

***IDEA* Regulations**

Secondary Transition

(See also Individualized Education Program (IEP) and Changes in Initial Evaluation and Reevaluation)

The reauthorized *Individuals with Disabilities Education Act (IDEA)* was signed into law on Dec. 3, 2004, by President George W. Bush. The provisions of the act became effective on July 1, 2005, with the exception of some of the elements pertaining to the definition of a “highly qualified teacher” that took effect upon the signing of the act. The final regulations were published on Aug. 14, 2006. This is one in a series of documents, prepared by the Office of Special Education and Rehabilitative Services (OSERS) in the U.S. Department of Education that covers a variety of high-interest topics and brings together the regulatory requirements related to those topics to support constituents in preparing to implement the new regulations.¹ This document addresses significant changes from preexisting regulations to the final regulatory requirements regarding secondary transition.

***IDEA* Regulations**

1. Add “further education” of children with disabilities to the IDEA’s purposes.

The purposes of IDEA include ensuring that all children with disabilities have available to them a free appropriate public education (FAPE) that emphasizes special education and related services designed to meet their unique needs and prepare them for further education, employment and independent living.

[34 CFR 300.1(a)] [20 U.S.C. 1400(d)(1)(A)]

2. Refer to a “child” instead of a “student.”

The definition of “transition services” is changed to refer to a “child,” rather than a “student,” with a disability.

[34 CFR 300.43] [20 U.S.C. 1401(34)]

¹ Topics in this series include: Alignment With the *No Child Left Behind (NCLB) Act*; Changes in Initial Evaluation and Reevaluation; Children Enrolled by Their Parents in Private Schools; Discipline; Disproportionality and Overidentification; Early Intervening Services; Highly Qualified Teachers; Identification of Specific Learning Disabilities; Individualized Education Program (IEP) Team Meetings and Changes to the IEP; Individualized Education Program (IEP); Local Funding; Monitoring, Technical Assistance and Enforcement; *National Instructional Materials Accessibility Standard (NIMAS)*; Part C Amendments in *IDEA 2004*; Part C Option: Age 3 to Kindergarten Age; Procedural Safeguards: Surrogates, Notice and Consent; Procedural Safeguards: Mediation; Procedural Safeguards: Resolution Meetings and Due Process Hearings; Secondary Transition; State Complaint Procedures; State Funding; and Statewide and Districtwide Assessments. Documents are available on the *IDEA* Web site at: <http://IDEA.ed.gov>.

3. Change the definition of “transition services.”

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

- Is designed to be within a results-oriented process, that is focused on improving the academic and functional achievement of the child with a disability to facilitate the child’s movement from school to post-school activities, including postsecondary education, vocational education, integrated employment (including supported employment); continuing and adult education, adult services, independent living, or community participation;
- Is based on the individual child’s needs, taking into account the child’s strengths, preferences, and interests; and
- Includes instruction, related services, community experiences, the development of employment and other post-school adult living objectives, and, if appropriate, acquisition of daily living skills and functional vocational evaluation.

[34 CFR 300.43 (a)] [20 U.S.C. 1401(34)]

4. Require changes to performance goals and indicators.

The State has established goals for the performance of children with disabilities in the State that ... address graduation rates and dropout rates, as well as such other factors as the State may determine.

[34 CFR 300.157(a)(3)] [20 U.S.C. 1412(a)(15)(A)(iii)]

5. Establish an exception to requirements for evaluation before a change in eligibility.

The evaluation described in §300.305(e)(1) [see 20 U.S.C. 1414(c)(5)(B)(i)] is not required before the termination of a child’s eligibility under Part B due to graduation from secondary school with a regular diploma, or due to exceeding the age eligibility for FAPE under State law.

[34 CFR 300.305(e)(2)] [20 U.S.C. 1414(c)(5)(B)(i)]

For a child whose eligibility under Part B terminates under circumstances described above, the LEA shall provide the child with a summary of the child’s academic achievement and functional performance, which shall include recommendations on how to assist the child in meeting the child’s postsecondary goals.

[34 CFR 300.305(e)(3)] [20 U.S.C. 1414(c)(5)(B)(ii)]

6. Change the secondary transition requirements in the IEP.

Beginning not later than the first IEP to be in effect when the child turns 16, or younger if determined appropriate by the IEP Team, and updated annually thereafter, the IEP must include:

- 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; and
- Beginning not later than one year before the child reaches the age of majority under State law, a statement that the child has been informed of the child’s rights under Part B, if any, that will transfer to the child on reaching the age of majority under §300.520 [see 20 U.S.C. 1415(m)].

[34 CFR 300.320(b) and (c)] [20 U.S.C. 1414 (d)(1)(A)(i)(VIII)]

7. Add requirement to invite child to IEP Team meeting when purpose includes “consideration of postsecondary goals.”

The LEA must invite a child with a disability to attend the child’s IEP Team meeting if a purpose of the meeting will be the consideration of the postsecondary goals for the child and the transition services needed to assist the child in reaching those goals under §300.320(b).

[34 CFR 300.321(b)] [20 U.S.C. 1414(d)(1)(B)]

8. Add development and implementation of transition programs to list of permissible uses of State-level funds under Part B.

States may use funds reserved under §300.704(b)(1) for the development and implementation of transition programs, including coordination of services with agencies involved in supporting the transition of students with disabilities to postsecondary activities.

[34 CFR 300.704(b)(4)(vi)] [20 U.S.C. 1411(e)(2)(C)(vi)]

9. Delete requirement that an LEA take other steps if an invited agency does not attend an IEP meeting during which transition services will be discussed.

If a purpose of a child’s IEP Team meeting will be the consideration of postsecondary goals for the child and the transition services needed to assist the child in reaching those goals, the LEA, to the extent appropriate, and with consent, must invite a representative of any participating agency that is likely to be responsible for providing or paying for transition services to attend the child’s IEP Team meeting. However, if the participating agency does not attend the meeting, the LEA is no longer required to take other steps to obtain participation of an agency in the planning of any transition services.

[34 CFR 300.321(b)(1) and (3)] [20 U.S.C. 1414(d)(1)]

10. Add requirement for consent prior to inviting a representative of any participating agency likely to be responsible for providing or paying for transition services to attend a child’s IEP Team meeting.

To the extent appropriate, with the consent of the parents or a child who has reached the age of majority, in implementing the requirements of §300.321(b)(1), the public agency must invite a representative of any participating agency that is likely to be responsible for providing or paying for transition services.

[34 CFR 300.321(b)(3)]