



Nebraska Department of Education,  
Office of Special Education

# TRANSITION PLANNING



## January 2022

This guidance document is advisory in nature but is binding on an agency until amended by such agency. A guidance document does not include internal procedural documents that only affect the internal operations of the agency and does not impose additional requirements or penalties on regulated parties or include confidential information or rules and regulations made in accordance with the Administrative Procedure Act. If you believe that this guidance document imposes additional requirements or penalties on regulated parties, you may request a review of the document. For comments regarding this document contact [nde.guidance@nebraska.gov](mailto:nde.guidance@nebraska.gov)

# TABLE OF CONTENTS

Purpose	4
What is Transition Planning?	4
Why is Transition Planning Important?	5
Does Everyone Need a Transition Plan?	5
What are Legal Duties Regarding Transition?	6
State Educational Agency	6
Local Educational Agency	6
Transitional Planning Process	8
Beginning Transition Planning for Students	9
Conduct Age Appropriate Transition Assessments	11
Write Measurable Post-Secondary Goals (PSGs)	15
Identify Transition Services	20
Write the Course of Study	25
Write the Annual IEP Goals	28
Graduation	31
Summary of Performance	34
Graduation/Completion Follow-Up Activities	38
Services Through Age 21	42
Vocational Rehabilitation	48
Transfer of Parental Rights at Age of Majority	49
Adult Services	52

# PURPOSE

Transition planning is a critical process ensuring Nebraska students are prepared for post-secondary citizenship. The Nebraska Office of Special Education provides technical assistance to empower educators, students, families, and agency partners in gathering valuable and usable information for planning an individual student's adult life, which include both current and post-secondary needs.

## WHAT IS TRANSITION PLANNING?

*“A truly successful transition process is the result of comprehensive team planning that is driven by the dreams, desires and abilities of youth. A transition plan provides the basic structure for preparing an individual to live, work and play in the community, as fully and independently as possible.”*

-Parent Tips for Transition Planning, PACER Center

Transitioning into the adult world is a challenge for all young people, even more so for students with disabilities. Transition planning is designed to provide these students with the necessary skills and services to smoothly transition into adult life.

# WHY IS TRANSITION PLANNING IMPORTANT?

*Census Bureau records indicate individuals with disabilities experience the highest rate of poverty of any subcategory of Americans. There are 34 million people with disabilities in the United States, 18-64 years old. Twenty-seven percent or 4 million, of these individuals live in poverty. This is more than double the 12.5 % poverty rate for the entire population.*

[https://transitionta.org/wp-content/uploads/docs/toolkit\\_CIE.pdf](https://transitionta.org/wp-content/uploads/docs/toolkit_CIE.pdf)

The outcome of students with disabilities transitioning from school to work consistently trails those of their peers without disabilities. 26% of students with disabilities have jobs after high school compared to almost 63% of their peers without disabilities.

## DOES EVERYONE NEED A TRANSITION PLAN?

All students with disabilities, eligible for special education, ages 14-21, must have transition components in their Individualized Education Plan (IEP). Before age 14, transition plans may be included with student and parent/guardian approval.

# WHAT ARE LEGAL DUTIES REGARDING TRANSITION?

Both the local and state education agencies have a responsibility to ensure that transition age students with disabilities, age 14-21, are provided a free appropriate public education (FAPE) in the least restrictive environment (LRE).

## STATE EDUCATION AGENCY

The Nebraska Department of Education (NDE) has responsibilities regarding transition.

NDE monitors the Local Education Agency's (LEA) provision of FAPE to students with disabilities through reporting of Indicator 13 and Indicator 14 data in the Annual Performance Report (APR).

## LOCAL EDUCATION AGENCY

It is the responsibility of school districts to include transition components in the IEPs of all students with disabilities. The transition components include measurable post-secondary goals, age-appropriate transition assessments, annual goals, and related services, including a course of study. Districts must report data to the state for the statewide monitoring of Indicators 13 and 14 as well as on the district's annual performance reports.

### ***INDICATOR 13***

Percent of youth with IEPs aged 16 and above with an IEP that includes **appropriate measurable post-secondary goals** that are annually updated and based upon **age-appropriate transition assessments, transition services**, including, that will reasonably enable the student to meet those post-secondary goals, and **annual IEP goals** related to the student's transition services' needs. There also must be evidence that the student was invited to the IEP Team meeting where transition services are to be discussed and evidence that, if appropriate, a representative of any participating agency was invited to the IEP Team meeting with the prior consent of the parent or student who has reached the age of majority. (20 U.S.C. 1416(a)(3)(B))

### ***INDICATOR 14***

Percent of youth who had IEPs, are no longer in secondary school and who have been competitively employed, enrolled in some type of post-secondary school, or both, within one year of leaving high school. (20 U.S.C. 1416(a)(3)(B))

# TRANSITION PLANNING PROCESS





# BEGINNING TRANSITION PLANNING FOR STUDENTS

Nebraska statute and regulations require transition planning to be documented in Individual Education Programs (IEPs) as required by both federal and state law and must occur in the first IEP meeting held after the student reaches the age of 14.

Each school district shall provide transition services for each student with a disability no later than when the student reaches fourteen years of age and until the student graduates from a special education program or no longer meets the definition of a child with a disability pursuant to section 79-1117.

Transition services shall consist of a coordinated set of activities for a student, designed within an outcome-oriented process, which promotes movement from school to post-school activities, including post-secondary education, vocational training, integrated employment, continuing and adult education, adult services, independent living, and community participation.

The coordinated set of activities shall be based upon the individual student's needs, taking into account, the student's preferences and interests, and shall include instruction, community experiences, the development of employment and other post-school adult living objectives, and, when appropriate, acquisition of daily living skills and functional vocational evaluation.

