

# "Planning for Life After Special Education"



## **A Transition Services Online Manual**

December 2012, Second Edition

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First Edition edited by the Disability Law Center, in conjunction  
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## Planning Life After Special Education: What's New in the Second Edition?

Since the provision of transition services is a rapidly developing area of educational law and policy, we have added several substantial changes to our first edition of this **Planning Life After Special Education Manual**, first published online in the Fall of 2011. Along with revisions made to content in the 2011 edition, we have added new information on the following topics:

- Managing **public benefits** for transition age youth and young adults seeking employment.
- Developing appropriate transition services for **students with severe developmental disabilities**.
- Preparing for your student's **college admission and success**.
- Helping your student transition successfully into the **adult work force**.
- Personalizing transition services for **students diagnosed with autism spectrum disorders (ASD)**.
- Knowing various **diploma options** are available for special education students, and evaluating which option may be best suited for your student.
- Challenging your student's high school graduation.

In addition, the Second edition of the manual also includes:

- A substantially revised **Table of Cases and Case Summaries** to provide a more up-to-date and comprehensive picture of important developments in special education law.
- **Thirteen new informational videos** on topics including transition tips, managing public benefits for students seeking employment and resolving legal problems associated with your student's individualized educational plan. (These videos are in **English, ASL and Spanish**).

- Additional, specific suggestions on how to develop comprehensive **post-secondary vision statements, IEPs and transition plans.**

Finally, **sources** cited by the manual have been updated and verified, **additional links** for further information have been added on specific topics, and broken links directing readers to additional outside information topics have been located and repaired. As always, we hope you find this information helpful and welcome any feedback you may have on how we can continue to improve our next edition of this manual. Happy reading!

Editors of **Planning Life for Special Education**, 2<sup>nd</sup> Edition  
December 2012

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# How to Use this Manual

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## IN THIS SECTION:

[How to Use This Manual \(Español\)](#)

[Introduction to Transition Services](#)

[Disclaimer](#)

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## Como usar nuestro manual de transición (Español)

Padres y estudiantes que su primera lengua es español pueden mirar éste video de lenguaje español por el consejero de educación Tere Ramos, hablando como usar este Manual de Transición, sus derechos para servicios de transición, y su derecho para un intérprete.

## Introduction to Transition Services

Students in special education have the right to learn more than traditional classroom subjects at school. They have the right to make study social skills, job skills, and independent-living skills. U.S. and Massachusetts law mandates these “transition services” to students between the ages of 14 and 22. [\[1A\]](#) Transition services are part of, and not separate from, a school district’s responsibility to provide a Free and Appropriate Public Education (FAPE). Transition goals and services should be in the student’s Individual Education Program (IEP) beginning in the year the student turns 14. Transition planning should occur each year thereafter either prior to or at the annual development of the IEP. Getting the transition services your student needs is not always an easy task. Transition planning should take place before the IEP meeting. Since it might involve assessment and multiple meetings there should be ample time and planning done before. It may take several meetings as part of the planning process. This manual will help you work



(collaboratively) with your school to get the most appropriate services for your student. Tips are spread throughout to help students get what they need—with and without the help of parents and other advocates. You will learn:

- What transition services are
- How you can advocate for your student [\[1B\]](#)
- How your student can learn self-advocacy skills
- How you can resolve problems
- What services are available after leaving special education
- What are the best practices around family involvement; What questions you will need to answer

This manual was written primarily for students, parents, and guardians. The manual includes several tools to help you better understand the material. In the Reference Materials you will find a glossary, sample forms and letters, and contact information. Throughout the manual you will also find links. These links will bring you to other sections of the manual and additional resources that relate to the information you are reading. Some of the links are to supplement and provide more in-depth information on important subjects.

Attorneys, legal advocates, and self-advocates will find statutes, regulations, policies, and other valuable information in the [Endnotes](#). Advocates may also wish to use the lengthy [Appendix](#) to this manual which contains questions and answers, state and federal statutes and regulations, policy documents and case law.

## Disclaimer

This manual is general in nature. It is not legal advice. Each individual's situation has to be considered independently to know how the law might apply. The law can change quickly. Transition services rights are evolving very rapidly. If it is not clear whether a source is current, check with an advocacy organization to confirm that the information is still valid. If you need specific advice, please contact an attorney. You can

find one through legal organizations and local bar associations. See the [Contact Information](#) section for more information.

Organizations wishing to refer students and parents to this Manual should link to the Disability Law Center (DLC) website, at <http://www.dlc-ma.org/manual/> . When possible, we are making periodic updates in-between formal editions, so it is best to use this Manual only through the DLC website, rather than in paper format. Using the Manual online will also help ensure that the links to other websites and forms will work for you.

Please tell us how this Manual can be improved by completing [our feedback form](#). We are planning on incorporating more video with captioning, including ASL and Spanish.

This Manual was written largely for students, parents, advocates and attorneys in Massachusetts. If you live outside of Massachusetts, you should use this Manual with care, checking our “Endnotes” and the local practices in your state. In some cases, state law in Massachusetts is different from federal law, and the law in other states.

## **A Message for Students**

As you go through school, there will be many opportunities when it is appropriate to advocate for yourself. Self-advocacy can mean:

- Knowing when you could benefit from asking for help
- Asking for help in different ways from different people
- Learning to tell others what you need
- Realizing when you may need additional services
- Thanking people who help you along the way
- Understanding your challenges/disabilities and asking what you need.

In a way, self-advocacy is one of the most important “transition” skills you can learn in school. Nobody knows what you need better than you. You alone know where you want to go in life. People around you will be willing to help along the way. But they have to know what you need

them to do. This manual will help show you what is available to you in school and beyond during the transition planning phase of the IEP process.

To help you get started, here is a video from Dan Harris, a former special education student, about the importance of transition services. Dan Harris is now successfully enrolled in college. In this video, he offers a unique perspective on the value of transition services and the importance of planning your education around transition and parent student involvement. Dan candidly discussed his own challenges when he initially entered college. He urges students and parents to advocate relentlessly for the services, skills and community experiences their individual children needed to function successfully in the general community after they conclude their high school years.

We hope that students will find this Manual useful as they learn to advocate for themselves. We also recognize that for many students, an adult other than a parent, such as another family member or guardian, may take the lead in advocating for special education services. To keep the language of the Manual simple, we have using language which includes parents. However, we hope and expect that students, other family members and advocates, and guardians will use it as well.

## **Resources for Students Who are Deaf, and for their Families**

### **Introduction to the ASL Video about a High School Student who is Deaf**

For an ASL video with Louise Applegate about her experiences as a deaf student who, with an ASL interpreter attends high school in an integrated setting, please click on the video below:

[http://www.youtube.com/watch?v=CfH\\_kgElwo&list=PLoVdhZDNHREO-yurMjW1-UelwvxfHIDPJ](http://www.youtube.com/watch?v=CfH_kgElwo&list=PLoVdhZDNHREO-yurMjW1-UelwvxfHIDPJ)

### **Summary of the ASL Video about a High School Student Who is Deaf**

Louise Applegate, a high school student who is deaf, speaks in ASL to share her experiences in an integrated classroom setting with hearing students. She offers suggestions on how teachers, counselors and students can improve access for deaf students, to allow them to participate effectively in classroom discussions and access the curriculum.

### **Introduction to the ASL Transition Video**

For a video in American Sign Language (ASL) by Rosa Lee Timm discussing transition rights of special education students, please click on the video below:

<http://www.youtube.com/watch?v=GnxMQRx-2Zo&list=PLoVdhZDNHREO-yurMjW1-UelwvxfHIDPJ>

### **Summary of the ASL Transition Video**

Rosa Lee Timm, a person who is Deaf, presents a summary in American Sign Language (ASL) about the transition rights of special education students and briefly describes the Disability Law Center's on-line transition manual, available at [www.dlc-ma.org](http://www.dlc-ma.org). She explains what transition services are, why they are important, how to advocate for them effectively, and how you can ask a school to communicate with you in your native language. She concludes with information about how you can call the Disability Law Center if you have additional questions.

### **Introduction to the ASL Video on Resolving Disputes with the School**

For an ASL video by Rosa Lee Timm on what to do when you and the school disagree about your child's special education services, please click on the video below:

<http://www.youtube.com/watch?v=zSxIMuswAzg&list=PLoVdhZDNHREO-yurMjW1-UelwvxfHIDPJ>

### **Summary of the ASL Video on Resolving Disputes with the School**

Rosa Lee Timm, a person who is Deaf, speaks in American Sign Language (ASL) about what you can do when you and the school disagree about your child's special education services and cannot resolve the conflict at a Team meeting. She summarizes the procedural options, including mediation, resolution sessions, settlement conferences, and hearings at the Bureau of Special Education Appeals. She emphasizes that parents have many options and need not give up immediately when they are not satisfied.

### **Introduction to the ASL Video with Special Education Tips**

For an ASL video by Rosa Lee Timm with 5 important tips to advocate effectively for your child's special education needs, please click on the video below:

<http://www.youtube.com/watch?v=tLpY8kulZPk&list=PLoVdhZDNHREO-yurMjW1-UelwvxfHIDPJ>

### **Summary of the ASL Video on Special Education Tips**

Rosa Lee Timm, a person who is Deaf, uses ASL to offer 5 helpful tips to make you a more effective advocate for your child's special education needs. She discusses the importance of keeping your records organized, writing letters to express concerns or ask questions; reviewing documents before signing them, finding expert support, and understanding the legal standard that applies to special education services.

### **Introduction to the ASL Video on MCDHH Services for Children Who Are Deaf or Hard of Hearing**

For an ASL video by Rosa Lee Timm on services for children by the Massachusetts Commission for the Deaf and Hard of Hearing (MCDHH), please click on the video below:

[http://www.youtube.com/watch?v=9yQa5zb7\\_3k&list=PLoVdhZDNHREO-yurMjW1-UelwvxfHIDPJ](http://www.youtube.com/watch?v=9yQa5zb7_3k&list=PLoVdhZDNHREO-yurMjW1-UelwvxfHIDPJ)

### **Summary of the ASL Video on MCDHH Services for Children**

Rosa Lee Timm, a person who is Deaf, presents a summary in American Sign Language (ASL) of family and children's services by the Massachusetts Commission for the Deaf and Hard of Hearing (MCDHH). Children's specialists offer services free of charge on a variety of issues, including among things: communication access, dealing with discrimination and access barriers, information regarding Deaf culture, Chapter 688 Transitional Case Management, and how to advocate for your child's education.

## Important Things to Remember

### Tips for Transition Services Planning<sup>[1C]</sup>

Throughout this manual, you will find tips and advice on each stage of the transition process. Here are some general pieces of advice that you should keep in mind as you and your student go through the process together:

**Keep the focus on your student.** The special education and transition services process is about meeting the unique goals and needs of your student. IDEA 2004 mandates that youth be invited to their IEP meetings each time transition services are discussed (Section 300.321). Make sure that his or her desires, goals, and interests are at the center of the educational plan. When your student enters the transition services stage, consider the most important ways to ensure his or her voice is heard in the planning process. Deciding how much the student participates in the transition planning meeting should be made on a case-by-case basis between the student and parent or guardian. The student's voice must be factored in the planning process and the parent or guardian should determine the most appropriate way for this to happen. Direct participation in the meeting is just one way.

**Start the process early.** Under Massachusetts law, your student is eligible for transition services beginning at the age of 14. Before your student reaches this age, you can begin to ask questions about what your student wants to do after high school and what skills he or she may need to become more independent. The basic questions to ask are: Where do I want to work after leaving high school? Where do I want to work after leaving high school or postsecondary education? What do I want to learn after high school and where I can do this? There is often a limited amount of time for your student to receive certain services, so the earlier you start the better.

**Put it in writing.** You will have many conversations, with many different people during the course of transition planning. Make sure that you take notes on any conversations you have with your student's teachers and school administrators. It is very important that you keep a written record of phone calls, requests, etc. It is a good idea to follow up with a brief email to confirm what you believe what was agreed to. For example:

*Dear Ms. Sped Director: Thank you for meeting with me to discuss Robert's desire to explore jobs in the automotive field. The school has agreed to do X, Y & Z by November 29, 2011. Thank you for your efforts on Robert's behalf. Sincerely, Jane Doe.*

Inform the school if you disagree with them. Keep copies of any documents about your student. This will help you stay on top of your student's plan. It will also be helpful if a problem arises between you and your student's school.

**Work cooperatively.** Your student's well-being is vitally important. There may be times when you feel the school is not doing enough for your student. The best way to advocate for your student is to be cooperative while voicing your concerns respectfully. Best practice is collaboration. Research tells us without it, adult outcomes are compromised.

**Remember you are an important part of this process.** The special education planning process can seem overwhelming. There is a lot of

information and a lot of different parts to the plan that you need to know. Do not let the process or the “experts” intimidate you. Learning to work with the school builds skill that can be used throughout adult life. Do not be afraid to ask questions if you don’t understand something. In fact, you are an expert. As the parent or guardian, you know your student better than anyone, so you should always feel comfortable speaking up for your student. You are your student’s best advocate.

**Voice your needs.** Transition services should be tailored to your student. Remember to speak up as soon as you have a question or concern. Your thoughts are important. Transition planning is driven by student interests, preferences and needs. You are an equal and invaluable member of the IEP Team. Voicing your concerns and requesting a meeting to discuss the issue with the other members may be all that you need to resolve any issues.

### **Introduction to English Language Video with Special Education Tips**

For more general tips for family members and for an overview of transition issues, watch this video by Terri McLaughlin from the Federation for Children with Special Needs below:

<http://www.youtube.com/watch?v=7oHBKLPfr3E&list=PLoVdhZDNHREOVVuLUUIs-HAIHDIEuT3Pt>

### **Summary of English Language Video with Special Needs Tips**

Terri McLaughlin of the Federation for Children with Special Needs, offers a summary of helpful information for students and parents regarding transition planning in a purposeful and scheduled way. She describes the steps in planning for your post-secondary needs, including tips on creating a transition portfolio, filling out the Transition Planning Form, discussing the expected graduation date with your school Team, and a movement from school into the community.



## **Introduction to the Spanish-Language Video with Special Education Tips**

For those who prefer Spanish, here is a video on rights of parents by advocate Tere Ramos. Please click on the video below:

<http://www.youtube.com/watch?v=V7w3FovPuvU&list=PLoVdhZDNHREP59izlBY7pQeEJ2xdEos7w>

## **Summary of Spanish-Language Video with Special Education Tips**

Tere Ramos, a parent and educational advocate, offers a summary of useful tips when you need to advocate effectively for your child's special education services. She emphasizes the importance of keeping and organizing important documents, writing letters to ask questions and state concerns, reviewing anything you sign, and obtaining expert support at team meetings and hearings. She also explains the concept of what is known as a Free and Appropriate Public Education (FAPE), the practical meaning of that concept, and what it means for your child.

## **Developing Transition Services**

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### **IN THIS SECTION:**

[Overview of Transition Services](#)

[Your Legal Rights](#)

[Who is Eligible for Transition Services](#)

[Getting Started – The IEP Process](#)

[The IEP Team](#)

[The IEP Vision Statement](#)

[Requesting Transition Assessments](#)

[Formal and Informal Assessments](#)

[Documenting Assessments in the IEP](#)

[Creating Measurable Post-Secondary Goals and Objectives](#)

[Developing Skill-Based Post-Secondary Goals](#)

[Measuring Your Student's Progress](#)

[Getting Transition Services](#)

[Preparing for the Transition Process](#)  
[Using the Transition Planning Form](#)  
[Community-Based Transition Services](#)  
[Community-Based Learning](#)  
[Choosing Community Settings for Instruction](#)  
[Getting Adult Agency Services Through Chapter 688](#)  
[Preparing for Adult Agency Services](#)  
[Who is Eligible for Adult Agency Services](#)  
[Timeline for Requesting Adult Agency Services](#)  
[The Individual Transition Plan](#)  
[Transition Planning Timeline](#)

## **Overview of Transition Services**

For a video of DLC Attorney Pamela Coveney providing an overview of transition services, please click [here](#).

Transition services teach students with disabilities life and work skills while they are still in school. These services provide the student with a plan of what their best future could look like and instruction that moves the student forward towards those post-secondary goals. A federal law requires schools to provide these services. The law is the Individuals with Disabilities Education Act, also called IDEA. IDEA says that transition services must help students with disabilities move from life in school to life after school towards their goals. Transition services are tailored to meet a student's individual strengths, preferences and interests. [1D]

Transition services can help your student: [2]

- Develop self-advocacy skills
- Attain job skills for future employment
- Improve social and relationship skills

## **Your Legal Rights**

All students with disabilities must receive a Free Appropriate Public Education, also called FAPE. The government provides special education and services at no cost to families. [3] This right is called an “entitlement” because your student is “entitled” to this education by law. Students with disabilities are entitled to a FAPE until they graduate from high school or reach the age of 22. [4] During that time, state and federal law gives students with disabilities specific rights, including a right to transition services starting in Massachusetts at age 14.

### **Introduction to the Video with Special Education Tips**

For a video by Attorney Janine Solomon with 5 important tips to advocate effectively for your child's special needs, please click on the video below.

<http://www.youtube.com/watch?v=jg5ypOfeXd0&list=PLoVdhZDNHREOVVuLUUIs-HAIHDIEuT3Pt>

### **Summary of the Video on Special Education Tips**

Attorney Janine Solomon discusses 5 helpful tips to make you a more effective advocate for your child's special education needs. She discusses the importance of keeping your records organized, writing letters to express concerns or ask questions; reviewing documents before signing them, finding expert support, and understand the legal standard that applies to special education services.

## **Who is Eligible for Transition Services**

Students between the ages of 14 and 22 who have Individualized Education Programs, also called IEPs, are eligible for transition services. [5] Transition services make up a portion of the IEP. The next section discusses how transition services are related to a student’s IEP. For more information on IEPs in general, see the [IEP Supplement](#).

## **Getting Started – The IEP Process**

**A Note on IEPs:** For more detailed information about the IEP process, see other helpful organization websites in the [Contact Information](#) section. The information in this manual's IEP sections does not fully cover the whole IEP process. Additional information is also available in the [IEP Supplement](#). This manual should give you an overview of the IEP process but may not answer all of your questions.

Before developing an IEP, the school will evaluate your student. [6] The evaluation will show if your student needs special education services. If found eligible, transition assessments will be used to inform the transition plan and help to create measurable post secondary goals on the IEP.

If your student qualifies for special education services, an IEP Team will design a program for your student. The IEP is a written plan created by the IEP Team at least once a year in an IEP meeting (also called a Team meeting). In this plan, the IEP Team decides the best way to meet your student's educational needs. [7] The IEP is a legal agreement between you as your student's guardian and the school, where the school agrees to provide certain types of instruction, services, and/or accommodations for your student. As you develop an IEP with the school and the IEP Team, keep records of all the communications with the school. See the [Federal Law Supplement](#) for specific information on legal requirements for students with disabilities.

Your student's IEP is individualized. Encourage your student to think early and often about the future. Ask your student, "Where do you want to live after leaving high school?" "Where do you want to work after leaving high school or after postsecondary school?" "What do you want to learn after high school and where can you do this?" Include this vision in the annual IEP. IEP goals will change and will become more detailed as your student explores and becomes more informed about his/her own strengths. At age 14, the goals should also focus on life after high school. The IEP Team will work from these goals throughout your student's time in school.

## The IEP Team

The IEP Team meets at least once a year to review your student's IEP. The Team goes over student progress, student needs, and his or her goals. The following people should be included on an IEP Team: [8]

- The student
- The student's parent(s)/guardian(s)
- The student's teacher(s), including at least one regular education teacher and one special education teacher
- The school's special education administrator
- Any specialists who work with the student (for example, a psychologist, doctor, therapist, independent evaluator, an Intensive Care Coordinator or lawyer)
- Any person with special knowledge or who has a special relationship with the student (for example, coaches, classroom aides, and school nurses)
- Any person the parent/guardian or student would like to have present at the meeting (for example, a lawyer, an advocate, post-school agency staff, a trusted friend).

Students over age 14 must be invited to attend Team meetings. Your student may also attend before age 14 if appropriate. [9] You and your student should help the Team members understand your student's needs and goals in conjunction with other reports, findings, assessments and evaluations. Any transition services your student may need should be included in the IEP, even if the Team is not sure who will provide the services. [10] See the [Getting Transition Services](#) section for more information. At the beginning, the IEP may only include services that the school is capable of providing and willing to provide. [11]

The following section explains how the IEP is used to get transition services. See the [IEP Supplement](#) for more information on IEPs in general.

## The IEP Vision Statement

All IEPs must have a vision statement. A vision statement describes your student's preferences and interests, future plans, and long-term goals. The post secondary goals drive the IEP and annualized goals. The post secondary goals help the Team create a program that fits your student's interests, strengths, and preferences. The more the IEP Team understands your student, the more specific the IEP goals can be. Assessments are mandatory and help to better understand your student's abilities. Assessments are tests or evaluations of your student's skills and abilities in different areas. Assessments help create a better IEP for your student. A well-written IEP can help teachers and support staff to plan your student's school day effectively. [12]

The IEP vision statement will change as your student gets older. By the time your student reaches age 14, your student's IEP must address "postsecondary and working environments" and independent living when appropriate (see section of IEP form below).

School District Name:

School District Address:

School District Contact Person/Phone #:

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## Individualized Education Program

IEP Dates: from \_\_\_\_\_ to \_\_\_\_\_

Student Name: \_\_\_\_\_ DOB: \_\_\_\_\_ ID#: \_\_\_\_\_ Grade/Level: \_\_\_\_\_

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### Parent and/or Student Concerns

What concern(s) does the parent and/or student want to see addressed in this IEP to enhance the student's education?

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### Student Strengths and Key Evaluation Results Summary

What are the student's educational strengths, interest areas, significant personal attributes and personal accomplishments?

What is the student's type of disability(ies), general education performance

including MCAS/district test results, achievement towards goals and lack of expected progress, if any?

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### Vision Statement: What is the vision for this student?

Consider the next 1 to 5 year period when developing this statement. Beginning no later than age 14, the statement should be based on the student's preferences and interest, and should include desired outcomes in adult living, post-secondary and working environments.

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IEP 1

The vision statement should include things to help your student live independently, go to school, and work. The Team will develop transition services that will move your student forward into adulthood towards his/her post secondary goals. There is an official process for addressing your student's post-high school vision discussed later in the manual. See [The Post-Secondary Vision Statement](#) section for more information.

## **Requesting Transition Assessments**[\[12A\]](#)

Transition assessments are tools that are used to evaluate your student. Unlike other IEP evaluations, transition assessments evaluate specific skills needed after leaving high school. Transition assessments will help the IEP Team figure out what your student's needs and interests are. These assessments help the IEP Team identify the educational activities and services that are most useful to your student. They can show how your student interacts in social settings. The assessments can also identify a range of jobs for your student. They may help to determine the type of living situation your student may need in the future. This information is extremely valuable in setting goals for your student's life after high school.

Transition assessments should be done as students' interests and opportunities evolve as an ongoing process. You can request assessments during IEP Team meetings. If the school has not offered assessments, you may also request assessments by writing a letter to the school or signing an Evaluation Consent Form. The school may give you an Evaluation Consent Form to sign indicating the assessments the school plans to perform. If you think your student needs additional assessments not proposed by the school, you can request additional assessments on the [Evaluation Consent Form](#). The IEP Team may meet as often as necessary in order to be sure that your student is evaluated and to share results from these evaluations. [13] In addition to requesting transition assessments from the school, parents and



guardians can also obtain independent evaluations in any area that the school has assessed.

The school is not required to provide transition services or assessments until your student turns 14, unless the Team decides it is appropriate to begin earlier. [14] You should also discuss the transition process with your student and consider together the best ways for having his or her voice heard in the planning process. If you decide it is best for the student to participate in the IEP Team Meeting, you should prepare the student to participate in a meaningful way. Even though the school is required to provide transition services, it would be a good idea to request transition services at the first IEP Team meeting after the student turns 14. See the [Getting Transition Services](#) section for more information.

## Formal and Informal Assessments

Transition assessments can be either formal or informal. [15] The Team should use **both** formal and informal assessments to help measure your student's progress continually over time, and parents/guardians can specifically request both types of assessments. Professionals usually perform the formal assessments. [15A]

The IEP evaluation process can be a place to start formal transition assessments. The differences between formal and informal assessments are discussed below.

### Formal Assessments

A formal assessment is based on a standardized test that measures specific skills. These tests compare your student to other students. [16] Academic achievement tests are a form of formal assessments that students and parents might be most familiar with. [16A] Schools usually give these tests to students at certain times during the school year. [17] For a more accurate transition assessment of transition service needs, the IEP Team should rely on more than just the standardized tests given

at school. The IEP Team should also use other formal assessments that relate specifically to transition. Examples of other formal assessment tests include: [18]

- Independent living skills
- Personality
- Career preference tests
- Vocational skills evaluations

## Informal Assessments

Unlike formal assessments, informal assessments do not compare your student to a specific group of people. [19] Informal assessments evaluate your student in different or non-traditional ways. They are used to identify individual strengths and needs. [20] Different assessments are used for different kinds of information.

The people doing the transition assessments might observe your student, if necessary, both inside and outside the classroom. They may also evaluate the student at a potential jobsite. This evaluation is also called a situational assessment. [21] The IEP Team can use these assessments as a starting point in developing a transition plan. [22] Assessments involve a lot of people, which can be overwhelming. Keep in mind that these evaluations are for your student's benefit. Everyone is there to help.

## Documenting Assessments in the IEP

Whenever an assessment is done the school should include it in the Key Evaluation Results and Present Level of Performance sections of the IEP. [23] The assessments will also help the Team develop your student's post-secondary goals. Well-developed post-secondary goals will help the Team find appropriate transition services.

## Creating Measurable Post-Secondary Goals and Objectives

Your student's IEP must include:

- Post-secondary goals based on assessments of your student's skills
- Transition services your student needs to reach those goals

See the [Requesting Transition Assessments](#) section and the [Getting Transition Services](#) sections for more information.

The IEP should help your student achieve more and more independence at school and in the community. [24] Each goal in the IEP must build skills. [25] The law does not limit the number of goals that can be included in a student's IEP. [26]

Post-secondary goals focus on (1) education and training, (2) employment, and, when needed, (3) independent living skills. [27] The goals should consider what your student can reasonably expect to achieve by the end of each year. They are for **your individual student**, not just **any** student. The goals are also not just for special education classes. They outline how your student will participate overall in life at school and in the community—including extracurricular activities.

Post-secondary goals generally have three parts. [27A] First, they must be goals that your student hopes to reach after high school (“post-secondary”). Second, the goals must be “appropriate.” They must be goals that your student wants and that fit your student's skills and abilities. Third, the goals must be “measurable.” [27B] This means the IEP Team has a way to see how much progress your student has made when the IEP is updated. [28] See the [Measuring Your Student's Progress](#) section for more information.

**Tip:**

As you create each goal, ask yourself if it is (1) appropriate, (2) post-secondary, and (3) measurable.

## Developing Skill-Based Post-Secondary Goals

Thinking about and creating goals will help you and your student envision the future. These thoughts will help guide your student's post-secondary vision. See the [Post-Secondary Vision Statement](#) section for more information.

In setting goals, it can help to think about two questions:

- What does your student hope to achieve?
- Which services will your student need to get there?

Start by thinking about a day in the life of your student, from waking up until going to bed. Can your student pack a backpack for school? Can your student cross the street to catch the bus? Can your student wait his or her turn to speak in class? Can your student turn his or her homework in on time? What activities does your student enjoy the most? Make notes about your student's current everyday interests and needed skills. Do not be afraid to be specific in setting transition goals, such as stating your student would like to become a veterinary assistant. Remember, these statements can be changed if your student changes her mind.

Do not allow others to say that your student's goals are unrealistic. Though it is often helpful for post secondary goals to inform the IEP, it is not necessary that the goals match the IEP.[\[28A\]](#) Any goals your student identifies will clarify his or her interests. Try to match your student's dream to his or her abilities and skills. Explore all of the possibilities.[\[28B\]](#)

### **For example:**

A student with a goal of becoming a train conductor may really just be very interested in trains. He may be able to fulfill his dream in many other ways. Think about ideas like working in a model train store, riding the train to work, or working at a train station.

Here are some questions to think about and discuss with your student before each IEP Team meeting: [\[29\]](#)

- What are your student's dreams? What job would he or she like to have one day? Where does he or she want to live as an adult?
  - What skills does your student need to reach his or her dream?
  - What is your student good at?
  - What skills need to be improved?
  - Where can your student work on these skills in school and in the community?
  - When does your student expect to reach each goal?
  - Who, specifically, will be able to help your student reach each goal?
- Your student's goals are your student's voice. You also have your own hopes and dreams for your student. Be clear about whose goals are whose. Your goals are important but might differ from your student's goals. [30]

The IEP Team needs the most up-to-date information about your student. You know your student's strengths, weaknesses, needs, and interests. You, the parent, are one of the Team's key experts in setting meaningful goals.

The Team will use this information in the sections of your student's IEP entitled "Present Levels of Educational Performance" and "Current Performance Levels." The "Present Levels of Educational Performance A: General Curriculum" section lists your student's current abilities in general classes (such as English, Math, and Science). This section of the IEP form (shown below) will help the IEP Team create school-related goals for your student while in high school.



outside of the general curriculum. This section of the IEP form (shown below) includes transition age specific considerations– transition to post-school activities including community experiences, employment objectives, other post school adult living and, if appropriate, daily living skills. Applicable areas include travel training and skill development related to vocational preparation or experience.

**Individualized Education Program** IEP Dates: from \_\_\_\_\_ to \_\_\_\_\_ IEP 3

Student Name: \_\_\_\_\_ DOB: \_\_\_\_\_ ID#: \_\_\_\_\_

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**Present Levels of Educational Performance**  
B: Other Educational Needs

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**Check all that apply.**

<b>General Considerations</b>		
<input type="checkbox"/> Adapted physical education	<input type="checkbox"/> Assistive tech devices/services	<input type="checkbox"/> Behavior
<input type="checkbox"/> Braille needs (blind/visually impaired)	<input type="checkbox"/> Communication (all students)	<input type="checkbox"/> Communication (deaf/hard of hearing students)
<input type="checkbox"/> Extra curriculum activities	<input type="checkbox"/> Language needs (LEP students)	<input type="checkbox"/> Nonacademic activities
<input type="checkbox"/> Social/emotional needs	<input type="checkbox"/> Travel training	<input type="checkbox"/> Skill development related to vocational preparation or experience
<input type="checkbox"/> Other _____		

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**ADDED:**  
In the case of a child whose behavior impedes the child's learning or that of others, consider the use of positive behavioral interventions and supports, and other strategies, to address that behavior.  
614 (d)(3)(B)

**IMPLEMENTATION GUIDANCE:**  
 ➤ Teams should consider completing a Functional Behavioral Assessment and developing a Behavior Intervention Plan when a student's behavior is affecting progress.

**Age-Specific Considerations**

☐ For children ages 3 to 5 — participation in appropriate activities

☐ For children ages 14\* (or younger if appropriate) — student's course of study

☐ For children ages 16 (or younger if appropriate) to 22 — transition to post-school activities including community experiences, employment objectives, other post school adult living and, if appropriate, daily living skills

**ADDED:**  
Beginning not later than the first IEP to be in effect when the child is 16, and updated annually thereafter...appropriate measurable postsecondary goals...[and]...the transition services (including courses of study) needed to assist the child in reaching those goals...[must be included in the IEP].  
614(d)(1)(A)(i)(VIII)

**IMPLEMENTATION GUIDANCE:**  
 ➤ The transition services and courses of study must be linked directly to the vision statement on IEP 1 and appropriate goals on IEP 4.  
 ➤ The Department has created a form for documenting the Team's transition discussion. For additional information, please see the Transition Planning Chart, available at:  
[http://www.doe.mass.edu/sped/IDEA2004/spr\\_meetings/iep\\_transition.doc](http://www.doe.mass.edu/sped/IDEA2004/spr_meetings/iep_transition.doc).

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How does the disability(ies) affect progress in the curriculum area(s)?

**NO CHANGE**

What type(s) of accommodations, if any, is necessary for the student to make effective progress?

**NO CHANGE**

What type(s) of specially designed instruction, if any, is necessary for the student to make effective progress?

**NO CHANGE**

Full Screen

Close Full Screen

The “Current Performance Level” is listed under each goal in the IEP (shown below). For each goal, the IEP Team must write how your student is currently performing with respect to that specific goal. You

know your student best. Your input about your student's performance is the most important tool for the Team. [31]

**Individualized Education Program**

IEP Dates: from \_\_\_\_\_ to \_\_\_\_\_

Student Name: \_\_\_\_\_ DOB: \_\_\_\_\_ ID#: \_\_\_\_\_

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**Current Performance Levels/Measurable Annual Goals**

Goal #	Specific Goal Focus:
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Current Performance Level: What can the student currently do?

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Measurable Annual Goal: What challenging, yet attainable, goal can we expect the student to meet by the end of this IEP period?  
How will we know that the student has reached this goal?

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**Benchmark/Objectives:** What will the student need to do to complete this goal?

**For Example:**

Specific Goal Focus: Clara will use stranger danger lessons by next year.

Current Performance Level: Clara speaks to everyone everywhere and will stop strangers to ask them questions.

Specific Goal Focus: Alex will work part-time as an activities assistant in a nursing home with support.

Current Performance Level: Alex has had very little work experience and has a hard time focusing on stationary, repetitive tasks but enjoys helping.

## Education

The IEP will include your student's goals for high school and beyond. Be as specific as possible about post-high school goals in the IEP Team



meetings. Education goals for each school year include the instruction your student needs to:

- Complete classes and earn credits toward graduation
- Succeed in the general curriculum
- Make progress towards post-high school plans

Post-secondary education goals in the IEP will state if your student plans to attend college. Younger students may not be ready to decide what their educational goals are after high school. Your student will be more likely to receive appropriate transition services if his or her post-secondary education goals are specific. [32]

<b>Examples that need improvement:</b> Logan would like to go to college. Maria is interested in learning about animals after high school.	<b>Good examples:</b> Logan will do a 2-year associate's program in culinary arts at Cape Cod Community College, with support services. Maria will apply to the Massachusetts School of Pet Grooming.
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## Independent Living Skills

Independent living skills are everyday things adults do. Some examples are:

- Preparing meals
- Paying bills and banking
- Doing laundry
- Having good personal hygiene
- Managing medications and health care
- Maintaining a home
- Traveling around town
- Shopping
- Eating out
- Budgeting

- Work out at a fitness center
- Maintaining Safety
- Identifying when “friends” are trying to take advantage of the student

The IEP Team must think about how these skills relate to other post-secondary goals in education, vocational training, and employment. [33]

Schools might say that these independent living skills are not education-related and that the student should learn these skills outside of school. But if the skills are connected to what a student needs to learn in order to have a job or live independently as an adult, then they are related to his or her education and the school must address them.

You student can work on independent living skills goals by participating in activities like school sports, drama, or other clubs. Sometimes students will also need specific instructions and/or services to learn these skills. Schools might say that these are not education-related and that the student should learn these skills outside of school. But if the skills are connected to what a student needs to learn in order to have a job or live independently as an adult, then they are related to his or her education and the school must address them. You should observe your student’s friendships and social involvement. Does he or she fit in with any particular part of the student body? Participation in activities can be an excellent way for your student to make progress.

It is also important not to overlook teaching your student how to have fun. You can request your student be taught how to go to the library, go bowling or plan a dinner out with friends.

<p><b>Examples that need improvement:</b></p> <p>Logan will learn to take the bus.</p> <p>Maria will learn to live independently.</p>	<p><b>Good examples:</b></p> <p>Logan will learn to travel to and from work five days a week using the bus system.</p> <p>Maria will learn how to tell time, budget, and use a calendar to keep track of events and deadlines.</p>
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## Vocational Training

Preparing for employment is an important part of your student's post-secondary goals. Vocational training teaches your student about a particular job and its needed skills that may interest your student. This type of training can be very helpful in getting a job after high school. If your student is involved in a vocational program such as cosmetology or mechanics, the IEP team should also consider the students educational needs in this program.[\[33A\]](#)

Vocational training should prepare your student for work in the real world. The Team should think about work opportunities available in your community. Experiences in the community can give your student the chance to gain skills outside of school. [\[34\]](#)

<b>Examples that need improvement:</b> Logan will get vocational training related to food. Maria will get vocational training.	<b>Good examples:</b> Logan will get a baking assistant vocational certification. Maria will get a veterinarian's assistant vocational certification.
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## Employment

Your student must also have goals in employment. What are your student's interests? What jobs match your student's skills? Consider a variety of work-based learning options such as work mentoring, volunteering, and internships. Working during high school increases your student's chance of job success after high school. Your student can get valuable experience by working in the community. This community-based work can give your student the chance to work with others to figure out his or her post-secondary goals. [\[35\]](#) Employment goals should be mentioned distinctly in the IEP and should be separate from other goals such as for independent living or education, to avoid confusion. It also might be helpful to discuss scheduling and transportation with an

IEP team and consider input from job coaches, supervisors or coordinators if they cannot attend the IEP meeting.

<b>Examples that need improvement:</b> Logan will work in a food-related job. Maria will work with animals.	<b>Good examples:</b> Logan will become employed as a full-time baker's assistant. Maria will volunteer in a position that allows her to care for, treat, and groom pets.
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## Self-Advocacy

Although there is no specific requirement that the IEP include self-advocacy goals, self-advocacy is a very important skill for your student to develop. Self-advocacy is your student's ability to present his or her own interests. There are many ways to learn self-advocacy skills during the IEP process.

Your student's voice needs to be heard in developing his or her goals. Your student should be part of the IEP and transition planning process to the greatest extent he or she is able to participate. When the student attends, she or she may find it useful to write a script for the meeting. Your student may want to create a PowerPoint presentation or video to help guide the IEP meeting. Another idea is to develop a portfolio with your student. The portfolio can help to clarify what your student's goals are so you can explain them to the school. Finally, it can be very empowering to have your student run the meetings when he or she is ready.

<b>Examples that need improvement:</b> Logan will attend IEP meetings. Maria will tell others what	<b>Good examples:</b> Logan will attend and participate in IEP meetings, perhaps using PowerPoint presentations. He will lead his
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she needs.	last IEP meeting. Maria will be able to communicate her accommodation needs to employers, service providers, and others.
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## Measuring Your Student's Progress

The law requires the goals be measurable. Measurable means that the IEP Team can keep track of your student's progress. All IEPs must have a description of how the IEP Team will measure your student's progress. The IEP must also say when the school will write reports of that progress. [36]

Goals can be measured by "objectives" or "benchmarks." Objectives are short-term steps towards a goal. Benchmarks are major milestones towards a goal. [37] Goals, benchmarks, and objectives can only be changed if the IEP Team agrees. You must sign a new version of the IEP before any changes are put into effect. [38]

### Examples of Objectives:

**Goal:** Pierre will develop independent cooking skills.

**Objectives:** (1) Pierre will pack his lunch independently by January 15th, (2) Pierre will prepare his breakfast independently by February 1st, (3) Pierre will independently cook one hot meal using the microwave by June 1st, (4) Pierre will make macaroni and cheese for dinner using the gas stove by June 15<sup>th</sup>, (5) Pierre will make dinner for himself three times a week by September 1<sup>st</sup>.

### Examples of Benchmarks:

**Goal:** Gabby will travel to and from work using the bus system, by herself.

**Benchmarks:** (1) Gabby will learn to read the bus schedule and walk to the bus stop from home with assistance by the

end of first quarter, (2) Gabby will learn to board the bus and signal the bus driver for her stop by the end of second quarter, (3) Gabby will learn to walk from the bus stop to her job by the end of third quarter, (4) Gabby will learn to take the return trip home by bus by the end of fourth quarter, (5) Gabby will take the bus to and from work by herself by next year.

After setting benchmarks or objectives for each goal, the IEP Team must come up with a “Data Collection Strategy.” [39] This is how the Team decides whether your student has met his or her goals.

Formal tests cannot always measure your student’s progress. You might use: [40]

- Teacher evaluations of skills
- Self-evaluations by your student
- A portfolio of your student’s work
- A checklist of things to be accomplished

Make sure the IEP Team makes a schedule that shows when the Team will collect this information. You can measure monthly, quarterly, or on specific dates set by the Team.

You and your student should get progress reports from the school. They should come at least as often as the reports for children who are not in special education. They are usually sent out at the same time as report cards. [41] You do not need to wait for a progress report if you have concerns. Any time you feel that your student is not making progress toward his or her goals, you should request a Team meeting. You should also request a meeting if you feel that the goals, benchmarks, or objectives need to be changed. [42]

Once you have your appropriate, post-secondary goals with a plan on how they will be measured, you will want to turn them into actual learning experiences. The next section deals with getting transition services.

# Getting Transition Services

## Preparing for the Transition Process

When a student turns 14, his or her IEP will change in many ways. The Team must consider the student's life after high school. A post-secondary vision and post-secondary goals will be added to the IEP and will drive the transition planning process.

Throughout your transition planning, here are questions you should ask:

- Has the IEP Team encouraged your student to participate in Team meetings?
- Has he or she been involved in a discussion of his or her interests, especially as he or she approaches age 14?
- Has the Team listened to your student's plans, dreams, and hopes for adult life?
- Have the school and independent evaluators completed assessments?
- Are those assessments up-to-date and reported in the IEP?
- Are your student's post-secondary vision statement and goals in the IEP?
- Are you keeping written records of your conversations, emails, and letters with the Team members?

You should frequently ask these questions as you plan for your student's transition to adulthood. Consider these questions as you write the Transition Planning Form. This special Massachusetts form is used with the IEP.

Note:

On March 9, 2012 the Governor signed H. 3720 (formerly H.159) An Act to Promote the Successful Transition of Students with Disabilities to Post-Secondary Education, Employment and Independent Living into

law (also known as the Transition Specialist bill). The new law is Chapter 51 of the Acts of 2012.

The new law requires the Board of Education to revise educator licensure regulations to provide a mechanism for current special education teachers and rehabilitation counselors to obtain a Specialist Teacher Endorsement in Transition Services. The new regulations which will be voted on by the Board of Education in December 2012 shall include details on coursework and field experience necessary to obtain the Transition Specialist Endorsement. This bill will provide school districts with trained personnel necessary to fully implement the transition requirements of federal special education law, and will improve competitive employment and independent living outcomes for students with disabilities ages 14 - 22 years old.

## **Using the Transition Planning Form**

In Massachusetts, transition services must be recorded in the Transition Planning Form, also called the TPF. The TPF will be discussed along with the IEP when your student turns 14. It is a separate form from the IEP used as a planning tool. It focuses specifically on your student's transition to adult life.

The IEP and TPF are different forms. But the IEP Team will use the IEP and the TPF together to plan for your student's transition services. The IEP is the school's legal commitment to your child. The TPF is your tool to put the transition services requests into the IEP. To receive transition services, they must be documented in the IEP. [43]

The TPF is a mandated form. The TPF includes the skills your student will need to reach his or her post-secondary goals. The TPF also states the services the school will provide to teach those skills. When a post-secondary goal changes, you may need different services on the TPF. Once your student has a TPF, it should be reviewed, changed, and updated every year by the IEP Team. If your student has a "disability-related need" listed on the TPF that is not supported by an IEP goal, you



should update the IEP. Your student can only receive services for those goals on the IEP. [44] Again, **transition services must be included in your IEP.**

## The Post-Secondary Vision Statement

The TPF includes a new type of vision statement called the “post-secondary vision statement.” It will help you make changes in the IEP which will focus on life after high school. It is necessary to add these to the student’s IEP at age 14.

### **For Example:**

Alan would like to attend a 4-year college. Alan is interested in computers and does well in math classes. He would like to be a math or computer science major. He is interested in maybe becoming an accountant or a computer programmer.

### **Another Example:**

Ana is detail-oriented and loves being outdoors. She would like to work in a plant nursery.

The TPF includes your student’s personal post-high school vision. Use your student’s strengths, preferences, and interests to write the post-secondary vision statement. The IEP Team and the student can create his or her vision for the future by imagining the student’s adult life. [45]

### TRANSITION PLANNING FORM (TPF)

Massachusetts requires that beginning when the eligible student is 14 for the IEP developed that year, the school district must plan for the student's need for transition services and the school district must document this discussion annually. This form is to be maintained with the IEP and revisited each year.

