



DISABILITY RIGHTS OREGON

Transition from Special Education to Adult Services

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Special Education: A Guide for Parents & Advocates, Sixth Edition**

Special Education: A Guide for Parents & Advocates, Sixth Edition and

Chapter 10: Transition from Special Education to Adult Services

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Chapter 10

Chapter 10: Transition from Special Education to Adult Services

What are transition services?

Eligible students are entitled to special education services until the end of the year during which they turn 21 years of age. The transition from educational services to adult services can often be confusing. Transition services are designed to help the student move from school to employment, further education, adult services, independent living, or other types of community participation. These activities must be based on the student's strengths, preferences, and interests. 20 U.S.C. § 1401(34), 34 C.F.R. § 300.43, OAR 581-015-2000(38).

When do transition services begin?

Under IDEA 2004, transition services must be included in the IEP that will be in effect when a student reaches age 16. Transition services can begin when the student is younger if the IEP team agrees that it is appropriate. 20 U.S.C. § 1414(d)(1)(A)(i)(VIII), 34 C.F.R. § 300.320(b), OAR 581-015-2200(2).

Who decides what transition services my child will get?

Transition services are decided at the IEP meeting. Besides the usual IEP team members, the school district should invite representatives from other public agencies who are likely to be responsible for providing or paying for transition services. Your child, whose preferences and participation are key transition factors, will also be invited. Because transition services are decided by the IEP team, all of your IEP rights apply. *See p. 22 of the full Guide, What are my IEP Rights?*

What are examples of transition services?

In considering the activities to include in a transition plan, it is helpful for parents to first discuss their child's desires for vocational, educational, independent living, and other goals for the future.

EXAMPLES OF TRANSITION SERVICES

- Instruction
- Community experiences
- Employment development
- Vocational evaluation
- Job training
- Instruction in daily living skills
- Post-school adult living objectives

The goals listed on the IEP should be based on an age-appropriate transition assessment. 20 U.S.C. § 1401(34), 34 C.F.R. § 300.43, OAR 581-015-2000(38).

What if other agencies don't provide a transition service?

If an agency other than the school district does not provide the agreed-upon services, the IEP team must meet to develop other approaches to achieve the transition objectives.

Can my child continue to get special education if he or she graduates with a regular diploma?

The school district is not required to provide a free and appropriate public education to students with disabilities who have graduated with a **regular high school diploma**. For these students, special education services end at graduation. However, if your child reaches the age of 18 without a regular diploma, special education services will continue until age 21.

On July 1, 2011, Oregon House Bill (HB) 2283 went into effect and became law as ORS 329.451. The new law defines the types of diplomas that Oregon schools can offer. It affects special education students who reach age 18 without a regular diploma by clarifying that they have the right to full days of instruction and services in their transition programs. Districts cannot claim that transition-aged special education students should get fewer hours of school and services than other high school students and makes it clear that the right to full school days for most special education students does not change or disappear at age 18.

Specifically, the law requires that transition-age special education students who have not earned a regular diploma have access to instruction and services that meet your child's individual needs and, when added together, provide at least the same number of instructional hours as provided to regular education high school students. This state law follows federal special education laws by requiring that any decision to reduce services below a full school day be made by each student's IEP team on an individual basis. It also requires that the district give you a written explanation of the law annually, and get a signature from you or your child to prove that they have given your family that written explanation. A final protection of the new law is that the district is not allowed to make its own decision about how long your child's school day will be. The district can reduce hours only if it can convince your family that this makes sense and would give your child more benefit than a full day.

Can my 18-year-old make educational decisions without me?

In Oregon, a child becomes a legal adult at age 18. Beginning at least one year before your child turns 18 years of age the school district must inform you and your child of rights under the IDEA 2004 that will transfer to your child. This must be documented on the transition plan. You must continue to be notified in writing of action the school district wants to take or refuses to take regarding education services, including IEP meeting notices, but all other IDEA 2004 rights transfer to your child.

Your school district will give your child a copy of the Oregon Department of Education (ODE) Notice of Procedural Safeguards at the IEP meeting closest to his or her 17th birthday, and inform you and your child that special education rights will transfer at age 18. Your child will also receive a written notice that these rights have transferred after his or her 18th birthday. 20 U.S.C. § 1415(m), 34 C.F.R. § 300.520, OAR 581-015-2325.

What if I think my 18-year-old is unable to understand the IDEA 2004 and be an effective self-advocate?

In this situation, you may want to become legal guardian of an adult child with disabilities. However, guardians may only be appointed by the courts under particular circumstances and there are different types of guardians. Some guardians make all decisions for the person with disabilities while others make only limited kinds of decisions.

If you believe that your adult child might need a guardian, the Oregon State Bar Lawyer Referral Service can help you find a lawyer who practices guardianship law.

(For more detailed information on guardianship, contact Disability Rights Oregon or visit our website for a copy of our *Guardianship Handbook: Protective Proceedings for Adults*.