In developing Individualized Education Programs (IEPs) for 14 and 15 year olds, districts are reminded of the responsibilities under federal and state regulations as outlined in 92 NAC 51 (Rule 51) once revised, to correspond with state statute:

007.07A9 Beginning not later than the first IEP to be in effect when the child turns 14, or younger if deemed appropriate by the IEP team, and updated annually thereafter:

007.07A9a Appropriate measurable post-secondary goals based upon age-appropriate transition assessments related to training, education, employment, and, where appropriate, independent living skills; and

007.07A9b The transition services (including courses of study) needed to assist the child in reaching those goals; and

007.07A9c If a participating agency, other than the school district or approved cooperative fails to provide the transition services described in the IEP, the school district or approved cooperative shall reconvene the IEP team to identify alternative strategies to meet the transition objectives for the child set out in the IEP.

007.07A9c(i) Nothing in this Chapter relieves any participating agency, including the State Division of Vocational Rehabilitation, of the responsibility to provide or pay for any transition service that the agency would otherwise provide to children with disabilities who meet the eligibility of that agency.

# CONDUCT AGE-APPROPRIATE TRANSITION ASSESSMENTS

## WHAT ARE TRANSITION ASSESSMENTS?

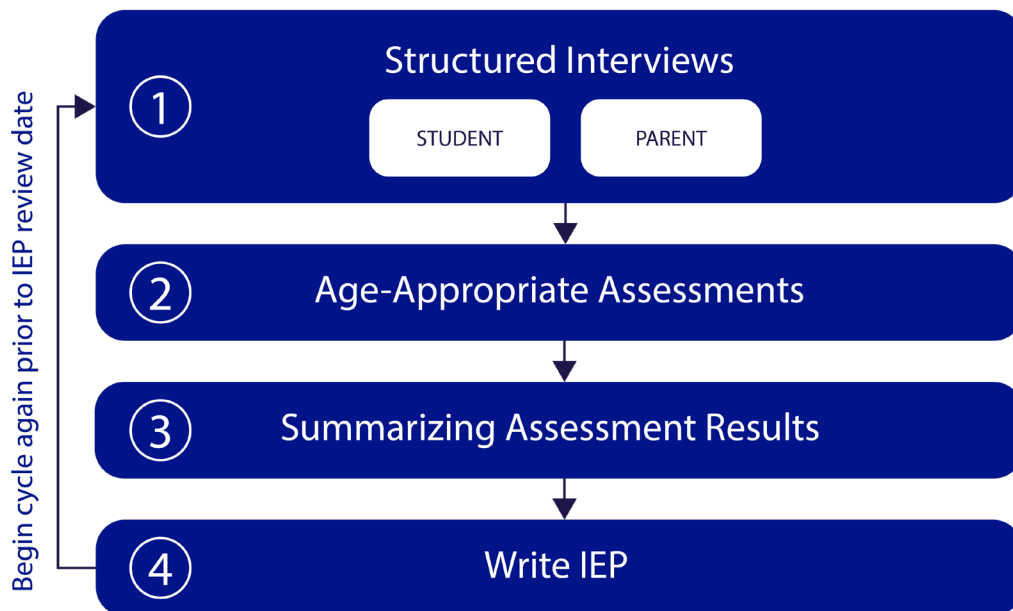
Transition assessments are a specific set of tools used to evaluate a student's strengths, preferences, interests, and needs related to their goals for living, working, and learning after graduation from high school.

## WHAT IS THE PURPOSE OF TRANSITION ASSESSMENTS?

**Transition assessments provide data that is used to:**

- Develop post-secondary goals
- Identify the instruction, annual goals, activities, and services that allow the student to achieve their post-secondary goals
- Describe the student's strengths, preferences, interests and needs
- Guide recommendations for instructional strategies and accommodations
- Engage students in career development
- Help students understand the connection between school and their post-school goals

## Conduct Transition Assessment



**The recommended steps for conducting transition assessments are as follows:**

1. Conduct student and parent structured transition interviews.
2. Conduct age appropriate transition assessments. These transition assessments may be comprehensive/formal (ESTR or TPI) or informal transition assessments (informal inventories, interviews, observations, rating scales, etc.).
3. Summarize the results of the transition assessments. The transition assessments should identify a student's specific strengths, preferences, interests and needs. Informal transition assessments can be used to document the data obtained from the completion of the student's transition activities in the current IEP.
4. Write the IEP.

**It is best practice to analyze data obtained from transition assessments along with all available student information, such as attendance, classroom performance, and district-wide assessment data to develop a quality, transition-focused IEP.**

Students may complete assessments independently, with assistance, or through observation by another individual. The IEP case manager will coordinate transition assessments, but many individuals may conduct assessments across environments that uniquely represent each student, such as:

- Special Education Teachers
- Vocational Rehabilitation Providers
- Career and Technical Education Teachers (CTE)
- General Education Teachers
- Transition Specialist/Coordinators (ESU or District representatives)
- School Counselors
- Parents/Guardian/Families
- Related Service Providers (Speech Language Pathologist, School Psychologist, Occupational Therapist, Physical Therapist, Teach for Deaf/HOH, Teacher for Blind/Visually Impaired, etc.)
- Business partners through work-based learning opportunities
- Developmental Disability Providers
- Nebraska VR Counselors
- Mental Health Service Providers
- Juvenile Justice Staff
- Medical Professionals



## **IDEA**

§§1414(VIII) beginning not later than the first IEP to be in effect when the child is 16 and updated annually thereafter- (aa) appropriate measurable post-secondary goals based upon age-appropriate transition assessments related to training, education, employment, and, where appropriate, independent living skills.