<b>Student:</b>	<b>SASID:</b>	<b>Age:</b>
<b>Date form completed:</b>		
<b>Anticipated date of graduation:</b>	<b>Current IEP dates from:</b> _____ <b>to:</b> _____	
<b>Anticipated date of 688 referral, if applicable:</b>		

#### POST-SECONDARY VISION

**Write** the student's **POST-SECONDARY VISION** in the box below. In collaboration with the family, consider the student's preferences and interests, and the desired outcomes for post-secondary education/ training, employment, and adult living. This section should correspond with the vision statement on IEP 1.

#### DISABILITY RELATED NEEDS

**Write** the skills (disability related) that require IEP goals and/or related services in the box below. Consider all skills (disability related) necessary for the student to achieve his/her post-secondary vision.

All Team members, including parents, should help your student connect his or her strengths and hobbies to long-term goals. The IEP Team should start this process early. You could otherwise lose services your student needs. Your student's post-secondary goals are very likely to change as he or she gets older. But identifying these interests early will guide the process and help the Team make further adjustments. [46] See the [Creating Measurable Post-Secondary Goals and Objectives](#) section for more information on writing goals.

For the post-secondary vision statement, Team members should consider [47]:

- Education – Will your student continue his or her education after high school?
- Employment – What kind of job would your student enjoy?
- Skill development – What skills will your student need to begin his or her life after high school?
- Adult services – Will adult social service agencies assist your student during adulthood? Which agency and in what way?
- Social development – How will your student continue to build social skills as an adult?
- Housing – Where will your student live? What living arrangement is a proper goal? Living independently, in a community group home, in a nursing home, or some other arrangement?
- Transportation – How will your student get from home to school or work?
- Recreation – How will your student stay physically active? What activities does he or she enjoy?

Your student's post-school goals will change and become clearer over time. Team members should continually update the post-secondary vision statement. At every stage, your student should be talking about his or her strengths, interests, and long-term goals. [48] You should update your IEP Vision Statement to include the ideas in your "Post-Secondary Vision" on your TPF.

Student: \_\_\_\_\_ Date form completed: \_\_\_\_\_

## ACTION PLAN

The **ACTION PLAN** should outline how the student can develop self-determination skills and be prepared both academically and functionally to transition to post-school activities in order to achieve his/her post-secondary vision. Indicate how Special Education/General Education, family members, adult service providers or others in the community will help the student develop the necessary skills. **Disability related needs must also be stated on page 1.**

**Develop the ACTION PLAN** needed to achieve the **POST-SECONDARY VISION** by outlining the skills the student needs to develop and the courses, training, and activities in which the student will participate. Include information on who will help the student implement specific steps listed below in the Action Plan.

- **Instruction: Is there a course of study or specific courses needed that will help the student reach his/her post-secondary vision?** *Consider the learning opportunities or skills that the student may need. This could include specific general education courses and/or special education instruction, career and technical education, and/or preparation for post-secondary outcomes such as vocational training or community college.*
- **Employment: Are there employment opportunities and/or specific skills that will help the student reach his/her post-secondary vision?** *Consider options such as part-time employment, supported job placement, service learning projects, participation in work experience program, job shadowing, internships, practice in resume writing/ interviewing skills, the use of a one-stop resource center and job specific skills in areas such as customer service, technology, etc.*
- **Community Experiences/ Post School Adult Living: Are there certain types of community and/or adult living experiences that will help the student reach his/her post-secondary vision?** *Consider options such as participation in community based experiences, learning how to independently access community resources, building social relationships, managing money, understanding health care needs, utilizing transportation options and organizational skills.*

## Turning the Post-Secondary Vision Statement into an Action Plan

The TPF also includes a plan for your student called the “action plan.” The Team will use the post-secondary vision it creates to write the action plan. The IEP Team will develop the plan first by listing the skills your student will work on to reach his or her post-secondary vision and goals. Next, the Team will state very specifically how other individuals and agencies will help your student develop the skills listed in the plan. [49]

Teachers, family members, adult service providers, and community members can help your student develop skills for adult life. The TPF explains how this process happens. The Team should consider your student’s individual strengths and interests when it creates the TPF. The TPF should list courses of study in school, employment opportunities, work skills, and adult living experiences. [50] Additional Team meetings may be requested to talk about these things. [51] The “Disability Related Needs” section of the TPF (shown below) is where the Team will describe the skills your student needs to reach the post-secondary goals listed in the IEP. [52] See [Creating Measurable Post-Secondary Goals and Objectives](#) section for more information on writing goals. That section of the TPF should be transferred to the IEP whenever the TPF is updated. See the [Transition Planning Form](#) for more information.

### TRANSITION PLANNING FORM (TPF)

Massachusetts requires that beginning when the eligible student is 14 for the IEP developed that year, the school district must plan for the student's need for transition services and the school district must document this discussion annually. This form is to be maintained with the IEP and revisited each year.

**Student:**

**SASID:**

**Age:**

**Date form completed:**

**Anticipated date of graduation:**

**Anticipated date of 688 referral, if applicable:**

**Current IEP dates from:** \_\_\_\_\_ **to:** \_\_\_\_\_

### POST-SECONDARY VISION

**Write** the student's **POST-SECONDARY VISION** in the box below. In collaboration with the family, consider the student's preferences and interests, and the desired outcomes for post-secondary education/ training, employment, and adult living. This section should correspond with the vision statement on IEP 1.

### DISABILITY RELATED NEEDS

**Write** the skills (disability related) that require IEP goals and/or related services in the box below. Consider all skills (disability related) necessary for the student to achieve his/her post-secondary vision.

The “Action Plan” section of the TPF (shown below) is where the Team will match the skills your student needs to build (listed in the “Disability Related Needs” section shown above) with the transition services that will help him or her learn those skills. The idea is that the action plan will help him or her achieve the post-secondary vision and goals. Identify the skills your student needs to reach those goals. List the services that will help your student build those skills.

Massachusetts Department of Elementary and Secondary Education, Transition Planning Form

Student: \_\_\_\_\_ Date form completed: \_\_\_\_\_

### ACTION PLAN

The **ACTION PLAN** should outline how the student can develop self-determination skills and be prepared both academically and functionally to transition to post-school activities in order to achieve his/her post-secondary vision. Indicate how Special Education/General Education, family members, adult service providers or others in the community will help the student develop the necessary skills. **Disability related needs must also be stated on page 1.**

**Develop** the **ACTION PLAN** needed to achieve the **POST-SECONDARY VISION** by outlining the skills the student needs to develop and the courses, training, and activities in which the student will participate. Include information on who will help the student implement specific steps listed below in the Action Plan.

- **Instruction:** Is there a course of study or specific courses needed that will help the student reach his/her post-secondary vision? Consider the learning opportunities or skills that the student may need. This could include specific general education courses and/or special education instruction, career and technical education, and/or preparation for post-secondary outcomes such as vocational training or community college.
- **Employment:** Are there employment opportunities and/or specific skills that will help the student reach his/her post-secondary vision? Consider options such as part-time employment, supported job placement, service learning projects, participation in work experience program, job shadowing, internships, practice in resume writing/ interviewing skills, the use of a one-stop resource center and job specific skills in areas such as customer service, technology, etc.
- **Community Experiences/ Post School Adult Living:** Are there certain types of community and/or adult living experiences that will help the student reach his/her post-secondary vision? Consider options such as participation in community based experiences, learning how to independently access community resources, building social relationships, managing money, understanding health care needs, utilizing transportation options and organizational skills.

Here are some examples of transition services: [53]

- Learning social skills
- Learning language pragmatics
- Completing a skills training class
- Attending occupational training programs
- Taking an assistive technology evaluation

- Talking to job coaches
- Getting mobility training at work
- Getting a bank ATM card and learning how to use it
- Visiting college campuses and scheduling meetings with disability coordinators
- Looking into public transportation options to get to/from work or school (buses, trains, subways, etc.)
- Learning to use the telephone directory and making a telephone call
- Learning to use the washer, dryer, dishwasher, microwave, and TV
- Creating a method to handle emergencies (who to call and what to say)
- Learning about the Americans with Disabilities Act
- Joining a class on self-advocacy
- Practicing time management by scheduling and keeping appointments
- Visiting the post office and using its services
- Applying for Supplemental Security Income (SSI)
- Looking into housing assistance programs (HUD)
- Researching local mentorship programs
- Practicing daily grooming and other hygiene skills
- Taking appropriate medication

See the [Additional Resources](#) section for more examples of transition services.

<b>For Example:</b>	<b>Another Example:</b>
Post-Secondary Vision: Beth would like to study art in college and become a graphics art designer.	Post-Secondary Vision: Liz is not sure what she would like to do after graduating from high school
Post-Secondary Goal:	Post-Secondary Goal:



Take college preparation courses that include art classes. Shadow a graphics art designer to learn the skills required to be a professional graphics art designer.	Develop basic independent living skills and complete career development courses to find her post-high school goals
Disability-Related Needs: Develop skills for self-advocacy, independent living, and communication.	Disability-Related Needs: Time management; ability to use credit cards; taking public transportation.
Action Plan: Beth has difficulty articulating her needs and this makes it difficult for her to negotiate a college-like environment. Because of her disabilities she will need to develop self-advocacy skills in order to meet her post-secondary goal of attending college. Beth will explore taking a self advocacy course sponsored by	Action Plan: Training on how to schedule appointments, keep track of time, make payments, and ride the train alone.

Mass. Development Disabilities Council, and consider joining Mass. Advocates Standing Strong.	
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## Community-Based Transition Services

### Community-Based Learning

Community-based learning takes place when a student learns skills outside of the school setting. A community setting can help Team members and students identify appropriate transition services. In a real-world setting, students can learn transition skills already identified by the Team. They can also move toward post-secondary goals. [54]

Appropriate community-based learning experiences are required by law. [55] These opportunities help students prepare for transition to adult life. They provide work and life skills that may be difficult to teach in the classroom setting. A transition plan that does not include community-based experiences is unlikely to fulfill the requirements of a FAPE. [56]

### Choosing Community Settings for Instruction

When considering community-based experiences, Team members should use the post-secondary vision statements of the IEP and TPF to identify appropriate community settings for instruction. As always, it helps to think about the day-to-day living needs of your individual student, as well as your student's strengths, weaknesses and preferences. Adult living skills, transportation, employment, social skills, and recreation are all important considerations. [57]

With effective planning, your student will have access to a range of transition services. [58] Some transition services will be provided at school, but the Team should seek out opportunities for experience in the community. [59] The school and Team should involve local employers and community members in the planning process as much as possible.

The next section explains more about adult agency services and how you can start preparing for them before your student leaves special education.

## **Getting Adult Agency Services Through Chapter 688**

Transition services may not be enough to help your student make the transition to adulthood. Your student may also qualify for “Adult Agency Services.” These services are provided to individuals with disabilities outside of special education. Services from an adult agency are not an entitlement like a FAPE. You need to know how to ask for the appropriate help your student will need.

“Chapter 688,” also called 688, is one part of transition planning. Some students with disabilities need services after they leave high school. Chapter 688 is part of Massachusetts state law. It is a process for getting services from adult state agencies, like the Department of Mental Health (DMH) and others listed below, after special education ends. If your student might need services after he or she finishes school, it is important to begin planning for those services early. [60]

688 is not an entitlement. A 688 referral is not a continuation of special education. 688 is not a part of a FAPE. The law does not require any benefits to be provided to your student after special education. [61] 688 does not guarantee any services from any adult agency. However, it is still a very important part of the planning process of moving from school to adult life.

## Preparing for Adult Agency Services

The school will make a 688 referral if the team agrees that your student might need services after special education ends. The school will contact the EOHHS agency they believe is most appropriate and could provide the services your student needs. The student and/or parent or guardian may also request a 688 referral through the local school district.

In order for the school to send your student's records to the EOHHS agency, the school must get permission. The school will need the signature of your student if he or she is 18 or older. If your student is younger than 18, you, the parent or guardian, will need to sign the referral form. [62] See the [688 Referral Form](#) for more information.

## COMMONWEALTH OF MASSACHUSETTS CHAPTER 688 REFERRAL FORM

### Directions

- 1) Mail the original referral form with a copy of the current IEP, the TPF (Transition Planning Form, 28M/9), and the most recent assessments to one human service agency (see list below).
- 2) If you don't know which agency to select or more than one agency seems appropriate send items in #1 (above) to the BTP.

**STUDENT INFORMATION** SASID#: \_\_\_\_\_ Date Completed: \_\_\_\_/\_\_\_\_/\_\_\_\_ DOB: \_\_\_\_/\_\_\_\_/\_\_\_\_ Sex: ☐M ☐F  
Name: \_\_\_\_\_ (first) \_\_\_\_\_ (last) Language Spoken: \_\_\_\_\_  
SSN: \_\_\_\_-\_\_\_\_-\_\_\_\_ Receives SSI/SSDI? ☐Yes ☐No ☐Unknown  
Disability Category: Primary \_\_\_\_\_ Secondary \_\_\_\_\_ Level of Need: ☐high ☐moderate ☐low  
Parent/Guardian Name \_\_\_\_\_ Legal Guardian? ☐Yes ☐No Language Spoken: \_\_\_\_\_  
Address: \_\_\_\_\_ Phone: (\_\_\_\_) \_\_\_\_-\_\_\_\_  
**SCHOOL DISTRICT/PROGRAM INFORMATION** Is this student expected to graduate before age 22?  
☐Yes, expected date: \_\_\_\_/\_\_\_\_/\_\_\_\_ ☐No, expected date of SpEd termination: \_\_\_\_/\_\_\_\_/\_\_\_\_  
School District (LEA): \_\_\_\_\_ LEA Address: \_\_\_\_\_  
LEA Contact Person: \_\_\_\_\_ Phone: (\_\_\_\_) \_\_\_\_-\_\_\_\_ Name of High School: \_\_\_\_\_  
Type of Placement: \_\_\_\_\_ List All Funding Agencies: \_\_\_\_\_  
School/Educational Placement: \_\_\_\_\_ Address: \_\_\_\_\_  
**Signature of Special Education Director/Designee** \_\_\_\_\_ Date: \_\_\_\_\_ Phone: (\_\_\_\_) \_\_\_\_-\_\_\_\_

### REFERRAL SUBMISSION: Send to **ONLY ONE** of the following:

- |  |   |
|--|---|
| <input type="checkbox"/> Department of Children & Families (DCF) | <input type="checkbox"/> Department of Developmental Services (DDS)           |
| <input type="checkbox"/> Department of Mental Health (DMH)       | <input type="checkbox"/> MA Commission for the Deaf & Hard of Hearing (MCDHH) |
| <input type="checkbox"/> MA Rehabilitation Commission (MRC)      | <input type="checkbox"/> MA Commission for the Blind (MCB)                    |

If you don't know which agency, or more than one agency seems appropriate, please send to:  
☐ The Bureau of Transitional Planning at One Ashburton Place, Room 1109; Boston, MA 02108

I hereby authorize the release of all personal information contained in this student's records, including medical and educational evaluations, to the Bureau of Transitional Planning at EOHHS and to any member agencies for the purpose of eligibility determination and transition planning. I also authorize the release of any other personal information concerning this student that is required during the transitional planning process by any state agency to any other state agency.

Signature of Student (18 or over) or Parent/Guardian \_\_\_\_\_ Date \_\_\_\_\_

Your student's information will be sent to the EOHHS agency that the school believes is the most appropriate to meet your student's needs. Chapter 688 referrals and supporting documentation are sent directly to the appropriate lead agency and a copy of the 688 referral form is sent to the Bureau of Transitional Planning (BTP). If the school TEAM believes the student may need adult human services, but is not certain which agency is appropriate, the referral can be sent directly to EOHHS. After graduating or turning 22 years old, your student might work with one or more of the following agencies: [63]

- The Department of Developmental Services, also called DDS
- The Department of Mental Health, also called DMH
- The Department of Public Health, also called DPH

- The Department of Children and Families, also called DCF
- The Massachusetts Commission for the Blind, also called MCB
- The Massachusetts Commission for the Deaf and Hard of Hearing, also called MCDHH
- The Massachusetts Rehabilitation Commission, also called MRC

See the [Contact Information](#) section for more information.

### **Introduction to the Video on Obtaining Adult Services for Students with Disabilities**

For a video by Attorney Hillary Dunn on seeking adult services for people with severe disabilities, please click on the video below.

<http://www.youtube.com/watch?v=bKOr0dyC3cU&list=PLoVdhZDNHREOVVuLUUis-HAIHDIEuT3Pt>

### **Summary of the Video on Obtaining Adult Services for Students with Disabilities**

Attorney Hillary Dunn discusses services to consider for transition age students with “severe” “intellectual disabilities who will need adult services from the Department of Developmental Services (DDS). She offers suggestions about necessary evaluations, assistive technology, essential IEP services, 688 referrals, applying for Social Security Insurance (SSI), and day habilitation. She also explains how you can continue to assist an adult with severe disabilities by considering guardianship, a delegation of educational authority, conservatorship, durable power of attorney, any trustee involvement, representative payee for SSI, or a Health Care Proxy.

### **Who Is Eligible for EOHHS Agency Services**

There are three categories of students with disabilities who are automatically eligible for a 688 referral: [64]

- Students with disabilities who receive Supplemental Security Income, also called SSI
- Those who receive Social Security Disability Insurance, also called SSDI
- Those who are listed in the Massachusetts Registry of the Blind

Other students not listed above but who have an IEP may qualify for a 688 referral if they meet all three of the following requirements: [65]

- They received special education services in school;
- They will need continuing services after school; and
- They will be unable to work more than twenty hours per week because of their disability.

Even if your student already receives services from a state agency, they will still need a 688 referral to receive services as an adult—eligibility requirements are different for children and for adults. The agency a school contacts with a 688 referral is called the “coordinating agency.” The coordinating agency organizes services for the student from other agencies as well as its own. The 688 process can be very helpful for students with multiple disabilities.

EOHHS agency services are not guaranteed. Funding can be a concern. [66] You should make sure that a coordinating agency has been identified before your student leaves special education. The coordinating agency will then have time to try to obtain funding for the student before he or she requires adult services. [67]

## **Timeline for Requesting EOHHS Agency Services**

In Massachusetts, schools must begin the 688 process at least two years before your student leaves special education. You and other IEP Team members can discuss 688 services before this two-year

mark is reached. You can also address the bigger topic of planning your student's life after special education at any time as well. [68] Students with disabilities and their parents do not need a 688 referral to talk to EOHHS agencies. You can go to the local office of any agency and talk about your student's future needs. Adult agency offices are public places. The 688 process was created as an official system for transferring people with disabilities to the care of adult agencies after special education ends. This 2 year planning period allows enough time to determine eligibility for adult services and for an agency(ies) to include the anticipated cost of services for the student in the budget request which is submitted to the Massachusetts Legislature each year.

Chapter 688 referrals and supporting documentation are sent directly to the appropriate lead agency and a copy of the 688 referral form is sent to the Bureau of Transitional Planning (BTP). Referrals can be made to the Department of Mental Health (DMH), the Department of Developmental Services (DDS), the Massachusetts Rehabilitation Commission (MRC), the Massachusetts Commission for the Blind (MCB) or the Massachusetts Commission for the Deaf and Hard of Hearing (MCDHH).

When the EOHHS agency receives the 688 referral, the agency decides whether your student is eligible for services. The agency will request a lot of information from the student or parent.

Organizing this information early can be very helpful.

Paperwork that an adult agency might request includes: [69]

- Records of psychological and IQ tests
- Behavioral assessments
- Doctors' reports
- Medical assessments
- Developmental evaluations
- Statements of diagnosis/diagnoses



- Counseling or therapy records
- Legal documents, like proof of guardianship

## The Individual Transition Plan

An agency will decide if your student is eligible for adult services after special education. The adult agency will begin discussions on appropriate services. If your student is eligible, the adult agency may be included in IEP Team meetings. They will talk to you and your student, along with other members of the IEP Team. [70]

The adult agency then begins the Individual Transition Plan, also called the ITP. This is a separate plan from the student's IEP of the Transitional Planning Form discussed above and created by the school. You are not responsible for creating the ITP but you and/or your student should participate in the process of creating the ITP. The ITP includes plans for vocational or day programs and for residential and support services. The ITP is approved by the Executive Office of Health and Human Services and signed off by the Secretary.

This plan sets out specifically what services each agency will be responsible for upon graduation or termination of special education. [71]

### **For Example:**

The Massachusetts Commission for the Blind provides a list of services for independent living. These may include low-vision evaluations, peer support groups, and teaching new ways of performing day-to-day tasks. The services may also include devices to assist daily living like reading lamps, large print calendars, and clocks.

Adult agencies may have many different kinds of programs and services for people with disabilities. [72] Programs and services are

planned based on an individual's needs. Services can often be combined. [73]

Your student's ITP will discuss his or her vision for the future. Accommodations can often be made for a student's special interests and abilities. Make sure to discuss your ideas early and regularly.

If you think your student may need continuing services after special education: [74]

- Ask your school for a 688 referral at age 16 (or at least two years before leaving special education).
  - Sign the 688 referral and keep a copy for your records.
  - Discuss your student's needs and vision for his or her life after school with your IEP Team and the EOHHS agency representative.
  - Participate in preparing an ITP and include plans for any day services, vocational training, residential services, support services, and transportation.
  - If you disagree with a 688 eligibility determination or an Individual Transition Plan, you have the right to appeal. Appeals can be made to the Bureau of Transition Planning. See the [Resolving Problems](#) section for more information on appeals.
- The many steps needed to receive transition services and adult agency services can be confusing. You may find it helpful to see the steps set out in terms of the age of your student. The following section starts at age 14. It takes you through age 22 and beyond.

## Transition Planning Timeline <sup>[75]</sup>

Age 14	Age 16	Age 16-18	Age 17	Age 18	Age 22
Request transition assessments	Use TPF to document services	Consider college course	Consider legal decision	Continue work and community	SPED eligibility ends at 22

		requirements if applicable	making options	experiences, consider college prep	
Talk to your student about goals	Develop post secondary vision	Clarify transition goals		Apply for SSI	Continue work and community based services
	Follow up to make sure transition Services are given. consider community/ work based experiences	See 688 Referral		Chapter 688 referral is appropriate 2 years before student leaves special education	Gradually phased out special education

### Prior to Age 14:

- You and the school evaluate your student's abilities. You should talk with your student about his or her goals in order to plan for transition services.
- Your student's abilities and developmental needs are assessed. See the [Requesting Transition Assessments](#) section for more information.
- Your student's interests and goals must be identified to prepare the first Transition Planning Form, also called the TPF.
- Communications with IEP Team members should be thoroughly documented. You should keep copies of all letters,

emails, forms, and other documents related to transition planning.

### **Age 14:**

- Your student must be invited to participate in all IEP and transition planning meetings.
- Transition planning begins with the development of the TPF.
- The Team will begin using the TPF to plan transition services your student may need. See the [Getting Transition Services](#) section for more information.
- The Team will work together to develop a “post-secondary vision statement.” This fits into a specific plan for your student’s transition to adult life beyond high school. See the [Using the Transition Planning Form](#) section for more information.
- Make sure all services listed on the Transition Planning Form that the school will deliver are incorporated into the student’s IEP
- Community and work-based services that the Team has listed in the IEP begin. See the [Community-Based Transition Services](#) section for more information.

### **Age 16-18:**

- At annual IEP meetings, the Team will discuss your student’s interests and abilities. As these change, or become clearer, the IEP and TPF should be refined and updated.
- Development of your student’s post-secondary vision statement continues. Your student is free to change his or her goals at any time. See the [Using the Transition Planning Form](#) section for more information.
- The school should consider submitting a 688 referral. The Team should coordinate with any relevant adult agencies. See the [Getting Adult Agency Services Through Chapter 688](#) section for more information.

- Community and work-based services that the Team has listed in the IEP continue. See the [Community-Based Transition Services](#) section for more information.

### **Age 18:**

- This is the age of legal majority. At age 18, your student is legally responsible for his or her own decision-making. See the [Student Decision-Making](#) and [Graduation](#) sections for more information.
- The Team may discuss whether your student needs a legal guardian to make decisions for him or her after age 18. The decision to seek guardianship is made by the parents and professionals working with the student. See the [Legal Guardianship](#) section for more information.
- Community and work-based services that the Team has listed in the IEP continue. See the [Community-Based Transition Services](#) section for more information.
- You or your student should apply for Supplemental Security Income, also called SSI, if appropriate. Although your student may not have been eligible for SSI when they were under 18 because of your income, when they are 18, the parents' income is no longer counted- only the student's. (The amount of SSI benefits may still be affected by money, shelter or food given by the parents or anyone else to the student.) See the [Social Security Administration website](#) for more information on applying for SSI in Massachusetts.

### **Age 18-22:**

- Updates to the IEP continue if your student is still in special education.
- A 688 referral may be appropriate two years before the student leaves special education. See the [Getting Adult Agency Services Through Chapter 688](#) for more information.

- Community and work-based services that the Team has listed in the IEP continue. See the [Community-Based Transition Services](#) section for more information.

The FAPE entitlement ends at age 22 if your student has not already graduated.

#### **Final Transition Tips:**

1. **Start Early:** Transition planning starts at age 14 in Massachusetts (age 16 under federal law). Don't wait until junior year to get the process started!
2. **Write it down:** If it is not written in the IEP, it does not exist. There must be Transition Planning Goals in the IEP. The Transition Planning Form itself does not obligate the school to do anything. The school's only obligation (unless there are transition goals in the IEP) is to fill out the Transition Planning form.
3. **Be specific:** Do NOT allow general statements in the IEP transition goals. Statements such as the following should be avoided:
  - a. "Employment – Bobby is encouraged to meet with a career counselor who can help him explore various career options that would fit his interests and aptitudes. Such career counseling/exploration is available through the guidance department."
  - b. "Community Experiences/Post School Adult Living - Bobby will be encouraged to meet with his guidance counselor more regularly. Bobby is encouraged to continue to explore the available options for extra-curricular/social activities to help improve his social functioning."

For examples of stories of special education students and specific transition plans, please see the **Transition Plan Examples** in the Supplemental Materials.

### **Additional Concerns for Transition Planning for Students on Autism Spectrum**

Studies show that students on the autism spectrum tend to be more underemployed than other special education students.<sup>[75A]</sup> For example, one study published in Pediatrics, on May 14<sup>th</sup>

stated that one in three young adults with autism have not had paid job experience or college or tech. schooling nearly 7 years after graduation. This study highlights need for better school based job training services for Special Education students in this group particularly.[\[75B\]](#)

Some tips for addressing the needs of this group of students on the autism spectrum include:

- Begin transition planning as early as possible to give these students time to adjust
- Focus on building communication skills, e.g. teacher can work with student to identify calming strategy when he experiences stress, breaks down
- Codify strategy in visual form and allow student to practice it daily (e.g. student can role play on learning to negotiate a raise or promotion in workforce).
- Share effective work performance strategies with adult agency service providers such as requiring partition or ear plugs to enhance concentration
- Help student strengthen self advocacy skills and identify gaps between performance and ability
- Research adult agencies to visit and investigate
- Seek out hands-on training through internships. Mentorship placements in a school may be a good place to begin training such as for on site jobs in transportation, food service, clerical, child care and education. After students build stamina in the school they may be encouraged to seek internships in the community.
- Educate peers that do not have the disability about the disorder and ask them to participate in lunch exchanges
- Wean student from these support services gradually before IEP school services end.

Specific Tips for college-bound students:

- Help student learn to identify stress and how to cool down, such as by taking a walk. College can be a stressful time for most young people.
- Promote organization – use color coded bins, maps and schedules
- Foster independence by teaching student to learn to do laundry, cook, go to the dining hall, navigate campus
- Begin this training early, so your student is accepting of change when school begins .

## Resolving Problems

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### In This Section:

[Facilitated IEP](#)

[Mediation](#)

[Hearings](#)

[Program Quality Assurance Services](#)

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The IEP Team has to work together to help your student achieve his or her goals, visions, and dreams. But sometimes the school may not provide the services you may be entitled to and were promised in the IEP. At other times, the IEP Team may disagree on what services your student needs or what goals are in your student's best interest.

If you have these problems, the first step to take is to call a meeting with the IEP Team. You can do so when you have concerns or face a problem with your student's IEP. You do not have to wait until the next planned IEP Team meeting to voice your concerns. If the IEP Team cannot agree on how to solve the problem, asking other school personnel to join the meeting may help. The principal, special education administrator, or superintendent can attend. You can also call advocacy



organizations for advice. See the [Contact Information](#) section for more information.

### **Introduction to the English Language Video on Resolving Special Education Disputes**

Do you have a dispute with your school district? For a video by Attorney Pamela Coveney on what to do after you and the IEP Team disagree, please click on the video below:

<http://www.youtube.com/watch?v=QDPBfmZYimI&list=PLoVdhZDNHREOVVuLUUIs-HAIHDIEuT3Pt>

### **Summary of the Video on Resolving Special Education Disputes**

Attorney Pamela Coveney discusses what to do when you and the school disagree about your child's special education services. She explains the importance of writing letters to explain your concerns as a first step. She then summarizes the need to move on by using other available tools, such as mediation, resolution sessions, settlement conferences and the final step of requesting a hearing at the Bureau of Special Education Appeals.

### **Introduction to the Spanish Language Video on Resolving Special Education Disputes**

For a video in Spanish by Tere Ramos on what to do after you and the IEP Team disagree, please click on the video below:

<http://www.youtube.com/watch?v=OPHpPFRmve0&list=PLoVdhZDNHREP59izlBY7pQeEJ2xdEos7w>

### **Summary of the Spanish Language Video on Resolving Special Education Disputes**

Tere Ramos discusses what to do when you and the school disagree about your child's special education services. She explains the importance of writing letters to explain your concerns as a first step. She then summarizes the need to move on by using other available tools, such as mediation, resolution

sessions, settlement conferences and the final step of requesting a hearing at the Bureau of Special Education Appeals.

## Facilitated IEP

If you feel the IEP Team is not making progress in building the IEP, adding a neutral person who will not side with you or the school may be helpful. The State's Bureau of Special Education Appeals, also called the BSEA, can assign a person to come to your Team meetings at no cost to you. This person is called a facilitator. He or she is trained to guide meetings. Facilitators do not take sides and can help the IEP Team come to an agreement. Both you and the school can call the BSEA at (781) 338-6443 to ask for a facilitator. You can schedule a facilitated IEP meeting and have the facilitator join the meeting to help the IEP Team try to work through any disagreements. [76]

## Mediation

If you are still having problems, you have other options. At any time you, your student, or the school, can contact the BSEA to ask for a mediator. A mediator, like a facilitator, is a [Turning the Vision Statement into an Action Plan](#) section for more information. A neutral person who helps work through disagreements. The mediator is not limited to helping you with IEP meetings. They can help you with any major disagreements about special education. Both you and the school must agree to mediation. Mediation sessions are confidential and are separate from the IEP Team meeting. [77] For more information on mediation, see the [BSEA website](#) or the [Federation for Children with Special Needs website](#). Please keep in mind that the mediator's job is to help reach an agreement of the parties, and

not to advocate for you. If you are not satisfied with the proposed agreement, you have the right to reject it and to ask for a hearing.

## Hearings

If you disagree with the school about disability supports, services, or placement, you may request a hearing. A hearing is more formal than asking for a facilitator or a mediator. Parents and guardians do not have to be represented by an attorney or an advocate at hearings, but it is highly recommended that you seek representation if you feel a hearing is necessary. At the hearing, a Hearing Officer will listen to what you have to say and what the school has to say. He or she will reach a binding decision. [78] If you are unhappy with the decision, you can appeal to the court. For more information on hearings and the right to appeal, see the [BSEA website](#) or the [Federation for Children with Special Needs website](#).

## Program Quality Assurance Services

A different way to solve a problem is to contact the Massachusetts Department of Elementary and Secondary Education's Program Quality Assurance Services, also called the PQA. The PQA monitors school districts to make sure that they are not violating federal or state legal educational requirements. People sometimes contact the PQA if they believe the school's failure to provide a FAPE is breaking the law. The PQA can investigate your complaint. A complaint is a formal way to voice your concerns about the school not complying with state or federal education requirements. The complaint must be filed with the PQA within one year of the disagreement over services. The PQA will resolve the complaint within 60 days and will send you a copy of the decision. [79]

# Student Decision-Making

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## IN THIS SECTION:

[Decision Making After Your Student Turns 18](#)

[Transfer of Decision Making Rights to Your Student](#)

[Shared Decision-Making](#)

[Delegated Decision-Making](#)

[Court-Appointed Guardianship](#)

[Conservatorship](#)

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## Decision-Making After Your Student Turns 18

### Transfer of Decision-Making Rights to Your Student

When your student turns 18 he or she is legally considered an adult under Massachusetts law. Turning 18 is called reaching the “age of majority.” [80] When your student reaches the age of majority, he or she is responsible for all decisions. [81] Your student will also have the right to agree or disagree with parts of the IEP and to request a hearing if necessary. [82]

If your student is not ready to take on full decision-making responsibility when he or she turns 18, there are other options: [83]

- Students can choose to share decision-making responsibilities with a parent, or other willing adult
- Students can choose to delegate decision-making responsibilities to a parent, or other willing adult
- Parents may file a petition with a court for a court-appointed legal guardianship
- Parents may file a petition with a court for a conservatorship

The Team should start talking about whether your student will be ready to take on decision-making authority at age 17. [84] The

Team should also discuss the other options explained below at that time.

## **Shared Decision-Making**

Your student can choose to share decision-making responsibility with you, or another willing adult, instead of taking on the responsibility alone. Choosing this option allows a parent to co-sign the IEP after the student turns 18. If your student would like to have you or another adult share decision-making responsibility, your student must make this choice in a Team meeting. The decision to use shared-decision making must be in writing. If there is ever a disagreement between your student and the adult sharing responsibility, your student's choice will be followed. [85]

Your student can stop sharing decision-making at any time. [86] Shared decision-making is a self-advocacy tool used to support your student in his or her decision-making responsibilities. It does not change the fact that your student is fully responsible for making decisions when he or she turns 18. The adult sharing responsibility is there to help and encourage your student to make his or her own decisions as much as possible. No one makes decisions for your student. This makes it different than delegated decision-making or a guardianship. [87] There is no need to ask the court to approve this relationship. Students and parents can make this choice for themselves. [88]

If your student elects to be his own decision maker but is worried about "signing away" his rights, he could still notify the school in writing that he does not intend to make decisions without first consulting with his parents and that forcing them to decide without this consultation would not be "willfully" and "knowingly". The student can authorize the school district to release his educational records to parents for their review if he

would like their input on a decision regarding his special education services.

## **Delegated Decision-Making**

Your student can also choose to delegate his or her decision-making authority. This option means that your student will give away his or her right to make decisions for special education to you or other willing adult.

If your student is not ready to take on decision-making responsibilities when he or she turns 18, this might be an appropriate option. To choose delegated decision-making, your student must make the choice in the presence of a school district representative and another witness. The decision to delegate must be in writing and kept in your student's record. [89] Your student can end delegated decision-making at any time. [90]

## **Court-Appointed Guardianship**

"Court-appointed guardianship" is used for individuals considered "legally incompetent." [91] Merely having a disability does not mean that a person is legally incompetent. Only individuals who have mental health, intellectual, or medical disabilities so serious that they cannot make informed decisions for themselves will be placed under someone else's guardianship.

Court-appointed guardianship gives all decision-making rights to a parent or other adult called the "legal guardian." [92] You must file a petition with the court to create a guardianship. See the [Guardianship Petition Form](#) for more information. Medical doctors, psychiatrists, or social workers may have records of your student's assessments that will make this process easier. A lawyer can help you create a guardianship for your student. See the [Additional Resources](#) section and the [Senior Partners for Justice website](#) for more information.

## Conservatorship

Conservatorship involves choosing a person to make **financial** decisions for your student. This person is called a “conservator.” The conservator is appointed by the court and is usually a parent. Like court-appointed guardianship, you must file a petition with the court to create a conservatorship. See the [Conservatorship Petition Form](#) for more information. Unlike court-appointed guardianships, conservatorships allow your student to make personal decisions. A court order states which decision-making responsibilities belong to your student and which responsibilities belong to the conservator. [93]

Conservatorship does not affect your student’s responsibility and right to make decisions about special education when he or she turns 18. Your student will still be responsible for making special education decisions even if he or she has a conservator.

# **Leaving Special Education**

## **IN THIS SECTION:**

[The End of Special Education Rights](#)

[Graduation](#)

[Passing the MCAS](#)

[MCAS Appeals Process](#)

[Meeting All Local District Requirements](#)

[Delaying and Opposing Graduation](#)

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[Non-Special Education Rights for Students With Disabilities Through Section 504](#)

[504 Plans](#)

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## **The End of Special Education Rights**

Generally, the right to special education ends when the student “ages out” or when a student graduates. [94] Usually a student “ages out” of special education entitlement when the student turns 22 though in some states that terminate all education services at an earlier age, the student might age out at an age younger than 22. [94A] Special education services stop the moment your student receives a signed high school diploma, even if your student has not made adequate progress on his or her post-secondary goals in the IEP. [95] Since the right to a FAPE ends at graduation, transition services end at that time too. [96] Parents and students (under the age of 22) may want to continue to work towards the IEP goals.



Even though your student has not received a diploma, the IEP will not necessarily force him or her to stay in a high school setting. He or she has options outside of high school as he or she approaches age 22. For example, as long as an IEP is active, it can include community-based activities. The IEP can also include classes with supports, coaches, and services if necessary (based on the student's needs) at a local post-secondary school (usually a community college). See the [Turning the Vision Statement into an Action Plan](#) section for more information.

**Tip:**

Balance the importance of receiving a diploma on time with continuing special education services. Your student's needs should guide your decision.

## Graduation

For a Massachusetts student to earn a high school diploma, he or she must take and pass the Massachusetts Comprehensive Assessment System test, also called the MCAS, and meet all local district requirements. This process is called meeting the "Competency Determination requirements," or "CD requirements." [97]

By 2012-2013 school year, the Common Core standards will be fully adopted for these subject matters. For updates on the new requirements, please see [Massachusetts Department of Elementary and Secondary Education website](#). Additionally, the student must have made adequate progress towards his or her transition goals. [97A]

Graduation eligibility is like a three legged stool. The first leg is passing MCAS, the second leg is passing all local requirements in your city or town and the third leg is receiving appropriate and individualized Transition services based on a student's vision for

their future. Like the stool all three are required; no one leg is more important than the other to receive a high school diploma.[\[97B\]](#)

Also a student must have been informed of his or her expected graduation date at least one year prior to the intended graduation date.[\[97C\]](#)

## Passing the MCAS

Under Massachusetts law, all students enrolled in Massachusetts public schools, including those with disabilities and limited English language skills, must take the MCAS. The MCAS measures how well schools and districts are teaching students the following subjects: English Language Arts, Mathematics, and Science and Technology. [\[98\]](#)

Students must take the test in one of three ways:

- The standard MCAS
- The standard MCAS with accommodations
- One of the MCAS Alternative Assessments

The IEP Team should decide how your student will take the MCAS. The MCAS-Alt allows your student to show through coursework his or her knowledge and skills based on the general education “Curriculum Frameworks.” Only about 1% of students in Massachusetts take the MCAS Alternative Assessment, also called the MCAS-Alt. [\[99\]](#) This progress is often shown with a portfolio of materials collected by your student and his or her teacher. The items in the portfolio may include work samples, videotapes of student work, and other materials. The MCAS-Alt is not a waiver of the Competency Determination requirements. It is another method to show competency. [\[100\]](#)

## MCAS Appeals Process

If your student does not pass the MCAS or MCAS-Alt, he or she can either retake the exam in any subject or request an MCAS Performance Appeal. [101] The superintendent may submit the appeal, or you can ask him or her to appeal on your student's behalf. [102] The superintendent must file an appeal if a parent, guardian, or student aged 18 or older requests it. [103] A separate application for appeal must be filed for each subject. [104] See [MCAS Performance Appeal Application](#). If the appeal is granted, your student will be treated as if he or she passed that subject. [105]

For additional information on the MCAS Appeals process, see [the Massachusetts Department of Elementary and Secondary Education website](#). You may also email the department at [mcasappeals@doe.mass.edu](mailto:mcasappeals@doe.mass.edu) or call MCAS Performance Appeals at 781-338-3333.

## Meeting All Local District Requirements

Local graduation requirements are not the same in every school district. Most Massachusetts school districts require high school students to take 4 years of English, 3 years of Mathematics, 3 years of Science, and 3 years of History or Social Science to receive a diploma. To find out the local requirements for your student's school, you can go to the school district's website or contact the administrative office directly. If you are still unclear about what the local requirements are, you can call the Massachusetts Department of Education office at (781) 338-3000. It may be possible for a school to waive local requirements such as number of history courses needed. To see if waivers are possible at your student's school you can consult the school's policy handbook.

## **Receiving Appropriate Notice of Intended Graduation**

In addition to the Competency determinations, Student must have been informed of his or her expected graduation date at least one year prior to that date.[\[105A\]](#)

## **Meeting Transition Requirements**

In addition to meeting the Competency Determination Requirements, in Massachusetts a student must also make sufficient progress towards transition goals in order to graduate.[\[105B\]](#) “District shall ensure that options are available for older students particularly those eligible students of ages 18 through 21 years. Such options shall include continuing education, developing skills to access community services, developing independent living skills, developing skills for self management of medical needs, and developing skills necessary for seeking obtaining and maintaining jobs”.[\[105C\]](#) If the student has not yet met goals set forth in his or her IEP you may be able to negotiate with the school that it delay graduation for the student until adequate progress towards these goals have been made.

## **Accessibility to Graduation Ceremonies**

Your graduating student has a legal right to attend his or her graduation ceremonies. If the school is planning a ceremony that makes it difficult to participate fully and safely in the ceremonies, it is important to contact the school promptly to so that they can make appropriate accommodations.[\[105D\]](#)

## Delaying and Opposing Graduation

The expected graduated date in the IEP is the day that your student will graduate unless you change that date. Schools may choose a date based on your student's class year instead of based on the IEP goals. You must pay close attention to that date on the IEP. Signing off on an IEP when you disagree with the expected graduation date can cause problems. In fact, you may not be able to extend services beyond the listed graduation date.

If you feel your student will not be ready to graduate by that date, express your concerns in the IEP Team meeting well in advance of graduation. Do not wait until the last minute. If the Team does not agree, reject the section of the IEP that lists the date. By rejecting only the graduation date, you show that you agree with the services but do not believe your student will be ready to graduate by that date. As long as your student has an IEP, even if you disagree with parts of it, he or she will continue to receive services. See the [Accepting and/or Rejecting the IEP](#) section for more information.

If your student is about to graduate and you feel that he or she is not ready, you must oppose graduation in writing. Clearly state your reasons why your student will not be ready to graduate by that date. See the advice on writing letters to your school in the [Additional Resources](#)

Convincing the school that your student needs a later graduation may not be easy. In order to formally stop graduation, you will need to rely on more than conversations with school officials. Writing a journal of conversations may help. Keep copies of every letter you send to the school as well as any letters or emails from the school.

**Tip:**

Persuading the school that your student may not be ready to graduate is difficult. Signed letters and

forms tell the best story. Put together a binder of important papers that show the skills your child still needs to learn. Bring the binder to Team meetings.

Even if you push to stop graduation, the school may try to “force” your student to graduate. If you can show that your student did not meet the IEP goals, you may be able to appeal the decision. [106] See the [Resolving Problems](#) section for more information.

## Alternative Diplomas

Students typically earn standard high school diplomas upon graduation. However there are GEDs and alternative diploma options available such as a certificate of individual achievement, that will not terminate your student’s special education services. [106A] It is important to consider how these alternative diplomas are viewed in your local communities. Sometimes receiving an alternative diploma can effect your students chances at obtaining a desired job. Some employers can deny employment eligibility to individuals without high school diplomas. [106B] When looking to see if an alternative diploma should be sought, an IEP team should first consider that all reasonable accommodations for helping student to earn a regular diploma would not be effective. [106C]

## GEDs

Your student can still receive special education services if he or she has a General Education Development Credential, also called a GED. [107] A GED is a separate certificate from a high-school diploma. It is a national test that shows whether a student is at the level of a high-school graduate.

