



Transition Services for Students

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School District, Department of Rehabilitation, and Regional Center Services

Students with disabilities can get help as they move into adult life. This process is called TRANSITION. This fact sheet is about how different agencies should help young people with transition. These agencies are school districts and the Department of Rehabilitation. Some young people are also clients of a regional center. Regional centers also have to help with transition.

School Districts

1. Transition Planning Must Start by Age 16.

The school district must start Transition planning when you are 16 years old.¹ You also can ask the school to start transition planning before you are age 16. It is good to start early for students with significant disabilities. Students who are at risk of dropping out of school should also start early.

You and your Individualized Education Plan (IEP) team will hold a meeting to plan for your transition services. You and your IEP team will write up an Individual Transition Plan. This is also called an ITP. You can do this as part of your regular IEP meeting. Or, you can plan for your Transition services at

¹ 20 United States Code (USC) Sec. 1414(d)(1)(A)(i)(VIII); 34 C.F.R. Sec. 300.320(b).

a special IEP team meeting. A separate meeting will give you more time to talk about your ideas and what you want to do. You and your IEP team will write up an Individual Transition Plan, and it becomes part of your IEP.

2. What goes in Your Individual Transition Plan?

Your Individual Transition Plan will have two parts:

- Part One is about what you want to do when you are an adult. These are your GOALS.² You and your IEP Team should look at your goals every year.³
- Part Two is about what you need to do to reach your GOALS. These are called “ACTIVITIES.” Your transition plan should have a coordinated set of activities to help you reach you future goals.

Part One: Goals

Your transition plan should have long-term future GOALS. Your long-term future goals will be things like whether or not you plan to go to college, what type of college and/or vocational program you plan to attend, and what type of work you plan to do.

You should also have short-term goals. These are things you can finish in one year or less. These are things that will help you meet your long-term future goals.

An example of a long-term goal could be: “student will attend a community college and study computer science.”

² 34 C.F.R Sec. 300.320(b)(1).

³ 20 United States Code (USC) Sec. 1414(d)(1)(A)(i)(VIII); 34 C.F.R. Sec. 300.320(b).

An example of a specific, annual goal could be: “student will complete an essay about her life that meets the requirements for a college entrance essay.”

All your goals should be based on your own special needs. Your goals should be things that can be measured. Your goals should be based on assessments. These assessments should help you figure out what things you want to do, what you are good at, what work you may want to do.

Part Two: Activities

Your transition plan should have a coordinated set of ACTIVITIES to help you meet your goal for your life after high school. Your activities should focus on increasing your academic and independent living skills so you can transition smoothly from high school to college, a vocational training program, work, or other post high school activity. Your activities should also include a functional vocational assessment.⁴

Your coordinated set of activities may include:

Instructional Services

An instructional service is a class that helps you get the skills you need to meet your long-term goals. For example, if you want to work with computers, your instructional service will be a class on computers. Or, if you want to be a cook, your instructional service will be assignments to help you learn to read recipes.⁵

Community Experiences

⁴ 20 U.S.C. Sec. 1401(34); 34 C.F.R. Sec. 300.43 (a).

⁵ 20 U.S.C. Sec. 1401(34)(c); 34 C.F.R. Sec. 300.43(a)(2)(i).

Community experiences can help you with your participation in your community. An example of a community experience is helping you meet people in your community that will support you in achieving your goals and in living independently.⁶

Employment-Related Objectives

Employment-Related Objectives can help inform you on what jobs might be available in your area. Employment-Related Objectives can also inform you on what you need to do to qualify and prepare for training, college, or supported employment after high school.⁷

Related Services

Related services are services other than instruction to help you achieve your educational goals. Examples of related services are:

- Speech therapy,
- Occupational therapy,
- Career guidance,
- Transportation to vocational training or independent living sites,
- Counseling services to help you learn coping skills related to going to college or working, and
- Social work services to help you connect with agencies that can help you meet your long-term goals.⁸

Daily Living Skills

⁶ 20 U.S.C. Sec. 1401(34)(c); 34 C.F.R. Sec. 300.43(a)(2)(iii).