## **92 NEBRASKA ADMINISTRATIVE CODE 51 (RULE 51)**

007.07A9 Beginning no later than the first IEP to be in effect when the child turns 14 and updated annually thereafter:

007.07A9a Appropriate measurable post-secondary goals based upon age-appropriate transition assessments related to training, education, employment, and, where appropriate, independent living skills.

## **INDICATOR 13**

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

# WRITE MEASURABLE POST-SECONDARY GOALS (PSGS)

## WHAT ARE MEASURABLE POST-SECONDARY GOALS?

Measurable post-secondary goals capture a student's vision of adult life and the ***desired outcomes one year after graduation or exiting services***.

These are developed by using data from transition assessments that identify a student's strengths, preferences, interests, and needs. These areas are used to guide the student in selecting and communicating post-secondary goals in the areas of employment, education/training, and independent living (when appropriate).

Post-secondary goals **MUST** be updated annually to reflect changes in interests, preferences, strengths, and educational and life experiences as the student matures.

## WHAT IS THE PURPOSE OF POST-SECONDARY GOALS?

Post-secondary goals are needed to provide the structure to help students meet long term goals. These goals start at age 14 and guide educational planning until the student earns and receives their diploma and/or exits special education. Post-secondary goals are intended to help provide a clear picture of where the student wants to be as a young adult, and the path needed to get there, including the key players and their responsibilities, as well as necessary services and experiences.

## WHO IS RESPONSIBLE FOR DEVELOPING POST-SECONDARY GOALS?

With support from the IEP and family the student formulates their own post-secondary goals with information and data input from IEP team members and information and data gathered from transition assessments, interviews, and observations. It is the responsibility of the LEA to ensure the transition plan includes post-secondary goals that provide educational benefit to the student and enable the student access to the necessary steps towards reaching their post- secondary goals. Included in the LEA's responsibility is the provision of necessary specially designed instruction, accommodations and modifications, supplementary aids and services, and related services.



# ***TO CONSIDER***

When creating Post-Secondary Goals, they should be:

- Countable
- Identify an outcome, not a process
- Future based, after the student earns and receives their diploma or ages out

One post-secondary goal should be written for each adult outcome area.

- ***POST-SECONDARY EDUCATION AND TRAINING***: Where and how the student is going to continue to work and/or develop skills or study after graduation?
- ***EMPLOYMENT***: Where is the student going to work or engage in productive activities after graduation?
- ***INDEPENDENT LIVING (IF APPROPRIATE)***: Where is the student going to live and how is he/she going to access adult services, participate in the community and have fun after graduation?

When developing a post-secondary goal, the addition of the following types of phrases will ensure the goal is future based. These additional phrases are not required but assist in developing clear post-secondary goals.

- “After graduation...”
- “After the student receives a diploma...”
- “After earning a diploma...”
- “After the student graduates...”



## **IDEA**

34 CFR Section 320 (b)(1)

(b) Transition services. 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—

1. Based upon age-appropriate transition assessments related to training, education, employment, and, where appropriate, independent living skills;

## **92 NEBRASKA ADMINISTRATIVE CODE 51 (RULE 51)**

007.07A9a Appropriate measurable post-secondary goals based upon age-appropriate transition assessments related to training, education, employment, independent living skills.

## **INDICATOR 13**

- Is there an appropriate measurable post-secondary goal or goals that addresses education, training, employment, and, as needed, independent living?
- Is there evidence that the measurable post-secondary goal(s) were based on age-appropriate transition assessment?
- Are there transition services in the IEP that will reasonably enable the student to meet his or her post-secondary goal(s)?

## EXAMPLES OF POST-SECONDARY GOALS:

### Education/Training

- After graduation, Juan will enroll in the general associate degree program at ZYX Community College in September 2012.
- After graduation, Joan will attend a two-year community college course and gain a qualification in culinary arts.
- After graduation, Shonda will complete a one-year course at a cosmetology school.
- After graduation, John will apprentice with the local dog groomer and take a course in dog grooming, so that he can have his own clients.
- After graduation, Emma will complete a training course as a Certified Nursing Assistant.
- After graduation, Amir will participate in on-the-job training as a painter and decorator.

### Employment

- After graduation, Thomas will become employed as an apprentice carpenter.
- After graduation, Damien will work for at least one year as a trainee veterinary technician to gain relevant employment experience.

### Independent Living

- After graduation, Dante will live in an apartment with friends.
- After graduation, Andrea will shop for groceries independently using a list and semi-independently prepare a meal.

# IDENTIFY TRANSITION SERVICES

## WHAT ARE TRANSITION SERVICES?

The transition services form an annually updated plan that provides the necessary support to allow students to connect with post-secondary opportunities. Transition services are a coordinated set of activities the IEP team prescribes that includes instruction, related services, community experiences, and the development of employment and other post-school adult living objectives, as well as the student's course of study. If appropriate, transition services may also include acquisition of daily living skills and a functional vocational evaluation. The activities are based on the student's strengths, preferences, interests, and needs. Consideration should be given to activities that are accessible to all youth. The activities should include what will occur, who is responsible, and when the transition activity will take place. Transition activities may be part of the school day or may be part of an agreement between a school and a supporting agency.

## WHAT IS THE PURPOSE OF TRANSITION SERVICES?

The purpose of transition services on the IEP is to provide a systemic approach to identifying coordinated activities that will facilitate a student's movement from school to post school activities and focus on the improvement of a student's academic and functional achievement.

***INSTRUCTION:*** Instructional activities promote access to curriculum and skill acquisition to support the movement from school to post-school activities.

***RELATED SERVICES:*** Related services include support(s) needed for students to access work, education, and living environments.

***COMMUNITY EXPERIENCES:*** Community Experiences focus on the development of work-related behaviors, job-seeking skills, career exploration, skill training, and actual employment.