**Tip:**

Getting a GED can be an alternative to getting a diploma on time if your student wants post-secondary education but still needs special education services.

## **Participating in Graduation Ceremonies Without Receiving a Diploma**

If your student is not ready to graduate after completing the 12th grade, he or she can still participate fully in graduation ceremonies and related school activities. This option is called “social graduation.” [108] Your student may be able to celebrate and walk with the rest of his or her class, even if he or she does not receive a diploma at that time.

Your student will continue to receive special education services until he or she receives a diploma or turns 22 years old. Your student is not required to participate in the graduation ceremonies if he or she does not want to. The IEP Team should consider whether participating in the ceremonies and activities is a good choice.

The right to participate a "social graduation" is protected by state law. Students must have excellent attendance, be in good standing at school, and be unable to pass the standard MCAS. [109] If a school attempts to prevent your student from participating in graduation ceremonies, you should write a letter to the school. In the letter, you should state that your student wants to participate in the graduation proceedings and has a right to do so with his or her classmates.

## **Returning to High School**

If your student leaves high school before graduating it does not mean that he or she loses the right to a FAPE. But special

education services are only required to be given to students with a current IEP. [110] If your student does not have a current IEP when he or she would like to return, you should contact an advocacy organization for help. See the [Contact Information](#) section for a list of these organizations.

## Change in Placement

Schools will use the words “change in placement” to describe a major change to a student’s educational plan. [111] The most common change in placement is when a student’s right to a FAPE ends because he or she graduates. The law protects your student by making the school tell you when your student might lose his or her right to a FAPE because of a change in placement. [112] The parent or student is required to approve this change in placement. [112A] Also, the principal and special education director are required to meet about this decision to change placement and must record their meeting in writing. [112B]

When a school decides to make a change in placement, you or your student (if he or she is at least age 18) must be notified. [113] The school has to send you a letter explaining how the change in placement will affect your student. The school must also tell you and your student what options you have to appeal the change. [114] If the school does not send this change in placement letter describing your options, you and your student may be able to argue at a hearing that the school denied a FAPE. [115]

If you do receive a change in placement letter, but do not want a change in placement to occur or do not like the school’s specific proposal, take action immediately. [116] Notify the school district **in writing** that you reject the placement and ask the school district to review the decision. See the advice on writing letters to your school in the [Additional Resources](#) section. If the school district does not respond, you may need to contact the BSEA for



mediation, advisory opinions, or a due process hearing. See the [Resolving Problems](#) section for more information.

Your student will likely be allowed to stay in his or her current placement while you appeal a decision by the school. [117] The school district officials and lawyers may refer to this arrangement as a “stay-put provision.” The stay-put provision prevents the school from removing your student from a classroom if your student would prefer to stay in the school. [118] The stay-put provision protects your student’s interests. [119]

If the current placement is not an appropriate place for your student to stay while a decision is made, you and the school might agree on another arrangement. [120] You may want to propose getting a tutor, attending another school, getting job training, or taking some other kind of classes.

## Transitioning into College

Many colleges require a certain number of Math and English courses that could be more than a state’s graduation requirements. So, it is often helpful for student to take both math and English courses during senior year of high school. To put student in the best position to gain acceptance to a choice college encourage your student to take standardized test preparatory courses, and to have student assessed using both the SAT and ACT scores which test slightly different academic skills. Your student may also want to consider some colleges that do not look at standardized test scores as a criteria for admission. College-bound students could also benefit from learning and practicing active study skills as well as the self advocacy skill of being able to articulate exactly what the student needs to his or her disability director.

It is also helpful to remember that your student can chose between a four year colleges or community colleges. Though four

year colleges can provide the most independence, they can also be a source of stress for certain students due to five class load, lack of structure, making new friends and adjusting to a new environment. If your student is likely to find these changes stressful, you may want to investigate community colleges close to home or colleges that offer a reduced course load for your student. In terms of financing college experience, the federal government now grants financial aid to some students with intellectual disabilities.[\[120A\]](#)

## Transitioning into Employment

People with disabilities are grossly underrepresented in the work force. Approximately, 20 % disabled people are employed as compared with 69% non-disabled population. Only 15% of disabled teenagers ages 16 to 19 work as compared to 26.3 % of their non-disabled peers are employed. Of young adults, 26.7% of 20-24 year olds with disabilities as opposed to 61 percent for their peers work.[\[120B\]](#)

One way to increase the employment of people with intellectual or developmental disabilities is to assist them with state of the art individualized job development strategies. One study shows that training on individualized job development strategies and follow-up mentoring of employment consultants can help job seekers with disabilities in reaching their employment goals.[\[120C\]](#)

In a transition plan a parent can request post-employment, “services necessary to assist an individual to retain, regain or advance in employment”.[\[120D\]](#) The government created Vocational Rehabilitation Services to assist individuals to “obtain employment that is consistent with their unique strengths, resources, priorities, concerns, abilities, and capabilities.” [\[120E\]](#)

# Maintaining Your Student's Public Benefits

## **Introduction:**

Many students with disabilities are eligible for Supplemental Security Income (SSI). Your student may also qualify for other public benefits such as Childhood Disability Benefit (CDB) if the student had a previously employed parent who is now diseased or currently receives social security retirement or disability benefits) or Social Security Disability Insurance (SSDI) if the student has worked for a significant amount of time and is now disabled.

## **Maintaining Eligibility with the Year 18 Review**

The Social Security Administration (SSA) uses different standards for determining whether a child or an adult is disabled. When an SSI recipient turns 18 years old, the SSA reexamines her to see if she is still disabled and eligible for SSI under the adult standard. This process is called an "Age 18 Review". If your student is approaching the age 18 review, it is important to consider what medical professional can provide evidence of the student's disability. It is also important to consider whether your student's income or resources will change (through inheritance or a new living situation, for example) , whether she is interested in saving money towards a college or vocational goal and whether she can manage her own finances to facilitate this review process. If SSA determines your student is no longer disabled after age 18, you may be able to appeal or apply for benefits under Section 301, a program designed to help people actively pursuing work-related goals.

## **Entering the Workforce and Public Benefit Concerns**

The transition planning process provides a unique opportunity to focus on how work incentives through the public benefits system can help youth with disabilities plan a future that includes employment. Work incentives programs made available to

recipients of public benefits mentioned above can encourage your student to pursue work and future education by providing a financial safety net if the potential work opportunity is unsuccessful.

### **Supplemental Social Security Income Recipients**

Your student may qualify for Supplemental Security Income (SSI) benefits if he or she is 1) disabled 2) low income 3) has resources or assets less than \$2000 (\$3000 for married couples) AND 4) earns less than \$1,000 per month (this earning requirement does not apply to those who are blind). Under the work incentives program, a student eligible for SSI will see her cash benefits gradually go down as her income goes up.

*For example suppose an individual, "Casey" collects an SSI check for \$788.39 per month. Casey then takes a job and works 28 hours per week at 10 dollars per hour earning a gross amount of \$1120 per month. Under the Work incentives program, Casey will be able to keep a portion of her SSI check in addition to her earnings. This portion is calculated by excluding the first 85 dollars from the individual's gross income then dividing the remainder by two and subtracting this amount from the individual's SSI check. In Casey's case, she will get to keep \$270 from her SSI check ( $1120 - 85$  ( $1035 / 2$ ) plus her work earnings ( $1160$ ) for a take-home amount of \$1390.89 per month. Additionally, many working SSI recipients will be entitled to full MassHealth coverage or MassHealth CommonHealth medical coverage (if they are over the resource limit or make more than \$36,000 per year).*

### **Methods for Maximizing Benefits**

There are certain strategies your student can use to preserve her benefit eligibility and reduce the amount of money deducted from her benefits check. For example,

- Transition age youth still in school may be able to avoid all or most deductions from being taken from their SSI checks.

- Young people with disabilities who are out of school and are seeking employment may exclude the cost of certain impairment-related work expenses such as the cost of job coaching for example, from their gross income so that less money will be deducted from their benefit checks.
- When your student starts to work, he may be able to avoid deductions from his SSI check if he sets some of his money aside to pay for educational training or schooling.

These above strategies illustrate how your student can lessen the financial risk she may fear from going to work for the first time.

For further, more detailed information on the Work Incentives Program see Linda Long-Bellil, Melanie Jordan and Linda Landry, *Going to Work: A Guide to Social Security Benefits and Employment for Young People with Disabilities*. WORK WITHOUT LIMITS, (2011) available at

[http://www.communityinclusion.org/article.php?article\\_id=211](http://www.communityinclusion.org/article.php?article_id=211)  
(or attached in appendix)

### **Introduction to the Video on Work Incentives under the Social Security Program**

For a video by Attorney Linda Landry summarizing the work incentives for young people who receive disability benefits from Social Security, please click on the video below:

<http://www.youtube.com/watch?v=kOy3Kj9tyuU&list=PLoVdhZDNHREOVVuLUUIs-HAIHDIEuT3Pt>

### **Summary of the Video on Work Incentives under the Social Security Program**

Attorney Linda Landry presents an easy to understand summary of Social Security's rules that allow disability benefit recipients the ability to try work without jeopardizing their cash and health benefits. The summary helps you understand which benefit you

receive and the work rules for that benefit. Also included is information on your reporting obligations, ways to avoid overpayments, the Ticket to Work program, and additional resources you can consult.

### **Introduction to the Spanish-Language Video with Helpful Information about the Social Security Program**

For a Spanish-language video by Hermin Miranda on helpful benefits under the Social Security Income (SSI) program, please click on the video below.

<http://www.youtube.com/watch?v=JbekGnvRImY&list=PLoVdhZDNHREP59izlBY7pQeEJ2xdEos7w>

### **Summary of Spanish-Language Videos about the Social Security Program**

In these two videos, Hermin Miranda of the Massachusetts Rehabilitation Commission discusses several features of the SSI program, including work incentives, the student earned income exclusion, Impairment Related Work Expenses (IRWEs), the Blind Work Expense exclusion, the Plan to Achieve Self Support (PASS), general reporting requirements, and whether your Mass Health coverage can continue.

## **Non-Special Education Rights for Students with Disabilities Through Section 504**

Section 504 is a federal law that requires schools to give students with disabilities the same opportunities to succeed as students without disabilities. Schools may not discriminate against students with disabilities. [121]

Section 504 is different from IDEA. IDEA provides services through special education for students with disabilities. Section 504 also provides protections for students who are not in special

education, but who still require accommodation because of their disabilities. Section 504 also protects students in private schools and colleges. [122] See the [Federal Law Supplement](#) for more information.

## 504 Plans

In Massachusetts, students in general education with special health needs or disabilities are given a 504 Plan. Students in special education generally do not use a 504 Plan. [123] Every school district must have a 504 Coordinator. A 504 Coordinator works with a student's parents, school nurse, and primary care physician to create a 504 Plan. [124]

There are several steps in the process of creating a 504 Plan. The school will make an evaluation. The student's doctor will be asked to write a letter to the school describing the disability, any related problems, and what medications or treatments the student needs. The student's physical and instructional accommodation needs will often be identified. [125]

A 504 Plan includes the accommodations a student needs to participate at school. Accommodations might include making a classroom wheelchair-accessible, giving a student permission to type assignments instead of writing them by hand, or providing assistive technologies used at school. Examples of assistive technologies are large-print books or adaptive computer software. [126]

Students who do not have an IEP, but do have a 504 Plan, are not eligible for transition services. Transition services are a part of the services provided in an IEP to students in special education. [127] See the [IEP Supplement](#) for more information.

## Content and Eligibility

A student may be eligible for a 504 Plan if he or she has a disability that limits one or more major life activities. [128] Major life activities include: [129]

- Caring for one's self
- Performing physical tasks
- Walking
- Seeing
- Hearing
- Speaking
- Breathing
- Learning
- Working

Access to education is part of a FAPE. In order to make school accessible, you may need a 504 Plan. The 504 Plan also helps students learn more effectively. [130] A 504 Plan is effective until a student with disabilities leaves secondary school.

**For Example:**

A 504 Plan can include accommodations like:

- Making a classroom wheelchair-accessible
- Giving a student large-print books
- Allowing a student to type assignments instead of writing them by hand

## **Protection for Students with Disabilities in College and Beyond**

Public school districts are almost all covered by Section 504 because they receive money from the federal government. Both private and public colleges and universities typically receive some funding from the federal government and are covered by Section 504 as well.



The Americans with Disabilities Act, also known as the ADA, also protects students with disabilities in colleges and universities. Title II of the ADA applies only to public institutions, like state colleges and universities. Title III of the ADA applies to those private schools that receive no federal assistance. Even though section 504 does not apply to them, students with disabilities are still protected from discrimination under Title III of the ADA. [131]

**Tip:**

In order to receive accommodations in college under Section 504, a college may need evaluations of your disability and needs. You may be able to avoid paying for these evaluations out of pocket by making sure that the evaluations are up-to-date before graduating from high school.

A student with disabilities who wants to go to college can speak with the 504/ADA Coordinator at the college. The 504/ADA Coordinator can tell the student how the college makes itself accessible. Colleges and universities must make “appropriate accommodation” for students with disabilities, both for academics and housing. [132] College students with disabilities are not required to inform the college of their disability. [133] But you will not get services if you do not request them.

**For Example:**

Examples of what “appropriate accommodation” might include:

- Recorded lectures
- A note-taker in the classroom
- Elevators in dormitories
- Elevators in the classroom buildings
- Additional time to take exams
- Flexible attendance requirements

There are many resources for college students with disabilities under Section 504. There are also resources for their families. [134] See the document on [Help for College Students with Disabilities](#) in reference material for more information.

**For Example:**

Kate is a student with vision impairment. Kate had an IEP and received special education services in high school. Section 504 also protects Kate from discrimination on the basis of her disability. Her college must provide appropriate accommodations for her. Those accommodations might include: Braille textbooks or adaptive computer software, which allows Kate to dictate her assignments for a computer to write down.

**Another Example:**

Matt has a physical disability that does not affect his ability to learn. Matt did not need an IEP. Matt was in general education in high school. Matt had a 504 Plan which allowed him to type his homework assignments instead of handwriting them. After graduation, the ADA still protects Matt from discrimination at work.

## **Supplemental Materials**

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### **IN THIS SECTION:**

[Effective Practices](#)

[Effective Practices for Parents](#)

[Parent-School Relationship](#)

[Effective Practices for Schools to Improve Transition Programs](#)

[Individualized Education Program Supplement](#)

[Your Legal Rights](#)

[Getting Started - The IEP Process](#)  
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[State Law Supplement](#)  
[MGL ch.71B §2](#)  
[MGL ch.71B §3](#)  
[MGL ch.71B §12A](#)  
[MGL ch.71B §12C](#)  
[MGL ch.71B §16](#)  
[Federal Law Supplement](#)  
[The Individuals With Disabilities Education Act, also called IDEA](#)  
[IDEA Monitoring and Enforcement of Transition Services Under 20](#)  
[U.S.C. § 1416](#)  
[Indicator 13: What It Means](#)  
[Indicator 14: What It Means](#)  
[Title 34 of the Code of Federal Regulations](#)  
[The Americans with Disabilities Act, also called the ADA](#)  
[Rehabilitation Act of 1973, Section 504](#)  
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## Effective Practices

This section deals with parents and schools and their relationship in building and implementing IEPs effectively. Parents should follow the recommended practices for parents only, not for schools. Parents may find it interesting to read the recommended effective practices for schools to understand the challenges schools face in implementing and improving transition programs. But schools may not offer the services shown here. The school-specific information is only a recommendation to school administrators and special education staff. The purpose of the school section is to give helpful tips to the schools to improve transition services.

### Effective Practices for Parents

You should think about transition and independence starting on the first day of kindergarten. Keep your student involved in paying attention to details. [135] For example, you should ask your student, “What bus are you on?” or “Do you have any homework due soon?”

Attend the IEP Team meetings and ask questions. Explore the different programs and options. Research in depth what is available for your student. Try to build a positive relationship with school staff. [136]

If appropriate make sure your student does not lose the right to stay in high school until age 22 or younger in some states that end education services earlier. [136A] Adult service agency budgets are limited. The agencies are not able to provide the same services to your student that he or she received in special education. You should make the most of your student’s high school experience. [137]

## **Parent-School Relationship**

You and the school staff should treat each other with respect. You are both there to help your student and to improve your student's life in school and beyond into adulthood. Your student should be the number one priority. Do not assume that you will have a conflict with the school. Open the door to conversations in order to build good relationships. Schools should also encourage you to bring an advocate to meetings to help you tell your story. [138] You should feel comfortable contacting transition staff. If you have a good relationship with the school, you may be able to access the transition staff outside of school hours by phone or email. Be respectful of their time. The goal is to build a positive relationship. [139]

## **Effective Practices for Schools to Improve Transition Programs**

Build relationships with adult service agencies. Networking is really important. Invite adult agencies to the IEP Team meeting by the time the student is a junior. They should be aware of what services the student might need. [140]

Work with your administration to get their support for the transition program. Try to develop a relationship between the special education department and administration. [141] The transition program should change and evolve to provide better services to the student. Training should be held for the high school faculty on transition services, including training on transition services laws. District-wide special education meetings are a good setting to discuss transition. [142]

Special education students should be integrated into general education programs. Try to build an offshoot of a program that already exists to cater to special education students. When

applying for educational grants, think about what portion can be allocated to special education. [143]

Develop an Adult Transition Program where students walk with their class but do not graduate if they are not yet ready to leave special education. The students can then continue to receive services until age 22 if appropriate.

Develop a “post-graduate class” under the supervision of a transition staff member off-site from the high school if possible. This class could teach academic skills for a portion of the day and conduct a vocational placement for the other half of the day.

Transition staff at the high school could also rotate to teach classes at this off-site location. This arrangement will be for students after they have walked with their class at graduation. Try to combine transition classes with internships. [144] Some schools have partnered with a local college in a mutually beneficial agreement. For example, the college can offer a classroom to the high school for use as an off-site transition classroom; the school’s graduate students in social rehabilitation can supervise the students. [145]1 Schools can also set up “mock jobs” for students at other academic buildings, such as high schools and elementary schools, in the district. Any approach undertaken needs to recognize that law and best practices require real community-based experiences.

Try to make contacts in the community for potential internships for the students. Call up establishments [146] and go door-to-door to ask if they are willing to host a student for an internship. Check in with the student to get a feel for what they liked and disliked about the potential career. Transition specialists and instructional assistants who are employed at the school should go to the internship with the student at first, and then check on him or her periodically. The goal is to slowly fade away so the student can gain independence. [147] This program should be possible if you have sufficient transition staff. A good working relationship

between special education staff and school administration is essential.

Budget for and hire a career specialist for the high school (possibly through an Alternative Education Grant Funding). A career specialist could go with the student on the first day of internship. A job coach, employed by the school, could supervise afterward.

[148] Apply funds to develop social skills programs or hire specialists in specific disabilities such as autism specialists.

Focus transition services on independent living, especially working on what the student needs to succeed on a daily basis. [149] Hold the student to a higher standard of what the community would expect. Train students to become self-sufficient in using transportation. Slowly build up public transportation use, perhaps with the Americans with Disabilities Act Para-Transit System. [150] The following websites offer additional information on public transportation in Massachusetts:

- [The RIDE \(for communities served by the MBTA\)](#) [151]
- [Areas not served by the MBTA](#) [152]

# Individualized Education Program Supplement

## Your Legal Rights

Students with disabilities are entitled to a Free and Appropriate Public Education, also called a FAPE. The law calls this an “entitlement” because your student is entitled to learn in a public school. Students with disabilities are entitled to a FAPE until they graduate from high school or reach the age of 22. [153] The government will provide your student’s education and other appropriate training and services at no cost to you. [154] During that time, state and federal law gives students with disabilities specific rights, including a right to an Individualized Education Program, also called an IEP. You will work in a group called an IEP Team to personalize this plan to your student’s needs.

## Getting Started – The IEP Process

Before developing an IEP, the school will work with your student to decide if he or she qualifies for special education. A group of professionals will evaluate your student by observing daily classwork and by reviewing the results of different kinds of tests. [155] The evaluation will show if your student needs special education services.

If you disagree with the evaluation results, you may ask for an independent evaluation at any time. The evaluation must be performed by a professional with proper credentials. [156] You do not have to go to an evaluator that the school recommends. Ask organizations familiar with your student’s disability, your student’s pediatrician, or other parents in similar situations for the names of evaluators with the right licenses and credentials. You may not have to pay for this independent evaluation. The cost may be covered by your insurance, by the school, or the



state. When parents ask for evaluations in areas not covered by the school's initial evaluation, or if parents do not qualify financially for public funding, the school may either pay for the reevaluation or proceed to the Bureau of Special Education Appeals, also called the BSEA, within 5 days to argue that the initial evaluation was appropriate. [157] Please visit the [BSEA website](#) for more information.

If your student qualifies for special education services, an IEP Team will customize a program for your student. The IEP is a written plan created by the IEP Team once a year in an IEP meeting. In this plan, the IEP Team decides the best way to meet your student's educational and social needs. [158] The IEP is a legal agreement between you as your student's guardian and the school. In the IEP the school will agree to provide certain services for your student. As you develop an IEP with the school and the IEP Team, keep records of all the communications with the school.

## The IEP Team

The IEP Team meets at least once a year to review your student's IEP. The Team goes over evaluations, your student's needs, and his or her goals.

The following people should be included on an IEP Team: [159]

- The student
- The student's parent(s)
- The student's teacher(s)
- The school's special education administrator
- Any specialists who work with the student (for example, a psychologist, doctor, therapist, independent evaluator, or lawyer)
- Any person with special knowledge or who has a special relationship with the student (for example, coaches, classroom aides, and school nurses)

Once students turn 14, they must be invited to attend Team meetings. Your student may also attend before age 14 if it is appropriate. [160] You and your student should help the Team members understand your student's needs and goals. Any transition services your student may need should be included in the IEP, even if the Team is not sure who will provide the service. [161] At the beginning, the IEP may only include services that the school is willing and able to provide. [162] Schools must also try to involve representatives from adult agencies in the IEP Team meeting when transition services are discussed. [163] Adult agencies are agencies that provide services for people with disabilities. Adult agencies should be contacted early so they can send someone to the meeting. They can be contacted directly by parents and advocates.

## IEP Content

Federal law specifically states that every IEP should include: [164]

- A statement about your student's skills, abilities, and emotional behavior
- A list of any special education services your student may need
- Specific goals for your student that can be measured by testing
- How your student will participate in statewide testing
- What services your student will receive
- How often and how long these services will be required
- Starting at age 14, inclusion of transition services.
- - A separate portion for employment goals. [164A] If your student will not participate in a regular classroom, this should be explained.
- You can request your student receive an extended school day if you can show that there is not enough time or class slots in the regular school day to provide your student all the services he or she needs. The school cannot require your student to take special

education services in place of required classes such as physical education in some states.[164B] The school cannot make your student miss classes if it would significantly impede the student's academic progress[164C] or otherwise deny the student of FAPE by denying student access to elective courses or opportunities to develop social skills when these opportunities are necessary.[164D]

## Refining the IEP

You should be familiar with your student's disabilities, the IEP process, and the curriculum offered at your student's school. Knowing how your student's disability may affect him or her in the classroom will make it easier to imagine how your student can participate with his or her class as much as possible. [165] Think about the steps your student needs to take to achieve his or her dreams. Thinking of these steps before the IEP Team meeting will help the Team talk about IEP goals that make sense for your student. Focusing on what is important for your student will help you decide what to ask for.

A person-centered planning session, also called PCP, is one example of a tool you can request from the school to help identify your student's preferences, visions, and dreams for the future. PCP can help the Team think about the support and the services your student may need to achieve his or her goals. [166]

The school may create a draft IEP before the meeting. [167] Be proactive and ask the school if you can receive a copy of the draft before the meeting. The draft will tell you what the school will recommend and help you to prepare for the meeting. You and your student may want to write down goals, activities, or services you think should be included in the IEP before the meeting. The IEP Team should create the actual IEP based on the discussions at the Team meeting. [168] All IEP Team members should work together to create an effective plan to help your student achieve

his or her goals. The IEP Team meeting should review what your student has done so far. It should focus mostly on developing a plan to achieve your student's future goals.

It's important to keep copies of all school reports. Anything you get from the school, including records of your student's performance, should be kept in a folder in your home. Gather and keep any records you have about your student's interests and achievements.

The school must communicate with you and your student in simple language, using English and the primary language of your home if it is not English. [169] If English is not your primary language, the school must provide an interpreter for you at no cost. The IEP must also be translated into your primary language. [170] If anything is unclear, you and your student should ask the school for an explanation.

After the IEP Team meeting, the school must provide you with two copies of the proposed IEP. [171] You have 30 days after you receive the copies to reply. You can accept or reject the IEP, or you can accept some parts and reject other parts. You can request additional meetings with the school to talk about the IEP you have received. [172] The school must begin providing the services in the IEP you agreed to and measuring your student's progress towards meeting the goals. [173] The school must provide reports of your student's progress whenever they provide progress reports to all other students. [174]

## Changing the IEP

The IEP must be reviewed every year. The Team can make changes to better serve your student's needs. [175] You can request a Team meeting at any time if you or your student feels that the IEP needs to be changed.

You may want to create a special binder, also called a portfolio, of information. Bring it to the Team meeting. This can include information about the activities your student is interested in or future goals your student has talked about. For example, if your student enjoys working with his hands, include pictures of the things he has made. The binder may help the IEP Team to understand your student better and to create the best plan for your student.

Developing non-academic skills, including social interaction skills and daily living skills, is very important for your student's future success and happiness. Think of what your student does throughout the day to find the areas where your student may need to work on additional skills. Be creative in thinking of ways to achieve your student's goals.

Learn the types of services your school offers. Talking to other parents and to special education teachers may help you find this information. You can also still ask for services that the school does not provide now. If new services are needed for your student to achieve his or her IEP goals, the IEP Team should think of creative ways to provide those services.

## **Accepting/Rejecting the IEP**

You must approve your student's IEP before it can be used. [176] As a parent, you have the right to accept the IEP in full, to accept only certain parts of it, or to reject it in full. At the end of the IEP form there is a section called "Parent Options/Responses." You will check one of the boxes next to the three options on the form:

- If you agree with everything in the IEP, check the box next "I accept the IEP as developed."
- If you disagree with the entire IEP, check the box next to "I reject the IEP as developed." Only use this option if you feel very

strongly that everything proposed by the school for your student's IEP is wrong.

- Usually, if you have a disagreement, you should reject only the parts of the IEP you disagree with. You will check the box that says "I reject the following portions of the IEP...." In the lines below this box, write out specifically the parts you are rejecting. This action means you are accepting some parts of the IEP. Rejecting only parts of the IEP means that your student will begin to receive some services immediately.

Accepting some of the IEP will also go a long way in demonstrating your desire to work with the school.

## Transition Assessments Supplement

Transition assessments are tools to evaluate your student. They help the IEP Team figure out what type of education is best for your student. Transition assessments can show what types of living skills your student will need in the future. You will be able to use the results to explore potential jobs for your student, both now and in the future. The assessments can also help you understand how your student interacts in social settings. This information is very valuable in setting goals for your student's future.

A student's abilities and interests change over time. Assessments should begin early. The process should continue from elementary school through high school. The transition assessments help to show what types of learning are appropriate for your student based on ability and age. Some assessments compare your student to other students of his or her actual age. They are called "age appropriate" assessments instead of assessments measuring your student's "developmental age." [177]

If appropriate, the IEP Team should have different kinds of professionals evaluate your student. The following people may help conduct appropriate transition assessments: [178]

- You
- Your student's teachers
- Teacher aides who work with your student ("paraprofessionals")
- Speech and language therapists
- School counselors
- Social workers who have been involved with your student
- Family members
- Vocational rehabilitation counselors (professionals who monitor your student's progress, discuss options, and help develop and improve job skills)

- Job coaches (professionals who match jobs to your student's interests by spending time observing and studying a potential workplace and helping your student develop the necessary skills) [179]

- Psychologists
- School nurses
- Physical therapists

These people's assessments should focus on determining both short-term and long-term goals. Assessments should consider goals in vocational training, education, employment and living skills. Then consider the student's strengths, preferences and deficits in each area. [179A] If those goals are very clear, it is easier to identify the service or service agency that will help your student most. [180] The adult agencies you choose can and should be invited to the IEP Team meetings starting junior year. People from these agencies can help the IEP Team decide what adult services will help your student achieve those long-term goals.

## Formal and Informal Assessments

### Formal Assessments

A formal assessment involves a standardized test of a specific skill. It compares your student to other students. Formal assessments are very useful. [181] There are many kinds.

1. Achievement tests measure your student's academic skills. Achievement tests are usually picked based on grade level.

Examples of achievement tests are: [182]

- Adult Basic Learning Examination (ABLE -2)
- Basic Achievement Skills Inventory (BASI)
- Peabody Individual Achievement Test (PIAT-R/NU)



- Stanford Achievement Test (SAT-6)
- Kaufman Test of Educational Achievement (KTEA-2)
- Wide Range Achievement Test (WRAT 4)
- Woodcock Johnson III

Schools give students standardized tests periodically. These tests can be a good starting point for the IEP Team. Depending on the characteristics of your student's disability, a standardized test (achievement test) score might be too high or too low to properly measure your student's abilities. [183] The IEP Team should combine other types of testing with the standardized tests given at school for a well-rounded assessment.

2. Adaptive behavior and independent living tests help the IEP Team consider whether your student will be able to live independently as a young adult. They also help the Team figure out the type and amount of transition services your student may need for adulthood. Examples of adaptive behavior tests are: [184]

- Brigance Life Skills Inventory
- Independent Living Skills
- Scales of Independent Behavior
- Vineland Adaptive Behavior Scales
- Inventory for Client and Agency Planning (ICAP)

3. Aptitude tests measure a specific ability of your student. The tests then compare your student to other students. "Ability" means what a person can do now or, given the opportunity, what a person can do in the future. [185]

4. Interest inventories compare your student's interests with the interests of people working in specific jobs. They help your student identify what he or she might be interested in doing as a career. Examples of interest inventories are: [186]

- OASIS-3
- Picture Interest Career Survey
- Becker Reading Free Interest Inventory

- Career Decision-Making System Revised

See the Dream Sheet for more information.

Your student may have a career goal that will be very difficult to reach because of his or her disability. Interest inventories can help the Team explore the reasons why your student is interested in a particular career. The Team might identify a different job that your student could do.

**For Example:**

Your student may want to be a veterinarian. This career may be difficult given your student's disability. Does your student only want to be a veterinarian, or does your student just want to work with animals? Would your student be happy working as a caregiver to animals at a zoo or at an animal hospital? Your student may be interested in a job other than the one he or she first identifies.

5. Intelligence tests look at your student's ability to do certain kinds of thinking. Some jobs require a high level of cognitive ability. Some disabilities affect cognitive ability. These tests help determine the level at which your student can be expected to perform cognitively. Examples of intelligence tests are: [187]

- Peabody Picture Vocabulary Test (PPVT-III)
- Stanford-Binet Intelligence Scales (SB-5)
- Comprehensive Test of Nonverbal Intelligence
- Kaufman Adolescent & Adult Intelligence Test (KAIT)
- Wonderlic Basic Personnel Test
- Wechsler Intelligence Scale for Children (WISC-IV) and Adults (WAIS-III)

6. Personality or preference tests try to measure motivations, needs, and attitudes. They may help to show that your student is,

or is not, suited for a certain career. Examples of personality or preference tests are: [188]

- Myers-Briggs Type Indicator
- 6 Personality Factors

7. Career development measures look at your student's ability to perform a particular job and its required tasks. These assessments should help to determine a career goal for your student. [189]

Examples of career development tools are: [190]

- Career Beliefs Inventory (CBI)
- Career Decision Scale (CDS)
- Career Thoughts Inventory
- Job Search Attitude Survey

8. On-the-job or training evaluations and on-site assessments can help determine whether your student is able to work at a specific jobsite. Examples of job or training evaluations are: [191]

- Job Observation and Behavior Scale (JOBS)
- Becker Work Adjustment Profile—Second Edition
- Work Personality Profile
- Work Adjustment Inventory

These real-world assessments address some of the problems with only using simulated settings. The results may be positive in those settings. But your student may be unprepared when put into a “real-world” situation. A simulated setting does not present the many possible unexpected situations that come up in the real world. It might be valuable for your student to try out a job or to shadow someone in a job he or she is interested in. [192]

9. Self-determination assessments are designed to measure your student's abilities in things like goal setting, problem solving, self-advocacy, self-evaluation, persistence, and self-confidence.

Examples of self-determination assessments are: [193]

- AIR Self-Determination Scale
- ARC's Self-Determination Scale

## Informal Assessments

Informal assessments are ways to evaluate your student in a non-traditional, non-standardized way. Unlike the standardized tests above, informal assessments do not compare your student to a broader group. [194] They include information collected about your student by many people, using many methods. [195] They are used to identify your student's strengths and needs over time. [196]

Informal assessments also look at your student's abilities to perform tasks that are not related to the classroom.

Informal assessments are inexpensive and often free. The Team should use informal assessments frequently, especially in the time between formal standardized assessments. Informal assessments can be given at any time that doesn't interfere with your student's classes.

Informal assessments are considered less reliable than formal assessments because they can be based on the opinion of the evaluator. Informal assessments should be given by more than one person to improve their accuracy. Creativity can help you get the best information from the many kinds of informal assessments below. [197]

1. Interviews and questionnaires can determine if your student's needs, preferences, and interests match up with what the Team believes your student will achieve after high school. See the Dream Sheet for more information. Examples of interviews and questionnaires are: [198]

- Transition Planning Inventory
- Enderle-Severson Transition Rating Scales—Third Edition

2. Direct Observation of your student can be done in school, in a job setting, in a training setting, or in a community setting. A job coach, co-worker, or someone who specializes in matching jobs to

student interests can observe your student. [199] You or another observer can learn about your student at home, in a grocery store, or at the mall. Observing your student in different situations can help to predict your student's behavior in a work environment. [200]

In trying to identify a career for your student, be cautious about your student's knowledge of what the work really requires. The best way to understand a job is to shadow a person who has that job or to try that job out, possibly through an internship. [201]

There are videos available to help your student understand what a certain career involves. [202]

Massachusetts law requires that schools let you observe your student in any current or proposed special education program. The state passed this law to help parents decide what program to use. [203]

3. Environmental or situational analysis is based on actual examination of the place where an activity will occur, such as a jobsite. This evaluation examines a potential work location, not your student. [204]

4. Transition planning inventories try to identify your student's strengths and needs as he or she prepares to make the transition from school to the larger community. The inventories focus on employment, post-high school education, and independent living. Examples of transition planning inventories are: [205]

- Supports Intensity Scale
- TEACCH Transition Assessment Profile

A few online tools are free and popular among special educators, and are also recommended by transition experts. They offer tests to determine your student's interests or to allow your student to report what they think they need. Free online transition assessments include: [206]

- [Ansell-Casey Life Skills Assessment-III](#) [207]
- [AIR Self-Determination Scale](#) [208]

## State Law Supplement

### MGL ch.71B § 2

An initial evaluation is necessary to determine if a student is qualified for special education with an IEP. Starting at age 14 a student with a disability is entitled to transition services.

Transition services can begin before age 14 if the IEP Team determines they are necessary. [209]

The IEP has to be reevaluated every year to see if the student is benefiting from the transition services in the IEP. [210]

### MGL ch.71B, § 3

Thirty days after the parents are notified that their student is recommended for special education, the school must come up with a plan to further evaluate your student's special education needs. The evaluation may consist of optional assessments in addition to required assessments: [211]

- Required Assessments:
  - Your student's specific abilities in relation to learning standards of the Massachusetts Curriculum Frameworks and the school district curriculum [212]
  - Assessment by the student's classroom teacher [213]
- Optional Assessments:
  - Medical assessment (conducted by a physician)
  - Psychology assessment (conducted by psychologist)
  - Assessment of home situation (conducted by a nurse, social worker, or a guidance/adjustment counselor)

If your student is likely to be the victim of bullying, harassment, or teasing based on his or her disability, the IEP must address ways to help your student to respond. [214]

If your student has a disability on the autism spectrum, the IEP must include the following: [215]

- Communication needs
- Social skills development
- Response to bullying or teasing
- Methods to help your child cope with changes in routine

Additionally, enrolling a student on the autism spectrum in sexual education classes to teach him or her appropriate boundaries may also be helpful for the student's comprehensive development. [\[215A\]](#)

The school must keep a record of all tests used to evaluate your student along with the test results. The school must also have a record of all recommended special education courses. This record must explain why the courses were chosen and what benefits the student will receive from the courses. Parents can refuse the recommended special education program and they can request a hearing. See the Resolving Problems section for more information. At the hearing, additional services for the student can be ordered. But this step may not happen. It is only one possible outcome. Parents can reject these additional services.

[216]

If the parent and the school cannot agree on an IEP or changes in an IEP, they can ask for mediation. There is a state office called the Bureau of Special Education Appeals, also called the BSEA, that will mediate free of charge if both the school and the parents request mediation. [217] See the Resolving Problems section for more information.

If a student with a disability requires day-care or home-care, his or her IEP Team must make a plan to move that student to a program with less supervision and care. The IEP must include transition services to help that student move to another program that gives him or her more independence (if that is a goal the student is working toward). [218]



## **MGL ch.71B, § 12A**

A student with a disability is entitled to transition services under the special education law. These services will end when a student graduates from high school or turns 22 years old. [219]

## **MGL ch.71B, § 12C**

Every school has to decide if a student with a disability will continue to need services after he or she finishes school. This decision has to be made at least 2 years before graduation, or by age 20. You may hear this process referred to as “688” or the “Turning 22 Law.”

If the student’s disability is certified by a state agency [220] (Massachusetts Office of Health and Human Services) [221] and meets certain requirements under the Social Security Act, [222] then the state will develop its own transition plan for your student. Adult service agencies will provide these transition services.

The Social Security Act states that a student is eligible for benefits if he or she meets the following criteria: [223]

- Does not have an eligible spouse AND
  - 1) Annual income is not greater than \$1,752 AND
  - 2) Resources are not greater than \$2,000
- Does have an eligible spouse AND
  - 3) Combined income is not greater than \$2,628 AND
  - 4) Combined resources are not greater than \$3,000

After a transition plan has been approved, when a student either graduates from high school or turns 22 years old, services will be provided as outlined by this state transition plan. [224] If your student is eligible, services will be provided by adult service agencies. [225]

## **MGL ch.71B, § 16**

A student with a disability who is completing 12th grade, but who is not ready for high school graduation, may be allowed to participate in the graduation ceremony and activities. He or she will not receive a diploma, and participation in the ceremony will not affect or limit the student's special education services. [226] School districts are required to ensure that options are available for eligible students ages 18 to 22. These options include continuing education and development of the following skills: [227]

- Access to community services
- Independent living skills
- Self-management of medical needs
- Job skills

## **Federal Law Supplement**

Several federal laws protect people with disabilities in the United States.

## **The Individuals with Disabilities Education Act, also called IDEA**

This law guarantees students with disabilities an equal opportunity for a free appropriate public education, also called a FAPE. [228] The information in this manual comes mostly from IDEA. [229]

Under IDEA, a student with disabilities is a student with "...intellectual disabilities, hearing impairments, speech or language impairments, autism, traumatic brain injury, other disabilities, and who by reasons thereof needs special education and related services." [230]

A FAPE must meet the state's educational standards. The schools must provide an "appropriate" education from preschool through

high school at no cost to parents or students. “Appropriate” means that the education must be helpful to the student in light of his or her disability. An Individualized Education Program, also called an IEP, defines what is appropriate for each student. An IEP Team creates the IEP. [231]

IDEA requires schools to evaluate students. The initial evaluation should show if the student has a qualified disability. The student cannot receive an IEP unless he or she has a documented disability. Parents can request evaluations of their student. The school or teachers can also request the evaluations. [232] Parents must authorize in writing any evaluation, test, or special education plan that someone else requests. [233] It is important to remember that if a parent or guardian refuses testing or services, the school is not breaking the law if the school does not provide them. [234] Any testing should be done within 60 days of the request. [235]

Under IDEA, students with disabilities are entitled to transition services. These services include activities in the community coordinated by the school. The goal of these services is to teach students skills they may need after leaving the high school. Transition services teach students with disabilities to live as independently as possible as they become adults. The activities that the student will participate in should be included in the IEP. The student should use their strengths and explore their interests through those activities. See the [Getting Transition Services](#) section for more information. Federal laws protect all of these rights. Schools must obey them. See the [Resolving Problems](#) section for more information.

## **IDEA Monitoring and Enforcement of Transition Services Under 20 U.S.C. § 1416**

Because the federal government cannot easily monitor states' performance in providing special education services under IDEA, federal law began requiring in 2005 that states measure their performance based on 20 different factors called "indicators." [236] The indicators measure a range of issues, including graduation rates, parental involvement, educational outcomes, transition services, and dispute resolution. [237] The states must review their State Performance Plans based on these indicators every six years. [238] See [Massachusetts' State Performance Plan website](#) for the complete list of indicators and a report on how the state is performing in each of them. Indicators 13 and 14 deal specifically with transition services for students aged 16 to 22.

### **Indicator 13: What It Means**

According to the Massachusetts Department of Education, Indicator 13 measures the percent of youth aged 16 and above with IEPs that include (1) appropriate measurable post-secondary goals and (2) annual goals to meet the student's transition services needs. [239] The Indicator also measures whether or not students and participating agency representatives (with the student's and/or parent's consent) are invited to IEP Team meetings where transition services are discussed. [240] Indicator 13 also makes sure that a student's IEP is focused. The IEP must specifically identify the skills needed for post-school activities. These activities include college, other post-high school education, training programs, and independent living.

## Indicator 14: What It Means

Federal law requires schools to track students who have had IEPs even after they graduate or leave school. This information shows how transition services have helped these students beyond special education. One year after a student leaves school, the school will send the parent a survey asking if the student is working, is in school, or is in a training program. This data will be very valuable in learning what works well—or does not work well—for students with IEPs after they move into adulthood. [241] Parents and students are encouraged to mail the surveys back in a timely manner. The information can help future students, just as past students have helped by sharing their stories and accomplishments.

## Title 34 of the Code of Federal Regulations

This includes all of the details for the IDEA. A regulation is a government agency's commentary on a statute which creates rules to make the law more specific and enforceable. Government agencies develop these rules instead of Congress. Regulations tend to be very specific. [242]

## The Americans with Disabilities Act, also called the ADA

This law makes it illegal to discriminate against people with disabilities at work, school, and many other areas. The ADA is the most important law for protecting people with disabilities. The ADA makes any school rule or action that discriminates against students with disabilities illegal. [243]

### Examples:

- Keeping a student out of a class or activity because

of his or her disability

- Only giving students with disabilities limited participation
- Giving students with disabilities reduced services
- Giving students with disabilities fewer benefits than those given to students without disabilities
- Providing separate or different benefits or services when they are not necessary
- Stopping a student with disabilities from being included in games and sports in gym class

## **Rehabilitation Act of 1973, Section 504**

This law makes it illegal for federally funded groups to discriminate against people with disabilities. Public schools are included in this law because they receive federal funds. [244] Schools must accommodate disabilities by removing barriers to success. They must keep all students (with and without disabilities) together as much as possible. [245]

## **The Vocational Education Act, also Known as The Perkins Act**

This law requires that students with disabilities be offered opportunities in career education. Under this law, students with disabilities have a right to work-based learning experiences. [246]

## **Table of Cases**

Cases are arranged by relevant issue and within the issue, in chronological order.