⁷ 20 U.S.C. Sec. 1401(34)(c); 34 C.F.R. Sec. 300.43(a)(2)(iv).

⁸ 20 U.S.C. Sec. 1401(34)(c); 34 C.F.R. Sec. 300.43(a)(2)(ii).

Daily Living Skills can help you if you need practice in activities like preparing meals, shopping, budgeting, maintaining a home, paying bills, grooming, or traveling on public transportation.⁹

Functional Evaluation

If you need help developing your employment goal, a functional evaluation can give you guidance. The evaluation assesses you in a situation that is similar to the type of work which you are interested and gives you practical information about your strengths and skills.¹⁰

3. How to Prepare for your ITP Meeting

Before your ITP meeting, it may be useful for you to list your strengths, needs, dreams, fears, and wishes for your future. This can help prepare you for what you want to discuss at your ITP meeting. You should be able to fully understand and participate in the planning process. You are allowed to ask questions, bring a friend or support person with you.¹¹ If you do not attend the ITP meeting, the school district must take other steps to make sure that your preferences and interests are considered.¹²

⁹ 20 U.S.C. Sec. 1401(34)(c); 34 C.F.R. Sec. 300.43(a)(2)(v).

¹⁰ 20 U.S.C. Sec. 1401(34)(c); 34 C.F.R. Sec. 300.43(a)(2)(v).

¹¹ 34 C.F.R. Sec. 300.321(b)(1).

¹² 34 C.F.R. Sec. 300.321(b)(2).

Department of Rehabilitation (DOR)

1. Transition Planning Can Include a Representative from the DOR

You can request that the school district invite a DOR representative to the ITP meeting. You should request this in writing, and the writing should include your consent and your parent's consent.¹³

It is important to have a DOR representative at your transition meeting because the DOR can provide transition services to help you reach your employment goal.¹⁴

The DOR is responsible to determine whether you can receive the transitional services they provide.¹⁵ To be eligible, the DOR would have to determine that: (1) your physical or mental impairment causes a substantial impediment to employment, (2) you can benefit in terms of an employment outcome from their vocational rehabilitation services, and (3) you require vocational rehabilitation services to prepare for, obtain, or regain employment.¹⁶

If DOR is unavailable to attend your transition meeting, you still have the right to apply for DOR services to determine if you will be eligible.

¹³ 34 C.F.R. Sec. 300.321(b)(3).

¹⁴ Tit. 9 C.C.R. Secs. 7028.6 and 7149(r).

¹⁵ State Interagency Agreement Between the California Department of Education and the California Department of Rehabilitation ("Interagency Agreement"). The Interagency Agreement is attached at the end of this publication.

¹⁶ Rehab. Act of 1973 (Rehab. Act) Secs. 102(a)(1) and 7(20)(A).

For more information on DOR eligibility, please see:

<http://www.disabilityrightsca.org/pubs/540101.pdf>

If the DOR finds that you are eligible for their services, the DOR must develop your Individualized Plan for Employment (IPE) as early as possible during your transition planning, but, at the latest, by the time you leave school.¹⁷

2. What goes in Your Individualized Plan for Employment (IPE)?

Your Individualized Plan for Employment will have two parts:

- Part One: Identify your VOCATIONAL GOAL;
- Part Two: Identify and list the VOCATIONAL REHABILITATION SERVICES that DOR will provide in order to help you reach your vocational goal.¹⁸

Part One: Identify Your Vocational Goal

Your vocational goal is your employment goal. An example of a vocational goal could be: “student will become employed as a paralegal.”

Part Two: List of Vocational Rehabilitation Services to Help You Reach Your Vocational Goal

Once you identify your vocational goal in part one, part two of your Individualized Plan for Employment should list the services to help you reach that goal.