***EMPLOYMENT AND ADULT LIVING OBJECTIVES:*** Employment and Adult Living Objectives emphasize strategies and activities that focus on adult-living and self-advocacy skills.

***DAILY LIVING SKILLS:*** Daily living skills include activities that adults perform daily.

***FUNCTIONAL VOCATIONAL EVALUATION (IF APPROPRIATE):*** A Functional Vocational Evaluation is an assessment process that provides information about job or career interests, aptitudes, and skills.

## ***TO CONSIDER***

Transition plans should address the assistive technology (AT) needs of the student. This may include plans for AT evaluation and implementation in various environments relevant to transition, including potential worksite, post-secondary, and independent living needs, as well as roles and training needs of team members. Advocacy related to the use of AT is an important piece of the AT plan, as well as addressing equipment, training, and funding issues upon graduation or exit from services.

## **WHO IS RESPONSIBLE FOR TRANSITION SERVICES?**

It is the responsibility of the LEA to ensure the transition plan includes transition services. These services are prescribed by the IEP team in coordination with the student, family, school personnel, and/or community agencies.

Should a party not be able to fulfill a prescribed transition activity, the IEP team should reconvene an IEP to determine next steps to resolve the barrier or identify a new or more appropriate service.



## **IDEA**

34 CFR 300.43 Transition services.

(a) *Transition services* means a coordinated set of activities for a child with a disability that -

(1) Is designed to be within a results-oriented process, that is focused on improving the academic and functional achievement of the child with a disability to facilitate the child's movement from school to post-school activities, including post-secondary education, vocational education, integrated employment (including supported employment), continuing and adult education, adult services, independent living, or community participation.

(2) Is based on the individual child's needs, considering the child's strengths, preferences, and interests; and includes -

(i) Instruction;

(ii) Related services;

(iii) Community experiences;

(iv) The development of employment and other post-school adult living objectives; and

(v) If appropriate, acquisition of daily living skills and provision of a functional vocational evaluation.

(b) *Transition services* for children with disabilities may be special education, if provided as specially designed instruction, or a related service, if required to assist a child with a disability to benefit from special education.

The **transition services** (including courses of study) needed to assist the child in reaching those goals. 34 CFR Section 300.320 (b)(2)

## ***92 NEBRASKA ADMINISTRATIVE CODE 51 (RULE 51)***

003.63 **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 post-secondary education, vocational training, integrated employment (including supported employment), continuing and adult education, adult services, independent living, or community participation

### ***INDICATOR 13***

- Are there **transition services** in the IEP that will reasonably enable the student to meet his or her post-secondary goal(s)?
- Do the **transition services** include courses of study that will reasonably enable the student to meet his or her post-secondary goal(s)?
- Is (are) there annual IEP goal(s) related to the student's **transition service's** needs?



# WRITE THE COURSE OF STUDY

## WHAT IS THE COURSES OF STUDY?

The courses of study is a multi-year description of coursework, from the current year to the anticipated exit year, designed to enable the student to achieve desired post-school goals by completing their secondary and special education requirements. It is essentially a road map of the classes and/or programming options the student will participate in to move, as seamlessly as possible, through their middle and high school years. It should be outlined and updated annually based on the student's strengths, preferences, interests, and needs, making it meaningful to the student's future and motivating the student to complete his or her education. The annual process of updating the courses of study will continue until a student earns their diploma and/or exits special education.

## WHAT IS THE PURPOSE OF THE COURSES OF STUDY?

Effective alignment of school coursework is an important guide to get the student to be able to earn their diploma and access their post-secondary goals in the adult setting. Students should be enrolled in them in all courses needed for earning their diploma, while giving them the opportunity to expand and enhance their skills in areas that need further development.

It is the responsibility of the LEA to ensure the transition plan includes courses of study that allow the student to reasonably meet their post-secondary goals. Determining the courses of study is part of the IEP process and planning. This is a team decision that involves input from the student, family, and school.

### ***TO CONSIDER***

Provide a narrative for courses listed when course description may be difficult to determine specific content. For example, a student who is taking mainly individualized or modified courses or graduating by a specific IEP plan, these can be correlated to IEP goals or extended indicators in a narrative description.



## **IDEA**

§§1414(5)VIII(bb)

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 annually thereafter— (bb) the transition services (including **courses of study**) needed to assist the child in reaching those goals; and

## **92 NEBRASKA ADMINISTRATIVE CODE 51 (RULE 51)**

007.07A9b the transition services (including **courses of study**) needed to assist the child in reaching those goals

## **INDICATOR 13**

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

# WRITE THE ANNUAL IEP GOALS

## WHAT ARE ANNUAL GOALS?

Annual goals are statements that describe what a child with a disability can reasonably accomplish (e.g., master some skill or knowledge [not an activity]) during a twelve-month period in the child's special education program. Annual goals address how students access the secondary school coursework and other educational experiences that will enable them to successfully pursue their post-secondary goals.

## WHAT IS THE PURPOSE OF ANNUAL GOALS?

The purpose of annual goals is to provide the necessary skills, prior to school exit, that enable a student to achieve post-school goals. They are the support that builds the post-secondary goals into successful outcomes.

## WHO IS RESPONSIBLE FOR DEVELOPING ANNUAL GOALS?

It is the responsibility of the IEP team, which includes the student, to develop annual updated goals. The LEA is obligated to ensure annual IEP goals are related to a student's transition services needs and sufficiently align with and support the post-secondary goals.

# ***TO CONSIDER***

The following criteria support the development of quality annual goals.

- Condition (Given instruction and support...)
- Target Behavior (Student will improve understanding of simple monthly budgeting...)
- Measurable Standard (From a baseline of 40% to 75% as measured by monthly progress checks by teacher)
- Specified Time Frame (By month, day, year)

## ***EXAMPLES***

These are examples of measurable post-secondary goals (MPSG) and the connected annual goal.