## Non-Massachusetts Case Supplement

Relevant Issue	Case Name (citation)	Facts	Reasoning	Holding	Disposition
<u>Tuition Reimbursement Assessments</u>	<i>Carrie I. ex rel. Greg I. v. Department of Educ., State of Hawaii</i> , 59 IDELR 46, <a href="#">112 LRP 31627</a> (D. Hawaii 05/31/12).	Parents placed student in residential placement against school's wishes when parents alleged transition plan was inadequate and school failed to base it on current assessment of student	School considered opportunity to interact with non disabled peers but did not address students behavioral needs Failing to conduct transition assessments was not harmless error. "The lack of assessments alone is enough to constitute a lost educational opportunity," Instead of merely identifying the agencies responsible for providing transition services, the court explained, the ED should have conducted age-appropriate transition assessments, developed appropriate postsecondary goals, and identified the services needed to reach those goals.	The Hawaii Education Department violated the IDEA not only by failing to consider the harmful effects that a public school placement might have on an 18-year-old student with autism, but also by failing to conduct transition assessments and develop an appropriate postsecondary transition plan.	Department ordered to continue students private placement
<u>Teacher training</u>	Pasadena	Parents	"If staff had	District must	Ordered

Relevant Issue	Case Name (citation)	Facts	Reasoning	Holding	Disposition
<u>Curriculum:</u> <u>Sexual</u> <u>Education</u>	Indep. Sch. Dist. 112 LRP 10660 (SEA TX 02/06/12)	suggested 19 year old student with down syndrome receive sexual education and set IEP goals for identifying parts of the body, responding to strangers, and using appropriate social behavior. Hearing officer determined these goals met the student's sex educational needs	been trained on how to teach human sexuality to students with autism and intellectual disabilities, the school district might have addressed [the student's] need in this area before [the current school year],"	train staffers to teach sex education to students with autism.	district to develop training plan for staff to teach special education to students with speech language deficits
<u>Graduation</u> <u>Age out</u>	R.P.-K. by C.K. v. Department of Educ., State of Hawaii, 58 IDELR 214, 12 LRP 16291 (D. Hawaii 03/30/12)	Issue presented: May ED terminate SPED services for student at the end of the school year in which he turns 20 if state law terminates all education services for students after this age?	It is within state's authority to determine at what age education services must terminate (if over 18). State may enforce age cap on educational services as long as cap applies to disabled and non-disabled students. Analogy to adult education services was improper. "Although the [ED] describes	Yes. ED does not have a practice to allow non disabled students to continue their H.S. beyond 20 so state law age limit was enforceable.	



Relevant Issue	Case Name (citation)	Facts	Reasoning	Holding	Disposition
			those programs as a form of 'secondary education,' the evidence presented at trial demonstrates that the educational curriculum, requirements, and experience of the adult programs are dramatically different from those of a traditional public high school,"		
FAPE	<a href="#">T.M. by S.M. v. Gwinnett County Sch. Dist.</a> 447 F. App'x 128, 111 LRP 72658, 57 IDELR 272 (11 <sup>th</sup> Cir. 2011	Georgia school put student with severe language and social skills deficits in small classroom. Parents objected that he needed 1 to 1 services.	The IEP which placed student in small group classes with speech and language therapy appropriately addressed the student's language, reading, and social interaction needs while offering him the opportunity for meaningful benefit. One to one placement would have deprived student of peer interaction.	Evidence from the record shows student received FAPE from school's suggested program,	

Relevant Issue	Case Name (citation)	Facts	Reasoning	Holding	Disposition
<u>Benefit Standard Fee-Shifting</u>	<i>Blake C. v. Dep't of Educ.</i> , 593 F. Supp. 2d 1199 (D. Haw. 2009).	Hearing officer denied request by student with autism for reimbursement of expenses for private placement school. Review found no procedural or substantive violations of IDEA.	Student was making no meaningful progress, which meant that no meaningful benefit could be achieved. For there to be no difference between “some” benefit and “meaningful” benefit test, “some” benefit would need to mean “more than minimal” but still real progress.	“Meaningful educational benefit” is standard. Student did not receive a FAPE. DOE failed to perform an assistive technology evaluation under IDEA after mother raised possibility this might be useful. Reiterated that parents may not dictate specific services.	Reversed administrative decision and awarded student \$62,681 for private placement tuition for year in which student did not receive FAPE, along with fees for relevant legal work
<u>Substitute Placement Transition Services</u>	<i>Livonia Pub. Schs.</i> , 58 IDELR 235, 112 LRP 14667 (SEA MI 1.4. 2012).	Mother alleged when student’s post-secondary program closed, school’s substitute programs, one for mild, one for moderate cognitive impairment combined, did not offer student FAPE	“district had no obligation to maximize student’s potential”. Mother did not satisfy her burden of proving that programs were inappropriate. Mother failed to provide assessments, evaluation or other evidence to show daughters needs were not met. By contrast school produced information from certified	Record indicates that school provided a FAPE to student, through this substitute mixed classroom arrangement.	

Relevant Issue	Case Name (citation)	Facts	Reasoning	Holding	Disposition
			teachers of each program that showed programs were appropriate for student and she was progressing toward her goals. Evidence further showed Student was taught life and work skills.		
<u>Unilateral Placement Tuition/Cost reimbursement Least Restrictive Environment</u>	T.B. by W.B. and J.B. v. St. Joseph Sch. Dist., 112 LRP 21516 (8 <sup>th</sup> Cir 04/27/12).	Student with autism was withdrawn from school and parents gave him home- based program that relegated academics as secondary to social, independent living and behavioral skills. education.	While private program does not need to satisfy stringent requirements of IDEA in order to justify cost reimbursement, it does need to provide specifically designed instruction that will allow the student to benefit. Programs that lack effective educational component are unlikely to fit this bill.	Program did not deliver educational benefit sufficient to merit recovery from the program (though program could have been used as supplement to other program)	
<u>FAPE Community Experiences</u>	Horizon Instructional Sys. Charter Sch., 58 IDELR 145; 112 LRP 5189	H.S. student with ASD was given mock job in teacher's office answering phones and depositing checks in false bank. Parents	"it is unlikely that Congress in fashioning a plan to ease the transition of disabled students from the campus to the outside world (which it designated the	Student was not provided a FAPE by mock job program. Though convenient for teacher, program did not accord with students	ALJ ordered district to conduct assessment and develop goals that would permit student to apply acquired

Relevant Issue	Case Name (citation)	Facts	Reasoning	Holding	Disposition
		argued student not given required community skills.	“community’), meant to include the campus itself in the outside world”. “related provisions of the act suggest that community means the external world, not campus”. (state) Legislatures requirement of multiple experiences demonstrates “one clear purpose of transition requirements is to expose student to a variety of employment options so that he or she can make well informed career choices”	plans, interests, or needs, it placed student in an artificial protected setting, student not allowed to practice transference of skills in the uncertainty of the real world.	skills to community environment .
<u>Graduation Compensatory services.</u>	Kevin T. v. Elmhurst Cmty. Sch. Dist. No. 205, 01 C 0005, 2002 WL 433061 (N.D. Ill. Mar. 20, 2002)	19 year-old student suffered from multiple disabilities-a learning disability, an attention deficit hyperactivity disorder, and a bi-polar disorder. Student progress improved in final year and	District's decision to graduate student was based on his accumulation of required credits and not based on his progress on his IEP goals and objectives. Record reflects district did not consider student's IEP goals.	District did not provide student a FAPE when it did not consider whether student met IEP goals in decision to graduate student.	Granted parents motion for summary judgment. Orders that the District: (1) provide student with a free education until he turns twenty-one and one additional year of

Relevant Issue	Case Name (citation)	Facts	Reasoning	Holding	Disposition
		he earned enough credits to graduate. School unilaterally graduated student. Parents challenged graduation alleging a number of procedural violations and that Student did not meet IEP goals.			compensatory education; and (2) reimburse parents for expenses incurred at private educational placement after the District stopped its funding of students education before this Court's entered its stay put order.
<u>Transition Services</u> <u>Community Experiences</u> <u>Evidence</u> <u>Procedural violation</u>	Rosinsky v. Green Bay Area School Dist. 667 F.Supp.2d 964, (E.D. Wis. 2009).	Student with fragile X syndrome, parent requested IEP goal to obtain 15 hour-per-week job experience in community that included customer interaction. Parent alleged current IEP containing more supervised vocational experience was insufficient community experiences.	Vocational representatives testified to student's progress in vocational opportunities regarding employability skills and stamina. Alleged procedural violation that district neglected to invite vocational representatives was harmless because record shows they attended through parent's invitation.	IEP goal to achieve part time job in community that included customer interaction was measurable post secondary goal.	Upheld Hearing Officer Determination that program provided a FAPE.

<b>Relevant Issue</b>	<b>Case Name (citation)</b>	<b>Facts</b>	<b>Reasoning</b>	<b>Holding</b>	<b>Disposition</b>
<u>Procedural violations</u> <u>Transition Planning</u>	K.C. by M.C. v. Mansfeild ind. Sch. Dist., 52 IDELR 103 (N.D. Texas 2009)	<p>Student argued she was denied FAPE because transition plan ignored student's music- related interests. Parent unilaterally placed student in music academy for students with cognitive disabilities</p>	<p>Not all of a student's interests need to be reflected in transition plan. Transition plan reflected student's strong interests in fashion and child care by placing student in teacher's aid vocational placement until student terminated the placement. IEP also included placement in clothing store which reflected student's interest and skill in fashion area. IEP also considered music therapy Vocational goal did not contain performance art goal because assessments showed below average capabilities in this area.</p>	<p>Transition plan, which included student's interests in fashion and child care and sought to incorporate music to the extent it was practicable, was appropriate.</p>	<p>District not obligated to pay for private music academy placement.</p>

Relevant Issue	Case Name (citation)	Facts	Reasoning	Holding	Disposition
<u>Procedural violations</u> <u>Transition Planning</u>	<a href="#">Fox Chapel Area Sch. Dist.</a> In re, 53 IDELR 172 , 109 LRP 62710 (SEA PA 2009).	IEP of Non verbal student with autism required student to take transition classes at an outside placement on a gradually increasing basis.	16 days attending the program over eight weeks -- was not adequate to facilitate his movement from school to post-school activities, as required by the IDEA implementing regulation at 34 CFR 300.43(a)	Although senior's transition plan provided full complement of services the scheduling of its implementation rendered it inappropriate student had difficulty adapting to new environment, and plan should have begun earlier and provided more extensive exposure so student could benefit from transition placement before graduation.	School ordered to begin students gradual transition to vocational placement sooner and to increase number of hours student would spend at this placement.
<u>Transition Services</u> <u>Community Services</u>	East Hartford Board of Educ. (SEA Conn. 2008) 50 IDELR 240, 108 LRP 46228	Among other issue, Student given 1.75 hours per week of post - secondary employment training in which student was taught skills such as check writing, banking, finances, ordering in restaurant	Student was taught life skills by teacher with whom he was very familiar. Student should have been given opportunity to transfer skills in presence of another individual with whom he was less familiar.	Student was denied adequate transition services.	Ordered district to develop appropriate transition services.

Relevant Issue	Case Name (citation)	Facts	Reasoning	Holding	Disposition
		and self advocacy by special education staff Student alleged was not provided sufficient community experiences and not adequate transition services.			
<u>Graduation</u>	Jefferson County Bd. Of Educ. V. S.B. ex rel. J.B., 56 IDELR 300 (N.D. Ala. 2011)	School suspended student for carrying handgun pursuant to school district policy requiring 1 year suspension. Student challenged suspension because it would prolong student's graduation date.	IEP did not specify graduation must occur at the time student and parents expected	School was permitted to suspend student and accordingly postpone graduate date.	Affirmed.
<u>Stay put</u>	B.A.W. v. East Orange Bd. Of Educ., 55 IDELR 76 (D.N.J. 2010)	Student requested stay public school placement during pendency of proceedings. The district argued that the student couldn't satisfy stay put	the district's "interpretation would render the stay-put provision meaningless because the school district could unilaterally graduate handicapped children."	School was required to reinstate student to previous private school placement pending a determination of whether student was properly graduated.	granted Students motion for preliminary injunction



Relevant Issue	Case Name (citation)	Facts	Reasoning	Holding	Disposition
		requirements because the first element because there was no change in placement where the student did not graduate until after there had been a final decision by the emergency hearing officer on the placement claim.			
<u>Graduation</u> <u>Parent</u> <u>Cooperation</u>	Student with a Disability, In re, 56 IDELR 183 (SEA NY 2011).	School moved to graduate student after he satisfied credit and Regent's diploma requirements; Parents contended that school improperly allowed student to pass biology course and one Regent's examination.	Even if school improperly credited students as parents alleged student would still meet minimum graduation requirements for New York state. Parents acted unreasonably when they refused to provide school with academic transcripts.	School has no educational obligations toward student because student met all requirements for graduation for Regents diploma.	SRO annulled order for compensatory education.

Relevant Issue	Case Name (citation)	Facts	Reasoning	Holding	Disposition
<u>Curriculum</u>	Parents v. Alhambra Unified School District oah case no 2010050866 (oah CA) Oct. 21, 2010 (ALJ Gomez)		In addition to fact student would not be able to attend other beneficial classes that conflict with speech therapy. student had several medical absences that could not be avoided providing more incentive to avoid additional classroom absences	After school speech therapy must be provided because absence from class would impede academic progress.	
<u>Graduation</u> <u>Transition</u> <u>Goals</u>	Oyster River Coop. Sch. Dist., 110 LRP 33121 (SEA NH 2009).	Student with asperser's syndrome and autism did not meet life skills portion of transition goals stated in IEP.	Student had crippling social anxiety, poor social skills and disabilities to complete daily tasks. It was found he had "no interaction with peers either in or out of school" Student did not meet independent living, community participation and vocational transition goals.	Transition goals had not been met and another semester would help student develop skills needed for college.	IHO Ordered district to delay graduation for one semester

Relevant Issue	Case Name (citation)	Facts	Reasoning	Holding	Disposition
<u>FAPE Evidence</u>	Los Angeles Unified School Dist. 111 LRP 75102 (SEA CA 2011)	4 year old student received increased individualized speech therapy from previous IEP but parents argued he needed more. Student's inability to meet IEP goals was evidence of his need for more services.	District pathologist opined that the services were appropriate the IEP goals were too complex and student could actually benefit more from the group therapy he was receiving. By contrast, Parents provided no expert evidence to show affirmatively that student needed frequent individualized speech therapy. Districts are only required to provide a "basic floor of opportunity" and are not required to "maximize the potential" of students with disabilities.	Record reflects that District provided a FAPE to student.	
<u>Transition Services</u> <u>Delay in IEP Curriculum</u>	Newark City School Dist., 111 LRP 67200, 58 IDELR 26 (SEA OH 2011).	School developed transition plan for high school senior that recently decided on college track. Transition Plan stated student would "take college prep	Beginning at 16 (or 14) transition plan must include 1) appropriate measurable post secondary goals and 2) identify specific transition services needed to help students reach	Transition plan was inadequate because it was vague and placed transitional service responsibilities on parents. 8 weeks after learning of student's plan	

Relevant Issue	Case Name (citation)	Facts	Reasoning	Holding	Disposition
		<p>courses, take ACT and investigate [specific vocational service]. Employment portion of plan stated student will “engage in pre-employment activities and relate those to job choices” and “will explore the services at [Named Vocational Rehabilitation Service]” as the parent/student’s responsibility</p>	<p>those goals. The school did not significantly include students preferences, needs interests and strengths. Also “There must be an employment goal that reflects the students current intentions for career/employment after high school” “The transition section of the students IEP should include academic, life-long learning, workplace readiness, occupationally determination, daily living skills, health and physical care and leisure and skills, as appropriate” it added goals should also be “measurable” and “results oriented” Parents also argued Student was not permitted to take college prep courses, a violation of 34 crf 300.39(a)(3)</p>	<p>to attend college was too long to wait to amend transition plan. However, school was not expected to offer certain college prep services that year because student only notified school in March of that year of college aspirations. There was no violation of curriculum requirements because Student was in other college prep of Spanish, Chemistry and algebra 2.</p>	

Relevant Issue	Case Name (citation)	Facts	Reasoning	Holding	Disposition
			because he was not permitted to take non-inclusion English or American government.		
<u>Compensatory Services</u> <u>College Courses</u>	Cinnaminson Twnshp. Board of Ed., 26 IDELR 1378 (New Jersey SEA 1997); 1997 N.J. AGEN LEXIS 657.	Student with perceptual and auditory processing impairment unable to read at 5 <sup>th</sup> grade level despite normal IQ after leaving high school. Parent funded community college remedial reading courses and sought reimbursement. Parent sought compensation for efforts to offset districts shortcomings and punitive damages	Student did not make sufficient progress towards reading goals while taking reading tutoring recommended by school. School should have provided student with lower level reading materials she requested for History and Psychology.	IEP was not reasonably calculated to achieve educational benefit. Tutoring services were ineffective. Student's normal IQ and expert testimony showed she had ability to read beyond fifth grade level. Denied parents claim for compensatory payments because no existing law in support of this claim. Denied punitive damages.	School District ordered to compensate parent for one year of reading course and tutoring at community college. Did not order compensation for parents other educational expenses such as writing course.
<u>Procedural Violations</u>	Rodrigues v Fort Lee Bd of Educ no 11 1467 2011 WL 4005211 (3 <sup>rd</sup> Cir, 2011) (UNPUBLISHED)	Student with Cerebral Palsy was mainstreamed with accommodations, her IEP	Measurable objectives were not necessary because student were mainstreamed and grades	Failure to provide measurable objectives and detailed explanation of transition	Affirmed District Court

Relevant Issue	Case Name (citation)	Facts	Reasoning	Holding	Disposition
	)	did not contain measurable goals, IEP did not describe transition goals adequately	could be an indicator of educational progress. Even assuming information provided in IEP was imperfect, "Both IEPs correctly noted that [student] wished to attend college and set forth the academic requirements for that path, and the senior-year IEP included a detailed checklist designed to assist her transition out of school. Moreover, the Board provided [the parents] with extensive information about agencies that could further assist with [student's] transition."	services are procedural violations and in order for it to be denial of FAPE it must have had to have caused a deprivation of educational benefit. Here, student got high grades, so it seems no denial of a FAPE was present.	
<u>Compensatory Services</u> <u>Fee shifting</u>	Streck v. Bd of Educ of the East Greenbush Cent. Sch. Dist., 408 Fed.Appx. 411; 266 Ed. Law. Rep. 83110 LRP 69565 (2d Cir. Nov. 30,	Parents appealed SRO's fee award based on gross violation of IDEA	Escrow account for prospective services should be offered because "In enacting the IDEA, Congress did not intend to create a right without a remedy.	Parents were entitled to attorneys fees, cost of student's laptop and reading related software, cost of five college courses	2 <sup>nd</sup> Circuit vacated and remanded to find appropriate costs Ordered additional courses covered, along with

Relevant Issue	Case Name (citation)	Facts	Reasoning	Holding	Disposition
	2010)(unpublished)		Therefore, when a court grants prospective compensatory education under the IDEA, the prevailing party's ability to utilize that award cannot turn on its ability to finance the costs of the education awarded"	reduced by student's scholarships and financial aid. District was required to open escrow account to be used to pay for students remaining years of compensatory reading services.	laptop cost, and neurological evaluation Calculated schools debt by subtracting financial aid and scholarships student received, ordered balance for additional educational services be kept in escrow
<u>Evidence Placement change Compensatory Services</u>	Lorenzen c. Montgomery County Bd of Educ. 403 Fed.Appx. 832, 265 Ed. Law Rep. 51. (8 <sup>th</sup> Cir, 2010)(unpublished)	Parents contested public school placement for student with autism, placed student at private school and appealed for one year tuition reimbursement. ALJ held original IEP was inadequate but amended IEP was sufficient to provide a FAPE and thus ordered tuition reimbursement for the one semester before	District court failed to consider school's affidavit that students needs changed since administrative proceeding. Further parents presented no evidence beyond testimony that students needs remained the same	There was an issue of material fact as to whether students needs changed to merit a placement change.	Reversed District Court's grant of summary judgment in favor of parents arguing there was an issue of material fact on reasons why school changed students recommend er placement

Relevant Issue	Case Name (citation)	Facts	Reasoning	Holding	Disposition
		<p>amended IEP was proposed. After proceeding, IEP Team concluded public school was not proper placement. Parent appealed to district court that placement change constituted admission that neither IEP was reasonably calculated and requested full year tuition reimbursement. District court granted parents motion for summary judgment saying placement change was omission public school placement was improper.</p>			
IEP Formation Classroom Accommodations	<a href="#">Nordonia Hills (OH) City Sch. Dist.</a> , 55 IDELR 81 (OCR 2010).	Student claimed denial of FAPE because school failed to invite	Section 504 places the responsibility for offering FAPE on the home district of	Student not given FAPE when school district did not consider students	Section 504 was violated



Relevant Issue	Case Name (citation)	Facts	Reasoning	Holding	Disposition
		representatives from student's partial day vocational program. As a result they were not considered. District did not consider whether special classroom accommodations were needed at the student's vocational placement.	residence. 34 CFR 104.33. Thus, the district was responsible for developing an IEP and ensuring that the student received an appropriate program both at the high school and the vocational facility that served it. District violated the Section 504 by neglecting to consider what services the student would need in her cosmetology classes	needs in cosmetology program as well as academics. District is required to consider information from people knowledgeable in a particular area of student's education	
<u>Transition services</u> <u>FAPE</u> <u>Compensatory education</u>	Klein Indep Sch Dist v Hovem, 110 LRP 54905 (S.D. Tex. 9/27/2010)	Student with high range IQ took hours to write few sentences, teachers held student to different easier standard or parents helped at home, student did not use school computerized services provided. Student passed all classes.	Student's inability to write near grade level undermined districts position; Transition plan lacked goals and services needed for him to transition to post secondary life and attend college although district knew this was his goal, the plan merely stated he needed operational	School failed to offer student a FAPE by failing to address student's severe writing impairment and provide adequate transition services.	Ordered district reimburse parents for educational services they privately obtained.

Relevant Issue	Case Name (citation)	Facts	Reasoning	Holding	Disposition
			therapy and assistive technology was not individualized		
<u>Procedural Violations Transition Services</u>	Los Angeles Unified School Dist. 110 LRP 34448	IEP team did write down transition services in student with behavioral problem's IEP.	Student received job training, independent living guidance and other transition services including practicing internship applications, learning job search strategies and exploring college. Student was not denied a FAPE merely because of this procedural violation.	Procedural violation not to write down transition services in IEP did not deny student a FAPE because it did not impair her ability to derive educational benefit. Record reflects student did receive adequate transition services.	
<u>Attorney Fees Fee Award Calculation</u>	Stephanie J v. Board of Educ, Chicago Dist, 110 LRP 44305 (N.D. Ill 07/30/10)	Plaintiffs as prevailing parties in administrative decision argued they should be entitled to interest on their fee judgment on ALJ award.		Prejudgment interest was awarded as part of attorney's fees. Interest should be calculated at the prime rate for the period at issue	Plaintiff awarded \$92, 137 compensatory award plus 3.5 percent.

Relevant Issue	Case Name (citation)	Facts	Reasoning	Holding	Disposition
Community College FAPE	<a href="#">Mountain Bd. of Coop. Educ. Servs.</a> , 54 IDELR 334, 110 LRP 38150 (SEA CO 05/03/10)	Student failed community college course listed in Student's to transition plan. District argued it was not required under idea to implement the students IEP (such as in providing homework help) in conjunction with the college class.	IDEA, FAPE means "an appropriate preschool, elementary school, or secondary school education provided in conformity with the student's IEP." 34 CFR 300.17. Postsecondary schools do not fall within the ambit of the IDEA. Thus, "the [district] had no authority or responsibility under IDEA to either communicate with or to direct [the college] to implement [the student's] IEP," It made no difference that high school teacher was involved in college or if the college class took place on high school property.	School has no duty to provide FAPE in a community college class	

Relevant Issue	Case Name (citation)	Facts	Reasoning	Holding	Disposition
<u>Section 504 Evaluations Evidence</u>	Davie v Barrnegat Bd. Of Educ., 54 IDELR 122 (D.N.J. 2010)	Former student argued his educational growth was stunted when school placed student in behavioral modification classes and required student to miss academic and vocational classes.	School district did not provide up-to -date comprehensive assessment stating that behavioral modification classes were required for student.	School did not have adequate evidence for denying student participation in regular academic curriculum, a violation of Section 504. Student not required to exhaust administrative remedies in claim.	Student granted permission to sue for money damages under Section 504
<u>Discretion to School's placement decision</u> <u>Parent's Participation</u>	K.L.A. by B.L. and R.A. v. Windham Southeast Supervisory Union, 54 IDELR 112 , 110 LRP 19259 (2 <sup>nd</sup> Cir. 2010)(unpublished)	Parents wanted a community placement for student with pervasive developmental disorder, but district gave a public school placement. School solicited input of classroom teacher and parents in IEP meetings but decided against their wishes regarding appropriate placement for student.	"Though the parents are afforded input as to the determination of characteristics of an appropriate educational placement, they cannot summarily determine a specific placement" Under the regulations in effect in Vermont at the time, the district had the exclusive right to decide the specific location of the student's services	School did not violate IDEA by placing student against parents' wishes. Parents were given ability to weigh in on the general characteristics of student's placement but ultimately the decision of the specific school where student attends rests with the district.	

Relevant Issue	Case Name (citation)	Facts	Reasoning	Holding	Disposition
<u>Transition Goals</u>	In High v. Exeter Township School Dist., 54 IDELR 17 (E.D. Pa. 2010)	Student with LD and sixth grade reading level listed college goal on transition portion of IEP. Rest of IEP contained reasonable benchmarks with student attained during her senior year of high school.	Student made a full years' worth of progress in her junior year. This shows that the transition goal did not inhibit IEP goals. A newly identified transition goal does not have to match IEP because a newly identified goal "will not change the ability of a child to progress at a higher rate".	The fact that high school student with LD read at sixth grade level by end of junior year did not show that her transition plan which listed college goals or IEP was inappropriate	
<u>Stay put</u>	R.Y. v. State of Hawaii 110 LRP 10386 (D. Hawaii 02/27/10)	Student challenged her graduation and filed for stay put in her high school placement during pendency of proceedings.	"Accepting the [Education Department's] reasoning would result in the untenable result that a school may unilaterally terminate the student's benefits under IDEA simply by granting her a regular high school diploma even though the issue of her graduation is properly before a hearings officer and or court,"	If a student with a disability requests a due process hearing to challenge her graduation, the district must maintain her current placement until the dispute is resolved. This rule applies even if student satisfies all of graduation requirements	Granted motion to stay put.

Relevant Issue	Case Name (citation)	Facts	Reasoning	Holding	Disposition
<u>Stay put</u> <u>College</u> <u>Courses</u>	Rindell v Evansville-Vanderburg Sch. Corp. 54 IDELR 7, 110 LRP 9536 (S.D. Ind. 02/10/10)	When the facility planned to close, the parents sought a preliminary injunction permitting transfer of the student to the internship program, a program for students with high-functioning autism that was similar to the current placement.	Although FAPE is commonly not available in a college setting “courts my pursuant to their equitable discretion, move beyond a college label in the interest of the child” district proposed no alternative placement	When students placement becomes impossible, stay put is satisfied by putting student in a comparable placement. Record reflects college internship program was appropriate given students needs.	Ordered district to place student in college internship program as comparable placement
<u>Graduation</u> <u>Aging out</u>	C.B. v. State of Hawaii Dept of Educ. 110 LRP 75231 (D. Hawaii 12/22/10), Jan 14, 2011	Student with autism, mild mental retardation, and a seizure disorder was notified he would be graduated after year he turned 20 because Hawaii’ educational services end at age 20.	the team did not exit the student merely because of his age. The record showed student had acquired the skills he needed to enter the noncompetitive work force, and that because he had plateaued, he stood to gain no further benefit from IDEA services. Student meant employment goal in IEP. Testimony of the student's autism consult teacher, the person most	Hawaii districts must provide FAPE to students through age 21 when the IEP team so recommends. In this case student's IEP team did not recommend these extended services.	

Relevant Issue	Case Name (citation)	Facts	Reasoning	Holding	Disposition
			familiar with him, confirmed that his level of independence and basic academic skills were well set.		
<u>Assessments Inadequate Transition Assessment</u>	DC Public Schools, 57 IDELR 114 111 LRP 26012 (SEA DC 2011)	Parents challenged that IEP for student with emotional disturbance was not based on comprehensive and adequate educational assessments of student. Rather than conducting a comprehensive evaluation of student's interests, strengths, and educational, training, employment needs, district conducted a 10 minute yes or no question interview with the	Assessment did not address the fact that student performed at elementary level academically, did not address academic deficits and goals of becoming a forensic scientist or attaining college were unrealistic. IEP goals stated student would attend college to pursue a career as a forensic scientist despite fact that student had 2 <sup>nd</sup> grade reading level. "The information gathered from	District failed to conduct appropriate assessment of teenager that led to inadequate transition plans and a denial of a FAPE.	Ordered district to conduct formal transition assessments and amend IEP in accordance.

Relevant Issue	Case Name (citation)	Facts	Reasoning	Holding	Disposition
		student.	the interview is also somewhat unreliable because of its limited duration and scope, and because the student's career interests readily change,"		
<u>Procedural violations</u>	Tindell v Evansville-Vanderburgh School corp. 111 LRP 52212 (S D Ind. 07/29/11) (attached)	School did not develop transition plan until 3 months before student's high school graduation. Nonetheless student made sufficient progress and obtained information about banking , vocational services, functional math skills.	Student made sufficient progress and the lack of transition plan was merely a procedural violation that was not material to student's FAPE. " School district cannot be required to educate student to a level of independence never contemplated by the parties in the first place"	Though transition plan was late, student received transition services necessary for a FAPE	



Relevant Issue	Case Name (citation)	Facts	Reasoning	Holding	Disposition
<u>Parent Cooperation</u> <u>FAPE</u>	James M v. State of Hawaii, 111 LRP 14988 (D. Hawaii 02/25/11)	School communicated they would start IEP without parent, unless parent submitted written waiver of annual meeting date. Parent did not respond and school developed IEP. Student received 300 minutes speech language services at private school. IEP gave 120 minutes of the service. Parents unilaterally placed student in their recommended placement and sued for tuition reimbursement.	District only needed to provide basic floor of opportunity. It was irrelevant that parent's placement provision of 300 minutes of services, evaluations showed 120 minutes would be adequate. Further this amount of services would be adequate given that student was reducing to half day of classroom services.	School provided a FAPE because it provided the basic floor of opportunity needed for student.	Denied claim for tuition reimbursement.

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<u>Procedural violation</u>	M.H. and S.R. ex rel. H.H. v. New York City Dept of Educ. 56 IDELR 69 , 111 LRP 67317 , (S.D.N.Y. 2011)	School district discussed and memorialized counseling services in IEP meeting notes but not in appropriate section of IEP	“ it would exalt form over substance to hold that the IEP was inappropriate simply because a recommendation omitted from the IEP because of a clerical error, which appeared in the IEP meeting minutes and was reflected in the conduct of the parties failed to appear within the four corners of the IEP”. Parents did not provide expert support for their contention that counseling service hours were insufficient, parents merely compared IEP suggested number with the amount recommended by the private school parents selected. "the appropriateness of a public school placement shall not be determined by comparison	Procedural violation of not listing counseling services in IEP was not material; Affirms SRO's decision that IEP was appropriate.	Granted school's motion for summary judgment

Relevant Issue	Case Name (citation)	Facts	Reasoning	Holding	Disposition
			with a private school placement preferred by the parent."		
<u>FAPE Evidence</u>	J.D.G. by Gomez v. Colonial Sch Dist. J.D.G. v. Colonial Sch Dist. 748 F. Supp. 2d 362 (D.Del. 2010)	Parent believed IEP for middle school student with down syndrome was not rigorous enough. Parent wanted more emphasis on academics in form of memorization . District wanted to focus on life skills.	IEP was based on Student's previous failures to meet IEP goals and documented cooperation between school and parent. Parent's contentions that the IEP was not rigorous enough was not supported by sufficient evidence. The record reflects parents rejection was based on her personal belief.	IEP was reasonably calculated to provide educational benefit.	Granted School's motion for summary judgment.
<u>FAPE Evidence</u>	Alba-Golden Indep. Sch. Dist. 110 LRP 1160 (SEA Tx 11/13/09)	Student with mental retardation's IEP goals was to obtain retail employment of 15 hours per week job. IEP objective	IEP goals and objective could include community services Student "failed to meet her burden to demonstrate that either the	FAPE given to student with mental retardation and speech impairment when student failed to establish that part time	

Relevant Issue	Case Name (citation)	Facts	Reasoning	Holding	Disposition
		wanted "Participation in a program of vocational exploration, assessment or training in a community-based work site under the direction of public school personnel." Parent challenged this pull out from classroom arguing it failed to provide a The [student] failed to meet its burden to demonstrate that either the employment goal or the method selected to help enable the [student] reach the goal was inappropriate , " FAPE.	employment goal or the method selected to help enable the [student] reach the goal was inappropriate,"	secondary employment or part time placement in retail setting was appropriate.	
<u>Transition Plan</u>	Student with a Disability in re 51 Idelr 89 (SEA NY 2008)	Court considered transition plan that listed students with LDs interest in business and art, which it identified	"The transition plan contains the requisite level of specificity for this particular student based on his individual needs preferences	Transition plan was adequate to address students specific needs.	

Relevant Issue	Case Name (citation)	Facts	Reasoning	Holding	Disposition
		<p>during career planning assessment. Transition plan also considered long term adult outcomes, integrating into the community independently, postsecondary education for his masters of science degree, living independently, and being competitively employed, pointed out goals that reflected strength in math and course of action to follow, which included touring colleges and networking with community resources. Parents alleged transition plan was too vague</p>	and interests.”		

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<u>Graduation</u>	Smith County Bd. Of Educ., 52 IDELR 117 (SEA TN 2008)	Student had interest in becoming a veterinarian. IEP team advised him to take math and science courses instead of half day vocational training classes. Student declined to take requested classes and graduated with regular high school diploma. Student then contested his graduation arguing he was denied FAPE because his wishes were not considered.	The fact that the student received an educational benefit was borne out by his yearly progress and diploma. It was also considered that parents provided school with new diagnosis of ADD and school revised IEP accordingly.	Students graduation from HS with a regular diploma ends school districts obligation to provide services. Students satisfactory performance showed he received FAPE.	
<u>Stay put Procedural violations</u>	Mr and Mrs C v. Maine School District. 538 F Supp 2d 298 , 230 ed law rep 599, 06-198-ph (D. Maine 2006).	School violated stay put order, Parents argue school is required to pay for stay put placement regardless of whether there were other procedural violations.	The stay put provision is distinguishable from other procedural violations because given its substantive role, stay put goes to the heart of the parents role in constructing an appropriate IEP. Implicit in the	Statutory amendments did not change definition of FAPE as communicated in <i>Rowley</i> . There can be a remedy when the school violates stay put provision but otherwise complies with	

Relevant Issue	Case Name (citation)	Facts	Reasoning	Holding	Disposition
			<p>maintenance of the status quo is the school's requirement to pay for educational services. Therefore it is equitable to make district pay for compensatory education when district shirks this burden. From a punitive standpoint, without this compensatory education requirement there would be little incentive for school to observe the stay put).</p>	FAPE. Stay put violation is substantive rather than procedural.	
<u>Fee Calculation</u>	Jamie v. Milwaukee pub schools, 53 IDELR 257 (E.D. Wis 2009)	Plaintiffs in class action requested hour by hour compensatory service award from school district for gross violations of school's educational obligations.		Recognized that compensatory educational services were due but denied hour by hour claim.	Appointed independent monitor to develop guidelines for determining parents' rights to compensatory education services.

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<u>Compensatory services</u> <u>"Aging out"</u>	Philadelphia v. Canduss C. 52 IDELR 67 (Ed PA 2009)		Recognized gross departure from school's FAPE obligations	School denied a FAPE when school failed to consider students reading difficulties or behavioral problems in last IEP	Ordered 5.5 hours per day that the school of compensatory services Overture hearing officer's award of 2 hours per day.
<u>Compensatory services</u> <u>"Aging out"</u>	<a href="#">Ferren C. v. School Dist. of Philadelphia</a> , 612 F.3d 712, 51 IDELR 272, 110 LRP 40562 (3 <sup>rd</sup> Cir. 2010)	Various legal disputes arose between parent of student with various disabilities, including autism, speech and language deficits, and pervasive developmental disorder and school for gross denials of a FAPE. In resolution of these past disputes, the School District established a trust fund in excess of \$200,000 to provide Student with three years of compensatory education past her twenty-first	Even though student "aged out" of eligibility for special education services upon turning 22, the court still ordered specific actions be taken by the district to provide educational services. "There is nothing in the IDEA that evinces Congressional intent to limit courts' equitable power to awards of only financial support," Posed actions furthered two purposes of the IDEA: 1) preparing students for further education, employment	Court determined school could not give 24 year old student fape by paying from private school for next three years,	School was ordered to serve as students LEA for next 3 years



Relevant Issue	Case Name (citation)	Facts	Reasoning	Holding	Disposition
		birthday.	and independent living; and 2) ensuring that the student received the services to which she was statutorily entitled. Ordering compensatory funding alone for educational expenses would "would undoubtedly further hamper [the student's] education and deprive her of her educational rights under the IDEA," Court noted this type of relief should be rare and contingent upon facts of each case.		
<u>Curriculum</u> <u>FAPE</u> <u>Physical</u> <u>Education</u>	Neena s. v Philadelphia, 51 IDELR 210, 108 LRP 71218 (E.D. Pa. 2008).	School denied student a FAPE for five consecutive years. Parents were awarded compensation for three hours each day during which a FAPE was denied from a period between February 1998 and	The court focused on a corrective rather than punitive purpose of the fee award and reasoned "Given [the student's] specific needs, [the amount awarded] is a reasonable estimate of the amount of educational	On these particular facts giving student three hours of compensatory education costs for three hours each day for three years and for four hours each day for one year would appropriately address	School ordered 3 hrs for each day over 3 years that student didn't get FAPE even though district failed to provide FAPE for 5 successive years for reading, spelling,

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		June 200 and for four hours each day for services lost during the following school year. Parents appealed decision wanting compensatory education in full day increments.	services denied to [the student] during this period," Though parents alleged a 504 claim they did not specify injuries other than a denial of FAPE so court could not award any damages beyond compensatory education costs.	student's reading , spelling and math deficits	math
<u>Curriculum</u> <u>FAPE</u> <u>Physical</u> <u>Education</u>	Student with a Disability, 52, IDELR 54 (SEA NY 2009)	District sought to design physical education program in IEP for student with ADHD and chronic pain. The IEP team later agreed that student's private cheerleading program would serve as adequate physical education program. IEP team orally agreed that the district would reimburse parents for "all costs" associated with the	Official Analysis of Comments to the revised IDEA regulations implies that that an agreement to change an IEP need not be in writing in order to be binding. 71 Fed. Reg. 46685 (2006).	Pursuant to the oral agreement, district was required to pay for all costs associated with private cheerleading program which satisfied student's physical education requirement including costs of travel for national cheerleading competitions.	District ordered to pay for travel and lodging expenses associated with the competition upon parents provision of expense documentation.

Relevant Issue	Case Name (citation)	Facts	Reasoning	Holding	Disposition
		cheerleading program. IEP was not amended to reflect this compensatory agreement for cheerleading program. Student attended national competitions for cheerleading program and parents sought reimbursement for national travel.			
<u>Transportation</u> <u>Parent</u> <u>Cooperation</u>	Richmond Cty sch dist, 52 IDELR 55 (SEA GA 2009)	13-year-old student with an intellectual disability, autism and difficulty with transitions and change refused to board school bus when his bus driver changed. Mother initially drove student to school for two months then mother asked school for assistance in helping student transition	34 CFR 300.34(a) requires a district to provide special education and related services, including transportation to and from school when student's disability requires additional transportation assistance . However after the first two months, school offered a reasonably calculated plan to service	School had responsibility to offer transportation services for two months before it made teacher accompaniment transportation offer. School was not required to reimburse for compensatory services for 5 month period during which parent refused to accept school services and chose to keep	Ordered 45 hours comped that student lost when he refused to provide school bus due to autism complication

Relevant Issue	Case Name (citation)	Facts	Reasoning	Holding	Disposition
		back to bus schedule. School posed plan when teacher would accompany student on bus, mother refused school's transition offer and kept student home for approximately five months. Next school year school bus transition plan was effectively implemented. Parent sought compensatory services for services missed during student's 5 month absence from school.	students transportation needs and parent refused.	student home from school.	
<u>Evaluations Expert Fees</u>	Dunmore, Sch Dist, 53 IDELR 107 (SEA PA 2009)	Parents wanted particular psych eval, school provided them with list of psychiatrists that the parents could choose, parents found contact outdated or psychologists	Requirements were too vague that the evaluator charge a reasonable fee or be located an acceptable distance away to be enforceable. These guidelines did not put parents on notice of iee criteria.	Parents evaluation request was permissible. District could not enforce independent evaluation criteria.	District required to pay for requested evaluation.

Relevant Issue	Case Name (citation)	Facts	Reasoning	Holding	Disposition
		had conflicts of interests, school refused re-request and said parents psyc fee of 4,200 for evaluation was too high.			

Relevant Issue		Case Name (citation)	Facts	Reasoning	Holding	Disposition
			services.” Student claimed that “the Board’s proposed placement failed to provide [student] with a meaningful educational benefit in the least restrictive environment, as required by the IDEA.”	provided a meaningful educational benefit.	compel a district to provide a specific program or employ a specific methodology in providing education for their child (as in <i>Rowley</i> , 458 U.S. 176, and its progeny). Proposed IEP will provide student with FAPE.	t. Remanded to examine other appropriate placements.
	<u>Choice of Methodologies</u>	<i>Lachman v. Ill. State Bd. of Educ.</i> , 852 F.2d 290 (7th Cir. 1988).	Parents of deaf student disagreed with school district’s decision to place student in a classroom with other students who were deaf or hard of hearing. Parents sought a full-time cued speech instructor to work with student in a classroom of hearing students. School made learning sign language a goal of student’s	State determines what are appropriate teaching methodologies, not courts.	(1) Student is entitled to compensatory services if denied those services prior to graduation. (2) Hearing Officer may not extend entitlement eligibility. (3) Parent may not dictate specific services to be provided if IEP is “reasonably calculated to confer meaningful benefit.”	

Relevant Issue	Case Name (citation)	Facts	Reasoning	Holding	Disposition
		education			
<u>Compensatory Services</u>	<i>J.L. v. Mercer Island Sch. Dist.</i> , 592 F.3d 938 (9th Cir. 2010).	Parents sought a review of an administrative law judge's determination that defendants provided child with a FAPE. They requested reimbursement for the years their child was in private school placement.	Plaintiffs did not raise the issue of transition services in the complaint and the District court shouldn't have ruled on the matter. Congress' enactment of IDEA does not supersede or change the Rowley standard, it still applies.	"[C]ompensatory awards should aim to place disabled children in the same position they would have occupied but for the school district's violations of IDEA."	Reversed award of summary judgment to District. Remanded to determine appropriate compensation.
<u>Compensatory Services</u> <u>Fee Shifting Provision</u>	<i>Me. Sch. Admin. Dist. No. 35 v. R.</i> , 321 F.3d 9 (1st Cir. 2003).	Parents initially brought suit to invoke a "stay-put" provision that would allow their son to stay in high school an additional year. Court found in parents' favor. Parents then wanted to implement fee-shifting provision to	Parents were brought into court as defendants and won a clear victory on sole issue in case; this makes them prevailing parties. Section 1415 of IDEA states that court may award attorney's fees to parents as prevailing parties. Because they	Evidence supports BSEA's holding that school provided adequate services to comply with student's IEP	Court granted judgment in favor of school on both issues: providing compensatory services and non-compliance with student's IEP.

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		force school to pay attorney's fees. After son graduated, school district said decision had become moot because he was no longer entitled to services. Parents argued he should be given compensatory services for time he was deprived of a FAPE	had actionable claim for compensatory education, their IDEA case could not be dismissed for being "moot" or being filed too late.		
<u>Compensatory Services</u>	<i>Reid ex rel. Reid v. D.C., 401 F.3d 516 (D.C. Cir. 2005).</i>	The District concededly failed to provide FAPE to teenager suffering "from documented learning disabilities, including dyslexia and attention deficit hyperactivity disorder." The student's parents sought compensatory education.	Cookie-cutter mathematical approaches to compensation do not actually compensate a student for a district's failure to provide a FAPE.	Parents were prevailing parties in first suit where their claim for compensatory education was properly raised. Since they were prevailing parties in the first suit, their claim for attorney's fees was not moot in the second suit.	District Court's judgments reversed & remanded.