¹⁷ Tit. 9 C.C.R. Sec. 7131.2(a); 34 CFR 361.22(a)(2).

¹⁸ Tit. 9 C.C.R. Sec. 7131(a)(1) and (2).

For example, if your vocational goal is to become a paralegal, the list of services could be: funding for the paralegal school tuition, books, and transportation to and from school.

It is important to make sure your IPE identifies all of the services that you need in order to meet your employment goal. Once you have an IPE, DOR is responsible for providing and paying for the transition services agreed upon in the IPE.¹⁹ DOR is responsible for providing and paying for the transition services agreed upon in the IPE for the period that the individual is participating in the VR program as reflected in the individual's IPE.²⁰

3. What is a Workability Program?

A Workability Program provides employment-related services in an educational setting. There are four different types of Workability Programs:

- Workability I provides high school students with vocational training and services;
- Workability II provides students in Adult Education and Regional Occupational Programs with direct vocational training;
- Workability III provides students in community colleges with vocational services, such as career development and college success classes, in order to facilitate the completion of a two-year certificate, degree, or a transfer program; and
- Workability IV provides students in state universities with vocational services, such as career counseling and training programs, in order to bridge the gap between education and on-the-job experience.

¹⁹ DOR State Plan 2012, Attachment 4.8(b)(2) ("DOR State Plan"), Page 3 (Found at: <http://www.rehab.cahwnet.gov/Public/DOR-State-Plan.html>); Tit. 9 C.C.R. Secs.7028.6,7131.2 and 7149.

²⁰ DOR State Plan, Page 3.

If you have a disagreement with or questions about the Workability Program, call Disability Rights California for further information.

For more information on the Workability Program, you can also read: <http://www.cde.ca.gov/sp/se/sr/wrkabltyl.asp>

Regional Centers

1. Regional Centers should also help their Clients with Transition

Some young people are clients of the regional center, and the regional center should help them with their Transition.

The regional center may provide the following independent living and vocational services:

- competitive employment,
- self-employment,
- supported employment,
- adult development centers or day programs,
- supported living,
- work activity programs/centers, and
- behavior management program.²¹

If these programs do not meet your needs, the regional center can develop a program tailored to meet your needs.²²

However, the regional center does not provide some of the services listed above to students between 18 and 22 years old who are eligible for special

²¹ W.I.C. Sec. 4512(b).

²² W.I.C. Sec. 4512(b).

education and have not received a diploma or certificate of completion from high school.²³ But there are exemptions in the law.²⁴

For more information, see the fact sheet entitled *Special Education Instead of Adult Services for Consumers Between the Ages of 18-22* available online at: <http://www.disabilityrightsca.org/pubs/F05001.pdf>

2. What Goes in Your Individual Program Plan?

If you are a regional center consumer, it is important that the regional center develops an IPP that meets your needs and reflect your choices and preferences. Your IPP meeting will determine the independent living and vocational services to be included in your IPP.

The IPP meeting should focus on you. This is called “person-centered” planning. When the planning is centered on you, your IPP should work toward the future that you want for yourself.²⁵

For more information regarding regional center services, see the publication entitled *Rights Under the Lanterman Act: Regional Center Services for People with Developmental Disabilities*, available online at <http://www.disabilityrightsca.org/pubs/506301.pdf>

²³ W.I.C. Sec. 4648.55.

²⁴ W.I.C. Sec. 4648.55(d).

²⁵ W.I.C. Sec. 4646(a).

Other Questions

1. What if I request a service and the School District and DOR both say that the other agency should provide the service?

The provider of the service depends on the purpose of the service. If the service is for an *educational* goal, the *school district* should list it in the IEP and fund the service. If the service is for a *vocational* goal, *DOR* should list it in the IPE and fund the service. This arrangement is in the *Interagency Agreement* between the California Department of Education and the California Department of Rehabilitation.

The Interagency Agreement provides the following example:

If a student needs assistive technology equipment to help the student in school, the school district should list the equipment in the student's IEP and provide it.