***MPSG:*** After graduation, Alex will enroll in a business math course at the local technical school

- Connected Annual Goal: Given instruction in the high school Business Math course, Alex will complete 80% of class assignments by the completion of the course at the end of the semester.

***MPSG:*** After leaving high school, Jodi will obtain a part-time position in a community retail environment.

- Connected Annual Goal: Given a bi-weekly paycheck, Jodi will practice banking skills with 95% accuracy by August 1, 2022

***MPSG:*** Upon completion of HS, Lissette will utilize public transportation, including the public bus and uptown trolley

- Connected Annual Goal: Given several coins, Lissette will match the coin with its amount six out of eight times by November 3, 2022.



## **IDEA**

§ 300.320 Definition of individualized education program.

(a) General. As used in this part, the term individualized education program or IEP means a written statement for each child with a disability that is developed, reviewed, and revised in a meeting in accordance with §§ 300.320 through 300.324, and that must include -

(i) A statement of **measurable annual goals**, including academic and functional goals designed to -

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

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

## **92 NEBRASKA ADMINISTRATIVE CODE 51 (RULE 51)**

006.06A2d 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.

007.09C The IEP team shall review the child's IEP periodically, but not less frequently than annually, to determine whether the annual goals for the child are being achieved.

## **INDICATOR 13**

- Is (are) there annual IEP goal(s) related to the student's transition service's needs?

# GRADUATION

## WHAT IS GRADUATION?

Graduation is the process when a student receives their diploma or certificate of completion and ends their secondary education and eligibility for special education. Students with disabilities may graduate with a signed, regular diploma when they meet the requirements of graduation set forth by the district and meet the transition goals within the IEP.

## WHAT IS THE PURPOSE OF GRADUATION?

The purpose of graduation is to confer diplomas earned by students and to recognize student achievement.

## WHO IS RESPONSIBLE FOR A STUDENT GRADUATING?

The IEP team is responsible for determining whether a student has completed a course of study that makes him/her eligible to receive a signed, regular diploma.

Even if the student with disabilities will continue his/her education program until the end of the school year in which s/he reaches age 21, the IEP team may recommend that the student would benefit from participation in the graduation ceremony with peers. Since this has often been a source of confusion for families and districts in Nebraska, legislation in 2008 (LB 1153) addressed this issue, resulting in the following state law, Nebraska State Statute 79-770.

# GRADUATION OPTIONS

These are the available graduation options for students with disabilities. It is recommended that these be addressed in each district's graduation and/or school board policy, and district policy and procedure handbook. Upon completion of a course of study that meets the following requirements, the student will be awarded a regular diploma using any of the following program options:

## ***OPTION 1***

A student completes a standard course of study based upon meeting all requirements for graduation and IEP/Transition goals. The student would be eligible to receive a signed, regular diploma and participate in the graduation ceremonies.

## ***OPTION 2***

A student completes the standard or modified course of study, but not the IEP/Transition goals. The student may participate in graduation ceremonies with his/her peers without receiving a signed regular diploma. The student may receive a certificate of attendance at the graduation ceremony. The student may continue to receive services and supports from the school district until the IEP/transition goals are met or until the student completes the school year in which s/he reaches the age of 21. At this time, the student will receive a signed, regular diploma.

## ***OPTION 3***

A student completes his/her IEP/transition goals, but not the standard course of study. When a student's disability prevents him/her from completing the standard course requirements for graduation, the IEP team must identify IEP/transition goals for graduation that are consistent with the student's individual needs. Upon completion of those goals, the student will be allowed to graduate with a signed, regular high school diploma. A student may elect to participate in graduation ceremonies with peer classmates or upon completion of his/her course of study.



## ***TO CONSIDER***

- It is recommended that graduation be addressed in all transition plans. Plans for graduation should be considered in development of the course of study and reviewed annually.
- The receipt of a signed, regular diploma terminates the service eligibility of students with special education needs.
- It is recommended that all diplomas awarded by a school district be identical in appearance, content and effect, except that symbols or notations may be added to individual student's diplomas to reflect official school honors or awards earned by students.
- A student who receives a document such as a certificate of attendance, unsigned diploma, or blank folder is eligible to continue receiving special education services until receipt of a signed, regular diploma or until the end of the school year in which the student turns 21.
- It is recommended that the IEP team review and document that all requirements for receipt of a signed, regular high school diploma have been met.

# SUMMARY OF PERFORMANCE

A Summary of Performance (SOP) is required for a child with a disability whose eligibility under special education terminates due to graduation with a regular diploma, or due to exceeding the age of eligibility. The local education agency must provide the child with a summary of the child's academic achievement and functional performance, which must include recommendations on how to assist the child in meeting the child's post-secondary goals.

The purpose of the SOP is to transfer critical information that leads to the student's successful participation in post-secondary settings. It includes a summary of the achievements of the student with current academic, personal and career/vocational levels of performance. Information may be included as part of the summary based on assessment findings and team input. Information included in the summary, including assessment data and accommodations, should be written in functional terms easily understood by the student. Any supporting documents should be appropriately referenced and included with the summary. Signatures by the student and IEP team members are encouraged as verification that the contents of the summary have been explained but are not required.

**The SOP must, at a minimum, address the following:**

- **ACADEMIC ACHIEVEMENT:** Information on reading, math, and language grade levels, standardized scores, or strengths.
- **FUNCTIONAL PERFORMANCE:** Information on learning styles, social skills, independent living skills, self determination, and career/vocational skills.
- **RECOMMENDATIONS:** Team suggestions for accommodations, assistive services, compensatory strategies for post-secondary education, employment, independent living, and community participation.