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<u>Compensatory Services</u> <u>Non-Compliance with IEP</u>	<i>Ross v. Framingham Sch. Comm.</i> , 44 F. Supp. 2d 104 (D. Mass. 1999).	Suit contended that school did not implement and comply with aspects of student's IEP, which resulted in student not receiving FAPE. Parents sought compensatory education. BSEA review found in school's favor.	Contention that student was not making progress toward goals of IEP not supported by record. Plaintiffs have not persuaded court that IDEA requires complete realization of all goals in IEP, even under the stricter standards of Massachusetts law.	IEPs in effect from school district constituted a FAPE.	Finding in favor of school district.
<u>Compensatory Relief</u>	<i>Sylvie M. v. Bd. of Educ. of Dripping Springs Indep. Sch. Dist.</i> , 48 F. Supp. 2d 681 (W.D. Tex. 1999).	Parents placed student in a residential private school. Sought compensatory relief for cost of private school.	In order to recover costs parents must show that 1) IEPs in effect at the time student was removed from public school were not reasonably calculated to provide student with a meaningful educational benefit, and 2) parents' placement at specific institution is appropriate under IDEA.	Former student entitled to compensatory services, regardless of his age, because school failed to provide timely appropriate education.	Reversed District Court's dismissal. Remanded for determination on the merits.

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<u>Compensatory Services</u>	<i>Pihl v. Mass. Dep't of Educ.</i> , 9 F.3d 184 (1st Cir. 1993).	Adult with disabilities and his mother brought suit against school officials for failing to provide student with educational services required by law. School officials argued that education plan had expired and student had since aged out.	IDEA allows courts to grant compensatory education to disabled students when they did not receive services to which they were entitled under IDEA at appropriate time	Hearing Officer's findings of fact were not given sufficient deference. The student's procedural rights were violated, because of this the student is entitled to the amount of education that they missed due to the violation. The school failed to follow special education regulations but the parent and student requested services late and refused help. They must bear some measure of responsibility. Moreover, the diploma was validly issued and should not be rescinded.	Court ordered compensatory special education services that are adequate for students current needs to make up for procedural violations.

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<u>Compensatory Services</u>	<i>Puffer v. Reynolds</i> , 761 F. Supp. 838 (D. Mass. 1988).	School awarded high school diploma even though procedures for student evaluation, parent notification, and Team meetings were not followed.	Team members found student to be “in need of special education services and recommended those services, although not in the manner which would have begun the formal special education process.” The student graduated despite school’s failure to follow regulations, but she still needed services. Remedial education will correct any damage that has been done.	Student’s graduation was procedurally and substantively defective. Exhaustion of administrative remedies would have been futile. . Change in placement, either by graduation or by expulsion, invokes notice and hearing safeguards. Conferring a diploma to student at age 18 was substantively inappropriate .	Summary judgment reversed. Diploma rescinded. Case remanded for hearing on special education services for student if needed. Three years added to student’s eligibility since the time of student’s graduation
<u>Compensatory Services Graduation</u>	<i>Stock v. Mass. Hospital Sch.</i> , 467 N.E.2d 448 (Mass. 1984).	Student with “multiple cognitive and motor disabilities” and “behavioral difficulties” was determined to have abilities below the norm. Parents were not made part of the IEP process, and teachers decided to	If the decision were allowed to stand, schools could use expulsion to terminate FAPE without procedural safeguards.	Child's proposed IEP fulfilled requirements of Individuals with Disabilities Education Act (IDEA).	State Hearing Officer found IEP to be in compliance with law. Affirmed.

Relevant Issue	Case Name (citation)	Facts	Reasoning	Holding	Disposition
		graduate student at age 18. Student received no special education services after graduation.			
<u>Delay of IEP</u>	<i>Lessard v. Wilton-Lyndeborough Coop. Sch. Dist.</i> , 518 F.3d 18 (1st Cir. 2008).	Parents brought suit against school district for unnecessarily delaying daughter's IEP. School district argued that parents rejected initial IEP without communicating their objections.	Delay in completion of IEP was result of mother's inflexibility	Unless further defined in state law, educational performance is to be regarded as academic performance. Party seeking relief has the burden of proof when challenging an administrative decision.	Motion to dismiss granted.
<u>Educational Performance</u>	<i>A.J. v. Bd. of Educ., East Islip Union Free Sch. Dist.</i> , 679 F. Supp. 2d 299 (E.D.N.Y. 2010).	Parents sought a review of denial of benefits for their child. Child was doing well academically but had social/pragmatic problems.	New York State does not further define the federal guidelines for educational performance. Educational performance must be assessed by reference to academic performance which appears to be the principal, if not only guiding factor.	Statute does not authorize prevailing parents to recover expert fees.	Reversed order requiring the district to pay expert consultant's fees and remanded for further proceedings

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<u>Expert Fees During Court Proceeding</u>	<i>Arlington Cent. Sch. Dist. Bd. of Educ. v. Murphy</i> , 548 U.S. 291 (2006).	Parents sought fees for services rendered by an educational consultant during proceedings, relying on an IDEA provision that permits a court to “award reasonable attorneys' fees as part of the costs” to prevailing parents.	States cannot knowingly accept conditions of which they are “unaware” or which they are “unable to ascertain.” Just because a State accepts IDEA funds does not make the State responsible for reimbursing prevailing parents for services of experts that they hired.	Failure to perform a functional behavior assessment of the student did not render the IEP inadequate. IEP addressed the need for the student to develop independence and thus was “not substantively deficient under IDEA.” Since the IEP satisfies the second test in the Rowley standard, there is no need to determine if reimbursement is necessary.	District Court granted summary judgment for the parents and awarded them tuition reimbursement, and attorney’s fees and costs. Court of Appeals reversed and remanded.
<u>Fee Shifting</u>	<i>A.C. v. Bd. of Educ. of the Chapaqua Cent. Sch. Dist.</i> , 553 F.3d 165 (2nd Cir. 2009).	Parents wanted to enroll child with multiple disabilities in private institution instead of the school district. They requested a hearing on reimbursement of costs. School brought suit in District	Three step process to determine reimbursement (First Rowley standard and then Cerra standard) 1) Did the state comply with IDEA procedures? 2) Is the IEP reasonably calculated to enable the child to get	Student did not have FAPE for a school year and was entitled to compensation .	Reversed the administrative decision. Awarded tuition costs of the private school for a year.

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		Court which held that the school had violated IDEA. School district is appealing that decision.	educational benefits? 3) If not, is the private schooling obtained by parents appropriate to the child's needs?		
<u>Fee Shifting Benefit Standard</u>	<i>Blake C. v. Dep't of Educ., State of Haw., 593 F. Supp. 2d 1199 (D. Haw. 2009).</i>	Autistic student sought review of a Hearing Officer's denial of reimbursement for private school tuition.	"Meaningful educational benefit" standard supersedes the "some benefit" standard of the Rowley case. There is a split in circuits as to whether education should be 'meaningfully beneficial' or to provide 'some' benefit. "IDEA does not guarantee the absolutely best or potentially maximizing education for the individual child."	Rehabilitation Service Agency was not required to pay benefits. They fulfilled their obligations under the Rehabilitation Act of 1974	Decision was neither arbitrary nor capricious.
<u>Fee Shifting Section 504</u>	<i>Takahashi v. D.C. Dep't of Human Serv., 952 A.2d 869 (D.C. Cir. 2008).</i>	Student with disabilities sought reimbursement for fall semester tuition and costs. He never was identified as a student who could qualify	Rehabilitation Service Agency (RSA) had not yet determined eligibility for services. Plan was not developed.	Because the parents' conduct was found to be unreasonable, court can bar parents from reimbursement under IDEA. "Their unreasonable	Decision to deny compensation to parents affirmed.

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		for Rehabilitation Service Agency (RSA) benefits, and the school district never gave him info about RSA. He didn't begin receiving services until his mother applied for RSA benefits. When the services began, he was in his first semester of college		obstruction of an otherwise promising IEP process fully justifies a denial of reimbursement under the IDEA."	
<u>Fee Shifting Parental Conduct</u>	<i>C.G. ex rel. A.S. v. Five Town Cmty. Sch. Dist.</i> , 513 F.3d 279 (1st Cir. 2008).	The parents of a teenage student with an emotional disability sought reimbursement for a private educational placement. The District proposed a public school day program.	"District Court supportably found that the parents' actions disrupted the IEP process, stalling its consummation and preventing the development of a final IEP.... [t]he cause of the disruption was the parents' single-minded refusal to consider any placement other than a residential one."	Services offered did not meet student's right to FAPE. School must help student achieve reasonable academic success and help him advance from grade to grade. Private placement was appropriate.	Hearing Officer's decision affirmed.

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<u>Fee Shifting</u> <u>Denial of FAPE</u>	<i>N. Reading Sch. Comm. v. Bureau of Special Educ. Appeals of the Mass. Dep't of Educ.</i> , 480 F. Supp. 2d 479 (D. Mass. 2007).	Student and parents requested placement in special education school. North Reading offered only a special classroom program with special accommodations that both parties agreed student needed. Hearing Officer ruled parents should be reimbursed for cost of private placement.	Hearing Officer's findings are detailed and supported by record and should not be changed.	Schools' predetermination not to provide certain behavioral analysis for student, failure to have teachers at Team meetings amounted to procedural violation of FAPE. IDEA requires IEP to give a meaningful educational benefit in relation to child's potential and parents were entitled to retroactive reimbursement.	District Court found no violations and reversed reimbursement order. Court of Appeals reversed and remanded the case to determine reimbursement.
<u>Fee Shifting</u>	<i>Deal v. Hamilton Cnty. Bd. of Educ.</i> , 392 F.3d 840 (6th Cir. 2005).	Parents of autistic child wanted school to reimburse them for additional services outside the school. School refused to reimburse them and the parents requested a hearing. Administrative law judge	"Parents are entitled to retroactive reimbursement if school district failed to provide FAPE and if private placement chosen by parents was reasonably calculated to receive educational benefits."	District Court properly denied parents' request for a "stay-put" injunction compelling school district to fund an interim placement during pendency of parents' challenge to IEP.	District Court denied motion for injunction as moot. Circuit Court found that parents' motion was not moot but affirmed denial of motion.



Relevant Issue		Case Name (citation)	Facts	Reasoning	Holding	Disposition
			ruled that only a portion of costs could be recovered and the parents appealed to get full reimbursement and attorney's fees.			
	<u>Fee Shifting</u>	<i>Verhoeven v. Brunswick Sch. Comm.</i> , 207 F.3d 1 (1st Cir. 1999).	Parents and school settled case by agreeing that child would attend private school for one year to help transition to high school. Parties agreed placement was temporary. After a year, parents challenged school's intention to transfer child. Sought preliminary injunction compelling school to fund son's placement in private education during lawsuit.	Motion for a "stay-put" injunction was not mooted by hearing on merits of parent's placement challenge nor was it mooted by decision in favor of school. Parents agreed to allow Hearing Officer to determine student's interim placement.	District Court did not abuse its discretion in denying parents' application for fees.	District Court upheld BSEA's decision and denied request for attorney's fees. Affirmed.

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<u>Fee Shifting</u>	<i>Kathleen H. v. Mass. Dep't of Educ.</i> , 154 F.3d 8 (1st Cir. 1998).	Parents and school were unable to agree on services for student, so parents enrolled student in a private school. They requested a hearing with BSEA to determine if public school provided adequate services; BSEA found that school was capable of meeting student's needs. Parents sought to be reimbursed for expenses of private school and attorney's fees. BSEA denied this request.	Parents bear the burden of proving that the IEP is inadequate. Parents failed to show that the IEP "caused a deprivation of educational benefits." "IDEA provides that a 'prevailing party' may be awarded attorney's fees." Parents did not obtain significant relief as a result of litigation. As a result, they are not considered a prevailing party.	Parents were not entitled to be reimbursed for any part of costs stemming from unilateral decision to enroll son in private residential school since public school had offered—and parents spurned—adequate, appropriate public education.	Affirmed District Court's judgment that "IEPs were prepared with sufficient procedural safeguards and provided an adequate and appropriate educational plan for the student."
<u>Fee Shifting</u> <u>Procedural Violations</u>	<i>Roland M. v. Concord Sch. Comm.</i> , 910 F.2d 983 (1st Cir. 1990).	Parents of child with physical disability rejected IEP and enrolled child in private school. BSEA determined that plan developed by school was	Due to parents' lack of cooperation in developing IEP, and "lack of any bad faith on the [school's] part," school fulfilled its procedural responsibilities. The school and parents had not	(1) Authority granted to court to review includes power to order school to reimburse parents for private education (if court decides that private	District Court found in favor of the BSEA decision. Appeals vacated & remanded. On remand, District Court reversed BSEA finding

Relevant Issue	Case Name (citation)	Facts	Reasoning	Holding	Disposition
		appropriate if additional component were included. Because decision did not come out until after school year ended, BSEA ordered school to compensate parents for partial cost of private schooling.	agreed on the private institution for child; therefore, school not required to reimburse parents for costs of private education	placement is proper) (2) Parental violation of the Act by changing the “then current educational placement” of child during pendency of proceedings is not a waiver of parents' right to reimbursement.	and determined that reimbursement was available to Town as a prevailing party. Appeals affirmed order that Town pay for medical evaluations, reversed order that Town reimburse parents for private placement and remanded on issue of whether there a FAPE was provided.
Fee Shifting Waiving Reimbursement	<i>Sch. Comm. of Town of Burlington, Mass. v. Dep't of Educ. of Mass.</i> , 471 U.S. 359, 105 S. Ct. 1996, 85 L. Ed. 2d 385 (1985).	Parents rejected IEP for inadequacy, placed child in private institution and sought hearing. Hearing Officer determined that IEP was inadequate and that private placement was appropriate.	(1) IDEA grants court authority to “grant such relief as it determines to be appropriate.” “Reimbursement requires court to pay expenses it should have paid all along” (2) § 1415(e)(3) says nothing about financial responsibility or parental right to	Not enough evidence to find that student met graduation requirements. School district did not implement an IEP. Student’s attendance at a private school is proper remedy for school district’s failure to provide	Affirmed.

Relevant Issue	Case Name (citation)	Facts	Reasoning	Holding	Disposition
		School ordered to pay expenses of private placement.	reimbursement at the conclusion of judicial proceedings. If the provision is meant to cut off parental reimbursement , its purpose is destroyed.	transitional services. Award given by the Panel must be modified from an indefinite time period to a year because the student was entitled to be reimbursed only for the education he was deprived of, which was one year.	
<u>Graduation Fee Shifting</u>	<i>Susquehanna Township Sch. Dist. v. Frances J., 823 A.2d 249 (Pa. Cmwlth. Ct. 2003).</i>	School district wanted review of the Department of Education's Special Education Appeals Review Panel decision that a student with a disability had not graduated and thus had the right to a FAPE under IDEA	"Panel is not bound by the decision of a hearing officer, and its scope of review is not restricted to determining whether the hearing officer's factual findings are supported by substantial evidence." In order to graduate, there must be a determination that the IEP was fully implemented, including implementation of the planned transition services, in addition to	(1) hearing officer's failure to address IEP for student final high school year did not preclude court from considering IEP in evidence. (2) evidence did not support finding that student met all graduation requirements ; (3) evidence supported finding that school district did not implement individualized education	District Court found the quality of education was poor at the new campus and that the construction investigation of the site was inadequate. Issued a preliminary injunction ordering CA Department perform geological tests to in favor of the students. Court found defendant did not adequately investigate facility.

Relevant Issue		Case Name (citation)	Facts	Reasoning	Holding	Disposition
				state obligations for graduation.	program (IEP); (4) district required to pay tuition and fees for transitional education for one year.	Court gave a preliminary order to either close or test the facility.
	FAPE interpretation	<i>Students of Cal. Sch. for the Blind v. Honig</i> , 745 F.2d 582 (9th Cir. 1984) ( <i>en banc</i> ).	California Department of Education wanted to move its residential school for the blind to Fremont. Students of California School for the Blind brought a suit against CA Department of Education under Education for all Handicapped Children Act of 1975 (EAHCA) and Section 504 of Rehabilitation Act. Students claimed that the dangerous building site, which was prone to earthquakes, was not appropriate	Sneed's dissent – FAPE does not apply to services expected by all students (both students without disabilities and students with disabilities), it is for ensuring that students with disabilities receive an individualized education that is appropriate for their needs. It shouldn't be extended to address an issue that is faced by both students with disabilities and students without disabilities.	School provided FAPE because child was receiving adequate education; child was advancing and performed at above average level Courts also cannot "substitute their own notions of sound educational policy for those of the school authorities that they review."	Supreme Court reversed the holding of the District Court and Court of Appeals, which held that FAPE needed to maximize potential of student; (Supreme Court holding important-substantially limited IDEA)

Relevant Issue	Case Name (citation)	Facts	Reasoning	Holding	Disposition
		for the education of the blind.			
<u>Interpretation of FAPE (Rowley Standard) Procedural Violations Role of State and Federal Courts in Reviewing Hearings</u>	<i>Bd. of Educ. of Hendrick Hudson Cent. Sch. Dist., Westchester Cty. v. Rowley</i> , 458 U.S. 176 (1982).	Parents wanted sign language interpreter for daughter as part of IEP. School declined. Parents requested hearing, where it was determined that an interpreter was not needed. Parents brought suit claiming denial of interpreter denied child FAPE.	<b>Rowley Standard:</b> State has complied with IDEA when IEP reasonably calculated to enable child to receive educational benefits. FAPE does not need to “maximize the potential of handicapped children.”	Two-step inquiry required to determine if district denied student with disabilities a FAPE: court must examine (1) whether state complied with procedures set forth in IDEA and (2) whether IEP was reasonably calculated to enable child to receive educational benefits. “...procedural inadequacies that result in the loss of educational opportunity, or seriously infringe the parents' opportunity to participate in the IEP	Vacated and remanded portion of order that school fulfilled procedural requirements under IDEA in developing IEPs for one school year. Awarded costs and fees for one school year to parents. Affirmed order that school properly denied extended school year services.

Relevant Issue		Case Name (citation)	Facts	Reasoning	Holding	Disposition
					formulation process, or that caused a deprivation of educational benefits, clearly result in the denial of a FAPE.”	
	<u>Procedural Review Evaluations</u> <u>Denial of FAPE</u> <u>Extended School Year</u>	<i>N.B. v. Hellgate Elem. Sch. Dist.</i> , 541 F.3d 1202 (9th Cir. 2008).	Parents alleged that school did not properly evaluate student for autism and denied student extended school year services. Student was not evaluated	School’s procedures were inadequate in part and led to loss of educational opportunities for student because School did not evaluate student for autism. Only procedural violations that result in denial of educational opportunity result in denial of FAPE. Extended school year (ESY) services are only necessary to a FAPE under the IDEA when the benefits a disabled child gains during a regular school year will be significantly jeopardized if he is not	“[I]mpeding ‘the parents’ opportunity to participate in the decision-making process regarding the provision of a free appropriate public education to the parents’ children’ [is] one of only three grounds on which a procedural violation of the IDEA can result in a denial of a FAPE.” Untimely reevaluation of the student constituted a denial of a FAPE, as did the school’s failure to include his parents in the IEP process. Mislabeling	Student denied a FAPE on procedural grounds. School must provide compensatory education to remedy deprivation even post graduation.

Relevant Issue	Case Name (citation)	Facts	Reasoning	Holding	Disposition
			provided with an educational program during the summer months.	the student's condition did not deny him a FAPE. Provision of a high school diploma does not relieve the district of responsibility. Extended school year services were not necessary for this particular student.	
<u>Procedural Review Evaluations</u>	<i>Bell v. Bd. of Educ. of the Albuquerque Pub. Sch., No. CIV 06-1137 JB/ACT., 2008 WL 5991062, 2008 U.S. Dist. LEXIS 108748 (D.N.M. Nov. 28, 2008)(not reported in federal supplement)</i>	Three early evaluations concluded that the student had mental retardation. A later evaluation found the student to have a learning disability, but not mental retardation. The student did not pass a high school competency examination until his fourth attempt and after substantial help. The school failed to reevaluate student.	Hearing Officer concluded that the district failed to fulfill its responsibilities under IDEA by not timely reevaluating the student when there was evidence that his behavior was inconsistent with being mentally retarded. A timely reevaluation is necessary. "Parental involvement in the development of a student's IEP is a central feature of the IDEA."	Hearing Officer was wrong. Not required to include unaccredited program in student's IEP.	School District's Motion for Summary Judgment granted.



Relevant Issue	Case Name (citation)	Facts	Reasoning	Holding	Disposition
<u>Qualified Personnel Fee Shifting</u>	<i>Manchester-Essex Reg'l Sch. Dist. Sch. Comm. v. Bureau of Special Educ. Appeals of the Mass. Dep't of Educ.</i> , 490 F. Supp. 2d 49 (D. Mass. 2007).	School district brought suit against BSEA and parent for ordering school district to pay for student to attend special education program. Program was not state-approved and was run by provider not certified to work with children with disabilities.	"IDEA requires that educational services be provided by qualified personnel." Provider was not considered "qualified personnel" as defined by IDEA. School district not required to pay.	District Court held that "any procedural violations were not sufficiently material to justify rejection of the IEP or tuition reimbursement and that the proposed IEP did not substantively deny the student FAPE."	District Court reversed Hearing Officer's decision that school violated IDEA and reversed order requiring school to reimburse parents for cost of student's education at private institution. Affirmed.
<u>Rejecting IEP Procedural Violations</u>	<i>Lt. T.B. ex rel. N.B. v. Warwick Sch. Comm.</i> , 361 F.3d 80 (1st Cir. 2004).	School proposed initial IEP for new student, subject to review several weeks later. Parents rejected IEP and notified school of plans to enroll child in private school. School proposed another IEP, which was also rejected. Due process hearing followed. Hearing Officer found in favor of	IDEA only requires that IEP be "reasonably calculated" to provide "appropriate education." Student's IEP was adequate, so it is not necessary to consider whether other programs would be better.	Trial court's conclusion that new proposed IEP meets student's needs is correct.	District Court upheld Hearing Officer's decision. Affirmed.

Relevant Issue		Case Name (citation)	Facts	Reasoning	Holding	Disposition
			parents because school violated IDEA procedural obligations.			
	<u>Rejecting IEP</u>	<i>Lenn v. Portland Sch. Comm.</i> , 998 F.2d 1083 (1st Cir. 1993).	Student's physical and cognitive disabilities began to worsen. Parents placed student in private summer program. School developed new IEP for student with several innovations. Parents rejected new IEP and enrolled child in private school full time. They sought hearing on adequacy of IEP. Hearing Officer declared student's IEP to be in compliance with federal law.	Hearing Officer's key findings correct: "the IEP offered the student a major change in services...new mix was reasonably calculated to bestow a significant educational benefit on him."	Nursing services, even on a continued basis, during school hours is considered a "related service" and school must provide it to be in compliance with IDEA.	Judgment affirmed

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<u>Related Services</u>	<i>Cedar Rapids Cmty. Sch. Dist. v. Garret F.</i> , 526 U.S. 66 (1999).	Student was paralyzed from neck down in a motorcycle accident and needed constant supervision of medical apparatuses to stay alive. School district challenged ruling that it must pay costs while in school because these are considered “medical services.”	“Related services” is defined to broadly encompass those supportive services that may be required to assist a child with a disability to benefit from special education. “Medical services exclusion” for special education does not embrace all forms of care that might loosely be described as “medical” in other contexts. School’s proposed medical services test based on cost of services was improper and ran contrary to inclusive aim of IDEA	District required to provide Continuous nursing services under IDEA Student is eligible for transition services under IDEA until she graduates from high school or reaches the age of 21. District Court did not abuse its discretion in awarding attorney’s fees.	District Court ruled that school was responsible for providing transition services, and awarded plaintiffs attorney’s fees and costs. Court of Appeals affirmed with modification
<u>Scope of IDEA Eligibility for Transition services</u>	<i>Yankton Sch. Dist. v. Schramm</i> , 93 F.3d 1369 (8th Cir. 1996).	Parents sought transition services for their daughter. School placed most of responsibility for transition services on	“Although an individual who is eligible for services under IDEA may also qualify for assistance under the Rehabilitation Act, the school district must	Violation of “stay-put” is not a “purely procedural violation” and compensatory education can be awarded.	Magistrate’s decision affirmed.

Relevant Issue		Case Name (citation)	Facts	Reasoning	Holding	Disposition
			parents and dismissed student from its special education program her freshman year. Schramms requested a hearing where examiner said student was eligible for services. School brought lawsuit to dispute results of hearing.	comply with both statutes." "If a student is eligible under IDEA, appropriate services, including transition benefits, shall be provided.		
	<u>Stay-Put Provision</u>	<i>Bell v. Educ. in the Unorganized Territories, No. 00-CV-160-B, 2000 WL 1855096 (D. Me. Oct. 16, 2000).</i>	Parents filed a due process request regarding graduation of their student. Parents sought temporary injunction to force school to provide services to student.	Court interprets Brookline as requiring that it apply traditional four-factor test for preliminary injunctive relief to party seeking to change student's placement from the status quo.		Injunction granted.

Relevant Issue	Case Name (citation)	Facts	Reasoning	Holding	Disposition
<u>Stay-Put Provision</u>	<i>Cronin v. Bd. of Educ. of the E. Ramapo Cent. Sch. Dist.</i> , 689 F. Supp. 197 (S.D.N.Y. 1988).	Student graduated and invoked his stay-put rights while disputing graduation. He moved for preliminary injunction forcing school district to continue services.	Because of unequivocal language of stay-put provision, to require traditional steps for an injunction would be inconsistent with the intent of Congress		

## Massachusetts Case Supplement

Relevant Issue	Case Name (citation)	Facts	Reasoning	Holding	Disposition
<u>Purpose of Placement</u>	<i>King Philip Reg'l Sch. Dist., in re</i> , 58 IDELR 179 , 112 LRP 5428 (Jan, 24, 2012).	21 year old student attended day program for eight years, parent rejected proposed IEP renewing this placement arguing that student was unmanageable at home due to behavioral problems and required residential placement.	Transitional services are aimed solely at facilitating students movement from high school to post secondary goals. residential program is only appropriate if a student's educational needs mandate "around-the-clock special education	Student's destructive and violent behavior and lack of academic progress and failure to generalize skills learned in school setting to home environment indicated residential placement was appropriate.	Ordered residential placement for student.

				<p>and related services."</p> <p>Noted parent's good faith cooperation in trying to implement instructions for aiding student at home.</p> <p>Parent was no longer able to physically restrain student.</p> <p>Discrepancy between aptitude scores and student's progress suggested she did not receive adequate academic support.</p> <p>Focused on skill generalization and quoted parent's expert that "if Student cannot use the skills within the environments where she needs to be able to use them -- for example, in the home and community, then what is the point of teaching them?"</p>		
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				Student made minimal progress but that is sufficient given his complex profile. Found school's experts credible that student achieved meaningful progress in their program. Parent though credible did not observe student in educational setting. Student has problems but they are not necessarily educational- sch. did its duty, so the school met his burden of proving FAPE without need for Res. No expert testimony presented on students potential and regulations do not require student progress by		
	<u>Residential Placement</u>	<i>Granby Pub. Sch., in re, 17 MSER 35(BSEA 2011).</i>	Student with moderate mental retardation, bipolar disorder, seizure disorder and cerebral palsy. Parents charged student requires residential placement.	Student received a FAPE in LRE of school's proposed day placement. Student received adequate community and transition services and made adequate progress given complex profile.		

				<p>"leaps and bounds". Family doctor testified for parents that student needs residential placement but not for reasons concerning student's education.</p>		
	<p><u>Residential Placement Transition Services.</u></p>	<p><i>Douglas Pub. Sch., in re, BSEA 11-1312, 16 MSER 410</i></p>	<p>Student has with substantial cognitive delays, happy and loves school, schizo affective disorder, ADD, auditory processing problems needs constant monitoring, severely limited social skills . Student had little to no progress in school's proposed placement, the school's transition day program. School's proposed day program was more vocational but had similar structure and staff as student's high school placement in which student</p>	<p>Congress intended disabled "achieve a reasonable degree of self sufficiency" and become productive citizens not burdens." Father observed peer to peer interaction was "flat" despite student socialization being goal in IEP since 2008. Father observed student in school and home setting. peer interaction highly important to student and has not developed peer</p>	<p>"Where students progress over many years has remained deminimus and where a different educational structure, in combination with an appropriate peer group is necessary to increase Students' educational potential for learning so as to allow him to make effective progress the above discussed mass and federal FAPE standards require Douglas [school] to provide that different</p>	<p>Ordered School to amend IEP to place student at residential placement. Ordered parents not entitled to compensatory relief.</p>



			showed de minimus progress	relationships. Student is now increasingly dependent on adults for information on life skills as well as learning and support because of current plan. "Nevertheless, one cannot ignore the simple truth the Student's special education entitlement will end within 2 1/2 years. "there is no time to try out educational models that are not likely to succeed" Doctor testified Student would be willing and able to learn greater skills and foster more independence. Focused on skill generalization. Residential placement appropriate because students with similar cognitive profiles, integrated teaching, community of peers, student	educational structure. For these reasons I find that Douglas' proposed IEP is not reasonably calculated to provide Student with FAPE." also found modifications would not make appropriate. Parents also allege compensatory services but hearing officer was not aware of case law that would allow school's responsibility to extend beyond consented to IEP.	
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				already visited and positive experience.		
	<u>Graduation</u> <u>FAPE</u>	<i>Doe v. Doe.</i> <i>V.</i> <i>Marlborough</i> <i>Pub. Sch. 54</i> <i>IDELR 283</i> <i>(D.Mass.</i> <i>2010)</i>	19 year-old student with language learning disability, ADHD, auditory and executive functioning difficulties rejected diploma because parents did not believe student made adequate progress towards IEP goals. Student had several behavioral incidents District responded that IEP was reasonably calculated to provide FAPE and fact that student happened not to achieve desired progress was irrelevant	IEP should be evaluated as a snapshot not a retrospective "Absence of progress toward IEP goals per se does not make an IEP inadequate," "The inquiry is not whether the student was fully prepared for independent living or whether he continued to have significant problems in some areas," the court wrote. Rather, the correct standard for considering a denial of	The fact that student meant graduation requirements was not sufficient for district to graduate him. However, student graduated because his senior year IEP was found to be reasonably calculated to provide him with educational benefit.	

				FAPE claim is whether the district, by virtue of a reasonably calculated IEP, made educational benefit available to the student.” Transitional assessments were not conducted but teachers and staff knew student extremely well, were intoned with his wants and needs and invested in his success. Accordingly this violation was not significant.		
	<u>FAPE Transition Services</u>	<i>Doe. v. ABCD Pub. Schs. BSEA 09-4100 (2009)</i>	Student with Asperger’s syndrome achieved superior performance in school, lacked significant social and critical reasoning skills,. Student given in extended school day mainstream program in IEP with counseling, independent living and social skills sessions. Transition plan includes community	Student entitled to transition services necessary to facilitate movement from school to post school activities including college or tradeschool, services include life skills, social or vocational, community experiences,-	IEP was not reasonably calculated to achieve meaningful benefit but placement was appropriate if modifications made to IEP. Specifically modifications should include to continue adjustment counselor 30 min weekly sessions,	Ordered school to Amend IEP to include transition and life skills services specified.

			college course during summer with supports.	must be results-oriented and take into account students strength, preferences and interests; measurable goals; services must be reasonably calculated to allow student to make meaningful and effective progress; accd. mass regs( not cited) school must ensure that options are available to student for continuing ed. community access, living skills; develop skills necessary for seeking and maintaining jobs Found parent's experts un-credible because they obtained too much info from parent interviews and unstructured settings, they	weekly small social pragmatics group. School should add additional time to pragmatics group; increased time with autism specialist, time with life skills mentor. Denied residential placement because needs can be met in integrated school and res not appropriate	
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				did not observe him in appropriate environment.		
	<u>Curriculum Extended School Day</u>	<i>Worcester Public Schools, in re, BSEA 00-912 (SEA Mass. 2000).</i>	Legally Blind 9 <sup>th</sup> grade student sought braille reading classes and self advocacy training but did not want them to conflict with health and physical education because he needed these classes for developing social skills. Did not want braille classes to conflict computer elective course because this course was in furtherance of students long term academic goals and interests. School refused to offer extended school day arguing choosing between	Student was entitled to health phys. ed and computer courses as part of a FAPE. He was also entitled to his Braille and self advocacy training. "This is precisely the circumstance contemplated by the state regulatory requirement that a student is entitled to an extended school day when a 'different duration than the regular school day' is necessary to provide a free appropriate public education [FAPE] to the child"". Under 504,	Student was entitled to compensatory education under IDEA and 504. School is not entitled to contract out of its special educations through agreement that prevents extended teaching hours. If such an agreement is in place school must fund outside teachers when extended school day instruction is required.	Ordered school to provide compensatory braille services

			<p>electives is a choice all students must make. School also stated collective bargaining agreement with teaching staff prevented teachers from working after hours, thus making after school courses impossible.</p>	<p>student would be entitled to accommodation unless it created undue hardship on the school. The school district must not 'simply embrace what was most convenient for faculty and administration' but instead must 'consider alternative means, their cost and effect on the academic program.' The school has not specifically evaluated (and presented evidence regarding) possible ways of accommodating Student through instruction to him outside of the regular school day, and the consequent costs or other burdens of doing so". School offered no evidence of the cost of the burden to the school of making the extended day accommodation</p>		
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	<u>Accessibility to Graduation Services</u>	<i>King Phillip (MA) Regional School District, 112 LRP 17593 (OCR 2012)</i>	School had outside graduation services; School sought to provide laminate pathway on grass for student. Student who uses wheelchair challenged this graduation setup as not accessible by wheelchair.	Laminate pathway did not meet ADAAG requirement of “firm, stable and slip-resistant” surface. The pathway was likely to sag under weight of student and his chair, making it difficult for him to move in the grass.	Outdoor graduation is categorically permissible for accessibility purposes. School’s laminate pathway did not provide an accessible environment to graduating student in a wheelchair.	Ordered school to change graduation plan to include more accessible option.
	<u>Compensatory Services Special Education Eligibility Extension</u>	<i>Dracut Sch. Comm. v. Bureau of Special Educ. Appeals of the Mass. Dep’t of Elementary &amp; Secondary Educ., 737 F.Supp.2d 352010 WL 3504012, 2010 U.S. Dist. LEXIS 92043 (D. Mass. Sept. 3, 2010).</i>	Hearing Officer Crane found that the school failed to provide sufficient transition services for student with Asperger's Syndrome, ADHD, Bipolar Disorder, and anxiety disorder. Hearing Officer had ordered an extension of transition services of two years after student’s graduation and ordered school to pay for parent’s choice of private consulting services. School sought review	Transition services prior to awarding of student’s diploma were insufficient; however, Hearing Officer did not properly follow federal standards for compensatory services and should not have extended eligibility. Student had a right to receive appropriate transition services.	The Rowley standard is still the correct standard for FAPE. The District court had no subject matter jurisdiction to determine if defendants procedurally violated IDEA in regards to transition services. Defendants did not procedurally violate IDEA in “pre meeting meeting,” teaching methodologies, and failure to specify minutes in the student’s IEP.	Court reversed order to hire parent’s choice of consultants, but allowed hiring of independent consultants. Extension of services order reversed. Remanded to Hearing Officer to determine appropriate compensatory transition services.

			of decision.			
	<u>Compensatory Services</u> <u>Fee Shifting Provision</u> <u>Stay put</u>	<i>Me. Sch. Admin. Dist. No. 35 v. R., 321 F.3d 9 (1st Cir. 2003).</i>	<p>Parents initially brought suit to invoke a “stay-put” provision that would allow their son to stay in high school an additional year. Court found in parents’ favor. Parents then wanted to implement fee-shifting provision to force school to pay attorney’s fees.</p>	<p>Parents were brought into court as defendants and won a clear victory on sole issue in case; this makes them prevailing parties. “Prevailing parties are parties that succeed on any significant issue ... which achieves some of the benefits plaintiffs sought in bringing suit.” Section 1415 of IDEA states that court may award attorney’s fees to parents as prevailing parties. Because they had</p>	<p>Fee award cannot be based on hollow victory. (1) parents were the “prevailing parties” in civil action instituted by school district for purposes of IDEA’s fee-shifting provision, (2) parents’ claim for compensatory education was not substantively moot.</p>	<p>Court granted judgment in favor of school on both issues: providing compensatory services and non-compliance with student’s IEP.</p>



				actionable claim for compensatory education, their IDEA case could not be dismissed for being “moot” or being filed too late.		
	<u>Compensatory Services</u> <u>Non-Compliance with IEP</u>	<i>Ross v. Framingham Sch. Comm., 44 F. Supp. 2d 104 (D. Mass. 1999).</i>	Suit contended that school did not implement and comply with aspects of student’s IEP, which resulted in student not receiving a FAPE. Specifically, parents alleged student did not receive services for obsessive compulsive disorder. Parents sought compensatory education. BSEA review found in school’s favor.	Claimed deficiencies in IEP implementation were not supported by record. District provided the student with the language materials specified in the IEP, attempted to arrange for the student's participation in a community college course, and forwarded his records to the transitional development provider. Plaintiffs have not persuaded court that IDEA requires complete realization of all goals in IEP,	IEPs in effect from school district provided a FAPE. Procedural violations not sufficient to result in denial of a FAPE.	Upholding school district’s motion for summary judgement.

				<p>Hearing Officer's findings of fact were not given sufficient deference. The student's procedural rights were violated, because of this the student is entitled to the amount of education that he missed due to the violation. Though the school failed to follow regulations the parent and student requested services late and refused help. They must bear some measure of responsibility.</p>	<p>IDEA allows courts to grant compensatory education to disabled students when they did not receive services to which they were entitled under IDEA before the student aged out. Moreover, the diploma was validly issued and should not be rescinded.</p>	<p>Court ordered compensatory special education services that are adequate for students current needs to make up for procedural violations.</p>
	<p><u>Compensatory Services</u></p>	<p><i>Pihl v. Mass. Dep't of Educ., 9 F.3d 184 (1st Cir. 1993).</i></p>	<p>Adult with disabilities and his mother brought suit against school officials for failing to provide student with educational services required by law. School officials argued that education plan had expired and student had since aged out.</p>			

	<u>Compensatory Services</u> <u>Change in Placement</u>	<i>Puffer v. Reynolds</i> , 761 F. Supp. 838 (D. Mass. 1988).	School awarded high school diploma even though procedures for student evaluation, parent notification, and Team meetings were not followed.	Team members found student to be “in need of special education services and recommended those services, although not in the manner which would have begun the formal special education process.” The student graduated despite school’s failure to follow regulations, but she still needed services. Remedial education will correct any damage that has been done.	Student’s graduation was procedurally and substantively defective. Exhaustion of administrative remedies would have been futile. Change in placement, either by graduation or by expulsion, invokes notice and hearing safeguards. Conferring a diploma to student at age 18 was substantively inappropriate.	Summary judgment reversed. Diploma rescinded. Case remanded for hearing on special education services for student if needed. Three years added to student’s eligibility since the time of student’s graduation.
	<u>Transition Services</u> <u>Delay of IEP</u>	<i>Lessard v. Wilton-Lyndeborough Coop. Sch. Dist.</i> , 518 F.3d 18 (1st Cir. 2008).	Parents rejected IEP based on fact that they felt school’s program of providing monthly field trips to community colleges did not provide adequate transition services. Parents brought suit against school	Delay in completion of IEP was result of mother’s inflexibility. Also, Unless further defined in state law, educational performance is to be regarded as academic performance. Party seeking relief has the burden of	Rowley standard, requiring services reasonably calculated to enable child to receive educational benefits, applied to transition services; Community field trip program provided adequate	Motion to dismiss granted.

			district for unnecessarily delaying daughter's IEP. School district argued that parents rejected initial IEP without communicating their objections.	proof when challenging an administrative decision.	transition services for student based on individual profile.	
	<u>Compensatory Services</u> <u>Parent Participation</u> <u>Graduation</u>	<i>Stock v. Mass. Hospital Sch., 467 N.E.2d 448 (Mass. 1984).</i>	Concerned Student with "multiple cognitive and motor disabilities" and "behavioral difficulties". Parents were not made part of the IEP process, and teachers decided to graduate student at age 18. Student received no special education services after graduation.	If the decision were allowed to stand, schools could use expulsion to terminate FAPE without procedural safeguards.	(1) failure to provide to parents a formal, written notice concerning decision to graduate the student, right of parents to be involved in making the graduation decision; and hearing and administrative review violated state and federal statutory law and departmental regulations, and same was true though parents received actual notice of graduation and participated to limited extent in transitional	Reversed school's summary judgment victory Rescind Diploma Remand to department to determine whether special education services would be appropriate for student

					planning surrounding graduation and though student signed most recent IEP	
	<u>Expert Fees During Court Proceeding</u>	<i>Arlington Cent. Sch. Dist. Bd. of Educ. v. Murphy, 548 U.S. 291 (2006).</i>	Parents sought fees for services rendered by an educational consultant during proceedings, relying on an IDEA provision that permits a court to “award reasonable attorneys' fees as part of the costs” to prevailing parents.	States cannot knowingly accept conditions of which they are “unaware” or which they are “unable to ascertain.” Just because a State accepts IDEA funds does not make the State responsible for reimbursing prevailing parents for services of experts that they hired.	Failure to perform a functional behavior assessment of the student did not render the IEP inadequate. IEP addressed the need for the student to develop independence and thus was “not substantively deficient under IDEA.” Since the IEP satisfies the second test in the Rowley standard, there is no need to determine if reimbursement is necessary.	District Court granted summary judgment for the parents and awarded them tuition reimbursement, and attorney’s fees and costs. Court of Appeals reversed and remanded.

	<u>Fee Shifting</u> <u>Denial of</u> <u>FAPE</u>	<i>N. Reading Sch. Comm. v. Bureau of Special Educ. Appeals of the Mass. Dep't of Educ., 480 F. Supp. 2d 479 (D. Mass. 2007).</i>	Student and parents requested placement in special education school. North Reading offered only a special classroom program with special accommodations that both parties agreed student needed. Hearing Officer ruled parents should be reimbursed for cost of private placement.	Hearing Officer's findings are detailed and supported by record and should not be changed.	Schools' predetermination not to provide certain behavioral analysis for student, failure to have teachers at Team meetings amounted to procedural violation of FAPE. IDEA requires IEP to give a meaningful educational benefit in relation to child's potential and parents were entitled to retroactive reimbursement.	District Court found no violations and reversed reimbursement order. Court of Appeals reversed and remanded the case to determine reimbursement
	<u>Fee Shifting</u> <u>Stay-put</u>	<i>Verhoeven v. Brunswick Sch. Comm., 207 F.3d 1 (1st Cir. 1999).</i>	Parents and school settled case by agreeing that child would attend private school for one year to help transition to high school. Parties agreed placement was temporary. After a year, parents challenged school's intention to transfer child. Sought preliminary injunction compelling school to fund son's placement in private education during lawsuit.	Motion for a "stay-put" injunction was not mooted by hearing on merits of parent's placement challenge nor was it mooted by decision in favor of school. Parents agreed to allow Hearing Officer to determine student's interim placement.	District Court did not abuse its discretion in denying parents' application for fees.	District Court upheld BSEA's decision and denied request for attorney's fees. Affirmed.

