

Writing Individualized Education Programs (IEPs) For Success

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I. Introduction

The post-school success rates of students, who have learning disabilities, as a group, have not been what we would all hope even though many individuals have been highly successful. A recent focus on greater school responsibility for the post-school life of students who have disabilities has resulted in new transition requirements. The purpose of this discussion is to present a different approach to writing IEPs, with special attention to the transition component. This approach results in IEPs which, unlike most IEP's, are both educationally useful and legally correct.

The Promise

After nearly seventeen years of life the Individual Education Program (IEP)-- the heart and soul of the Individuals with Disabilities Education Act (IDEA) -- is still in it's infancy, it's great potential unrealized and unappreciated. The IEP process and product frequently have been distorted beyond recognition. The purpose of this discussion is to show how the IEP process can work to produce IEPs that are both educationally useful and legally correct. The essence of legal correctness is that the IEP is tailored precisely to all the unique needs of the individual student. The core of educational utility is that the IEP spells out precisely how the school district will address each and every unique need and how it will determine whether and when a change in strategy or service is required. The IEP process must determine:

- (a) Which needs or characteristics of the student require special education, i.e., individualization of services;
- (b) Precisely how the district will address each need, i.e., "what special education, related services or modifications it will provide; and
- (c) how and when the efficacy of those services will be evaluated.

The IEP process must include the parent (or parent/student) as a full and equal partner, and a student whose IEP addresses "transition" must be invited to participate in the IEP process and must have her or his preferences and interests considered. These transition concerns and processes are a special focus of this discussion.

The Practice

Most IEP's are useless or slightly worse, and too many teachers experience the IEP process as always time consuming, sometimes threatening, and, too often, a pointless bureaucratic requirement. The result is a quasi-legal document to be filed away with the expectation it won't be seen again except, heaven forbid, by a monitor or compliance officer. The point of the IEP exercise seems to be to complete the given form in a way that commit the district to as little as possible, and which precludes, as much as possible, any meaningful discussion or evaluation of the student's real progress.

Parents too often experience the IEP process as an overgrown parent-teacher conference in which the school personnel present some previously prepared papers and request a signature. They may be told a few things about some "rights." Parents who attempt to participate, as equals are often intimidated into acquiescence. They are frequently given false and outrageous distortions such as, "We (the district) don't provide individual tutoring"; or "Speech therapy is always done by the regular classroom teacher and the speech therapist provides consultation services to her"; or "We are a full inclusion school and have no special classes or resource rooms because we don't believe in pull-out programs." When such limiting and blatantly illegal practices are presented as if they are simple fact few parents are adequately prepared to challenge the district.

A Better Way

The IEP process and product can be both educationally useful and legally correct. The first step toward that end is for the district to provide an appropriate time and place for the IEP meeting, The place should be physically comfortable and the meeting time and length appropriate. The law requires the meeting be at a mutually agreed on time and place. Too often parents are not aware they have any say in either. Districts must also be careful to avoid unrealistically short meetings, especially for initial, complex or disputed IEP's.

The only legitimate focus of an IEP meeting is on the special needs of the student and how those are to be addressed. There may be a temptation for district personnel to sidestep into policy explanations or justifications or into what the parents have done or not done. If the student is not present at the IEP meeting a strategically placed photo of the youngster can serve to help all participants stay focused on the needs of that student. Many IEP meetings lose this essential focus and wander, becoming inefficient and frustrating for all.

The single most important principle of the IEP process is that the school must appropriately address all the student's unique needs without regard to the availability of needed services. Prior to the passage of IDEA (then P.L. 94-142) in 1975, schools were legally free to offer only the programs or services, if any, they had available. Parents were supposed to be grateful for anything at all that was provided. The primary purpose of the law was to turn that squarely around and entitle the student who has a disability to a free appropriate education individually designed to meet her or his unique needs. Educators who have entered the field in the last twenty years lack this historical perspective and too easily revert to the pre-IDEA mentality of trying to stretch existing programs and services to fit the students. Instead they must start with the student and design services to fit the student's needs, however unique they may be.