The Summary of Performance is intended to assist the student in transition from high school to higher education, training and/or employment. This information is helpful under Section 504 of the Rehabilitation Act and the Americans with Disabilities Act (ADA) in establishing a student's eligibility for reasonable accommodations and supports in post-secondary settings. It is also useful for the Vocational Rehabilitation Comprehensive Assessment process. However, recommendations in a student's SOP do not ensure that an individual who qualified for special education in high school will automatically qualify for accommodations in a post-secondary education or employment setting. Post-secondary settings will continue to make ADA and Section 504 eligibility decisions on a case-by-case basis based on their criteria.



## **IDEA**

### §300.304 Evaluation procedures.

(B) In case of a reevaluation of a child, whether the child continues to have such a disability, and the educational needs of the child;

(e) Evaluations before change in eligibility.

(1) Except as provided in paragraph (e)(2) of this section, a public agency must evaluate a child with a disability in accordance with §§300.304 through 300.311 before determining that the child is no longer a child with a disability.

(2) The evaluation described in paragraph (e)(1) of this section is not required before the termination of a child's eligibility under this part due to graduation from secondary school with a regular diploma, or due to exceeding the age eligibility for FAPE under State law. (3) For a child whose eligibility terminates under circumstances described in paragraph (e)(2) of this section, a public agency must 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 post-secondary goals.

## **92 NEBRASKA ADMINISTRATIVE CODE 51 (RULE 51)**

006.06E1 The evaluation described in 92 NAC 51-006.06E is not required before the termination of a student's eligibility under this Chapter due to graduation from secondary school with a regular high school diploma, or to exceeding the age eligibility for a free appropriate public education under Neb. Rev. Stat. §79-1126. For a child whose eligibility terminates under these circumstances, a school district or approved cooperative 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 post-secondary goals.

# GRADUATION/COMPLETION FOLLOW-UP ACTIVITIES

School districts are required as part of their federal requirements to code and report how students exit special education.

## CODE 210

- A student who completed the district requirements for a regular or advanced high school diploma (see definition of regular high school diploma below). 34 C.F.R. §200.19(b)(1)(iv)A “regular high school diploma” means the standard high school diploma awarded to students in a District that is fully aligned with the State’s academic content standards and district diploma requirements. Does not include a GED credential, certificate of attendance, or any alternative award. The term “regular high school diploma” also includes a “higher diploma” that is awarded to students who complete requirements above and beyond what is required for a regular diploma. A student with disabilities may be included in this category through receipt of a high school diploma based on regular diploma requirements identical to that for which students without disabilities are eligible. DOES NOT INCLUDE: Students that completed their IEP but did not meet regular diploma requirements (see code 211).

## **CODE 211**

- A student that received a high school diploma based on alternative graduation requirements that are not fully aligned with a State's academic content standards or district requirements. This may include students that complete their IEP but do not meet the district's regular diploma requirements (see definition of regular high school diploma in code 210).

This could be at any time up to the year in which the student reaches age 21.

## **CODE 208**

- A student who passed the age for which the state guarantees a free, appropriate public education and subsequently exited school.
- Students reported as 208 Maximum Age will be treated the same as 202 Dropout for Graduation Cohort and Dropout purposes.

## CODE 202

- A student who withdrew for personal or academic reasons and does not have a signed Withdrawal from Mandatory Attendance form pursuant to Nebraska Revised Statute 79-202 on file with the district.
- A student removed from the education system for reasons other than health, and whose return is not anticipated.
- A student enrolled in adult education or some type of program (example: GED) whose education services do not lead to a diploma or other credential recognized by the state.
- A student who has not graduated or completed an approved program and is not enrolled and whose status is unknown; this includes a student withdrawn from the rolls for excessive absence.
- A student who moved out of the district, out of state, or out of U.S. and is not known to be in school (includes any student whose education status cannot be confirmed either through a parent or other responsible adult or through some formal notification of transfer.)
- A student in an institution that is not primarily educational (Army, or vocational program) and not considered a special school district/system.
- A student who is disenrolled by a parent and does not enroll in another district/system.
- A student who was suspended or expelled and the disciplinary period has expired and student has not returned.
- A student who was expelled and chose not to participate in a district approved alternative education program.
- If a student receives a Certificate of Attendance and does not come back and complete the requirements for a diploma. The team would generate a Prior Written Notice, that acknowledges that the student's eligibility has expired. Sent to last address kept on file in the student file.



An IEP team determines that the student has not met goals and objective and district graduation requirements necessary to meet the student's post-secondary goals.

Students who do not complete their IEP goals and objectives before age 21, is a difficult situation for the school and the family, and especially the student. The district will want to maintain documentation through the IEP process that the program was reviewed and there was program intervention that addressed the issues and results.

If the student had the need for related or supplementary aides and services, they were identified and supports that could help the student access those services were identified and addressed.

# SERVICES THROUGH AGE 21

Some students with disabilities remain in high school until they are 21 years old. This means they are often receiving services in classrooms with much younger students. In some cases, students with disabilities may be repeating classes they have taken in the past. Since most high school students typically graduate at 17 or 18 and go onto higher education or employment, students with disabilities who remain in high school until the age of 21 have fewer opportunities to interact with same-age peers without disabilities. These services are developed to increase the opportunity to interact with same-age peers in age-appropriate settings and provide further transition skills and employment opportunities in the community. Furthermore, they should provide a continued connection to a student's home community.