	<u>Fee Shifting</u>	<i>Kathleen H. v. Mass. Dep't of Educ., 154 F.3d 8 (1st Cir. 1998).</i>	Parents and school were unable to agree on IEP services, so parents unilaterally placed student in a private school. Parents sought free reimbursement at BSEA hearing. BSEA found in favor of school that parents were not entitled to private education reimbursement expenses. District court affirmed agency's decision	Parents bear the burden of proving that the IEP is inadequate. Parents failed to show that the IEP "caused a deprivation of educational benefits." "IDEA provides that a 'prevailing party' may be awarded attorney's fees." Parents did not obtain significant relief as a result of litigation. As a result, they are not considered a prevailing party.	Parents were not entitled to be reimbursed for any part of costs stemming from unilateral decision to enroll son in private residential school since public school had offered—and parents spurned—adequate, appropriate public education.	Affirmed District Court's judgment that "IEPs were prepared with sufficient procedural safeguards and provided an adequate and appropriate educational plan for the student."
	<u>Fee Shifting</u> <u>Procedural</u> <u>Violations</u> <u>Parental</u> <u>Cooperation</u> <u>Judicial</u> <u>review</u>	<i>Roland M. v. Concord Sch. Comm., 910 F.2d 983 (1st Cir. 1990).</i>	Parents of child with physical disability rejected IEP and enrolled child in private school. BSEA determined that plan developed by school was appropriate if additional component was included. Because decision did not come out until after school	Due to parents' lack of cooperation in developing IEP, and "lack of any bad faith on the [school's] part," school fulfilled its procedural responsibilities. The school and parents had not agreed on the private institution for child;	Unilateral placement did not properly balance academics with need for mainstreaming child in least restrictive environment. IEP was developed with adequate procedural safeguards given parents lack of cooperation in	District Court found in favor of the BSEA decision. Appeals vacated & remanded. On remand, District Court reversed BSEA finding and determined that reimbursement was available to Town as a prevailing party. Appeals

			year ended, BSEA ordered school to compensate parents for partial cost of private schooling.	therefore, school not required to reimburse parents for costs of private education absent determination that services offered in unilateral placement were necessary for FAPE.	participating in IEP development. Parents not entitled to fee reimbursement because unilateral placement was too restrictive and parents failed to show unilateral placement would be required for FAPE. question of whether an IEP is adequate and appropriate is a mixed question of law and fact and, in the absence of mistake of law, Court of Appeals should accept district court's resolution of those questions absent clear error.	affirmed order that Town pay for medical evaluations, reversed order that Town reimburse parents for private placement and remanded on issue of whether there a FAPE was provided.
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				<p>According to plain language in the title and language of The All Handicapped Children Act (IDEAs precursor) provisions apply to all children without qualification. (citing examples 20 U.S.C. §§ 1412(1) &amp; (2)(A) &amp; (2)(C); 20 U.S.C. § 1414(a)(1)(A)). “the Act’s stated purpose was “to assure that <i>all</i> handicapped children have available to them ... a free appropriate public education which emphasizes special education and related services designed to meet their unique needs, ... [and] to assist states and localities to provide for the education of <i>all</i> handicapped children. Further the act applies for</p>		
	<p><u>Inability to benefit from IEP</u></p>	<p><i>Timothy W. v. Rochester, N.H. School Dist., 875 F.2d 954 (1<sup>st</sup> Cir. 1989).</i></p>	<p>Student suffered from multiple disabilities including complex developmental disabilities, spastic quadriplegia, cerebral palsy, seizure disorder and cortical blindness and was profoundly mentally retarded. School district offered student no educational plan arguing student’s disabilities made him unable to benefit from educational services.</p>	<p>There is no provision in state or federal law that requires a student demonstrate he could benefit from special education services in order to be eligible for such services</p>		

				students in need of special education <i>and related services</i> .		
	<u>Responsibility of non-legal advocate</u>	<i>Nelson c. Taunton Public Schools, BSEA 10-8142 (March 8, 2011)</i>	Contentious dispute between parent/advocate and school. Parent wanted a change of venue because she believed the hearing setting in Taunton where school was based would compromise her safety and allow “creeping” to harm confidentiality. Also parent had a stream of procedural violations parent submitted defamatory documents before hearing commenced. Parent wanted to rescind acceptance of decision for documents; parent motioned for change of venue; for recusal; Taunton’s motion to dismiss.	No evidence the setting of public school building was bias or improper; parents were given adequate requested privacy. Regarding recusal, of the five elements that might support recusal: professional qualification; objective bars (e.g. personal, professional, financial interest); subjective factors (hearing officers emotions); appearance to public, burden of reassignment (balancing of	Document decision could be rescinded because happened soon after initial acceptance Denied Parents’ Change of venue motion. venue was proper Denied Parents’ Motion for recusal. Denied School’s motion to dismiss	

				<p>interests) – none of these elements were present. On School’s motion to dismiss: Parents failure to comply with document submission procedure and defamatory statements against school is prejudicial but adjudicator must consider this in light of parents’ representation by non legal advocate. When represented by lawyer parent has redress from erroneous legal advice, when represented by harmful advocate BSEA must attempt to “look beyond errors of presentation to discern the relevant facts and appropriate legal arguments that could form the basis of her original legal claims” Additionally,</p>		
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				parent did not receive notice of the serious consequence from her failure to comply with BSEA rules and customary standards of courtesy.		
	<u>FAPE</u> <u>LRE</u>	<i>Student with a Disability, In re, 110 LRP 19952 (SEA Mass., 2010)</i>	Parents argued for out of district program specializing in speech and language pragmatics for student with autism. Parents alleged student received inadequate transition services from program that did not allow him to make sufficient progress on his social, pragmatic skills and daily living skills through the regular education high school academic program.	Parents presented little evidence for the students need for proposed program which serves only students with autism. Parent's suggested placement was not least restrictive placement in which student could receive a FAPE	After appropriate modifications, District's transition services were adequate.	Ordered IEP revised to increase the amount of time allotted for home- and community-based services from two to four hours per week, Ordered district to retain autism consultant to supervise the provision of direct services by the outside provider the IEP would provide FAPE.

	<u>Placement</u> <u>Tuition</u> <u>Reimbursement</u>	<i>Natick Pub Sch. 54  IDELR 109  (SEA MA 2010)</i>	Student placed in districts pilot program for transition services in which student was placed with 3 other students who were mostly lower functioning than he was. Pilot program did not yet hire necessary staff including job coach.	Student had little contact with peers outside of school and needed opportunity to learn to generalize social skills. Peer group of three students was inappropriate setting for social skill generalization	Transition program did not offer academic and social opportunities that were appropriate District's placement did not yet offer the academic instruction and social opportunities the student required in order to learn to live independently. Private program satisfied student's educational needs.	Ordered school to reimburse parents for tuition cost of private placement.
	<u>Tuition</u> <u>Reimbursement</u> <u>Child Find</u> <u>Hearing Officer</u> <u>Authority</u>	<i>Forest Grove Sch. Dist. V T.A. 557 U.S. 230, 109 LRP 36046 (2009).</i>	Student was deemed not qualified for educational services under IDEA. Parents placed student in private school. Parents charged district with failure to provide FAPE and sought reimbursement.	"statement that reimbursement is not authorized when a school district provides a FAPE could be read to indicate that reimbursement is authorized when a school district does not fulfill that obligation," Conditioning tuition reimbursement on school prior relationship with school would incentivize school to	Parent can still request education reimbursement even if student never attended public school placement. Recognized in footnote that Hearing Officer has legal authority to order tuition reimbursement.	Remand to determine educational expenses to be reimbursed to parents.

				neglect its child find responsibilities. Provision of idea that lets HO and courts award tuition reimbursement and the provision that allows courts to grant “such relief as the court deems appropriate” is not intended to draw decision between judicial and administrative officer.		
	<u>FAPE</u>	<i>Lessard v. Wilton-Lyndeborough Coop. Sch. Dist. 592 F.3d 267, 53 IDELR 279 (1<sup>st</sup> Cir. 2010).</i>	Parents contest 2006 IEP (contested 2005 in first 1 circ. decision) and pose new placement combining home instruction with community experiences.	New IE gave increased pre-vocational instruction and added course instruction in horticulture and home economics. In accordance with state law, home cased placement parents recommend is defined as more restrictive that the residential placement that the school posed.	Student was offered a FAPE in LRE. “given the differential standard that prevails our review confirms that [student] was afforded FAPE” and affirmed District Court also contained language about deferring to school judgment.	Affirmed

	<u>LRE</u>	<i>Marshfield Public Schools, BSEA 07-1052 (May 15, 2007).</i>	<p>19 year old student with math and cognitive disabilities, did not pass MCAS. school wrote an amended IEP which suggested different placement which parent refused to sign (as guardian). Parent unilaterally placed student in college internship program and sought reimbursement, after notifying school what she intended to do. BSEA considered whether posed IEP provided FAPE and if not, whether parents suggested placement addressed her needs and provided fape in LRE?</p>	<p>Student wanted to graduate, she was close but for four points in math, parents put her into states most restrictive program, a residential program. Schools proposed IEP reflected expert's education goals but student did not like placement school proposition. Such 'student's wishes cannot dictate a BSEA decision' Denied parents contention that she was socially isolated citing evidence of students participation in school function. Record instead revealed that student is not thriving in new placement, she needs more supervision. Not only was it too</p>	District not required to reimburse for private placement	
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				restrictive but was otherwise inappropriate.		
	<u>Fee Shifting</u> <u>Waiving</u> <u>Reimbursement</u>	<i>Sch. Comm. of Town of Burlington, Mass. v. Dep't of Educ. of Mass., 471 U.S. 359, 105 S. Ct. 1996, 85 L. Ed. 2d 385 (1985).</i>	Parents rejected IEP for inadequacy, placed child in private institution and sought hearing. Hearing Officer found IEP inadequate and ordered tuition reimbursement for private placement. After lengthy procedural posture U.S. Supreme Court considered two issues: 1) Could IDEA grant relief in form of tuition reimbursement for private placement ? 2) Could parents seek reimbursement for unilateral private placement?	(1) IDEA grants court authority to "grant such relief as it determines to be appropriate." "Reimbursement requires court to pay expenses it should have paid all along" (2) § 1415(e)(3) says nothing about financial responsibility or parental right to reimbursement at the conclusion of judicial proceedings. If the provision is meant to cut off parental reimbursement, its purpose is destroyed.	Tuition reimbursement can be ordered for unilateral placement in private school during pendency of the legal proceedings. "We do think that the court was correct in concluding that "such relief as the court determines is appropriate," within the meaning of § 1415(e)(2), means that equitable considerations are relevant in fashioning relief"	Affirmed.



				IDEA requires that educational services be provided by qualified personnel.” Provider was not considered “qualified personnel” as defined by IDEA. School district not required to pay. “Massachusetts state law provides that public schools can only place special education students in State-approved educational settings. See Mass. Gen. Laws. ch. 71B, § 10. The requirement is intended to protect and serve the best interest of the child and parent as well as to safeguard the School District's resources and prevent the funding of an inappropriate educational program.” This case is distinguishable from situation when parent unilaterally places child		
<u>Qualified Personnel Fee Shifting</u>	<i>Manchester-Essex Reg'l Sch. Dist. Sch. Comm. v. Bureau of Special Educ. Appeals of the Mass. Dep't of Educ., 490 F. Supp. 2d 49 (D. Mass. 2007).</i>	School district brought suit against BSEA and parent for ordering school district to pay for student to attend special education program when program was not state-approved and was run by uncertified provider.		“any procedural violations were not sufficiently material to justify rejection of the IEP or tuition reimbursement and that the proposed IEP did not substantively deny the student FAPE.”	District Court reversed Hearing Officer’s decision that school violated IDEA and reversed order requiring school to reimburse private tuition costs.	

				because proposed IEP is inadequate. When IEP is inadequate, reimbursement for uncertified unilateral placement may be possible		
	<u>Rejecting IEP Procedural Violations</u>	<i>Lt. T.B. ex rel. N.B. v. Warwick Sch. Comm., 361 F.3d 80 (1st Cir. 2004).</i>	School proposed initial IEP for new student, subject to review several weeks later. Parents rejected IEP and notified school of plans to enroll child in private school. School proposed another IEP, which was also rejected. Due process hearing followed. Hearing Officer found in favor of parents because school violated IDEA procedural obligations.	IDEA only requires that IEP be “reasonably calculated” to provide “appropriate education.” Student’s IEP was adequate, so it is not necessary to consider whether other programs would be better.	Trial court’s conclusion that new proposed IEP meets student’s needs is correct.	District Court upheld Hearing Officer’s decision. Affirmed.



	<u>Related Services</u>	<i>Cedar Rapids Cmty. Sch. Dist. v. Garret F., 526 U.S. 66 (1999).</i>	Student was paralyzed from neck down in a motorcycle accident and needed constant supervision of medical apparatuses to stay alive. School district challenged ruling that it must pay costs while in school because these are considered "medical services."	"Related services" is defined to broadly encompass those supportive services that may be required to assist a child with a disability to benefit from special education. "Medical services exclusion" for special education does not embrace all forms of care that might loosely be described as "medical" in other contexts.	Tracy is eligible for transition services under IDEA until she graduates from high school or reaches the age of 21. District Court did not abuse its discretion in awarding attorney's fees.	District Court ruled that school was responsible for providing transition services, and awarded plaintiffs attorney's fees and costs. Court of Appeals affirmed with modification. The supreme court affirmed and held that continuous nursing service was "related service" that district was required to provide under IDEA.
	<u>Stay-Put Provision</u> <u>Compensatory Services</u> <u>IEP Acceptance</u>	<i>C. v. Me. Sch. Admin. Dist. No. 6, 538 F. Supp. 2d 298 (D. Me. 2008).</i>	District court asked to consider (1) whether later statutory amendments have altered the <i>Rowley</i> definition of a free appropriate public education ("FAPE"); and (2) whether there can be any remedy when a school violates the statutory "stay-put"	Compensatory education is not appropriate relief for a purely procedural violation of IDEA. "Stay-put" provision is hardly procedural and goes to heart of parents' role in constructing an appropriate IEP.	Rowley standard that school does not need to maximize potential of student with a disability is still in effect. Instead, a FAPE requires that "the education to which access is provided be sufficient to confer some educational benefit upon the handicapped	Finding in favor of school district. Affirmed magistrate judge's determination on both issues.

			requirement, but otherwise provides the student a FAPE.	Failing to respond to an IEP that contains changes previously agreed to as adequate constitutes accepting that IEP.	child.” Compensatory services may be an appropriate remedy for violation of stay put order	
	<u>Stay-Put Provision</u> <u>Compensatory Relief</u>	<i>Shawsheen Valley Reg'l Vocational Sch. Dist. Sch. Comm. v. Mass. Bureau of Special Educ. Appeals, 367 F. Supp. 2d 44 (D. Mass. 2005).</i>	Parents accepted IEP for student's 7 <sup>th</sup> grade year and no IEPs afterwards. School performed some but not all services mentioned in “stay put” 7 <sup>th</sup> grade IEP. After student graduated school offered 1 year post graduate services, parents refused. Parents placed student at community college program from which student graduated. Parents sought compensatory tuition reimbursement.	Even if relief for purely procedural violations of IDEA were authorized, in this case, an award of damages would not be equitable. All of the procedural violations were <i>de minimis</i> and violations must be more than <i>de minimis</i> to warrant a compensatory remedy. Parents were very involved in Student's education, frequently talking with school administrators and teachers and making educational	Although Parents point to some procedural violations, they were not substantive. They were, instead, <i>de minimis</i> . Parents are not entitled to compensatory damages for any alleged deficiencies Denied parents request for enforcement of tuition reimbursement order pending final judgment. Parents cite no legal authority for their request and the relief is unwarranted. Although 34 C.F.R. § 300.514(c) requires interim compliance with a BSEA award if	Temporary injunction granted.

				<p>decisions for Student. They had ample opportunity to participate in the design of his educational program. School listened and responded to parents provided Student with educational program tailored to his strengths and his learning disabilities and successfully prepared him to enter college.</p>	<p>the BSEA agrees with Parents that a change of placement is appropriate, the Decision in this case did not involve a change of placement but, rather, compensation in the form of monetary reimbursement..</p>	
	<p><u>Stay-Put Provision Preliminary Injunction Burden of Proof</u></p>	<p><i>Bell v. Educ. in the Unorganized Territories, No. 00-CV-160-B, 2000 WL 1855096 (D. Me. Oct. 16, 2000)(not reported in federal supplement).</i></p>	<p>Parents filed a due process request regarding graduation of student with autism and severe intellectual disability. Parents sought temporary injunction to force school to provide services to student.</p>	<p>Court interprets Brookline as requiring that it apply traditional four-factor test for preliminary injunctive relief to party seeking to change student's placement from the status quo. Factors are: (1) Defendants are likely to succeed on the merits, (2) Defendants</p>	<p>"The Court sees no reason why the party seeking to maintain the status quo, in this case Plaintiffs, should post a bond. As discussed above, the party seeking to change the child's educational placement, Defendants, has the burden of making the four-part showing for a</p>	<p>Injunction granted.</p>

				could suffer irreparable harm, (3) the balance of hardships favors Defendants, or (4) action is within the public interest.	preliminary injunction to override the stay put provision. See <u>Brookline</u> , <a href="#">722 F.2d at 917</a> . Because the burden is on Defendants, it would be patently unfair to require Plaintiffs to post a bond pursuant to <a href="#">Fed.R.Civ.P. 65(c)</a> . Therefore, Defendants' request for a bond is denied.”.	
	<u>Transition Planning and Services. Performance assessment in a timely manner.</u>	<i>Student v. Brockton Public Schools, BSEA #12-4761 (June 27, 2012)</i>				In a dispute over transition services and evaluations for an 18 year old Student, HO Rosa Figueroa agreed that Brockton had committed a procedural violation when refusing to fund a function living skills independent evaluation and ordered the LEA to do so. The Hearing Officer also ordered Brockton to conduct observations of the Student in a home/community environment as

						part of its transition assessment and convene the Team to discuss the results of the transition evaluation.
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## Reference Materials

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## Glossary

**adult agency** (n.) (also called “adult human services agency”) – An agency that is part of the Executive Office of Health and Human Services (EOHHS). An agency provides facilities, programs, training, oversight, education, or other social services to people based on their needs and abilities. Example: “After turning 22, Thomas received home care and job training from an adult agency.”

**adult agency services** (n.) (see also: adult agency) – Any program or service provided to a person with disabilities after special education by a health or human services agency.

**advisory opinion** (n.) (see also: due process hearing) – A non-binding opinion given by a Hearing Officer in a less formal setting than a due process hearing.

**age-appropriate transition assessment** (n.) – The ongoing collection of information on a student’s needs, preferences, and interests related to the demands of work, school, and other personal and social environments. The assessment focuses on “chronological age,” not “developmental age.” Example: “In order to figure out what transition services the student needs, the student must be evaluated using age appropriate transition assessments.”

**age of majority** (n.) (also called “full age” or “adult”) – The age at which someone is considered an adult by law. In Massachusetts, this age is 18.

**age out** (v.) (also called “aging out”) – To turn 22 years old, the age at which a student with disabilities loses the right to a free appropriate public education (FAPE). Example: “I received a letter

from the school telling me that my child was aging out soon and would no longer be able to receive special education benefits.”

***Americans with Disabilities Act (ADA)*** (n.) (typically called by the letters “A - D - A”) – A United States law that gives general rights to people with disabilities and forbids discrimination on the basis of disability. Example: “Under the ADA my son’s public school cannot keep my son from going to gym class.”

***annual goals*** (n.) – Yearly activities or achievements, as listed in the Individual Educational Program (IEP), to be reached or completed by an individual with disabilities.

***assessment*** (n.) – A procedure or test used to evaluate a student’s current achievement levels, identify a student’s strengths and weaknesses, and/or determine a student’s current level of functioning in a specific area.

***benchmark*** (n.) – Major milestone, hurdle or step used to measure a student’s progress towards reaching a goal. Example: “Goal- Monday through Friday, Jillian will use public transportation to get to and from her job placement independently, arriving at work on time, for five consecutive days. Benchmarks- By the end of the first quarter, Jillian will walk to the bus stop, ride the bus to work, and get off at the correct bus stop.”

***change in placement*** (n.) – A significant change in a student’s educational plan, including major events like graduation and expulsion, which can lead to the loss of a student’s right to a FAPE.

***Chapter 688 (n.) (also called “688”)*** – A Massachusetts state law that provides a process for how a school will transfer services for a student with disabilities to an appropriate adult agency.

***cognitive*** (adj.) – Having to do with the understanding of information. Example: “Maria’s cognitive assessment showed that she has difficulty understanding and using complex sentence structure.”

**compensatory education** (n.) – Education or schooling designed to make up for previously missed education. Example: Juan spent several months in the hospital due to his disability. When he returned to school, he received compensatory education for the time he missed.

**conservatorship** (n.) – A legal process where a court appoints someone, often a parent, to make financial decisions for a person with disabilities after he or she reaches the age of majority.

**court appointed guardianship** (n.) – A legal process where a parent can go to court and ask for the right to make decisions for their child after the child reaches the age of majority.

**due process hearing** (n.) (see also: mediation) – A procedure that gives parents and schools an opportunity to be heard and to resolve issues about an IEP and special education. This is a more formal step than mediation. The Hearing Officer will listen to the parents, student and school and will decide the best course of action. Example: “We couldn’t come to an agreement with the school at mediation, so we requested a due process hearing.”

**entitlement** (n.) – A service or program provided by the government to everyone who qualifies for that service or program, without any cap on the number of people who may receive services. An entitlement is a guarantee of access to benefits. For example, students with disabilities who qualify for an IEP may not be denied special education services on the basis that there are too many students already receiving special education at the school, because special education is an entitlement.

**evaluation** (n.) (see also: independent evaluation) – A set of tasks the student performs, sometimes specific to his/her disability, which is reviewed to decide whether the student qualifies for special education. People affiliated with the school will usually do the evaluation.

**evaluator** (n.) – A qualified professional certified to review of a student’s skills to decide if the student qualifies for special education services.

**FAPE** (n.) – See: “Free and Appropriate Public Education.”

**federal law** (n.) – A United States law that is typically more powerful than state laws, or that requires the states to meet some minimum standard.

**formal assessment** (n.) – A written test used to compare students across an age group or grade level. Example: “All end-of-year standardized tests are formal assessments.”

**Free and Appropriate Public Education (FAPE)** (n.) – General or special education, and related services, which are provided at public expense and which are tailored to each particular student's needs and abilities. The FAPE must meet state requirements and must follow a student’s Individualized Education Program (IEP).

**full age** (n.) (see also: age of majority)– The age at which a person is considered an adult by law. In Massachusetts this is age 18.

**hearing** (n.) – see: due process hearing.

**Hearing Officer** (n.) – A Hearing Officer guides a fair hearing between the school, parents, and others involved in a student’s education. They are employed by the Bureau of Special Education Appeals (BSEA).

**Independent Education Program (IEP)** (n.) – The written plan that each qualifying special education student receives. It outlines the student’s needs and goals, along with the services necessary to meet those needs and goals.

**independent evaluation** (n.) – An assessment of the student by a qualified evaluator which is not provided by the school. The evaluator must be properly certified, with the necessary credentials to perform the assessment.

**independent living skills** (n.) – Skills needed to perform everyday tasks. Example: “Independent living skills, such as cooking and

paying the bills, are necessary for students with disabilities to live on their own.”

***Individuals with Disabilities Education Act (IDEA)*** (n.) – A United States law that controls how schools and other groups provide special education and other related services to students with disabilities. Example: “The Individuals with Disabilities Education Act gives students with disabilities the right to a free and appropriate public education.”

***informal assessment*** (n.) – A method of measuring a student’s performance by watching their behavior or using other informal techniques. Example: “Informal assessments can be done anywhere, particularly outside of school, by observing the student as she interacts with people, for example, in a restaurant.”

***least restrictive environment*** (n.) – An education environment which includes students with disabilities and students without disabilities wherever possible, according to the student's needs and abilities, including general education classrooms, extracurricular activities, and other school programs and facilities.

***legally incompetent*** (adj.) – When a person is not able to enter into a legal agreement, such as a contract, because he or she is unable to make important legal decisions. An adult is presumed to be competent to make his or her own decisions. This right can only be changed by an official court process declaring the person legally incompetent.

***mediation*** (n.) – A confidential meeting between a student with disabilities, his or her parents, and the school, which is designed to resolve disagreements related to a student’s IEP by using the help of a trained mediator.

***mediation session*** (n.) – see: mediation.

***mediator*** (n.) – A neutral third person who helps work through disagreements by focusing the discussion and giving everyone a chance to be heard.

**objective** (n.) – A short-term, intermediate step used to measure a student’s progress towards reaching a larger goal. Example: “Goal: Nadia will write a six sentence paragraph using four types of sentences scoring 45/50 on the district writing rubric. Objective: Given a list of sentences, Nadia will accurately label the four types of sentences.”

**person-centered planning (PCP)** (n.) – A set of processes, tools and approaches used to help a person with disabilities identify his or her preferences, goals, and vision for the future, for the purpose of self-advocacy.

**portfolio** (n.) – A collection of documents, photos, and other information that will help others understand a student’s achievements, interests, and performance. Information included can come from schoolwork or other personal or social activities.

**post-secondary** (adj.) – After high school, or after leaving a high school environment. For students with disabilities, this may mean either after high school graduation, or after aging out of special education at age 22. Example: “It wasn’t clear how my child could receive post-secondary transition services from her IEP.”

**pre-hearing conference** (n.) – A meeting held before a due process hearing in which the matters that will be discussed during the due process hearing are decided upon.

**related services** (n.) – Services provided to children with disabilities to help them learn and function in the least restrictive environment. These services may include in-school counseling, speech and language services, and others.

**school representative** (n.) – Someone who works for the school district and represents that district or the student's school in an official capacity.

**shared decision making** (n.) – A non-legal process where a student maintains his or her legal decision-making rights, but is informed, interpreted, or supported by a person he or she

chooses. Parents and students can use this option on their own without a judge's order.

***stay-put provision*** (n.) (see also: change in placement) – A legal requirement that temporarily stops a change in placement when a parent or student appeals a decision. This keeps students in school or in some other suitable educational setting until problems are resolved. Example: “The stay-put provision allowed us to work with the school to find an appropriate setting for our child to learn in while we appealed the school's decision.”

***transfer of rights*** (n.) – The process by which a parent's right to make decisions for their child ends and a child who has reached the age of majority assumes responsibility for their own decisions. In Massachusetts, all rights transfer from parents to students when students turn 18, unless other provisions are made.

***vocational*** (adj.) – Relating to a job, a profession, or work in general. Example: “Many students with disabilities will be eligible for vocational training to help them to get and keep a job.”

***vision statement*** (n.) – A statement illustrating a student's dreams after high school and into the future.

## Forms

### IEP

#### **Evaluation Consent Form - [doc](#) [pdf](#)**

To show you agree to let the school perform assessments in order to evaluate your student

#### **Initial and Re-evaluation Determination Form - [doc](#) [pdf](#)**

Flow chart to determine your student's eligibility or continuing eligibility for an IEP

#### **Placement Consent Form - [doc](#) [pdf](#)**

To agree or disagree to your student being placed in class setting other than the general classroom

#### **IEP Form - [doc](#) [pdf](#)**

To show your student's current abilities, goals, and needs to create an IEP

#### **IEP Amendment Form - [doc](#) [pdf](#)**

To change or agree to changes in your student's IEP

#### **Attendance Sheet Form - [doc](#) [pdf](#)**

To show everyone who attended the IEP Team meetings and each person's responsibilities as part of the Team

#### **Progress Report Form - [doc](#) [pdf](#)**

To show student's progress after IEP has started

#### **Transition Planning Form - [doc](#) [pdf](#)**

To help determine your student's post-school goals and how and where to achieve them

#### **Exit Summary of Student Performance Form - [doc](#) [pdf](#)**



To show your student's academic and functional achievements when special education eligibility ends due to graduation or aging out

## **Self-Assessments**

### **NSTTAC Indicator 13 Checklist Form A - [doc](#) [pdf](#)**

To help determine that the IEP is focused on individual student and that IEP is updated at least every year, including transition services

### **NSTTAC Indicator 13 Checklist Form B - [doc](#) [pdf](#)**

To help determine that the IEP is focused on individual student and that IEP is updated at least every year, including transition services

### **Self Assessment Summary of Performance Form - [doc](#) [pdf](#)**

For student to fill out to see and rate student's own progress

### **Dream Sheet - [doc](#) [pdf](#)**

To keep track of student's post school dreams and goals for transition planning

## **Adult Services**

### **688 Referral Form - [doc](#) [pdf](#)**

To request services after special education ends

### **Department of Mental Health Request for Adult Services Form - [doc](#) [pdf](#)**

To apply for eligibility for Adult Agency Services for an individual with mental illness

### **Department of Disability Services Adult Application Form - [doc](#) [pdf](#)**

To apply for eligibility for Adult Agency Services

## **Transfer Rights**

### **Guardianship Petition Form - [pdf](#)**

To request to be a legal guardian for your student

### **Conservatorship Petition Form - [pdf](#)**

To request to be a conservator for your student

## **Employment**

### **Employment Related Questions - [doc](#) [pdf](#)**

An informal test used to help decide if your student can work at a particular jobsite

### **Jobsite Analysis Form - [doc](#) [pdf](#)**

To keep track of information about jobsites where your student might work

## **Hearings**

### **BSEA Hearing Request Form - [doc](#) [pdf](#)**

To request a hearing for the first time or to change a previous request for a hearing

### **Advancement or Postponement of a Hearing Form - [doc](#) [pdf](#)**

To ask that a scheduled hearing date be moved sooner or later than already scheduled

## **Graduation**

### **MCAS Performance Appeal Application - [doc](#)**

To be filled out by the superintendent of the school if there is a disagreement about your student's MCAS score

## Letters

### Letter to Discuss a Problem

Today's Date (include month, day, and year)

Your Name

Street Address

City, State, Zip Code

Daytime telephone number

Name of Principal

Name of School

Street Address

City, State, Zip Code

Dear (INSERT PRINCIPAL'S NAME),

In this paragraph say who you are and give your child's full name and current class placement. Say something positive about your child's situation here, before you state your reason for writing. BRIEFLY, explain why you are writing. Give relevant history and facts that support your concerns. (For example, your 3rd grader is struggling in school and you want to ask for help. You might say that your child's school work has been getting worse throughout the year. That fact is relevant. Talking about something from your child's infancy probably is not.)

In this paragraph state what you would like to have happen or what you would like to see changed. You may BRIEFLY say what you would not like, or what has been tried and not worked. However, spend most of this paragraph saying what you want. Say what type of response you would prefer. For instance, do you need to meet with someone, do you want a return letter, or a

phone call? I can be reached at (INSERT TELEPHONE NUMBER).  
Please respond by the (INSERT DATE). (END THE LETTER WITH  
“THANK YOU FOR YOUR ATTENTION TO THIS MATTER.”)

Sincerely,

(INSERT YOUR NAME)

(INCLUDE YOUR SIGNATURE)

cc: (INSERT YOUR CHILD’S TEACHER’S NAME OR OTHER STAFF  
YOU WOULD LIKE TO ATTEND)

Adapted from:

<http://www.nichcy.org/InformationResources/Documents/NICHCY%20PUBS/pa9.pdf>.

## Letter to Request an Evaluation for Special

### Education Services

Today's Date (include month, day, and year)

Your Name

Street Address

City, State, Zip Code

Daytime telephone number

Name of Principal or Special Education Administrator

Name of School

Street Address

City, State, Zip Code

Dear (INSERT PRINCIPAL'S OR ADMINISTRATOR'S NAME),

I am writing to request that my (SON/DAUGHTER), (INSERT CHILD'S NAME), be evaluated for special education services. I am worried that (INSERT CHILD'S NAME) is not doing well in school and believe (HE/SHE) may need special services in order to learn. (INSERT CHILD'S NAME) is in the (INSERT GRADE LEVEL) grade at (INSERT SCHOOL'S NAME). (INSERT TEACHER'S NAME) is his/her teacher.

Specifically, I am worried, because (INSERT CHILD'S NAME) does/does not (GIVE A FEW DIRECT EXAMPLES OF YOUR CHILD'S PROBLEMS AT SCHOOL).

We have tried the following to help (INSERT CHILD'S NAME): (IF YOU OR THE SCHOOL HAS DONE ANYTHING EXTRA TO HELP YOUR CHILD, BRIEFLY STATE IT HERE).

I understand that I have to give written permission in order for (INSERT CHILD'S NAME) to be evaluated. Before the evaluation begins, I have some questions about the process that I need to have answered (LIST ANY QUESTIONS YOU MAY HAVE). I would be happy to talk with you about (INSERT CHILD'S NAME). You can send me information or call me during the day at (INSERT

TELEPHONE NUMBER). Thank you for your prompt attention to my request.

Sincerely,

(INSERT YOUR NAME)

(INCLUDE YOUR SIGNATURE)

cc: (INSERT THE NAME(S) OF PRINCIPAL OR ADMINISTRATOR AND/OR TEACHER)

Adapted from:

<http://www.nichcy.org/InformationResources/Documents/NICHCY%20PUBS/pa9.pdf>.

## Letter to Request an Independent Evaluation

Today's Date (include month, day, and year)

Your Name

Street Address

City, State, Zip Code

Daytime telephone number

Name of Person to Whom You Are Writing

Title

Street Address

City, State, Zip Code

Dear (name),

My son/daughter, (INSERT CHILD'S NAME), is in the (INSERT CHILD'S GRADE) at (INSERT NAME OF SCHOOL), in (INSERT TEACHER'S NAME) class. (HE/SHE) was evaluated for special education services in (INSERT MONTH/YEAR). I am writing to request an Independent Educational Evaluation at public expense, for the following reasons: (BRIEFLY LIST YOUR REASON(S). BE VERY SPECIFIC.) For example,

"I disagree with the evaluation results because . . ."

"The evaluation should have included . . ."

"Evaluation should have been done in the area of . . ."

I would like this Independent Educational Evaluation to be done as quickly as possible so that we can fully address (INSERT CHILD'S NAME) needs. Please respond as soon as possible and send me copies of the school's guidelines for this. My daytime telephone number is (INSERT PHONE NUMBER). Thank you.

Sincerely,

(INSERT YOUR NAME)

(INCLUDE YOUR SIGNATURE)

cc: (INSERT THE NAME(S) OF YOUR CHILD'S PRINCIPAL AND/OR YOUR CHILD'S TEACHER)

Adapted from:

<http://www.nichcy.org/InformationResources/Documents/NICHCY%20PUBS/pa9.pdf>.

## Letter to Request a Copy of Your Child's Records

Today's Date (include month, day, and year)

Your Name

Street Address

City, State, Zip Code

Daytime telephone number

Name of Person to Whom You Are Writing

Title

Street Address

City, State, Zip Code

Dear (name),

I am writing to schedule a time to come and review all of my child's records. My (SON/DAUGHTER), (INSERT CHILD'S NAME), is in the (INSERT CHILD'S GRADE) at (NAME OF SCHOOL), in (INSERT TEACHER'S NAME) class. I will also need copies of some or all of these records.

Please let me know where and when I can come in to see the records. I need these records by (INSERT DATE). You can reach me during the day at (INSERT YOUR PHONE NUMBER).

I look forward to hearing from you soon. Thank you for your assistance.

Sincerely,

(INSERT YOUR NAME)

(INCLUDE YOUR SIGNATURE)

Adapted from:

<http://www.nichcy.org/InformationResources/Documents/NICHCY%20PUBS/pa9.pdf>.



## Letter to Request a Meeting to Review Your Child's IEP

Today's Date (include month, day, and year)

Your Name

Street Address

City, State, Zip Code

Daytime telephone number

Name of Your Child's Special Education Teacher

Name of School

Street Address

City, State, Zip Code

Dear (INSERT NAME OF SPECIAL EDUCATION TEACHER),

I am writing to request an IEP meeting. I would like to discuss making some possible changes in (INSERT CHILD'S NAME)'s IEP. I am concerned about (STATE HOW YOU THINK THE IEP NEEDS TO BE CHANGED AND YOUR REASONS FOR REQUESTING THOSE CHANGES).

I would also like to have (INSERT NAMES OF SPECIALISTS OR OTHER STAFF) come to the meeting. I think (HIS/HER/THEIR) ideas about the changes we may need to make will be valuable. I can arrange to meet with you and the other members of the IEP team on (INSERT PROPOSED DATES) between (INSERT PROPOSED RANGE OF TIME, FROM 2:00 TO 4:00). Please let me know what time would be best for you.

I look forward to hearing from you soon. My daytime telephone number is (INSERT PHONE NUMBER). Thank you for your help.

Sincerely,

(INSERT YOUR NAME)

(INCLUDE YOUR SIGNATURE)

cc: (INSERT NAMES OF SPECIALISTS OR OTHER STAFF YOU WOULD LIKE TO ATTEND)

Adapted from:

<http://www.nichcy.org/InformationResources/Documents/NICHCY%20PUBS/pa9.pdf>.

## Letter to Request that Your Child's Placement be Changed

Today's Date (include month, day, and year)

Your Name

Street Address

City, State, Zip Code

Daytime telephone number

Name of Principal or Special Education Administrator

Name of School

Street Address

City, State, Zip Code

Dear (PRINCIPAL'S OR ADMINISTRATOR'S NAME),

I am writing to request a meeting to discuss a change in placement for my (SON/DAUGHTER), (INSERT CHILD'S NAME). (HE/SHE) is currently in the (INSERT CHILD'S GRADE) in (TEACHER'S NAME) class. I feel (HE/SHE) needs to be in (NAME OF ALTERNATIVE, IF YOU KNOW; OTHERWISE DESCRIBE THE TYPE OF PLACEMENT YOU FEEL IS MORE APPROPRIATE FOR YOUR CHILD, SUCH AS YOUR NEIGHBORHOOD SCHOOL, A CENTER-BASED PROGRAM, GENERAL EDUCATION CLASS, OR SPECIAL CLASS).

I am most concerned about (INSERT BRIEF DESCRIPTION OF CHILD'S UNMET NEEDS, NOT PROBLEMS WITH INDIVIDUAL PEOPLE). I would also like to have (INSERT NAME OF TEACHER(S) AND/OR ANY SPECIALISTS YOU WOULD LIKE FROM THE CURRENT AND/OR REQUESTED PLACEMENT) attend this meeting.

I can arrange to meet with the rest of the IEP team on (INSERT NUMBER OF DAYS) between (INSERT RANGE OF TIME, SUCH AS BETWEEN 8:00 A.M. AND 10:00 A.M.). Please let me know what time would be best. I look forward to hearing from you soon. My daytime telephone number is (INSERT YOUR PHONE NUMBER).

Thank you for your time.

Sincerely,

(INSERT YOUR NAME)

(INCLUDE YOUR SIGNATURE)

cc: (INSERT THE NAME(S) OF PRINCIPAL OR ADMINISTRATOR,  
TEACHER, SPECIALISTS, AND/OR OTHER STAFF)

Adapted from:

<http://www.nichcy.org/InformationResources/Documents/NICHCY%20PUBS/pa9.pdf>.

## **Letter to Request the School Give You Notice of Its Intended Actions or Refusal to Take an Action (Called “Prior Written Notice”)**

Today’s Date (include month, day, and year)

Your Name

Street Address

City, State, Zip Code

Daytime telephone number

Name of Person to Whom You Are Writing

Title

Street Address

City, State, Zip Code

Dear (INSERT PERSON’S NAME),

(AT OUR MEETING/DURING OUR PHONE CONVERSATION) on  
(DATE), we discussed my child’s (EVALUATION, ELIGIBILITY,  
PLACEMENT, IEP, SERVICES, ETC.). I requested (\_\_\_\_\_\_). . . and  
was denied (or) I was told the school intends to (\_\_\_\_\_\_). . .  
but I have never received any information about this decision in  
writing. In accordance with the IDEA regulations,  
I am requesting prior written notice regarding (INSERT SPECIFIC  
ISSUE/DECISION YOU WANT THE SCHOOL TO RESPOND TO.  
BULLET OR NUMBER THE ITEMS.)

According to the IDEA, at 34 CFR §300.503, prior written notice  
must include the following:

1. A description of what the school is proposing or refusing to do;
2. An explanation of why the school proposes or refuses this action;
3. A description of any other options the school considered and the reasons why those options were rejected;
4. A description of each evaluation procedure, test, record, or report the school used as a basis for this decision;
5. A description of any other relevant factors that went into this decision;
6. Information on how I can obtain a copy of procedural safeguards available to me under the law and a full explanation of the safeguards, and
7. Information on sources I can contact for help in understanding IDEA's regulations.

I look forward to receiving a detailed response to my request as soon as possible. Thank you for your assistance.

Sincerely,

(INSERT YOUR NAME)

(INCLUDE YOUR SIGNATURE)

cc: (INSERT THE NAME(S) OF PRINCIPAL OR ADMINISTRATOR, TEACHER, SPECIALISTS, AND/OR OTHER STAFF AT THE TIME MEETING)

Adapted from:

<http://www.nichcy.org/InformationResources/Documents/NICHCY%20PUBS/pa9.pdf>.

## **Letter to Request Mediation When You and the School Do Not Agree**

Today's Date (include month, day, and year)

Your Name

Street Address

City, State, Zip Code

Daytime telephone number

Name of Person to Whom You Are Writing

Title

Street Address

City, State, Zip Code

Dear (INSERT PERSON'S NAME),

My son/daughter, (INSERT CHILD'S NAME), currently attends  
(INSERT NAME OF SCHOOL) and is in the (INSERT CHILD'S GRADE)

in (INSERT TEACHER'S NAME) class. I am writing to inform you  
that the school and I are in disagreement concerning (INSERT  
BRIEF STATEMENT ABOUT WHAT THE DISAGREEMENT IS ABOUT).

We have been unsuccessful in resolving this dispute, and I am  
requesting mediation so that we may resolve our differences.

I would like the mediation to be done as soon as possible. Please  
let me know when this can be arranged and send me a copy of the  
school's guidelines on mediation. My daytime telephone number  
is (INSERT YOUR PHONE NUMBER). Thank you for your assistance  
in this matter.

Sincerely yours,

(INSERT YOUR NAME)

(INCLUDE YOUR SIGNATURE)

cc: (INSERT THE NAME(S) OF PRINCIPAL AND/OR TEACHER)

Adapted from:

<http://www.nichcy.org/InformationResources/Documents/NICHCY%20PUBS/pa9.pdf>.

## **Letter to Request a Due Process Hearing When You and the School Do Not Agree**

Today's Date (include month, day, and year)

Your Name

Street Address

City, State, Zip Code

Daytime telephone number

Name of Person to Whom You Are Writing

Title

Street Address

City, State, Zip Code

Dear (INSERT PERSON'S NAME),

I am writing to request a due process hearing on behalf of my child, (INSERT CHILD'S NAME), whose address is (INSERT YOUR CHILD'S ADDRESS, EVEN IF IT IS THE SAME AS YOUR OWN).

(INSERT CHILD'S NAME) attends (INSERT NAME OF SCHOOL).

I have met with school personnel in an effort to resolve our differences concerning my (SON'S/DAUGHTER'S) (IEP, PLACEMENT, TESTING, ETC.) and have been unable to do so. The nature of our disagreement is as follows:

- Explain the problem with BRIEF statements of fact.
- Consider listing the facts with bullets or numbers.
- An acceptable resolution of the problem would include . . . (TO THE EXTENT THAT YOU KNOW HOW YOU WANT THE DISAGREEMENT TO BE RESOLVED, STATE THESE FACTS HERE, AGAIN BULLETING OR NUMBERING THE ITEMS IF POSSIBLE.)

Please advise me as soon as possible as to the date and time of this hearing so that I can make the necessary arrangements. My daytime telephone number is (INSERT YOUR PHONE NUMBER).

I also request that this hearing be (OPEN/CLOSED) to persons other than those directly involved. (INSERT CHILD'S NAME) (WILL/WILL NOT) attend the hearing. Thank you for your assistance.

Sincerely,

(INSERT YOUR NAME)

(INCLUDE YOUR SIGNATURE)

cc: (INSERT THE NAMES OF CHILD'S PRINCIPAL AND YOUR ADVOCATE/ATTORNEY)

Adapted from:

<http://www.nichcy.org/InformationResources/Documents/NICHCY%20PUBS/pa9.pdf>.

## Letter to Change Your Student's Graduation Date in the IEP

Today's Date (include month, day, and year)

Your Name

Street Address

City, State, Zip Code

Daytime telephone number

Name of Principal

Name of School

Street Address

City, State, Zip Code

Dear (INSERT PRINCIPAL'S NAME),

My child (INSERT CHILD'S NAME) is in (INSERT CHILD'S GRADE) being taught by (CHILD'S TEACHER'S NAME).

