

TRANSITION FROM SECONDARY EDUCATION

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20 U.S.C. § 1414(d)(1)(A)(i)(VIII) (providing that IEP in effect when child becomes 16 and subsequent IEPs must include appropriate post-secondary goals and vocational services)

20 U.S.C. § 1401(34) (stating that transition services means a coordinated set of activities that is designed to be in a results-oriented process focused on improving academic and functional achievement of the child to facilitate the movement from school to post-school activities, including post-secondary education, vocational education, integrated employment, including supported employment, continuing and adult education, adult service, independent living, or community participation; further providing that the services are to be based on the individual child's needs, taking into account the child's strengths, preferences, and interests, and that the term includes instruction, related services, community experiences, development of employment and other post-school adult living objectives, and when appropriate the acquisition of daily living skills and functional vocational evaluation)

Board of Educ. v. Ross, 486 F.3d 267 (7th Cir. 2007) (finding absence of transition measures in IEP to be procedural flaw rather than denial of appropriate education when child having Rett Syndrome would not benefit from extensive transition plan)

Chuhran v. Walled Lake Consol. Schs., 51 F.3d 271 (6th Cir. 1995) (applying pre-2004 law, finding no substantial violation of IDEA when IEP did not include plan for transition services, but IEP meetings considered transition and made coordinated efforts with outside agencies toward goals) (table)

Urban v. Jefferson Cnty Sch. Dist. R-1, 89 F.3d 720 (10th Cir. 1996) (applying pre-2004 law, holding that no relief should be provided when transition services were given to child, though not specified in IEP)

K.C. v. Nazareth Area Sch. Dist., 806 F. Supp. 2d 806 (E.D. Pa. 2011) (affirming decision of hearing officer that services provided to 20-year-old student met appropriate education standard; ruling that hearing officer properly relied on evaluation report in terminating physical therapy services and concluding that further services were not needed to permit student to function in school environment; finding occupational therapy and executive functioning coaching services appropriate; finding that transition plan was properly individualized and met standards for appropriate education when child made progress as to traveling and obtained instruction in life skills; further affirming finding that evaluation delays were due to parents' actions and did not cause denial of appropriate education or deprive parents of meaningful participation; rejecting claims based on section 504 and ADA)

Tindell v. Evansville-Vanderburgh Sch. Corp., 805 F. Supp. 2d 630 (S.D. Ind. 2011) (finding that transition plan, though improperly delayed, provided adequate services and that delay did not deny appropriate education).

Dracut Sch. Comm. v. Bureau of Special Educ. Appeals, 737 F. Supp. 2d 35 (D. Mass. 2010) (in case of child with Asperger's Syndrome and other disabilities, determining that vocational assessment was untimely because it was not applied to student's services until spring of senior year, nearly year after's parent's request, and was inadequate in that it failed to provide measurable goals in areas such as education, employment, and independent living and failed to address pragmatic language deficits; further holding that IEPs were inadequate with respect to pragmatic language skills, vocational skills, and skills for independent living; ruling that child was ineligible for services after high school graduation, but that services would be ordered as compensatory services)

Kevin T. v. Elmhurst Cmty Sch. Dist., No. 01 C 0005, 2002 WL 433061 (N.D. Ill. Mar. 20, 2002) (finding failure to provide timely and adequate transition plan and ordering reimbursement and compensatory services)

J.B. v. Killingly Bd. of Educ., 990 F. Supp. 57 (D. Conn. 1998) (entering preliminary injunction requiring instruction in daily living and working skills when defendant failed to provide transition plans and services; applying pre-2004 law)

Heath, 54 IDELR 171 (OSEP 2009) (stating that measurable postsecondary employment goals must be included in IEPs of students 16 and older even if students have severe medical conditions and developmental needs, and that state educational agencies are to monitor data on transition plans)

Phyllis Jacks & Frederick L. Dorsey, *Transition Planning for Special Education Students*, 117 West's Educ. L. Rep. 833 (1997) discussing *Chuhuran* and other authorities and suggesting good practices in transition planning)