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Importance of Comprehensive Transition Plans Under the IDEA

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Case Digest Summary

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There is both good news and bad news for A.S. The good news is that, over the years, Congress has passed a number of laws to make his transition out of high school successful, with the Individuals with Disabilities Education Act (IDEA) perhaps being the touchstone legislation.

One of the primary aims of the IDEA is to ensure that children with disabilities are afforded an equal opportunity to become productive and self-actualized adults. The IDEA states: “The purpose of this [statute is] to ensure that all children with disabilities have available to them a free and appropriate public education that . . . prepare[s] them for further education, employment, and independent living.” The IDEA goes on to announce that “almost 30 years of research and experience has demonstrated that the education of children with disabilities can be made more effective by . . . prepar[ing] them to lead productive and independent adult lives, to the maximum extent possible.”

In a statute that can be both sprawling and vague, Congress explicitly provided for secondary to post-secondary “transition services,” which it defined as a “coordinated set of activities for a student with a disability that . . . is designed within an outcome-oriented process, which promotes 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.” The law provides that the student’s individualized educational program (IEP) will contain “appropriate measurable postsecondary goals based upon age appropriate transition assessments related to training, education, employment, and, where appropriate, independent living skills.” Schools are required to provide such services no later than the school year when the child turns 16. Cutting through the legalese, the IDEA obligates schools to provide students with disabilities those skills and experiences thought necessary for them to have successful, productive and fulfilling lives after high school.

Why are transition services so important to the IDEA? Because, in addition to the intrinsic value of education to an individual, there is a significant burden on communities more generally if they fail to prepare their students for adulthood. Recognizing these costs, the IDEA Senate report states:

“The long-range implications of the statistics [relating to students with disabilities] are that public agencies and taxpayers will spend billions of dollars over the lifetimes of these individuals to maintain such persons as dependents and in a minimally acceptable lifestyle. With proper education services, many would be able to become productive citizens, contributing to society instead of being forced to remain burdens. Others, through such services, would increase their independence, thus reducing their dependence on society.”

For example, studies estimate that ­increasing the male graduation rate by 5 percent would save \$5 billion in crime-related expenses. Research also shows that the extra annual health costs for a student who drops out of high school is \$2,700.

Over the last few decades, the situation has certainly improved for children with disabilities. Before 1970, in most states, these exceptional children were not even entitled to an education. As a result, one in five were routinely denied access to school. Many states, including Pennsylvania, forced their institutionalization. Had A.S. been born in another era, he would likely be living in such a segregated setting rather than attending school with his peers.

But despite the promise of the IDEA, the statute has failed to fulfill its original goal of preparing many children with disabilities for their post-high-school lives. What happened? First, many school districts do not take seriously their obligation to provide robust transition planning. As a result, it is all too frequently the case that transition plans provide meaningless goals and inadequate services. Listing on an IEP that a child “will visit a job fair” or “review a college catalogue” (which frequently can amount to the totality of the plan) is not a substitute for an IEP that addresses such items as: (a) home living skills; (b) financial literacy skills such as making a budget, opening a bank account, using an ATM, applying for and utilizing credit cards, filing taxes; (c) health and wellness such as first aid, sex education, nutrition, medication, doctor visits, exercise; (d) transportation skills such as routine car maintenance, pumping gas, buying insurance, registration, following traffic laws, using a GPS system or utilizing public transportation; and (e) employability skills such as interviewing, filling out job applications, creating a resume, proficiency in basic technology, managing time, flexibility and adaptability, etc. Studies also show that coordinating transition services with representatives from post-secondary educational institutions and vocational rehabilitation specialists greatly increases outcomes for children with disabilities. But, these key players are often missing from the ­transition planning process.

Second, schools frequently do not understand what they need to do to prepare many of their exceptional children for work, college, and independent living. Many of these children may need to learn self-advocacy skills, networking skills, and other “soft skills” that are vital for career success. While typical adults take many of these skills for granted, many exceptional students need these skills explicitly taught.

Third, school staff frequently have low expectations for children with disabilities, particularly children with cognitive disabilities, even though research demonstrates that higher expectations correlate with greater success.

Fourth, there are not enough attorneys initiating litigation over inadequate transition plans. Without lawyers holding a school district’s feet to the fire, it is easy for overwhelmed and under-resourced school staff to cut corners and provide plans that are simply inadequate.

Finally, some courts, through overly formalistic legal interpretations and judicially manufactured constructs, have given school districts a pass on robust transition planning.

The importance of a comprehensive ­transition plan cannot be overstated. As studies show both for children with and without disabilities, the single biggest indicator for post-high-school success is post-secondary school education. A.S. had a strong and sophisticated parent who knew to advocate for his son. He challenged the public school and pushed for a comprehensive transition plan. When the school was out of compliance with the law, A.S.’s father repeatedly filed suit under the IDEA and won before the administrative tribunal. Due largely to his father’s advocacy, A.S. was enrolled in Temple University’s Academy for Adult Learning, which provides young

adults with intellectual disabilities full integration into campus life where they have access to undergraduate and continuing education courses, vocational paths, and social experiences. He is now enrolled in a local community college for the purpose of obtaining an associate degree. The IDEA proved to be a success story for A.S. However, A.S.'s story could have turned out similar to what happened to another young man, T.K. T.K. is now in his twenties. T.K. presents with specific learning disabilities in reading, writing and math. T.K. did not have a strong parent advocate, and T.K. received a skeletal transition plan. T.K. dropped out of high school before he completed 12th grade. Unfortunately, he has been unable to acquire a stable job that allows him to be financially secure and to support his young child. He has also been involved in the criminal justice system. He battles depression. One wonders how his situation may have been different had he received a more robust IEP that included a transition plan that fully prepared him for post-secondary educational, vocational and community living. If we are to fulfill the purpose of the IDEA, school districts and parents must come together to plan for their students to obtain outcomes that are more like A.S.'s than T.K.'s. When the parties are unable to agree, courts must hold districts accountable to ensure that these ­exceptional young adults are given a ­reasonable ­opportunity to succeed. •

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