I am writing to request a meeting to change the expected graduation date from (INSERT EXPECTED GRADUATION DATE ON CHILD'S CURRENT IEP) for (INSERT CHILD'S NAME). I am very concerned that (INSERT CHILD'S NAME) is not ready to graduate. (INSERT CHILD'S NAME) is not making effective progress in the (INCLUDE IEP GOALS THAT CHILD IS NOT MAKING PROGRESS). I am also concerned that (STATE THE REASONS WHY YOU THINK THE CHILD IS NOT READY TO GRADUATE).

I look forward to hearing from you soon. My daytime telephone number is (INSERT PHONE NUMBER). Thank you for attention to this matter.

Sincerely,

(INSERT YOUR NAME)

(INCLUDE YOUR SIGNATURE)



cc: (INSERT NAMES OF CHILD'S TEACHER)

Adapted from:

<http://www.nichcy.org/InformationResources/Documents/NICHCY%20PUBS/pa9.pdf>.

## **Letter to Reject Placement in Public School and Request Placement in Private School**

Today's Date (include month, day, and year)

Your Name

Street Address

City, State, Zip Code

Daytime telephone number

Name of Principal or Administrator

Name of School

Street Address

City, State, Zip Code

Dear (INSERT PRINCIPAL'S OR ADMINISTRATOR'S NAME),  
My (SON/DAUGHTER), (INSERT CHILD'S NAME), is a special education student in the (INSERT GRADE) in (INSERT TEACHER'S NAME)'s class at (INSERT NAME OF SCHOOL). Recently, I attended a meeting to determine (INSERT CHILD'S NAME)'s school placement. I am writing to inform you that I reject the proposed placement for (INSERT CHILD'S NAME), and intend to enroll (HIM/HER) in a private school at public expense. At the most recent IEP meeting, held on (INSERT DATE), I informed the other team members of my decision.

The reasons for my decision are as follows: (KEEP THIS SECTION BRIEF AND LIST SPECIFICS FOR WHY YOU BELIEVE THE PUBLIC SCHOOL PLACEMENT IS NOT APPROPRIATE FOR YOUR CHILD). (INSERT CHILD'S NAME) will be attending (NAME OF PRIVATE SCHOOL), effective (INSERT DATE).

Should you wish to discuss this matter further, I can be reached at (INSERT YOUR PHONE NUMBER). Thank you for your time.

Sincerely,

Your name

cc: (INSERT NAME(S) OF PRINCIPAL OR ADMINISTRATOR AND CHILD'S TEACHER(S))

Adapted from:

<http://www.nichcy.org/InformationResources/Documents/NICHCY%20PUBS/pa9.pdf>.

## Letter to File a Complaint With the State

Today's Date (include month, day, and year)

Your Name

Street Address

City, State, Zip Code

Daytime telephone number

Name of Person to Whom You Are Writing

Title

Street Address

City, State, Zip Code

Dear (INSERT PERSON'S NAME),

I am writing to file a complaint on behalf of my (SON/DAUGHTER), (INSERT CHILD'S NAME), regarding (HIS/HER) education in the (INSERT NAME OF SCHOOL DISTRICT). The nature of my complaint is as follows:

- Explain the problem with BRIEF statements of fact.
- Consider listing the facts that support your complaint with bullets or numbers.

For the above reasons, I believe the school district is in violation of certain requirements in the Individuals with Disabilities Education Act, specifically: (LIST THE REQUIREMENTS OF IDEA YOU FEEL THE SCHOOL SYSTEM HAS VIOLATED. FOR EXAMPLE,

“The school system has violated the following requirements of the IDEA:

- to consider whether my child needs assistive technology services or devices, as required by Section 300.346;
- to make available to my child assistive technology services and devices, as required by Section 300.308; and
- to include in my child’s IEP a statement of the special education, related services and supplementary aids and services, including assistive technology, that he/she needs as required by Section 300.347.”)

Enclosed are copies of relevant documents and correspondence I have sent to and received from the school district concerning this matter. These documents are (LIST THE DOCUMENTS YOU HAVE ENCLOSED, GIVING THE DATE SENT, BY WHOM, TO WHOM, AND THE ISSUE DISCUSSED.)

Please provide me with copies of any information you obtain in the process of investigating my complaint. If you need further information or clarification on my complaint, I can be reached at (INSERT YOUR PHONE NUMBER). Thank you.

Sincerely,

(INSERT YOUR NAME)

(INCLUDE YOUR SIGNATURE)

cc: (INSERT THE NAMES OF THE SCHOOL DISTRICT SPECIAL EDUCATION DIRECTOR, YOUR CHILD’S PRINCIPAL AND YOUR ADVOCATE/ATTORNEY)

Adapted from:

<http://www.nichcy.org/InformationResources/Documents/NICHCY%20PUBS/pa9.pdf>.

## Letter to Follow-up on a Previous Letter

Today's Date (include month, day, and year)

Your Name

Street Address

City, State, Zip Code

Daytime telephone number

Name of Person to Whom You Originally Wrote

Street Address

City, State, Zip Code

Dear (INSERT PERSON'S NAME),

I wrote to you on (INSERT DATE) and also called to make sure you had received my letter. I left a message for you to call me back on (INSERT PLACE), but since I have not heard from you, I thought it best to write again.

I am writing to request . . .

Enclosed is a copy of my first letter to you.

I would like to hear from you by (INSERT A DATE RANGE, FOR EXAMPLE, 3-5 WORKING DAYS). Thank you for your prompt attention to this matter.

Sincerely,

(INSERT YOUR NAME)

(INCLUDE YOUR SIGNATURE)

Enclosure

Adapted from:

<http://www.nichcy.org/InformationResources/Documents/NICHCY%20PUBS/pa9.pdf>.

## Letter to Give Positive Feed-back

Today's Date (include month, day, and year)

Your Name

Street Address

City, State, Zip Code

Daytime telephone number

Name of Person to Whom You Are Writing

Title

Street Address

City, State, Zip Code

Dear (INSERT PERSON'S NAME),

I am writing to let you know how very pleased I am with the education my (SON/DAUGHTER), (INSERT CHILD'S NAME), is receiving at (INSERT NAME OF SCHOOL). (INSERT CHILD'S NAME) has had great success with (BRIEFLY SAY WHAT IS GOING RIGHT). In particular, (NAME THE PROFESSIONALS WORKING WITH YOUR CHILD AND HOW THEY HAVE MADE A DIFFERENCE).

I look forward to (INSERT CHILD'S NAME) making continued progress. Thank you for all your efforts, and those of your staff.

Sincerely,

Your name

cc: (IF YOU WRITE TO THE SCHOOL DISTRICT'S SUPERINTENDENT OR DIRECTOR OF SPECIAL EDUCATION, MAKE SURE TO COPY THE PEOPLE WHO DIRECTLY DERIVE RECOGNITION FOR YOUR CHILD'S SUCCESS—THE PRINCIPAL, TEACHERS, AND OTHER STAFF)

Adapted from:

<http://www.nichcy.org/InformationResources/Documents/NICHCY%20PUBS/pa9.pdf>.

## Additional Resources

### General

### Communicating With Your Child's School Through Letter

### Writing - [pdf](#)

National Information Center for Children and Youth with Disabilities

**IEP FAQ - [doc](#) [pdf](#)**

Federation for Children with Special Needs

**A Parent's Guide to Special Education – [pdf](#)**

Federation for Children with Special Needs & Massachusetts Department of Education

## **Managing Transition**

**Transition Rights – [doc](#) [pdf](#)**

Massachusetts Advocates for Children

**Cooperative List of Transition Services - [pdf](#)**

North Central Special Education Cooperative

**Transition Timeline – [pdf](#)**

Institute for Community Inclusion

**Transition Tips: A guide to managing a student's**

**IDEA Transition status while in high school – [doc](#) [pdf](#)**

Federation for Children with Special Needs

**TRANSITION from School to Work to Independence – [PowerPoint](#)**

Federation for Children with Special Needs

**Transition Examples – Student Profiles with Sample**

**Transition Plans - [doc](#)**

**Tips for Transition – [pdf](#)**

University of Kansas Transition Coalition & Division of Career Development and Transition

## **School Days to Pay Days: An Employment Planning Guide for Families of Young Adults with Intellectual Disabilities – [pdf](#)**

Work Without Limits & Institute for Community Inclusion

[Autism After 16](#)

[ThinkCollege.Net](#) – College Options for People with Intellectual Disabilities

Institute for Community Inclusion

## **Adult Services**

### **A Guide to Chapter 688: Massachusetts' Transitional Planning Program – [pdf](#)**

Massachusetts Department of Education

### **Help for College Students with Disabilities – [pdf](#)**

Wrightslaw.com

### **Chapter 688 and the DMR Transition Process – [pdf](#)**

Massachusetts Department of Developmental Services (Formerly Department of Mental Retardation)

### **The Road Forward: A DDS Guide for Transition Planning – [doc pdf](#)**

Massachusetts Department of Development Services

## **Hearings**

### **A Guide to the MCAS Performance Appeals Process – [doc pdf](#)**

Massachusetts Department of Elementary and Secondary Education

## **Parent's Notice of Procedural Safeguards – [pdf](#)**

Massachusetts Department of Education

## **Hearing Rules for Special Education Appeals – [pdf](#)**

Massachusetts Department of Education

## **Resources for Students**

An internet community for teenagers and young adults with mental health

challenges to talk with each other and gain access to information that will help them live happily and independently:

<http://www.voices4hope.net/>

The new Pathways to College Network website provides easy access to research-based best practices, policies and resources for improving college access and success for underserved students.

Resources of particular interest to families and secondary educators include a searchable online directory of college planning resources to use in

helping middle and high school students plan and prepare for college. <http://www.pathwaystocollege.net/>

## **Other**

### **Supporting Individuals with Autism Spectrum**

### **Disorders: Quality Employment Practices – [pdf](#)**

Institute for Community Inclusion

### **Social Security Income Disability Benefits Fact Sheet – [pdf](#)**

Social Security Administration

### **General Information Regarding Guardianship and Conservatorship - [pdf](#)**

Got Transition? is a national resource for health care professionals, families, youth, and state policy makers focusing on



a young adult's transition from pediatric to adult health care. This site serves as the basis for an information exchange about health care transition, particularly as pertaining to youth with special health care needs.

<http://www.gottransition.org/>

## **Contact Information**

### **Boston Bar Association**

16 Beacon Street

Boston, MA 02108

Telephone: 617-742-0625

[www.bostonbar.org](http://www.bostonbar.org)

### **Bureau of Special Education Appeals (BSEA)**

Coordinator of Mediation

75 Pleasant Street

Malden, MA 02148

Phone: (781) 338-6400

Email: [sea@doe.mass.edu](mailto:sea@doe.mass.edu)

### **Bureau of Transition Planning**

Executive Office of Health and Human Services

1 Ashburton Place, Room 1109

Boston, MA 02108

Phone: 617-573-1600

### **Children's Law Center of Massachusetts**

298 Union Street

Lynn, MA 01903

Phone: 888-KIDLAWS

[www.clcm.org](http://www.clcm.org)

### **Department of Developmental Services (DDS)**

CENTRAL OFFICE: 500 Harrison Avenue

Boston, MA 02118

Voice: (617) 727-5608

Fax: (617) 624-7577

TTY: (617) 624-7783

Email: [Info@state.ma.us](mailto:Info@state.ma.us)

**Disability Law Center (DLC)**

11 Beacon Street

Suite 925

Boston, MA 02108

Voice: 617 723-8455

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Fax: 617 723-9125

Email: [mail@dlc-ma.org](mailto:mail@dlc-ma.org)

Web: [www.dlc-ma.org](http://www.dlc-ma.org)

To provide feedback on this manual, please use [our feedback form](#).

**Division on Career Development and Transition (DCDT)**

Northeast Subdivision Regional Representative: Stelios E

Gradoudas

University of Massachusetts

Boston Institute for Community Inclusion-UCEDD UMass Boston

100 Morrissey Blvd

Boston, MA 01215-3393

Phone: (617) 287-4322/4300

Email: [ici@umb.edu](mailto:ici@umb.edu)

**Federation for Children with Special Needs**

Parent Training and Information Center (PTI) at the Federation

1135 Tremont Street, Suite 420

Boston, MA 02120

Phone: (617) 236-7210

Email: [fcsninfo@fcsn.org](mailto:fcsninfo@fcsn.org)

**Kids As Self Advocates**

<http://fvkasa.org/index.php>

[info@fvkasa.org](mailto:info@fvkasa.org)

Phone: (520) 792-1665

Fax: (505) 872-4780

**Massachusetts Advocates for Children**

25 Kingston Street

2<sup>nd</sup> Floor

Boston, MA 02111

Phone: 617-357-8431

[www.massadvocates.org](http://www.massadvocates.org)

**Massachusetts Bar Association**

20 West Street

Boston, MA 02111-1204

Toll free telephone: (866) 627-7577

[www.massbar.org](http://www.massbar.org)

**Massachusetts Commission for the Blind (MCB)**

Boston Office: 48 Boylston Street

Boston, MA 02116-4718

Telephone: (617) 727-5550

Toll free: (800) 392-6450

TDD:(800) 392-6556

Fax: (617) 626-7685

**Massachusetts Commission for the Deaf and Hard of Hearing (MCDHH)**

Executive Office

150 Mount Vernon Street, Fifth Floor

Dorchester, MA 02125

(617) 740-1600 (Voice)

(617) 740-1700 (TTY)

**Massachusetts Department of Children and Families (DCF)**

Central office: 24 Farnsworth Street

Boston, MA 02210

Telephone: (617) 748-2000

**Massachusetts Department of Elementary and Secondary Education**

**Special Education Planning and Policy**

75 Pleasant Street

Malden, MA 02148-4906

Phone: (781) 338-300

TTY: (800) 439-2370

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**Massachusetts Department of Mental Health (DMH)**

Central Office

25 Staniford Street

Boston, MA 02114

Phone: (800) 221-0053 – Information and Referral Line

TTY: 617-727-9842

Email: [dmhinfo@dmh.state.ma.us](mailto:dmhinfo@dmh.state.ma.us)

**Massachusetts Department of Public Health (DPH)**

250 Washington Street, Sixth Floor

Boston, MA 02108

(617)624-6000

TTY/TTD: (617) 624-6001

Massachusetts Office of Disability, Client Assistance Program  
(CAP)

One Ashburton Place, Room 1305

Boston, MA 02108

Telephone: (800)-422-7200 or (617) 727-7440

**Massachusetts Rehabilitation Commission (MRC)**

Administrative Offices

27 Wormwood Street

Boston, MA 02210-1606

Phone: (617) 204-3600

Toll-Free: (800) 245-6543

Disability Determination Services: (800) 422-7200

Fax: (617) 727-1354

TTY: (800) 245-6543

Email: [Commissioner@mrc.state.ma.us](mailto:Commissioner@mrc.state.ma.us) or

kevin.collins@mrc.state.ma.us

Website: <http://www.state.ma.us/mrc/>

**National Secondary Transitional Technical Assistance Center  
(NSTTAC)**

Massachusetts Contact: Madeline Levine & Linda Tarmy

Email: [mlevine@doe.mass.edu](mailto:mlevine@doe.mass.edu)

Phone: (781) 338-3396

Parent Center Contact: Robin Foley

Phone: (617) 236-7210

Vocational Rehabilitative Services Contact: Charlie Carr

Email: [fcsninfo@fcsn.org](mailto:fcsninfo@fcsn.org)

Phone: (617) 204-3600

**Transition Evaluators and Consultants/Experts**

*The following is a non-exhaustive list of experts and consultants in the area of transition. This list is provided as a resource and is not a recommended list of providers.*

**Evaluations:**

**Michele Mayer, Ed. S, BCBA**

HMEA, Horace Mann Educational Associates

8 Forge Park

Franklin, MA 02038

508 298-1170

[Mmayer@hmea.org](mailto:Mmayer@hmea.org)

Website: [hmea.org](http://hmea.org)

[Transition specialists helping disabled students 14 – 22 prepare for and transition into life after high school. Services include assessments and consultation relating to vocational interests and skill development, career exploration, job development and coaching, functional life skills and independent living skills, identifying and accessing community resources and connections (social groups, public transportation, recreational activities, civic educational activities.)]

**Betsy Cohen, C.R.C and L.R.C.** (Certified Licensed Rehabilitation Counselor)

Advanced Rehab Solutions, Inc.

Newton Center, MA 02459

781-446-6581

[www.advancedrehabolutions.com](http://www.advancedrehabolutions.com)

[Vocational and Rehabilitation specialist, consultant, and evaluator specializing in the needs of individuals with neurological and neuropsychiatric impairments.]

**Jason McCormick, Psy.D**

Neuropsychology & Education Services for Children & Adolescents (NESCA), PC

55 Chapel Street, 2<sup>nd</sup> Floor

Newton, MA 02458

Telephone: 617-658-9800

Facsimile: 617-658-9801

[www.nesca-newton.com](http://www.nesca-newton.com)

**Sandy Storer, LICSW, Transition Specialist**

Neuropsychology & Education Services for Children & Adolescents (NESCA), PC

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Newton, MA 02458

Telephone: 617-658-9800

Facsimile: 617-658-9801

[www.nesca-newton.com](http://www.nesca-newton.com)

[In conjunction with Dr. McCormick, Ms. Storer conducts team transition assessments. Dr. McCormick conducts more formal, structured measures and Ms. Storer handles needed observations, interviews, and other informal assessments].

**Marilyn Weber**

Special Needs Advocate

Transition Specialist

Phone: 617-640-1007

[maroweber@gmail.com](mailto:maroweber@gmail.com)

[Transition 101 workshop presenter/trainer for the Federation for Children with Special Needs. Active involvement with PRIDE and the Bristol Employment Collaborative, Chair of the Transition Committee. Played a key role in developing the PRIDE Learning Center in Taunton opening September 1, 2011. The Learning Center will provide schools with a place to have their students learn the skills needed for the 21st Century workplace. The Center will also provide career and interest inventories, work with students on developing a resume and references, provide on-site functional vocational assessments, and provide internships and job shadow opportunities in the community. PRIDE job coaches will provide on-the-job support; and at the completion of four modules/lesson plans around workplace skills, students ready to enter the workforce will be recommended to our Placement Department for full-time or part-time employment, as well as further exploration of postsecondary education].

**Transition Expert and Consultant**

**Arlyn Roffman, Ph.D.**

Lesley University

Professor of Special Education

Founding Director, THRESHOLD Program (the country's first comprehensive campus-based transition program for young adults with learning disabilities.)

617-349-8995

[a.roffman@verizon.net](mailto:a.roffman@verizon.net)

[Transition specialist and author of Guiding Teens with Learning Disabilities: Navigating The Transition from High School to Adulthood, NY: Random House, (9/07).

While Dr. Roffman does not conduct transition assessments, per se, she has testified as an expert on whether a student's transition needs have been met based upon her extensive knowledge of the subject, and an exhaustive review of relevant documents (IEP's,

assessments, etc.) as well as interviews with and observations of the student and other involved parties.

**Judith L. Imperatore, M. Ed.** (DCDT Transition Assessment/Vocational Evaluator board member)

Transition Specialist/Consultant

J. Lynn Enterprises, LLC

56 Noah Lane

Tolland, CT 06084

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Fax: 860-896-1941

Cell: 413-563-1898

Email: [judeee77@comcast.net](mailto:judeee77@comcast.net)

[www.transitionresponse.com](http://www.transitionresponse.com)

[Provides training and program design to school districts throughout Massachusetts and New England. Conducts Functional Vocational Evaluations and assessments for students with disabilities]

### **Research-Based Transition Practices**

Institute for Community Inclusion

University of Massachusetts

100 Morrissey Boulevard

Boston, MA 02125

(617) 287-4341

[www.communityinclusion.org](http://www.communityinclusion.org)

[Expert in research-based practices for effective transition planning and services for students with disabilities.]

### **Pragmatic Language Expert**

**Elsa Abele, MS, CCC, SLP**

Speech language pathologist and private consultant in Pragmatic language



Contact: (603) 545-4181

[abele@bu.edu](mailto:abele@bu.edu) or [reinelsa@cs.com](mailto:reinelsa@cs.com)

[Speech language pathologist and private consultant in pragmatic language]

## **Acknowledgments**

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Janine Solomon, Pamela Coveney and Rick Glassman  
Disability Law Center  
Boston, MA  
December 2012

## Endnotes

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[1A] In Massachusetts, transition planning begins at 14. In accordance with Federal Law, transition planning begins at 18.

[1B] Transition services are an intensely collaborative process involving the family and with complete involvement by the student.

[1C] It is important to note that there is no mandate or reference to the term ‘transition plan’ or ‘transition goals’ in the IDEA. These terms continue to surface both in practice and the literature. The term ‘transition services’ has been part of special education policy since 1990, and the definition was expanded considerably in IDEA 2004 (Section 300.43) to include coordinated activities that are designed within a results-oriented process, focused on improving the academic and functional achievement of the youth to facilitate movement from school to post-school activities including postsecondary education, vocational education; integrated and supported employment, continuing and adult education, adult services, independent living or community participation. Based on the youth’s individual needs, taking into account the youth’s strengths, preferences, and interests and related to instruction, related services, community experiences, employment and other post-school adult living objectives and the acquisition of daily living skills and functional vocational evaluation (when appropriate).

[1D] [20 U.S.C. 1414 \(d\)\(1\)\(A\)\(i\)\(VIII\) \(2012\); 34 C.F.R. 300.320\(b\),\(c\) \(2012\) ; IDEA Regulation-Secondary Transition, U.S. Department of Education, Office of Special Education Programs \(Feb. 1, 2007\),](#)

[2] [20 U.S.C. 1414 \(d\)\(1\)\(A\)\(i\)\(VIII\) \(2012\); 34 C.F.R. 300.320\(b\),\(c\) \(2012\) ; IDEA Regulation-Secondary Transition, U.S. Department of Education, Office of Special Education Programs \(Feb. 1, 2007\)](#)

[3] Even if your student attends a private school, he or she has a right to FAPE if he or she wants public special education services. [Parent's Notice of Procedural Safeguards, Massachusetts Department of Education Elementary and Secondary Education](#) (last updated March 3, 2010).

[4] [Parent's Notice of Procedural Safeguards, Massachusetts Department of Education Elementary and Secondary Education](#) (last updated March 3, 2010).

[5] [Special Education-Transition from School to Adult Life, Massachusetts Department of Elementary and Secondary Education](#) (last updated Sept. 9, 2008). Transition begins at age 14 under Massachusetts state law, and at age 16 under federal law.

[6] Steven J. Bachrach, Individualized Education Plan (IEP), The Nemours Foundation, <http://kidshealth.org/parent/growth/learning/iep.html#> (last updated January 2008).

[7] 20 U.S.C. § 1414(d)(1)(A).

[8] 34 C.F.R. § 300.321(a).

[9] 20 U.S.C. § 1414(d)(1)(B).

[10] Roger Pierangelo & Rochelle Crane, Complete Guide to Special Education Transition Services Center for Applied Research 1997

[11] David Ferster, Broken Promises: When Does a School's Failure to Implement an Individualized Education Program Deny a Disabled Student a Free and Appropriate Public Education?, 28 Buf. Pub. Int. L.J. 71, 73 (2009).

[12] David Ferster, Broken Promises: When Does a School's Failure to Implement an Individualized Education Program Deny a Disabled Student a Free and Appropriate Public Education?, 28 Buf. Pub. Int. L.J. 71, 73 (2009).

[12A] This assessment is designed to assist students and Individual Education Plan (IEP) teams with transition planning through age appropriate assessment, which is an IDEA 2004 mandate and requirement for transition planning. It primarily serves as a catalyst for improving access and success in the transition, career and vocational preparation of an individual. Its focus is to support the creation of a relevant, individualized IEP, as well as to inform the design and usage of meaningful curriculum, programming and instruction. More specifically, assessment improves the accuracy of the articulation of the student's postsecondary goals and creates a clearer vision for the future by identifying student interests, needs, strengths and preferences. This articulation helps ensure relevancy and coordination of activities across the student's entire education and transition planning.

[13] Transition Assessment, Charting a Course for the Future - A Transition Toolkit, Colorado Department of Education, 1 (2010)

[http://www.cde.state.co.us/cdesped/download/pdf/TK\\_Intro.pdf](http://www.cde.state.co.us/cdesped/download/pdf/TK_Intro.pdf), (last visited Aug. 7, 2012)

[14] Mass. Gen. Laws ch. 71B, § 2 (2012).

[15] A. R. Walker et al., Age-Appropriate Transition Assessment Guide, National Secondary Transition Technical Assistance Center, University of North Carolina at Charlotte (2nd Ed. 2010), <http://www.nsttac.org/sites/default/files/assets/pdf/Tag.pdf>

[15A] See Anchorage School Dist. 14 v. D.S. and C.S., No 3:08-cv-0142-RRB (summary judgment order recognizing school did not provide FAPE because it failed to conduct assessments and was given parental consent for assessments)

[16] [Methods of Gathering Information, Charting a Course for the Future - A Transition Toolkit, Colorado Department of Education, 2.](#)

[16A] There is question in the field as to whether academic testing is part of transition assessment. Results of this testing become important pieces of the synthesis, but is not up to the transition assessment evaluator to do this type of testing. They can recommend it be done to better serve the plan.

[17] Dawn Breault, Age Appropriate Transition Assessment, University Center for Excellence on Disability at the University of New Hampshire, 9 <http://www.iod.unh.edu/pdf/12-11%20PPT%20Dawn%20-%20Age%20Appropriate%20Transition%20Assessment.pdf> (last visited Aug. 7, 2012).

[18] A. R. Walker et al., Age-Appropriate Transition Assessment Guide, National Secondary Transition Technical Assistance Center, University of North Carolina at Charlotte (2nd Ed. 2010)

[19] Cecilia Navarete et al., Informal Assessment in Educational Evaluation: Implications For Bilingual Education Programs, Evaluation Assistance Center (West) at the University of New Mexico (last visited Jan. 7, 2011).

[20] Cecilia Navarete et al., *Informal Assessment in Educational Evaluation: Implications For Bilingual Education Programs*, Evaluation Assistance Center (West) at the University of New Mexico, <http://www.finchpark.com/courses/assess/informal.htm>, (last visited Aug. 7, 2012).

[21] A. R. Walker et al., *Age-Appropriate Transition Assessment Guide*, National Secondary Transition Technical Assistance Center, University of North Carolina at Charlotte (2nd Ed. 2010), [http://www.nsttac.org/products\\_and\\_resources/tag.aspx](http://www.nsttac.org/products_and_resources/tag.aspx)

[22] Cecilia Navarete et al., *Informal Assessment in Educational Evaluation: Implications For Bilingual Education Programs*, Evaluation Assistance Center (West) at the University of New Mexico.

[23] *Methods of Gathering Information, Charting a Course for the Future - A Transition Toolkit*, Colorado Department of Education, 9, [http://www.cde.state.co.us/cdesped/download/pdf/TK\\_MethodGatherInfo.pdf](http://www.cde.state.co.us/cdesped/download/pdf/TK_MethodGatherInfo.pdf) (last visited Aug. 7, 2012).

[24] *Parent Training and Information: Annual Goals FAQ*, Federation for Children with Special Needs, <http://fcsn.org/pti/topics/iep/index.html> (last visited (Aug. 7, 2012)).

[25] *Measurable Annual IEP Goals*, Massachusetts Department of Elementary and Secondary Education (Aug 2005). [www.doe.mass.edu/sped/cspd/F2.pps](http://www.doe.mass.edu/sped/cspd/F2.pps) (last visited (Aug. 7, 2012)).

[26] Paul Wehman, *Life Beyond the Classroom: Transition Strategies for Young People with Disabilities*, 89 (Paul H. Brookes Publishing Co., 4th ed. 2006).

[27] 34 C.F.R. § 300.320(b) (2012); “In general the term ‘individualized education program’ or ‘IEP’ means a written statement for each child with a disability that is developed, reviewed, and revised in accordance with this section and that includes...beginning not later than the first IEP to be in effect when the child is 16, and updated thereafter – appropriate measurable postsecondary goals based upon age appropriate transition assessments related to training, education, employment, and, where appropriate, independent living skills, the transition services (including courses of study) needed to assist the child in reaching those goals.”; see 20 U.S.C. § 1414(d)(1)(A)(i)(VIII)(aa) to (bb) (2012).

[27A] 34 CFR 300.320(b)(1)

[27B] *Rodrigues v Fort Lee Bd of Educ* no 11 1467 2011 WL 4005211 (UNPUBLISHED)(noting failure to provide measurable objectives is a procedural violation and in order for it to be denial of FAPE it must have caused a deprivation of educational benefit. Also holding no denial of FAPE given that student achieved high grades, despite denial of measurable goals in IEP.

[28A] See *In High v. Exeter Township School Dist.*, 54 IDELR 17 (E.D. Pa. 2010)(holding a newly identified transition goal does not need to match the IEP. The new goal will not change child’s ability to progress at a higher rate)

[28B] See *J.D.G. v. Colonial Sch Dist.* 110 LRP 64611 (D.Del. 11/02/10)(parents wanting more rigorous IEP not sufficient to outweigh evidence that student failed to meet more rigorous standards in past IEP)

[28] *Transition Goals in the IEP*, National Dissemination Center for Children with Disabilities (NICHCY),

[http://www.nichcy.org/EducateChildren/transition\\_adulthood/pages/iep.aspx](http://www.nichcy.org/EducateChildren/transition_adulthood/pages/iep.aspx) (last visited Aug. 7, 2012).

[29] Parent Training and Information: Annual Goals FAQ, Federation for Children with Special Needs, <http://fcsn.org/pti/topics/iep/index.html> (last visited Aug. 7, 2012).

[30] Transition Assessment, Charting a Course for the Future - A Transition Toolkit, Colorado Department of Education, 3, (“One of the roles of parents is sharing unique information about their student. They should be asked to provide information about their student’s strengths, needs, interests and tolerances. Parent’s hopes and dreams for their student may also be considered. It will be important to know whether parent’s goals for their student are similar or different than your student’s goals” ).

[31] Parent Training and Information: Annual Goals FAQ, Federation for Children with Special Needs, <http://fcsn.org/pti/topics/iep/index.html> (last visited Aug. 7, 2012).

[32] Some courts have held that even vague transition plans were specific enough to provide FAPE (see e.g., *Student with a Disability in re 51 Idelr 89* (SEA NY 2008) ; *J.S. v. Attica Cent. Schs.* 47 IDELR 43, 00-CV-513S(F), 107 LRP 1606). This shows that parents should especially careful to be specific as possible when defining IEP goals.

[33] Daily Living Skills, National Secondary Transition Technical Assistance Center, [http://www.nsttac.org/tm\\_materials/t8edailylivingskills.aspx](http://www.nsttac.org/tm_materials/t8edailylivingskills.aspx) (last visited Aug. 7, 2012).

[33A] See *Nordonia Hills (Oh) City School Dist*, 55 IDELR 81 (OCR 2010)(finding denial of FAPE when school district failed to consider student’s educational needs in student’s cosmetology vocational program.)

[34] Paul Wehman, *Individual Transition Plans: The Teacher’s Curriculum Guide for Helping Youth with Special Needs*, 18 (PRO-ED, 2nd ed. 2002).

[35] Paul Wehman, *Individual Transition Plans: The Teacher’s Curriculum Guide for Helping Youth with Special Needs*, 17 (PRO-ED, 2nd ed. 2002). (statement supported by data from research studies done by the author).

[36] 34 C.F.R. § 300.320(a)(3) (2006); “In general the term “individualized education program” or “IEP” means a written statement for each child with a disability that is developed, reviewed, and revised in accordance with this section and that includes...a description of how the child’s progress toward meeting the annual goals described in subclause (II) will be measured and when periodic reports on the progress the child is making toward meeting the annual goals (such as through the use of quarterly or other periodic reports, concurrent with the issuance of report cards) will be provided.” The Individuals with Disabilities Education Act, 20 U.S.C.A. § 1414(d)(1)(A)(i)(III) (West 2012).

[37] Parent Training and Information: Annual Goals FAQ, Federation for Children with Special Needs, <http://fcsn.org/pti/topics/iep/index.html> (last visited Aug. 7, 2012). Whether the IEP Team uses objectives or benchmarks depends on the type of goal and one method is not preferred to the other. For more detail, please see the Federation for Children with Special Needs PowerPoint “TRANSITION: From School to Work to Independence” (June 2011).

[38] Parent Training and Information: Annual Goals FAQ, Federation for Children with Special Needs, <http://fcsn.org/pti/topics/iep/index.html> (last visited Aug. 7, 2012).

[39] Measurable Annual IEP Goals, Massachusetts Department of Elementary and Secondary Education (Aug. 2005), [www.doe.mass.edu/sped/cspd/F2.pps](http://www.doe.mass.edu/sped/cspd/F2.pps)



- [40] Measurable Annual IEP Goals, Massachusetts Department of Elementary and Secondary Education (Aug. 2005), [www.doe.mass.edu/sped/cspd/F2.pps](http://www.doe.mass.edu/sped/cspd/F2.pps)
- [41] The Individuals with Disabilities Education Act, 20 U.S.C.A. § 1414(d)(1)(A)(i)(III) (West 2012); Parent Training and Information: Annual Goals FAQ, Federation for Children with Special Needs, <http://fcsn.org/pti/topics/iep/index.html> (last visited Aug. 7, 2012).
- [42] 20 U.S.C.A. § 1414(c)(1)(B)(iv) (West 2012) (“As part of an initial evaluation (if appropriate) and as part of any reevaluation under this section, the IEP Team and other qualified professionals, as appropriate, shall...review existing data on the child...[and] on the basis of that review, and input from the child’s parents, identify what additional data, if any, are needed to determine...whether any additions or modifications to the special education and related services are needed to enable the child to meet the measurable annual goals set out in the individualized education program of the child and to participate, as appropriate, in the general education curriculum”).; Parent Training and Information: Annual Goals FAQ, FEDERATION FOR CHILDREN WITH SPECIAL NEEDS, <http://fcsn.org/pti/topics/iep/index.html> (last visited Aug. 7, 2012).
- [43] Transition from School to Adult Life, Massachusetts Department of Elementary and Secondary Education, <http://www.doe.mass.edu/sped/links/transition.html> (last updated Sept. 9, 2008).
- [44] Transition Tips: A Guide to Managing a Student’s Transition Status While in High School, Federation for Children with Special Needs, <http://www.fcsn.org/pti/topics/transition/tools/tips.pdf> (last visited Aug. 7, 2012).
- [45] Transition Tips: A Guide to Managing a Student’s Transition Status While in High School, Federation for Children with Special Needs, <http://www.fcsn.org/pti/topics/transition/tools/tips.pdf> (last visited Aug. 7, 2012).
- [46] Transition Tips: A Guide to Managing a Student’s Transition Status While in High School, Federation for Children with Special Needs, <http://www.fcsn.org/pti/topics/transition/tools/tips.pdf> (last visited Aug. 7, 2012).
- [47] Transition 101: High School to Adulthood, Federation for Children with Special Needs, 17, <http://www.slideshare.net/fcsn/transition-101-high-school-to-adulthood> (last visited Aug. 7, 2012); Transition From Adolescence Into Adulthood in Massachusetts, Massachusetts Department of Elementary and Secondary Education, [www.doe.mass.edu/sped/cspd/mod3.pps](http://www.doe.mass.edu/sped/cspd/mod3.pps) (last visited Jan. 22, 2011).
- [48] Debra Hart et al., Postsecondary Education Options for Students with Intellectual Disabilities, Institute for Community Inclusion, Issue 45 (Aug. 2006) available at <http://www.communityinclusion.org/pdf/rp45.pdf> (last visited Aug. 7, 2012).
- [49] Transition 101: High School to Adulthood, Federation for Children with Special Needs, 17, <http://www.slideshare.net/fcsn/transition-101-high-school-to-adulthood> (last visited Aug. 7, 2012).
- [50] The Transition Planning Process: Using the Department of Elementary and Secondary Education Transition Planning Form (28M/9), Massachusetts Department of Elementary and Secondary Education, <http://www.doe.mass.edu/sped/cspd/transition.pps> (last visited Aug. 7, 2012).



- [51] Linda Freeman et al., *School Days to Pay Days: An Employment Planning Guide for Families of Young Adults with Intellectual Disabilities* (2010), Massachusetts Department of Developmental Services, available at [http://www.communityinclusion.org/schooldays/images/DDS\\_booklet\\_F.pdf](http://www.communityinclusion.org/schooldays/images/DDS_booklet_F.pdf), 4 (last visited Aug. 7, 2012).
- [52] *Transition 101: High School to Adulthood*, Federation for Children with Special Needs, 16, <http://www.slideshare.net/fcsn/transition-101-high-school-to-adulthood> (last visited Aug. 7, 2012).
- [53] *Transition Services/Coordinated Set of Activities Examples*, North Central Special Education Cooperative, <http://ncsec.k12.sd.us/Transition%20Services.pdf> (last visited Aug. 7, 2012).
- [54] See generally National Secondary Transition Technical Assistance Center ), <http://www.nsttac.org>. (web site providing secondary transition assistance)
- [55] Individuals with Disabilities Education Act, 20 U.S.C.A. § 1401(34)(C) (West 2012).
- [56] See also *Rosinsky v. Green Bay Area School Dist.* (E.D. Wis. 2009) 667 F.Supp.2d 694,991 (Upheld HO decision 15-20 hr/wk part time job in community that included customer interaction was sufficient community experiences ) see also *Lessard v. Wilton-Lyndeborough Cooperative School District* 518 F3d.18 (1st. Circ 2008) (holding transition services portion of IEP was adequate, including field trips, six hours of pre-vocational training and instruction in transition-related skills), *East Hartford Board of Educ.* (SEA Conn. 2008) 50 IDELR 240, 108 LRP 46228 (holding 1.75 hours post secondary employment in which student was taught skills such as check writing, banking, finances, ordering in restaurant and self advocacy by special education staff (bc of the staff) was not sufficient community experiences).
- [57] *Transition 101: High School to Adulthood*, Federation for Children with Special Needs, 17, <http://www.slideshare.net/fcsn/transition-101-high-school-to-adulthood> (last visited Aug. 7, 2012).
- [58] See generally National Secondary Transition Technical Assistance Center ), <http://www.nsttac.org>. (web site providing secondary transition assistance)
- [59] 34 C.F.R. § 300.43 (a)(2)(iii) (2012).
- [60] *A Guide to Chapter 688: Massachusetts' Transitional Planning Program*, Bureau of Transitional Planning, Massachusetts Department of Education, <http://www.doe.mass.edu/sped/688/brochure.pdf> (last modified Apr. 2007).
- [61] *A Guide to Chapter 688: Massachusetts' Transitional Planning Program*, Bureau of Transitional Planning, Massachusetts Department of Education, <http://www.doe.mass.edu/sped/688/brochure.pdf> (last modified Apr. 2007).
- [62] *A Guide to Chapter 688: Massachusetts' Transitional Planning Program*, Bureau of Transitional Planning, Massachusetts Department of Education, <http://www.doe.mass.edu/sped/688/brochure.pdf> (last modified Apr. 2007); *The Road Forward: A DDS Guide to Transition Planning*, Massachusetts Department of Developmental Services (2nd printing, June 2009), [http://www.dlc-ma.org/\\_manual/Additional%20Resources/13-DDS%20Road%20Forward.pdf](http://www.dlc-ma.org/_manual/Additional%20Resources/13-DDS%20Road%20Forward.pdf). (last visited Aug. 7, 2012).

- [63] A Guide to Chapter 688: Massachusetts' Transitional Planning Program, Bureau of Transitional Planning, Massachusetts Department of Education, <http://www.doe.mass.edu/sped/688/brochure.pdf> (last updated May 18, 2007).
- [64] A Guide to Chapter 688: Massachusetts' Transitional Planning Program, Bureau of Transitional Planning, Massachusetts Department of Education
- [65] A Guide to Chapter 688: Massachusetts' Transitional Planning Program, Bureau of Transitional Planning, Massachusetts Department of Education
- [66] Unlike special education, adult agency services are not an entitlement. An adult agency program may not have enough money to give services to everyone. Adult agencies have some of the same budget problems as other government programs. They must plan their budgets years ahead of time. You may want to start planning with the agencies many years before the start of services, while your student is covered by the IEP. See Victor Hernandez, Chapter 688 and the DMR Transition Process, Massachusetts Department of Mental Retardation, 4, <http://www.perkins.org/assets/downloads/conference-brochures/chapter-688-and-dmr.pdf> (last visited Aug. 7, 2012).
- [67] Chapter 688, Massachusetts Department of Education, <http://www.doe.mass.edu/sped/688/> (last updated May 18, 2007).
- [68] A Guide to Chapter 688: Massachusetts' Transitional Planning Program, Bureau of Transitional Planning, Massachusetts Department of Education, <http://www.doe.mass.edu/sped/688/brochure.pdf> (last modified Apr. 2007).
- [69] [Chapter 688 and DDS Adult Eligibility, Massachusetts Department of Developmental Services \(2011\)](http://www.mass.gov/eohhs/docs/dmr/chapter-688-eligibility-determination.rtf), <http://www.mass.gov/eohhs/docs/dmr/chapter-688-eligibility-determination.rtf> (last visited Aug. 07, 2012).
- [70] Victor Hernandez, Chapter 688 and the DMR Transition Process, Massachusetts Department of Mental Retardation, 4, <http://www.perkins.org/assets/downloads/conference-brochures/chapter-688-and-dmr.pdf> (last visited Aug. 7, 2012).
- [71] Victor Hernandez, Chapter 688 and the DMR Transition Process, Massachusetts Department of Mental Retardation, 3, <http://www.perkins.org/assets/downloads/conference-brochures/chapter-688-and-dmr.pdf> (last visited Aug. 7, 2012).
- [72] [Independent Living Social Services, Massachusetts Commission for the Blind](http://www.mass.gov/eohhs/gov/departments/mcb/independent-living-social-services.html), <http://www.mass.gov/eohhs/gov/departments/mcb/independent-living-social-services.html> (last accessed Aug. 7, 2012).
- [73] [Independent Living Social Services, Massachusetts Commission for the Blind](http://www.mass.gov/eohhs/gov/departments/mcb/independent-living-social-services.html), <http://www.mass.gov/eohhs/gov/departments/mcb/independent-living-social-services.html> (last accessed Aug. 7, 2012).
- [74] Chapter 688, Massachusetts Department of Education, <http://www.doe.mass.edu/sped/688/> (last updated May 18, 2007).
- [75] The Road Forward: A DDS Guide for Transition Planning, Massachusetts Department of Developmental Services (2nd printing, June 2009), [http://www.mass.gov/Eeohhs2/docs/dmr/transition\\_planning\\_road\\_forward.rtf](http://www.mass.gov/Eeohhs2/docs/dmr/transition_planning_road_forward.rtf); Transition From Adolescence Into Adulthood in Massachusetts, Massachusetts

Department of Elementary and Secondary Education,  
[www.doe.mass.edu/sped/cspd/mod3.pps](http://www.doe.mass.edu/sped/cspd/mod3.pps) (last visited Aug. 7, 2012); Linda Freeman et al., *School Days to Pay Days: An Employment Planning Guide for Families of Young Adults with Intellectual Disabilities* (2010), Massachusetts Department of Developmental Services, 4,  
[http://www.communityinclusion.org/schooldays/images/DDS\\_booklet\\_F.pdf](http://www.communityinclusion.org/schooldays/images/DDS_booklet_F.pdf) (last visited Aug. 7, 2012).

[75A] see Frank A Smith and Jamie Lugas, *Vocational Rehabilitation Employment Outcomes for Transition Age Youth with Autism and Other Disabilities*, Institute for Community Inclusion, Data Note No. 26 (2010), available at  
[http://www.communityinclusion.org/article.php?article\\_id=300](http://www.communityinclusion.org/article.php?article_id=300).

[75B] Paul T. Shattuck, Ph.D. et. al., *Postsecondary Education and Employment Among Youth with an Autism Spectrum Disorder*, *Pediatrics*, May 14, 2012 published online at  
<http://pediatrics.aappublications.org/content/early/2012/05/09/peds.2011-2864.abstract>.