If the student needs assistive technology equipment to help reach her employment goal as she transitions into the world of work, the DOR should list the equipment in the student's IPE and provide it.²⁶

The school district is primarily responsible for providing your educational services until you graduate from or exit high school.²⁷ The school district must make sure that each student with a disability has a free appropriate public education according to his/her IEP.²⁸ By law, the IEP team must

²⁶ DOR State Plan, Page 3.

²⁷ 34 C.F.R. Sec. 300.102; Cal. Ed. Code Sec. 56026(c)(4) & 56026.1; DOR State Plan, Page 3.

²⁸ Title 20 U.S.C. Sec. 1401(9); Title 34 Code of Federal Regulations (C.F.R.) Sec. 300.17.

consider transition services for you, beginning no later than age 16. These services should be provided until you graduate or exit from high school by age 22.²⁹

However, other agencies, like the DOR, should still be responsible to provide and pay for some or all of the costs of a free appropriate public education to be provided students with disabilities.³⁰

The purpose of the interagency agreements is to make sure that all public agencies responsible for providing services that are also considered special education services, fulfill their responsibilities.³¹ ***If an agency, such as DOR, does not fulfill its obligation, the school must provide the needed services, but has the right to seek reimbursement from the public agency.***³²

DOR must pay for the transition services listed in your IPE for as long as you are participating in the DOR program.³³ In general, the DOR is the agency that is responsible for providing vocational rehabilitation services to individuals with disabilities who need these services to prepare for, secure, retain, or regain and employment outcome.³⁴ Vocational rehabilitation services can include services such as assistance in securing employment

²⁹ 20 U.S.C. Sec. 1414(d)(1)(A)(i)(VIII); 34 C.F.R. Sec. 300.320(b); Cal. Ed. Code Sec. 56026(c)(4).

³⁰ 20 U.S.C. Secs 1412(a)(12); 34 C.F.R. Secs. 300.324(b) and (c).

³¹ 20 U.S.C. Sec. 1412(a)(12)(B)(ii).

³² 20 U.S.C. Sec. 1412(a)(12)(B)(ii).

³³ Tit. 9 C.C.R. Secs. 7028.6 and 7149(r).

³⁴ Tit. 9 C.C.R. Sec. 7149.

with supported employment, transition to and assistance/support for post-secondary education, or additional training needed to meet an employment goal.³⁵

In conclusion, if the service is listed in an IEP or an IPE, the responsible agency identified in the document should pay for the services. However, if the services have been identified as a need, the school district can fund the services and seek reimbursement from DOR if the services are needed in order to further a vocational goal.

2. What if I Don't Agree with the Transition Plan Provided to Me by the School District?

If you and the school district do not agree about what should go into your transition plan, you may file a due process complaint and request a hearing. If you decide to file a due process complaint, you must file your due process complaint with the Office of Administrative Hearings within two years from the date that you knew (or had reason to know) of the facts for your complaint.

3. What if the School District isn't providing the services we agreed on in my transition plan?

If the school district is not providing the services you agreed on in your transition plan, you may file a compliance complaint with the California Department of Education. The California Department of Education must receive your complaint no later than one year after you claim the violation of special education law occurred.

³⁵ Interagency Cooperative Agreement, Page 17.

You can find more information regarding due process and complaint procedures in the Special Education Rights and Responsibilities publication, available online at:

<http://www.disabilityrightsca.org/pubs/504001Ch06.pdf>

4. What if the DOR denies a service?

If DOR denies a service, you can attempt to resolve the issue with your DOR counselor and his or her supervisor. If you are unable to resolve the problem with your counselor or supervisor, you may request that the District Administrator conduct an Administrative Review. However, you do not have to try and resolve your issue with your DOR counselor and or supervisor before you request an Administrative Review. An Administrative Review should be requested within one year of the decision with which you disagree.

