

New Requirements for Secondary Transition Services for Students with Disabilities: Frequently Asked Questions

Introduction:

Governor John Kasich signed Senate Bill 316 on June 25, 2012, with an effective date of September 24, 2012, incorporating changes to the secondary transition requirements for students with disabilities. Section 3323 now states the following:

“(H) Beginning not later than the first IEP to be in effect when the child is fourteen years of age, and update annually thereafter, a statement describing:

- (1) Appropriate measurable post-secondary goals based upon age-appropriate transition assessments related to training, education and independent living skills;*
- (2) Appropriate measurable post-secondary goals based on age-appropriate transition assessments related to employment in a competitive environment in which workers are integrated regardless of disability;*
- (3) The transition services including courses of study, needed to assist the child in reaching the goals described in divisions (H)(1) and (2) of this section.*

To assist local education agencies (LEAs) in responding to these new requirements, the Ohio Department of Education (ODE), Office for Exceptional Children (OEC) has developed this set of questions and answers.

1. When do the requirements take effect?

The bill takes effect on September 24, 2012. These requirements for secondary transition will be required for individualized education programs (IEPs) written *after* September 24, 2012, for a child.

2. Will IEPs written prior to September 24, 2012 be required to be rewritten to meet the new requirements?

No. Only those IEPs that are written *after* the September 24, 2012, will be required to meet these new requirements.

3. Will we still need to complete Section 4 on the IEP, “A Statement of Transition Services Needs of the Child that Focuses on the Child’s Course of Study”?

Yes. There are two components to Section 4. The first component is titled: “A Statement of Transition Services Needs of the Child that Focuses on the Child’s Course of Study”. If a district has completed the course of study requirement in Section 5, the requirements have been met but should still be documented in Section 4. The second component will be where the IEP team will document the age-appropriate transition assessments. Until the *Operating Standards for Ohio Educational Agencies Serving Children with Disabilities* are revised and revisions are made to the IEP form, this section *will* still need to be completed.

4. The *Operating Standards for Ohio Educational Agencies Serving Children with Disabilities* Section 3301-51-07(2)(b)(i) and referenced on the IEP form states that measurable postsecondary goals for independent living are to be developed if appropriate. Is this still in effect?

Yes, the “if appropriate” requirement is still required. The change is that IEP teams need to document age-appropriate transition assessment data that determines if a measurable postsecondary goal for independent living is appropriate for a child in Section 4 of the IEP.

5. Given that the requirements state “Beginning not later than the first IEP to be in effect when the child is 14 years of age, and update annually thereafter,” will districts need to begin the secondary transition process when the student is 13 years of age or younger?

Yes. In order to have the required information, districts will need to begin the secondary transition process prior to the child’s 14th birthday. Given that many students will turn 14 years of age during the school year, these students’ IEPs will need to be in compliance with the secondary transition requirements, which will require districts to begin the process when the child is 13 years of age or younger.

6. The new requirements now require appropriate measurable post-secondary goals based on age-appropriate assessment related to employment in a competitive environment in which workers are integrated regardless of disability. What is the definition of competitive employment?

ODE uses the following definition of competitive employment from the Rehabilitation Act, 1998, Sections 7(11) & 7(35)(A), 29 U.S.C. 705(11) and 709(c):

Competitive employment means work- (i) In the competitive labor market that is performed on a full-time or part-time basis in an integrated setting; and (ii) For which an individual is compensated at or above the minimum wage, but not less than the customary wage and level of benefits paid by the employer for the same or similar work performed by individuals who are not disabled.

7. If a student is currently 15 years of age, must the IEP for this student be revised to comply with this new regulation?

No. If the student’s IEP was written prior to the effective date, September 24, 2012, revision is not required for this IEP. When the student’s annual review is performed, then the IEP must be in compliance with the new requirements. Note: if a student is 15 years of age and a review request is made prior to the annual review date and it is after September 24, 2012, then the IEP team must comply with these requirements.

8. Given that these requirements will require planning to start no later than in middle school, will middle school teachers need training to meet these requirements?

Yes, middle school or early planning will be essential for compliance with these requirements and may require additional training and technical assistance for middle school staff.

9. Where can my LEA receive technical assistance to meet these new requirements?

Contact your regional State Support Team (SST) for additional information and technical assistance.

10. What changes will be required for EMIS reporting?

The only change required for EMIS reporting is that the secondary planning element must now be reported as a part of the IEP event record that is effective on the date the student turns 14. The individual planning codes have not changed: continue to report the student's plan as expecting him to be a “four-year grad” if the transition plan is such that he will graduate at the end of the fourth school year after he is first enrolled in the ninth grade; a “multi-year grad” if the transition plan is such that he will graduate more than four years after he is first enrolled in the ninth grade; and “continuing” if the plan includes receiving instruction or services after he has met graduation requirements.