or more special education vocational NPA providers within 30 days of the date of this decision. Montebello shall consider Student’s and Bellflower’s proposed provider(s), and Montebello shall select and contract with a qualified vocational NPA provider within 45 days of this decision.

3. As compensatory education for the violations found herein related to the failure to provide toilet training services, Bellflower and Montebello shall provide compensatory services in the form of a total of 170 hours of independent toilet training services through a qualified NPA provider prior to December 31, 2010, including an initial assessment, direct toilet training services, and parental training; and may include up to 22 hours allocated for indirect consultation and supervision services. The time of delivery of the services shall be coordinated between Student, Parents, the NPA provider, and Montebello.

4. To implement this order for compensatory independent toilet training services, Student, Bellflower, and Montebello may nominate one or more NPA providers for toilet training services within 30 days of the date of this decision. Montebello shall consider Student’s and Bellflower’s proposed provider(s), and Montebello shall select and contract with a qualified NPA provider and submit a proposed assessment plan to Parent within 45 days of this decision.

5. Parent shall make Student reasonably available for an initial toilet training assessment.

6. All of Student’s other requests for relief are denied.
PREVAILING PARTY

Education Code section 56507, subdivision (d), requires that the hearing decision indicate the extent to which each party has prevailed on each issue heard and decided. Student partially prevailed on Issues 1, 3(A), and 3(B) for hearing in this case. Bellflower and Montebello partially prevailed on Issues 1, 3(A), and 3(B), and prevailed on Issues 2, 3(C), 3(D), and 4. LACOE prevailed on Issue 4, the only issue in which it was involved.

NOTICE OF APPEAL RIGHTS

The parties are advised that they have the right to appeal this decision to a state court of competent jurisdiction. Appeals must be made within 90 days of receipt of this decision. A party may also bring a civil action in the United States District Court. (Ed. Code, § 56505, subd. (k).)

DATED: April 29, 2009

DEIDRE L. JOHNSON
DEIDRE L. JOHNSON
Administrative Law Judge
Office of Administrative Hearings