If you are not satisfied with the Administrative Review, you may request mediation and/or a Fair Hearing. You must make this request in writing and within 30-days of the Administrative Review Decision.³⁶ You do not have to request an Administrative Review before filing for a mediation and/or a fair hearing. You can request a mediation and/or a Fair Hearing within one year of the decision with which you disagree. However, it may be to your benefit to discuss your concerns with your DOR counselor and or supervisor first, as well as through DOR's Administrative Review process discussed above prior to requesting a fair hearing. Many problems can be resolved locally, informally, and more expeditiously.

For information or assistance regarding DOR services you may call the Client Assistance Program (CAP). CAP is available to help you understand your rights and responsibilities involving your right to services from DOR.

³⁶ Tit. 9 C.C.R. Sec. 7353(f).

CAP advocates may be able to help you resolve problems with your DOR counselor or assist and advocate on your behalf regarding vocational services while pursuing legal, administrative, or other appropriate remedies to ensure the protection of your rights.³⁷ To get in touch with a CAP advocate please call Disability Rights California at 1-800-776-5746.

5. What if I Don't Agree with a Regional Center's Decision regarding a service?

If you are receiving a service and you disagree with the regional center's decision to change or terminate that service, you must request a fair hearing within 10 days of receiving the notice of action. Otherwise, any appeal or hearing request must be made within 30 days of the date of the notice. For information on how to appeal decisions by the regional center, read our fact sheet, *Regional Center Due Process and Hearing Rights* at <http://www.disabilityrightsca.org/pubs/F02601.pdf>; see also chapter 12 of our publication entitled *Rights Under the Lanterman Act*, which can be found at <http://www.disabilityrightsca.org/pubs/506301Ch12.pdf>

6. What is a Section 4731 Complaint?

You may file a Section 4731 Complaint if the regional center breaks the law or violates a regulation. This means that if your rights have been violated or denied, filing a Section 4731 Complaint may be the appropriate legal procedure. You can file a Section 4731 Complaint if the regional center does not follow a decision of an Administrative Law Judge ("ALJ") or if they do not make sure you get the services listed in your IPP.

A Section 4731 Complaint is not the same as a fair hearing appeal. You cannot file a complaint to solve a disagreement about the amount of services you get or the types of support in your IPP. A Section 4731

³⁷ See generally 29 U.S.C. Sec. 732.

Complaint is only used if the regional center, development center, or service provider breaks the law or violates a regulation.

For example, the regional center is breaking the law if: they do not provide services in your IPP, or they do not do what the ALJ decides. You can file a Section 4731 Complaint against a regional center, developmental center, or a service provider (like community care facilities, day programs, or any transportation services hired by the regional center).³⁸ To file your complaint, write to the director of your regional center. For more information on how to file a Section 4731 complaint, see chapter 12 of the *Rights Under the Lanterman Act Manual*.

7. What is the Office of Client's Rights Advocacy (OCRA)?

If you have questions or assistance with your regional center services, you may call the Office of Client's Rights Advocacy (OCRA). OCRA can help you understand your rights and responsibilities involving your right to services from regional center and other programs. OCRA advocates may be able to help you resolve problems while pursuing legal, administrative, or other appropriate remedies to ensure the protection of your rights. To contact OCRA, call 1-800-390-7032.

8. Helpful Resources

The following link is CalSTAT's publication re: "Transition: School to Adult Life".

<http://www.calstat.org/transitionmessages.html>

The following link is to CalSTAT's resources related to Transition.

³⁸ § 4731(b).

<http://www.catransitionalliance.org/resources/>

You may also prepare for your transition plan by visiting the following website: <https://www.dor.ca.gov/Workforce-Development/Youth-Transition-Resources.html>

If you have questions, you may contact Disability Rights California at 1-800-776-5746.

Disability Rights California is funded by a variety of sources, for a complete list of funders, go to <http://www.disabilityrightsca.org/Documents/ListofGrantsAndContracts.html>.