## **STUDENTS AGES 18-21 WHO HAVE NOT MET GRADUATION REQUIREMENTS**

Districts must make a free appropriate public education (FAPE) available to any student who has not graduated with a regular high school diploma until the end of the school year in which the student turns 21. The IEP team may determine that the student needs extended school year services, which would be available through the summer break of the school year in which the student turns 21. The school must provide the student age 18 and over, and the parents with Prior Written Notice that the services will be discontinued at the end of the school year, however, parental consent is not required. A reevaluation is also not required when a student graduates or ages out of eligibility for services upon turning age 21.

## **SECONDARY TRANSITION SERVICES FOR 18-21 YEAR OLDS**

As has been emphasized numerous times throughout this document, the term ‘transition services’ means a coordinated set of activities for a child with a disability that (A) is designed to be a result-oriented process, that is focused on improving the academic and functional achievement of the child with a disability to facilitate the child’s movement from school to post-school activities, including post-secondary education, vocational education, integrated employment (including supported employment), continuing and adult education, adult services, independent living or community participation. B) is based on the individual child’s needs, taking into account the child’s strengths, preferences and interests; (C) includes instruction, related services, community experiences, the development of employment and other post-school adult living objectives, and, when appropriate, acquisition of daily living skills and functional vocational evaluation.

## **WHO IS ELIGIBLE FOR 18-21 SERVICES?**

Students receiving special education services who have an IEP (Individualized Education Program) are able to access 18-21 services through their school districts. They may have met the minimum requirements for graduation in their districts, but have ongoing transition needs identified in their IEPs, by the IEP team, and based on assessment data. Students who have earned the minimum graduation requirements may participate in a “social graduation” but cannot accept high school diplomas to receive 18-21 services (refer to local district policies for social graduation information). FAPE (free appropriate education) ends once a diploma has been issued to a student. Students who have IEPs but leave traditional school settings to attain their GEDs (General Educational Development) retain their right to receive a Free and Appropriate Public Education (FAPE) until age 21 or they receive a regular high school diploma. A regular high school diploma does not include a general equivalency diploma, certificate of completion, certificate of attendance, or similar lesser credential [34 C.F.R. § 300.102(a)(3)(iii)].

## **STUDENT AGES 18-21 TRANSITION SERVICES (ALIGNED WITH REQUIREMENTS FOR ALL STUDENTS WITH IEPS):**

- Must be instructional, standards-driven and identify requirements for attendance/performance
- Must be part of the individualized transition continuum
- Must not have an arbitrary purpose or point of entry/exit
- Must identify transition needs/goals, outcomes, and agency linkages through the Individualized Education Program (IEP) Process
- Must focus on transition needs aligned with post-secondary goals (i.e., college, employment, and independent living supports)
- Must create and maintain a schedule of direct services corresponding to hours of service identified on IEP
- Must award some credit – credit must transfer to school transcripts
- Exit determination prior to reaching a maximum age is determined by issuance of a diploma (if earned) or through an IEP Eligibility Review (§ 300.305)

## **BEST PRACTICES TO CONSIDER FOR 18-21 SERVICES:**

- Should be community-based with a focus on connections to adult resources and/or services, as well as post-secondary education and/or employment opportunities.
- Should clearly identify course and activity objectives aligned with individual transition needs and goals.
- Should provide flexibility for school and community experiences based on individual preferences, interests, strengths and needs aligned with post-secondary goals.
- Should include clearly outlined processes for phasing out services and supports as well as facilitating linkages to adult services and/or post-school environments.



**IDEA**

34 C.F.R. 300.101. Free appropriate public education (FAPE). (a) General. A free appropriate public education must be available to all children residing in the state between the ages of 3 and 21, inclusive, including children with disabilities who have been suspended or expelled from school, as provided for in 300.530(d).

**92 NEBRASKA ADMINISTRATIVE CODE 51 (RULE 51)**

007.03A10 If the purpose of the meeting is to consider post-secondary goals for the child and the transition services needed to assist the child in reaching those goals:

007.03A10a The school district or approved cooperative must invite the child;

007.03A10a(1) If the child does not attend the IEP meeting, the school district or approved cooperative shall take other steps to ensure that the child's preferences and interests are considered.

007.03A10b To the extent appropriate, with the consent of the parents or a child who has reached the age of majority, the school district or approved cooperative must invite a representative of any participating agency that is likely to be responsible for providing or paying for the transition services.

# VOCATIONAL REHABILITATION

Nebraska Vocational Rehabilitation (Nebraska VR) supplements transition activities that are being provided through the resident school district. Nebraska VR may provide work-based learning experiences to students outside of regular school hours, including evenings, weekends, holidays, and vacations.

## **FOR STUDENTS AGES 14–21, THE PRE-EMPLOYMENT TRANSITION SERVICES (PRE-ETS) INCLUDE:**

- Job Exploration
- Work Readiness Training
- Counseling on Post-Secondary Training Options
- Self-Advocacy
- Work-Based Learning Experiences

### [Pre-Employment Transition Services](#)

For further information on Nebraska VR, please see [www.vr.nebraska.gov](http://www.vr.nebraska.gov).



# TRANSFER OF PARENTAL RIGHTS AT AGE OF MAJORITY

Questions regarding the transfer of parental rights to students with a disability who have reached the age of majority are raised periodically. The Nebraska Office of Special Education has revisited this issue on a number of occasions and has consistently come to the same conclusion.



34 CFR 300.520(a) provides:

(a) General. A State may provide that, when a child with a disability reaches the age of majority under State law that applies to all children (except for a child with a disability who has been determined to be incompetent under State law)

(1)(i) The public agency must provide notice required by this part to both the child and the parents; and

(ii) All rights accorded to parents under Part B of the Act transfers to the child;

(2) All rights accorded to parents under Part B of the Act transfer to children who are incarcerated in an adult or juvenile, State or local correctional institution; and

(3) Whenever a State provides for the transfer of rights under this part pursuant to paragraph (a)(1) or (a)(2) of this section, the agency must notify the child and the parent of the transfer of rights.