[76] *Special Education Appeals – Facilitated IEP Team Meeting*, Massachusetts Department of Elementary and Secondary Education,  
<http://www.doe.mass.edu/bsea/fiep.html> (last updated March 1, 2010).

[77] *Special Education Appeals – Mediation*, Massachusetts Department of Elementary and Secondary Education,  
<http://www.doe.mass.edu/bsea/mediation.html?section=faq&faq=4>  
(last updated June 4, 2004).

[78] *Special Education Appeals - Due Process Hearings*, Massachusetts Department of Elementary and Secondary Education,  
<http://www.doe.mass.edu/bsea/process.html?section=12> (last updated July 8, 2004).

[79] *Parent’s Notice of Procedural Safeguards*, Department of Elementary and Secondary Education (2009)  
<http://www.doe.mass.edu/sped/prb/pnps.pdf>.

[80] “Full age,” “age of majority,” and “adult” are all terms that mean that a person has become legally recognized as an adult. Mass. Gen. Laws ch. 4, §7 (2012)

[81] In most states, a person who has reached the age of majority has the sole right to make decisions about his or her finances, education, etc. *Parent Brief: Promoting Effective Parent Involvement in Secondary Education and Transition*, National Center on Secondary Education and Transition (NCSET) and PACER Center (May 2002), 2,  
[http://www.pacer.org/publications/parentbriefs/ParentBrief\\_May02.pdf](http://www.pacer.org/publications/parentbriefs/ParentBrief_May02.pdf) (last visited Aug. 7, 2012).

[82] When they reach the age of majority, students have the right to be notified of IEP meetings, to attend scheduled meetings, to agree or disagree with IEP provisions, and to request a hearing. *Parent Brief: Promoting Effective Parent Involvement in Secondary Education and Transition*, National Center on Secondary Education and Transition (NCSET) and PACER Center (May 2002), 2,  
[http://www.pacer.org/publications/parentbriefs/ParentBrief\\_May02.pdf](http://www.pacer.org/publications/parentbriefs/ParentBrief_May02.pdf).

[83] 603 Mass. Code Regs. 28.07(5)(a)-(c) (2012).

[84] IDEA, 34 §300.320(c) (2006) . A statement that says the student has been informed of the rights he or she will have in a year must be included in the IEP the year before the student turns 18. 34 C.F.R. § 300.324 (2002).

[85] 603 Mass. Code Regs. 28.07(5)(b) (2012).

[86] Federation for Children with Special Needs and the Massachusetts Department of Education, A Parent's Guide to Special Education, Federation for Children with Special Needs, <http://www.fcsn.org/parentguide/parentguide.pdf> (last visited Aug. 7, 2012).

[87] Lisa Morgan, In Support of Supported Decision Making, Virginia Commonwealth University, <http://www.worksupport.com/training/viewWebcast.cfm/137> (last updated Feb. 12, 2011).

[88] Andrew Byrnes, et. al, Handbook for Parliamentarians on the Convention on the Rights of Persons with Disabilities, United Nations Department of Economic and Social Affairs (2007), 90, <http://www.un.org/disabilities/documents/toolaction/ipuhb.pdf>.

[89] 603 Mass. Code Regs. 28.07(5)(c) (2012).

[90] Federation for Children with Special Needs and the Massachusetts Department of Education, A Parent's Guide to Special Education, Federation for Children with Special Needs, <http://www.fcsn.org/parentguide/parentguide.pdf> (last visited Aug. 7, 2012).

[91] Parent Brief: Promoting Effective Parent Involvement in Secondary Education and Transition, National Center on Secondary Education and Transition (NCSET) and PACER Center (May 2002), 4, [http://www.pacer.org/publications/parentbriefs/ParentBrief\\_May02.pdf](http://www.pacer.org/publications/parentbriefs/ParentBrief_May02.pdf)

[92] 603 Mass. Code Regs. 28.07(5)(a) (2012).

[93] Parent Brief: Promoting Effective Parent Involvement in Secondary Education and Transition, National Center on Secondary Education and Transition (NCSET) and PACER Center (May 2002), 4, [http://www.pacer.org/publications/parentbriefs/ParentBrief\\_May02.pdf](http://www.pacer.org/publications/parentbriefs/ParentBrief_May02.pdf)

[94] Situations other than graduating or turning 22 may also lead to the loss of a student's right to transition services. 34 C.F.R. § 300.324 (2012) ("The requirements in § 300.320(b) (relating to transition planning and transition services) do not apply with respect to the children whose eligibility under Part B of the Act will end, because of their age, before they will be eligible to be released from prison based on consideration of their sentence and eligibility for early release.")

[94A] See *R.P.-K. by C.K. v. Department of Educ., State of Hawaii*, 112 LRP 16291 (D. Hawaii 03/30/12) (holding that ED may terminate SPED services for student at the end of the school year in which he turns 20 when ED did not allow non-disabled students to continue their H.S. beyond this age limit)(also rejecting argument that GED programs and competency based diplomas often available to adults are not substitutes to high school education because high school education was more rigorous in quality) [94B] but see *B.T. by Mary T. v. Department of Educ., State of Hawaii*, 676 F. Supp. 2d 982, 53 IDELR 256 (holding districts must provide services to student up to age 21 who would have otherwise "aged out" of state eligibility if IEP team recommends such services continue, and doing so is consistent with established state practice).

[95] 34 CFR 300.101(a) 102(a)(1) and (a)(3)(i); see Letter to Riffel 33 IDELR 188 (OSEP 2000)

- [96] 34 C.F.R. § 300.102(a)(3)(i) (2012).
- [97] Massachusetts Education Reform Act, Mass. Gen. Laws ch. 69, § 1D(i) (2012).
- [97A] *Dracut Sch. Comm. v. Bureau of Special Educ.* Appeals of the Mass. Dep't of Elementary & Secondary Educ., 737 F.Supp.2d 35 (D. Mass. 2010); *Quabbin Reg'l Sch. Dist.*, BSEA 05-3115 (2005) available at [http://www.doe.mass.edu/bsea/decisions/05-3115\\_05-4356.doc](http://www.doe.mass.edu/bsea/decisions/05-3115_05-4356.doc).
- [97B] Transition Tips: A guide to managing students IDEA transition status while in high school. Federation for Children with Special Needs (2012), available at <http://fcsn.org/pti/topics/transition/tools/tips.pdf>.
- [97C] <http://fcsn.org/pti/topics/transition/tools/tips.pdf>.
- [98] Massachusetts Comprehensive Assessment System, Massachusetts Department of Elementary and Secondary Education, <http://www.doe.mass.edu/mcas/graduation.html> (last updated Aug. 7, 2012) (“Students must either earn a scaled score of at least 240 on the grade 10 MCAS ELA and Mathematics tests, or earn a scaled score between 220 and 238 on these tests and fulfill the requirements of an Educational Proficiency Plan (EPP). Students must also earn a scaled score of at least 220 on one of the high school MCAS Science and Technology/Engineering (STE) tests: Biology, Chemistry, Introductory Physics, or Technology/Engineering.”).
- [99] MCAS Alternate Assessment, Massachusetts Department of Elementary and Secondary Education, <http://www.doe.mass.edu/mcas/alt/about.html> (last updated Sept. 29, 2011).
- [100] MCAS Alternate Assessment, Massachusetts Department of Elementary and Secondary Education, <http://www.doe.mass.edu/mcas/alt/about.html> (last updated Sept. 29, 2011).
- [101] 603 Mass. Code Regs. 30.05 (2008). There are two types of MCAS appeals. One is a score appeal. This appeal should be filed when there is possible mis-scoring of the student's answers or a miscalculation of the student's total score. This can result in a possible re-calculation of the student's score by adjusting it either up or down. (See 603 Mass. Code Regs. 30.04 (2008)). The second type of appeal is a performance appeal. This appeal should be filed when a student fails a subject but the test score does not accurately reflect the student's knowledge and performance level in that subject. (See 603 Mass. Code Regs. 30.05 (2008)). Regulations may be found at: <http://www.doe.mass.edu/lawsregs/603cmr30.html?section=all>
- [102] A Guide to the MCAS Performance Appeals Process, Massachusetts Department of Elementary and Secondary Education (Jan. 2011), <http://www.doe.mass.edu/mcasappeals/filing/guide.pdf>.
- [103] MCAS Performance Appeals, Massachusetts Department of Elementary and Secondary Education, <http://www.doe.mass.edu/mcasappeals/faq.html> (last updated Dec. 14, 2010).
- [104] There are three types of performance appeals: cohort, portfolio, and transcript appeals. Each appeal has a different set of requirements. All must include a MCAS Performance Appeal Application. MCAS Performance Appeals, Massachusetts Department of Elementary and Secondary Education, <http://www.doe.mass.edu/mcasappeals/faq.html> (last updated Dec. 14, 2010).

[105] A Guide to the MCAS Performance Appeals Process, Massachusetts Department of Elementary and Secondary Education (Jan. 2011), <http://www.doe.mass.edu/mcasappeals/filing/guide.pdf>

[105A] Terry McLaughlin, Preparing for Graduation, Federation for Children with Special Needs: Newslines, Vol. 32, No. 4 available at [http://fcsn.org/newslines/v32n4/grad\\_prep.php](http://fcsn.org/newslines/v32n4/grad_prep.php)

[105B] see CMR 28.06(4)

[105C] See Doe v. Doe. V. Marlborough Pub. Sch. 55 IDELR 283 (D.Mass.2010)(holding that the fact that student met graduation requirements was not sufficient for district to graduate him but finding that student graduated because his senior year IEP was found to be “reasonably calculated” to provide him with educational benefit). Cf, Oyster River Coop. Sch. Dist., 110 LRP 33121 (SEA NH 2009)(IHO Ordered district to delay graduation for student with Asperger’s and anxiety, transition goals had not been met and another semester would help student develop skills needed for college) )or at least have been given an IEP that was reasonably calculated to allow the student to meet his IEP goals.

[105D] King Phillip (MA) Regional School District, 112 LRP 17593 (OCR 2012)(holding that though outdoor graduation ceremony is categorically permissible, LEA failed to provide an accessible environment to graduating student in a wheelchair when it made a laminate wheelchair pathway in the grass for student that did not meet ADAAG requirement of “firm, stable and slip-resistant” surface.

[106] See Stock v. Mass. Hosp. Sch., 467 N.E.2d 448 (Mass. 1984).

[106A] see 34 C.F.R. § 300.102(3).

[106B] see Aaron Konopasky, Attorney Advisor ADA/GINA Policy Division, “ADA qualification standards; disparate impact, dated Nov. 11, 2011 available at [www.eeoc.gov/eeoc/foia/letters/2011/ada\\_qualification\\_standards.html](http://www.eeoc.gov/eeoc/foia/letters/2011/ada_qualification_standards.html); (stating that employer would have to prove business necessity for the diploma requirement and would also have to show disabled applicant without diploma could not perform job functions even with reasonable accommodations before employer could enforce the high school diploma requirement).

[106C] Deborah Leuchovius. Graduation requirements and diploma options for students with disabilities: what families and advocates need to know, National Collaborative on Workforce Disability, May 2009 – issue 22, page 6) available at [http://www.ncwd-youth.info/assets/info\\_briefs/infobrief\\_issue22.pdf](http://www.ncwd-youth.info/assets/info_briefs/infobrief_issue22.pdf)

[107] Before IDEA-2004 (final regulations effective October 13, 2006), Massachusetts treated a GED as “equivalent” to a regular high school diploma for the purposes of receiving special education services. 34 C.F.R. § 300.102(a)(3)(iv) (2006) specifically states that a GED is not equivalent to a regular high school diploma and, therefore does not terminate the student’s right to FAPE. 34 C.F.R. § 300.102(a)(3)(iv) (2006).

[108] There are additional requirements for a student to participate in graduation ceremonies which include: (1) maintained a 95% attendance level, not including excused absences, (2) failed the grade 10 MCAS evaluation in each subject area at least 3 times, or participated in the MCAS alternative assessment by submitting at least 2 portfolios, and (3) is in good standing with the school, having met all non-academic criteria. Massachusetts Education Reform Act, Mass. Gen. Laws ch. 71B, § 16 (2010).



[109] There are additional requirements for a student to participate in graduation ceremonies which include: (1) maintained a 95% attendance level, not including excused absences, (2) failed the grade 10 MCAS evaluation in each subject area at least 3 times, or participated in the MCAS alternative assessment by submitting at least 2 portfolios, and (3) is in good standing with the school, having met all non-academic criteria.

Massachusetts Education Reform Act, Mass. Gen. Laws ch. 71B, § 16 (2010).

[110] 34 C.F.R. §300.102(a)(3)(iv)); Neither the Department of Education nor the school district is required to supply information or to continue to provide special education services for students who have withdrawn from school, until and unless these services are requested and assuming student remains eligible [still meets the criteria of IDEA] to receive said services. Question and Answer Guide from the Fall 2006 Area Meetings of Administrators of Special Education, Program Quality Assurance Services and the Office of Special Education Policy and Planning, Massachusetts Department of Education(2006), 10, [http://www.doe.mass.edu/pqa/ta/areameeting\\_qa.pdf](http://www.doe.mass.edu/pqa/ta/areameeting_qa.pdf)

[111] "...for a modification to qualify as a 'change in educational placement', it must affect the child's learning experience in some significant way. Educational agencies must not modify fundamentally a child's educational placement without notice." Brookline Sch. Comm. v. Golden, 628 F. Supp. 113, 116 (D. Mass. 1986).

[112] "No change in placement seems quite so serious nor as worthy of parental involvement and procedural protections as the termination of placement in special education programs." Stock v. Mass. Hosp. Sch., 467 N.E.2d 448 (Mass. 1984).

[112A] 34 CFR 300.503 (requiring prior written notice before placement change).

[112B] 603 CMR 28.03(3)

[113] 20 U.S.C. § 1415(b)(3) (2005). 20 U.S.C. § 1415(c)(1) (2005). 34 C.F.R. § 300.503 (2006).

[114] "Under the Federal scheme, a change in placement requires formal, written notice of the decision to graduate a child, as well as notice of a parent's right to protest that decision, a description of the administrative remedies and procedures to be followed, and a description of any alternative services which may be available." 20 U.S.C. § 1415 (2005); To ensure conformity with Federal policy, the State must adhere to these notice and procedural requirements. 20 U.S.C. § 1412(5)(A) (2005), 20 U.S.C. § 1415(a) (2005), 20 U.S.C. § 1416 (2005); "This change requires significant parental involvement in the decision making process, as this is contemplated by 20 U.S.C. § 1414(a)(1)(C)(iii) (2006), and by M.G.L. ch. 71B, § 3. Stock v. Mass. Hosp. Sch., 467 N.E.2d 448, 453-54 (Mass. 1984). "It is not enough, contrary to the defendants' argument, that Stock's parents received actual notice of the graduation or that they participated to a limited extent in the transitional planning surrounding the graduation. From all appearances, the Stocks received actual notice of a fait accompli, without any notice that they might challenge the decision. It is difficult to find justification for permitting a young man with Stock's handicaps to pass through and out of the special education system by virtue of his signature on an IEP-which did not even mention the graduation decision-without some evidence that he or his parents were aware of the consequences of doing so and the alternatives available to them. We note that the

conduct of which Stock complains was in direct violation of the department's special education regulations”.

[115] *Stock v. Mass. Hosp. Sch.*, 467 N.E.2d 448, 454 (Mass. 1984). (“Failure to provide to Stock's parents formal, written notice concerning the graduation decision, failure to provide such notice regarding their rights to involvement in that decision, and failure to notify them as to rights to a hearing and administrative review, violate State and Federal statutory law”).

[116] *Stock v. Mass. Hosp. Sch.*, 467 N.E.2d 448, 454 (Mass. 1984). (“Failure to provide to Stock's parents formal, written notice concerning the graduation decision, failure to provide such notice regarding their rights to involvement in that decision, and failure to notify them as to rights to a hearing and administrative review, violate State and Federal statutory law”).

[117] 20 U.S.C. § 1415(j) (2012) (emphasis added) (“Except as provided in subsection (k)(4), during the pendency of any proceedings conducted pursuant to this section, unless the State or local educational agency and the parents otherwise agree, the child shall remain in the then-current educational placement of the child, or, if applying for initial admission to a public school, shall, with the consent of the parents, be placed in the public school program until all such proceedings have been completed”).

[118] See *Sch. Comm. of the Town of Burlington v. Dep’t of Educ. of Mass.*, 471 U.S. 359, 373 (1985).

[119] See *Warton v. New Fairfield Bd. of Educ.*, 125 F. Supp. 2d 22, 25 (D. Conn. 2000), citing *Susquenita Sch. Dist. v. Raelee S.*, 96 F.3d 78, 84 (3d Cir. 1996).

[120] 20 U.S.C. § 1415(j) (2005) (emphasis added)(“ “Except as provided in subsection (k)(4), during the pendency of any proceedings conducted pursuant to this section, unless the State or local educational agency and the parents otherwise agree, the child shall remain in the then-current educational placement of the child, or, if applying for initial admission to a public school, shall, with the consent of the parents, be placed in the public school program until all such proceedings have been completed.”)

[120A] See 34 CFR 668.231-233

[120B] Office of Disability Employment Policy (ODEP), News Brief, Feb. 03, 2012 available at <http://seihy.blogspot.com/2012/02/odep-news-brief-february-3-2012.html>.

[120C] Alberto Migliore, John Butterworth, Derek Nord & Amy Gelb, Improving Job development through training and mentorship, Research to Practice Brief, Issue No. 51, orig published, 12/2011)available at [http://www.communityinclusion.org/article.php?article\\_id=334](http://www.communityinclusion.org/article.php?article_id=334).

[120D] 34 CFR 361.5(b)(42))

[120E] United States Department of Education, Employment Goal for an Individual with a Disability RSA-PD-97-04).

[121] S. James Rosenfeld, Section 504 and IDEA: Basic Similarities and Differences, *Wrightslaw* (1998-

2010)[http://www.wrightslaw.com/advoc/articles/504\\_IDEA\\_Rosenfeld.html](http://www.wrightslaw.com/advoc/articles/504_IDEA_Rosenfeld.html); “Section 504” refers to Section 504 of the Rehabilitation Act of 1973. It protects people with disabilities from discrimination by any entity receiving federal funding (including school



districts). The Americans with Disabilities Act of 1990 (ADA) expands the protections of Section 504 to programs and organizations that do not receive federal funding. The two laws are substantially similar as affects rights to education, and both fall under the supervision of the United States Department of Education's Office for Civil Rights (OCR). The ADA also protects students with disabilities from discrimination by private schools and universities. See, e.g., 42 U.S.C. §12181(7)(J) (1990); Rehabilitation Act of 1973, 29 U.S.C. §794 (2002); Americans with Disabilities Act of 1990, 42 U.S.C.A. § 12101 et seq. (West 2009); Section 504 states, "No otherwise qualified individual with a disability in the United States... shall, solely by reason of her or his disability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance." Rehabilitation Act of 1973, 29 U.S.C. §794(a) (2002).

[122] "The term "individual with a disability" means any individual who has a physical or mental impairment which for such individual constitutes or results in a substantial impediment to employment; and can benefit in terms of an employment outcome from vocational rehabilitation services." 29 U.S.C.A. §705(20) (West 2010). This definition is much broader than the definition of a disability in the IDEA.

[123] 504 Plan, Massachusetts Department of Public Health, <http://www.mass.gov/eohhs/consumer/community-health/family-health/special-health-needs/directions/chap-8/504-plan.html> (last visited Aug. 7, 2012)

[124] 504 Plan, Massachusetts Department of Public Health, <http://www.mass.gov/eohhs/consumer/community-health/family-health/special-health-needs/directions/chap-8/504-plan.html> (last visited Aug. 7, 2012)

[125] 504 Plan, Massachusetts Department of Public Health, <http://www.mass.gov/eohhs/consumer/community-health/family-health/special-health-needs/directions/chap-8/504-plan.html> (last visited Aug. 7, 2012)

[126] 504 Plan, Massachusetts Department of Public Health, <http://www.mass.gov/eohhs/consumer/community-health/family-health/special-health-needs/directions/chap-8/504-plan.html> (last visited Aug. 7, 2012)

[127] Individuals with Disabilities Education Act, 20 U.S.C.A. §1400(c)(14) (West 2010).

[128] 504 Plan, Massachusetts Department of Public Health, <http://www.mass.gov/eohhs/consumer/community-health/family-health/special-health-needs/directions/chap-8/504-plan.html> (last visited Aug. 7, 2012)

[129] 45 C.F.R. §84.3 ("(1) Handicapped persons means any person who (i) has a physical or mental impairment which substantially limits one or more major life activities, (ii) has a record of such an impairment, or (iii) is regarded as having such an impairment.(2) As used in paragraph (j)(1) of this section, the phrase: (i) Physical or mental impairment means (A) any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive, digestive, genito-urinary; hemic and lymphatic; skin; and endocrine; or (B) any mental or psychological disorder, such as mental

retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities”).

[130] 504 Plan, Massachusetts Department of Public Health, <http://www.mass.gov/eohhs/consumer/community-health/family-health/special-health-needs/directions/chap-8/504-plan.html> (last visited Aug. 7, 2012)

[131] 49 C.F.R. § 27; 49 C.F.R. § 37, 49 C.F.R. § 38.

[132] Students with Disabilities Preparing for Postsecondary Education: Know Your Rights and Responsibilities, U.S. Department of Education, Office for Civil Rights (Sept. 2007), <http://www2.ed.gov/about/offices/list/ocr/transition.html>.

[133] Students with Disabilities Preparing for Postsecondary Education: Know Your Rights and Responsibilities, U.S. Department of Education, Office for Civil Rights (Sept. 2007), <http://www2.ed.gov/about/offices/list/ocr/transition.html>.

[134] Help for College Students with Disabilities, Wrightslaw, <http://www.wrightslaw.com/flyers/college.504.pdf> (last visited Aug. 3, 2012).

[135] Interview with Jerri Roach, District Wide Transition Specialist, Worcester Public Schools, in Worcester, Mass. (Jan. 31, 2011).

[136] Telephone Interview with Noreen Donnelly, Administrator of Special Education, North Adams Public Schools (Feb. 8, 2011).

[136A] See R.Y. ex. Rel. I.X. v. State of Hawaii, Dep’t of Educ., 54 IDELR 4 (Requiring 20 year old student to graduate at end of the school year given that SEA of Hawaii does not allow non-disabled students to attend high school beyond this age).

[137] Telephone Interview with Noreen Donnelly, Administrator of Special Education, North Adams Public Schools (Feb. 8, 2011).

[138] Telephone Interview with Noreen Donnelly, Administrator of Special Education, North Adams Public Schools (Feb. 8, 2011).

[139] Interview with Jerri Roach, District Wide Transition Specialist, Worcester Public Schools, in Worcester, Mass. (Jan. 31, 2011).

[140] Telephone Interview with Noreen Donnelly, Administrator of Special Education, North Adams Public Schools (Feb. 8, 2011).

[141] Telephone Interview with Noreen Donnelly, Administrator of Special Education, North Adams Public Schools (Feb. 8, 2011).

[142] Interview with Jerri Roach, District Wide Transition Specialist, Worcester Public Schools, in Worcester, Mass. (Jan. 31, 2011).

[143] Telephone Interview with Noreen Donnelly, Administrator of Special Education, North Adams Public Schools (Feb. 8, 2011).

[144] Telephone Interview with Noreen Donnelly, Administrator of Special Education, North Adams Public Schools (Feb. 8, 2011).

[145] Interview with Jerri Roach, District Wide Transition Specialist, Worcester Public Schools, in Worcester, Mass. (Jan. 31, 2011).

[146] Telephone Interview with Noreen Donnelly, Administrator of Special Education, North Adams Public Schools (Feb. 8, 2011).

[147] Interview with Jerri Roach, District Wide Transition Specialist, Worcester Public Schools, in Worcester, Mass. (Jan. 31, 2011).

[148] Telephone Interview with Noreen Donnelly, Administrator of Special Education, North Adams Public Schools (Feb. 8, 2011).

[149] Telephone Interview with Noreen Donnelly, Administrator of Special Education, North Adams Public Schools (Feb. 8, 2011).

[150] Interview with Jerri Roach, District Wide Transition Specialist, Worcester Public Schools, in Worcester, Mass. (Jan. 31, 2011).

[151] Americans with Disabilities Act (ADA) Paratransit Service, MassResources.org (2011),  
<http://www.massresources.org/pages.cfm?contentID=32&pageID=10&subpages=yes&dynamicID=521> (last visited Aug. 7, 2012)

[152] Americans with Disabilities Act (ADA) Paratransit Service, MassResources.org (2011),  
<http://www.massresources.org/pages.cfm?contentID=32&pageID=10&subpages=yes&dynamicID=521> (last visited Aug. 7, 2012)

[153] Parent's Notice of Procedural Safeguards, Massachusetts Department of Elementary and Secondary Education, <http://www.doe.mass.edu/sped/prb/pnps.pdf> (last updated March 3, 2010).

[154] Even if your student attends a private school, he or she has a right to FAPE if he or she wants public special education services. Parent's Notice of Procedural Safeguards, Massachusetts Department of Education Elementary and Secondary Education, <http://www.doe.mass.edu/sped/prb/pnps.pdf> (last updated March 3, 2010).

[155] Steven J. Bachrach, Individualized Education Plan (IEP), The Nemours Foundation, <http://kidshealth.org/parent/growth/learning/iep.html> (last updated January 2008).

[156] 603 Mass. Code Regs. 28.04(5)(a) (2012).

[157] 603 Mass. Code Regs. 28.04(5)(d) (2012).

[158] 20 U.S.C. § 1414(d)(1)(A) (2012).

[159] 34 C.F.R. § 300.321(a) (2012).

[160] 20 U.S.C. § 1414(d)(1)(B) (2012).

[161] Roger Pierangelo & Rochelle Crane, Complete Guide to Special Education Transition Services (Center for Applied Research 1997), 26.

[162] David Ferster, Broken Promises: When Does a School's Failure to Implement an Individualized Education Program Deny a Disabled Student a Free and Appropriate Public Education?, 28 Buf. Pub. Int. L.J. 71, 73 (2009-2010).

[163] Daniel W. Ahearn et al., Special Education Law in Massachusetts, 144-5 (Massachusetts Continuing Legal Education, 3d ed. 2010).

[164] 34 C.F.R. § 300.320 (2007). Lawrence Siegel, The Complete IEP Guide: How to Advocate for Your Special Ed Child, 17-19 (Nolo, 6th ed. 2009).

[164A] Questions and Answers on Secondary Transition 57 IDELR 231, 111 LRP 63321(OSERS 09/01/11)(stating employment area must be separate)

[164B] Letter to Irby, 55 IDELR 231, 110 LRP 52279 (OSEP 02/12/2010) stating that SEA cannot require student to sacrifice physical education time slot for special education services when physical education class was required state graduation requirement).

[164C] see Parents v. [Alhambra Unified Sch. Dist.](#), 55 IDELR 274, 110 LRP 65478 (SEA CA 2010). (requiring speech therapy listed In IEP must be provided after school day because absence from class would impede student's academic progress particularly because student had several medical absences that could not be avoided providing more incentive to avoid additional classroom absences)

[164D] see In Re: Worcester Public Schools, BSEA 00-0912 6 MSER 194 (SEA Mass. 2000)

[165] Federation for Children with Special Needs and the Massachusetts Department of Education, A Parent's Guide to Special Education, Federation for Children with Special Needs, <http://www.fcsn.org/parentguide/parentguide.pdf> (last visited Aug. 7, 2012).

[166] Patricia L. Sitlington et al., Transition Education and Services for Students with Disabilities, 122 (Pearson 5th ed. 2010).

[167] Thomas F. Guernsey & Kathe Klare, Special Education Law, 106 (Carolina Academic Press, 2d ed. 2001).

[168] Pat Howey, Can the IEP Team Prepare a "Draft IEP" Before an IEP meeting?, Wrightslaw (Mar. 12, 2007), <http://www.wrightslaw.com/info/iep.draft.howey.htm>. ("It is not permissible for an agency to have the final IEP completed before an IEP Team meeting begins"). Assistance to States for the Education of Children with Disabilities and Preschool Grants for Children with Disabilities, 34 C.F.R. § 304. You also have the right to observe any program the school proposes for your student. 603 Mass. Code Regs. 28.07(1)(a)(3) (2012).

[169] 603 Mass. Code Regs. 28.07(8)(a),(b) (2012).

[170] Federation for Children with Special Needs and the Massachusetts Department of Education, A Parent's Guide to Special Education, Federation for Children with Special Needs, <http://www.fcsn.org/parentguide/parentguide.pdf> (last visited Jan. 6, 2011). "Communications shall be in simple commonly understood words." 603 Mass. Code Regs. 28.07(8)(a) (2012). "Communications shall be in both English and the primary language of the home, if such primary language is other than English" 603 Mass. Code Regs. 28.07(8)(b) (2012).

[171] 603 Mass. Code Regs. 28.05(7) (2012).

[172] 603 Mass. Code Regs. 28.05(7)(a)(1) (2012).

[173] 603 Mass. Code Regs. 28.05(7)(b) (2012).

[174] 603 Mass. Code Regs. 28.07(3) (2012).

[175] 603 Mass. Code Regs. 28.04(3) (2012).

[176] 34 C.F.R. § 300.9(b) (2012).

[177] The definition of age appropriate 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 working, educational, living, and personal and social environments relating to chronological age, not developmental age." A. R. Walker et al., Age-Appropriate Transition Assessment Guide, National Secondary Transition Technical Assistance Center, University of North Carolina at Charlotte (2nd Ed. 2010)

[178] Virginia Department of Education Transition Assessment Packet 2008, Virginia Department of Education Training and Technical Assistance Center, 3-6, [http://www.vcu.edu/ttac/transition/pdf/assessment\\_packet.pdf](http://www.vcu.edu/ttac/transition/pdf/assessment_packet.pdf) (last visited Aug. 7, 2012).

[179] Job Coaching Services and Benefits to Businesses and People with Disabilities, Virginia Board for People with Disabilities (2007), 1, [http://www.worksupport.com/documents/va\\_board\\_factsheet1.pdf](http://www.worksupport.com/documents/va_board_factsheet1.pdf).

[179A](cf DC Public Schools 111 LRP 26012 (holding transition assessment which constituted a 10 minute student survey and did not address academic deficits or unrealistic transition goals was inadequate).

[180] “Both short-range and long-range transition planning and assessment should begin early. Transition assessment reports highlight your student’s functioning level at the present time, the goals your student would like to achieve and steps your student will need to take to accomplish or redefine his/her goals.... Information from transition assessments may include results from formal tests or informal evaluations, and should be documented in the IEP. This information is used to develop goals and objectives, and identify other agencies that will provide support and services to your student as an adult.” Transition Assessment, Charting a Course for the Future - A Transition Toolkit, Colorado Department of Education, 1, [http://www.cde.state.co.us/cdesped/download/pdf/TK\\_MethodGatherInfo.pdf](http://www.cde.state.co.us/cdesped/download/pdf/TK_MethodGatherInfo.pdf) (last visited Aug. 7, 2012).

[181] “Formal career/vocational assessments may be conducted with students to learn about specific vocational skills, interests, or learning styles. These are published tests that result in scores that compare students to others. Although these tests provide useful data in determining career interests, vocational skills (compared to those required in the interest area), and how your student would best acquire the job skills, usually, further assessment in ‘real’ environments needs to be done.” Methods of Gathering Information, Charting a Course for the Future - A Transition Toolkit, Colorado Department of Education, 2, [http://www.cde.state.co.us/cdesped/download/pdf/TK\\_MethodGatherInfo.pdf](http://www.cde.state.co.us/cdesped/download/pdf/TK_MethodGatherInfo.pdf) (last visited Jan. 6, 2011).

[182] A. R. Walker et al., Age-Appropriate Transition Assessment Guide, National Secondary Transition Technical Assistance Center, University of North Carolina at Charlotte (2nd Ed. 2010),

[183] Cecilia Navarete et al., Informal Assessment in Educational Evaluation: Implications For Bilingual Education Programs, Evaluation Assistance Center (West) at the University of New Mexico, <http://www.finchpark.com/courses/assess/informal.htm> (last visited Aug. 7, 2012).

[184] A. R. Walker et al., Age-Appropriate Transition Assessment Guide, National Secondary Transition Technical Assistance Center, University of North Carolina at Charlotte (2nd Ed. 2010)

[185] A. R. Walker et al., Age-Appropriate Transition Assessment Guide, National Secondary Transition Technical Assistance Center, University of North Carolina at Charlotte (2nd Ed. 2010)

[186] A. R. Walker et al., Age-Appropriate Transition Assessment Guide, National Secondary Transition Technical Assistance Center, University of North Carolina at Charlotte (2nd Ed. 2010)

- [187] A. R. Walker et al., Age-Appropriate Transition Assessment Guide, National Secondary Transition Technical Assistance Center, University of North Carolina at Charlotte (2nd Ed. 2010)
- [188] A. R. Walker et al., Age-Appropriate Transition Assessment Guide, National Secondary Transition Technical Assistance Center, University of North Carolina at Charlotte (2nd Ed. 2010)
- [189] A. R. Walker et al., Age-Appropriate Transition Assessment Guide, National Secondary Transition Technical Assistance Center, University of North Carolina at Charlotte (2nd Ed. 2010) (“Career development inventories measure developmental stages or tasks on a continuum. The degree of an individual’s career maturity is determined by the individual’s location on the developmental continuum”).
- [190] A. R. Walker et al., Age-Appropriate Transition Assessment Guide, National Secondary Transition Technical Assistance Center, University of North Carolina at Charlotte (2nd Ed. 2010)
- [191] A. R. Walker et al., Age-Appropriate Transition Assessment Guide, National Secondary Transition Technical Assistance Center, University of North Carolina at Charlotte (2nd Ed. 2010)
- [192] Methods of Gathering Information, Charting a Course for the Future - A Transition Toolkit, Colorado Department of Education,  
[http://www.cde.state.co.us/cdesped/download/pdf/TK\\_MethodGatherInfo.pdf](http://www.cde.state.co.us/cdesped/download/pdf/TK_MethodGatherInfo.pdf) (last visited Aug. 7, 2012).
- [193] A. R. Walker et al., Age-Appropriate Transition Assessment Guide, National Secondary Transition Technical Assistance Center, University of North Carolina at Charlotte (2nd Ed. 2010)
- [194] Cecilia Navarete et al., Informal Assessment in Educational Evaluation: Implications For Bilingual Education Programs, Evaluation Assistance Center (West) at the University of New Mexico, <http://www.finchpark.com/courses/assess/informal.htm> (last visited Aug. 7, 2012).
- [195] Dawn Breault, Age Appropriate Transition Assessment, University Center for Excellence on Disability at the University of New Hampshire, 9,  
<http://www.iod.unh.edu/pdf/12-11%20PPT%20Dawn%20-%20Age%20Appropriate%20Transition%20Assessment.pdf> (last visited Aug. 7, 2012).
- [196] Cecilia Navarete et al., Informal Assessment in Educational Evaluation: Implications For Bilingual Education Programs, Evaluation Assistance Center (West) at the University of New Mexico, <http://www.finchpark.com/courses/assess/informal.htm> (last visited Jan. 7, 2011).
- [197] A. R. Walker et al., Age-Appropriate Transition Assessment Guide, National Secondary Transition Technical Assistance Center, University of North Carolina at Charlotte (2nd Ed. 2010)
- [198] A. R. Walker et al., Age-Appropriate Transition Assessment Guide, National Secondary Transition Technical Assistance Center, University of North Carolina at Charlotte (2nd Ed. 2010)

- [199] A. R. Walker et al., Age-Appropriate Transition Assessment Guide, National Secondary Transition Technical Assistance Center, University of North Carolina at Charlotte (2nd Ed. 2010)
- [200] Methods of Gathering Information, Charting a Course for the Future - A Transition Toolkit, Colorado Department of Education, 6, [http://www.cde.state.co.us/cdesped/download/pdf/TK\\_MethodGatherInfo.pdf](http://www.cde.state.co.us/cdesped/download/pdf/TK_MethodGatherInfo.pdf) (last visited Aug. 7, 2012).
- [201] Methods of Gathering Information, Charting a Course for the Future - A Transition Toolkit, Colorado Department of Education, 3, [http://www.cde.state.co.us/cdesped/download/pdf/TK\\_MethodGatherInfo.pdf](http://www.cde.state.co.us/cdesped/download/pdf/TK_MethodGatherInfo.pdf) (last visited Aug. 7, 2012).
- [202] The U.S. Department of Labor posts videos online at <http://acinet.org/acinet/videos.asp?id=27,&nodeid=27%00%20> Jim Martin, Using Transition Assessment to Develop Post School and Annual Transition Goals, Zarrow Center for Learning Enrichment, The University of Oklahoma, <http://www.ou.edu/content/education/centers-and-partnerships/zarrow/presentations.html> (follow "Transition Assessment Powerpoint File" hyperlink).
- [203] Mass. Gen. Laws ch. 71B, § 3 ("requires school committees, upon request by a parent, to grant timely and sufficient access by parents and parent-designated independent evaluators and educational consultants (both of whom are referred to in this guidance as 'designees') to a student's current and proposed special education program so that the parent and named designees can observe your student in the current program and any proposed program. The purpose of the law is to ensure that parents can participate fully and effectively in determining your student's appropriate educational program"). Marcia Mitnacht, Technical Assistance Advisory SPED 2009-2: Observation of Education Programs by Parents and Their Designees for Evaluation Purposes (Jan. 8, 2009), Massachusetts Department of Elementary and Secondary Education, [http://www.doe.mass.edu/sped/advisories/09\\_2.html](http://www.doe.mass.edu/sped/advisories/09_2.html) (citing Mass. Gen. Laws ch. 71B, § 3 (2010)).
- [204] Environmental or Situational Awareness: (1) Job Site Analysis Form. See A. R. Walker et al., Age-Appropriate Transition Assessment Guide, National Secondary Transition Technical Assistance Center, University of North Carolina at Charlotte (2nd Ed. 2010).
- [205] A. R. Walker et al., Age-Appropriate Transition Assessment Guide, National Secondary Transition Technical Assistance Center, University of North Carolina at Charlotte (2nd Ed. 2010)
- [206] A. R. Walker et al., Age-Appropriate Transition Assessment Guide, National Secondary Transition Technical Assistance Center, University of North Carolina at Charlotte (2nd Ed. 2010)
- [207] Casey Life Skills ([www.caseylifeskills.org](http://www.caseylifeskills.org)) is a web-based assessment of adaptive behavior and is free. It is offered in Spanish as well as English and there are different tests that cater to various functioning levels for students. See Jim Martin, Using Transition Assessment to Develop Post School and Annual Transition Goals, Zarrow

Center for Learning Enrichment, The University of Oklahoma,  
<http://www.ou.edu/content/education/centers-and-partnerships/zarrow/presentations.html> (follow “Transition Assessment Powerpoint File” hyperlink).

[208] Gary Clark, Archived Discussion, Ask the Expert: Gary Clark - Transition Assessment in Transition Planning (Oct. 7, 2007), Missouri Department of Elementary and Secondary Education, 5.

[209] Mass. Gen. Laws ch. 71B, § 2 (2012).

[210] Mass. Gen. Laws ch. 71B, § 2 (2012).

[211] Mass. Gen. Laws ch. 71B, § 3 (2012).

[212] 603 Mass. Code Regs. 28.04(2)(a) (2012).

[213] Mass. Gen. Laws ch. 71B, § 3 (2012).

[214] Mass. Gen. Laws ch. 71B, § 3 (2012).

[215] Mass. Gen. Laws ch. 71B, § 3 (2012).

[215A] See Pasadena Indep. Sch. Dist., 58 IDELR 210; 112 LRP 10660 (SEA TX 02/06/12)(recognizing the importance of providing sexual education to student with autism by holding that educational staff must be trained to teach sexual education to these students).

[216] Mass. Gen. Laws ch. 71B, § 3 (2012).

[217] Mass. Gen. Laws ch. 71B, § 3 (2012).

[218] Mass. Gen. Laws ch. 71B, § 3 (2012).

[219] Mass. Gen. Laws ch. 71B, § 12A (2012).

[220] United States Social Security Act, 42 U.S.C. § 421 (2012).

[221] Disability Determination Services (DDS), Office of Health and Human Services (2012), [www.mass.gov/eohhs/consumer/disability-services/disability-determination/](http://www.mass.gov/eohhs/consumer/disability-services/disability-determination/).

[222] United States Social Security Act, 42 U.S.C. § 1382 (2012).

[223] United States Social Security Act, 42 U.S.C. § 1382 (2012).

[224] Mass. Gen. Laws ch. 71B, § 12C (2012).

[225] 603 Mass. Code Regs. 28.05(4)(c) (2012).

[226] Mass. Gen. Laws ch. 71B, § 16 (2012).

[227] 603 Mass. Code Regs. 28.06(4) (2012).

[228] Individuals with Disabilities Education Act, 20 U.S.C.A. § 1400(c)(3) (West 2012). 34 C.F.R. § 300.17 (2012).

[229] 20 U.S.C.A. § 1400 (West 2012).

[230] 20 U.S.C.A. § 1401(3)(A) (West 2012).

[231] 20 U.S.C.A. § 1401(9) (West 2012). See Rowley discussion under “case law” for a discussion of FAPE.

[232] 20 U.S.C. § 1414(a)(1)(B) (2012).

[233] 20 U.S.C. § 1414(a)(1)(D) (2012).

[234] If there is no consent the school can still pursue the testing or services. 20 U.S.C. § 1415 (2012).

[235] 20 U.S.C. § 1414(a)(1)(C)(i)(I) (2006). Exception to the sixty-day requirement can be found in 20 U.S.C. § 1414(a)(1)(C)(ii) (2012).



[236] What is Indicator 13?, National Secondary Transition Technical Assistance Center (2011), <http://www.nsttac.org/indicator13/indicator13.aspx>.

[237] Massachusetts State Performance Plan (MA SPP) for FFY 2005-2012 AND Annual Performance Report FFY 2009 (MA APR), Massachusetts Department of Elementary and Secondary Education, <http://www.doe.mass.edu/sped/spp/> (last updated Feb. 15, 2011).

[238] 34 C.F.R. § 300.601. (“Each State must review its State performance plan at least once every six years, and submit any amendments to the Secretary”).

[239] Massachusetts Part B State Performance Plan (MA SPP) for FFY 2005-2012 – Indicator 13, Part B State Performance Plan for 2005-2012, Massachusetts Department of Elementary and Secondary Education (Feb. 1, 2011), [http://www.doe.mass.edu/sped/spp/SPP2009\\_indicator13.pdf](http://www.doe.mass.edu/sped/spp/SPP2009_indicator13.pdf).

[240] Massachusetts Part B State Performance Plan (MA SPP) for FFY 2005-2012 – Indicator 13, Part B State Performance Plan for 2005-2012, Massachusetts Department of Elementary and Secondary Education (Feb. 1, 2011), [http://www.doe.mass.edu/sped/spp/SPP2009\\_indicator13.pdf](http://www.doe.mass.edu/sped/spp/SPP2009_indicator13.pdf). The state draws from 20 U.S.C. § 1416(a)(3)(B) for this definition of Indicator 13.

[241] Follow Your Dreams: Transition to Adult Living, Butte and Glenn County Special Education Local Plan Areas, 15 <http://www.bcoe.org/selpa/workshops/TRANSITION%20TRAINING/FINAL%20-%20TRANSITION%20TRAINING%202.26.08.ppt> (last visited Jan. 6, 2011).

[242] 34 C.F.R. §§ 300.1 et seq. (2006).

[243] Americans with Disabilities Act, 42 U.S.C.A. §§ 12101 et seq. (West 2009).

[244] Rehabilitation Act of 1973, 29 U.S.C. §§ 701 – 796 (2006).

[245] 29 U.S.C. § 794 (2006). Section 504, The Americans with Disabilities Act and Education Reform, The PEER Project, Wrightslaw, <http://www.wrightslaw.com/info/section504.ada.peer.htm> (last updated Mar. 2, 2008).

[246] Carl D. Perkins Career and Technical Education Act of 2006, 20 U.S.C. §§ 2301 et seq. (2012).