In Nebraska, the age of majority is nineteen years of age (See Neb. Rev. Stat. 43-2101). Therefore, Nebraska has the option of transferring the parental rights contained in the IDEA to students with a disability who have reached 19 years of age. The decision of whether or not to transfer the parental rights rests solely with the State and school districts do not have the authority to transfer these rights if the State does not make such a provision.

In years past, in determining whether the State would provide for the transfer of parental rights to students with a disability upon reaching the age of majority, the State consulted with stakeholders and the Special Education Advisory Committee.

Those discussions lead to the decision not to transfer parental rights for several reasons, including:

1. The IDEA provides a number of significant parental rights which are intended to enable the child to receive a free appropriate public education. Those rights provide the parent with information and the opportunity to fully participate in the student's education planning process. Additionally, those rights provide the parent with a number of procedural safeguards (i.e. due process, the complaint process, mediation etc.) which enables the parent to advocate for the student. The stakeholders and SEAC (Special Education Advisory Council) were concerned that transferring these rights to students who may not be fully prepared to advocate for themselves without parental support would not be in the best interests of Nebraska's youth.

2. The IDEA requires school districts to provide transition services to all students with disabilities who have reached 16 years of age. (See 92 NAC 51-007.07A9.) The transition services provided to the student should include self-advocacy training, if appropriate. The regulations also provide for the participation of the student whenever the IEP meeting includes the consideration of post-secondary goals or the transition services necessary to meet these goals. (See 92 NAC 51-007.03A10.) These requirements allow the student to be involved in and develop self-advocacy skills while the safety net of parental involvement remains in place.
3. The definition of “Parent” contained in 92 NAC 51-003.44 is sufficient to allow every student with a disability, including students who have reached the age of majority, to have someone meeting the definition of parent participate in the IEP process. In addition to the student’s biological or adoptive parent, the definition of parent includes a guardian, an individual acting in the place of the parent with whom the student lives, or an individual who has legal responsibility for the student’s welfare and a surrogate parent appointed by the school district.

Based on the State’s decision not to transfer parental rights to the student with a disability who has reached the age of majority, 92 NAC 51 (Rule 51) does not include any language regarding the transfer of rights. Rather, the regulations include those parental rights which the district must provide to an individual meeting the definition of parent contained in 92 NAC 51-003.44.

# ADULT SERVICES

## WHAT ARE ADULT SERVICES?

Adult services are services that are provided by an outside community agency, to either support a student after the student earns their diploma or the student ages out of school and begins to access their post-secondary goals.

## WHAT IS THE PURPOSE OF IDENTIFYING ADULT SERVICES?

The purpose of requesting the participation of and including adult service agencies with the IEP team is to identify necessary skills the student will need to develop to successfully meet their post-secondary goals. Adult services support the transition process by providing necessary information and procedures for the student to access services in their post-secondary life. Identifying the necessary adult services prior to graduation ensures a continuation of services for the student, rather than a break. Allowing a seamless transition increases the student's likelihood of post-school success.

## WHO IS RESPONSIBLE FOR ADULT SERVICES?

The school district is responsible for the implementation of a student's IEP. Therefore, it is the district's responsibility to invite, with parental consent, a representative of any participating agency that is likely to be responsible for providing or paying for a transition service indicated in a student IEP.



## **IDEA**

34 CFR 300.43 Transition services.

(a) Transition services means a coordinated set of activities for a child with a disability that -

(1) Is designed to be within a results-oriented process, that is focused on improving the academic and functional achievement of the child with a disability to facilitate the child's movement from school to post-school activities, including post-secondary education, vocational education, integrated employment (including supported employment), continuing and adult education, [adult services](#), independent living, or community participation.

## **92 NEBRASKA ADMINISTRATIVE CODE 51 (RULE 51)**

003.63 [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 post-secondary education, vocational training, integrated employment (including supported employment), continuing and adult education, [adult services](#), independent living, or community participation; is based upon the individual child's needs, taking into account the child's strengths, preferences, and interests; and includes instruction, other post-school adult living objectives, and, when appropriate, acquisition daily living skills and a functional vocational evaluation.

007.03A10b To the extent appropriate, with the consent of the parents or a child who has reached the age of majority, the school district or approved cooperative must invite a representative of any participating agency that is likely to be responsible for providing or paying for the [transition services](#).

***INDICATOR 13***

- If appropriate, is there evidence that a representative of any of the following agencies/services were invited, with prior consent, to participate in the IEP development including but not limited to: post-secondary education, vocational education, integrated employment (including supported employment), continuing and adult education, [adult services](#), independent living, or community participation for the post-secondary goals?

# REFERENCES

Fogg, Harrington, & McMahon, 2010

[https://transitionta.org/wp-content/uploads/docs/toolkit\\_CIE.pdf](https://transitionta.org/wp-content/uploads/docs/toolkit_CIE.pdf)

# RESOURCES

A Transition Guide to Post-secondary Education and Employment for Students and Youth with Disabilities. Retrieved from

<https://www2.ed.gov/about/offices/list/osers/transition/products/post-secondary-transition-guide-08-2020.pdf>

## ***INDICATOR 13***

[https://transitionta.org/wp-content/uploads/docs/Indicator13\\_Filled-Example.pdf](https://transitionta.org/wp-content/uploads/docs/Indicator13_Filled-Example.pdf)

[https://transitionta.org/wp-content/uploads/docs/toolkit\\_B13-Data.pdf](https://transitionta.org/wp-content/uploads/docs/toolkit_B13-Data.pdf)

<https://transitionta.org/wp-content/uploads/docs/NTACT-I-13-FAQ-Update.2018.pdf>