The Participants

Sometimes parents report that only a teacher was at the IEP meeting; other times a seeming army of district personnel confront them. The law specifies that in addition to the parent and student (if the parent so wishes) a teacher of the student and a district representative must be present. The IDEA regulations allow the district substantial discretion in determining which teacher will be at the IEP meeting. Since, in theory, the IEP team is addressing the student's needs above all, it would seem reasonable to select a teacher who knows the student well. In addition, at least one team member must be qualified (by state standards) in the area of the student's disability. If this is not the teacher, it must be the district representative (Mcintire, 16 EHLR 163, (OSEP, 1990)). Students at middle school or high school most often have several teachers. The law does not require that they all attend, but good special education practice suggests their input should be sought and they most certainly should be informed of the IEP's provisions.

The district representative must provide or be qualified to supervise special education, have the authority to allocate district resources, and be able to guarantee no administrative veto of the IEP team's decisions (34 CFR Part 300 Appendix C, 13). These qualifications are the law's way of insuring that the IEP team, and it alone, has the power to determine what services the student needs and, therefore, will receive. The evaluation team, often called the multi-disciplinary team, determines eligibility, but only recommends services.

All members of the IEP team should remember the enormous power and responsibility that is theirs. When the IEP specifies a service is needed, the district must provide it. Too often parents are given a very different impression, i.e., that only what is already available can be provided and often in smaller than needed amounts. This critical difference between the law and practice is typified by the common situation, e.g., where the parent believes the student who has a learning disability needs intensive, individual, daily language therapy and is told by the speech therapist that since the therapist is only in that building on Mondays and Wednesdays the student will be included in an ongoing 20 minute speech therapy group on those two days.

In addition to the parent (and perhaps student), teacher, and the district representative, the first IEP meeting for a given student must be attended by a member of the evaluation team or someone familiar with the evaluation. In addition, either the district or the parent may invite anyone else. The district must, however, inform the parent ahead of time of all district invited persons who will be at the IEP meeting. There is no similar requirement for parents to inform the district of anyone they may invite.

The fact the law does not require related services personnel to be present may be highly significant. The IDEA regulations (34 CFR Part 300 Appendix A) advise that related service personnel provide written recommendations to the IEP team about the nature, frequency and amount of service to be provided. Arguably, there is no requirement that goals and objectives are necessary for related services. If related service goals and objectives are required they may be of the sort a teacher and parent could write. Since related services include only those necessary to enable the student to benefit from special education it stands to reason that the goals and objectives to be accomplished by the related services would appear as goals for the special education services. The focus on the related services components of the IEP is on specifying the amount of service and the outcome is reflected in the goals and objectives for special education. The related services are not ends in themselves, but rather enablers.

Contents of the IEP

The federal requirements for the contents of the IEP are straightforward. The individualized education program for each child must include:

- (a) A statement of the student's present levels of education performance;
- (b) A statement of annual goals, including short term instructional objectives;
- (c) A statement of the specific special education and related services to be provided to the student, and the extent to which the student will be able to participate in regular educational programs;
- (d) A statement of the needed transition services for students beginning no later than age 16 and annually thereafter (and if determined appropriate for an individual student, beginning at age 14, or younger), including, if appropriate, a statement of each public agency's and each participating agency's responsibilities or linkages, or both, before the student leaves the school setting;
- (e) The projected dates for initiation of services and the anticipated duration of the services; and (f) Appropriate objective criteria and evaluation procedures and schedules for determining, on at least an annual basis, whether the short term instructional objectives are being achieved. (34-CFR 300.346).

Legal Rulings on IEP's

These five general principles, among others, emerge clearly from a review of the hundreds of past IEP rulings from agencies and courts:

- (1) All of a student's unique needs must be addressed, not just her or his academic needs, e.g., *Russell v. Jefferson Sch. Dist.*, 609 F. Supp. 605, (N.D. CA 1985); *Abrahamson v. Hershman*, 701 F.2nd 223, (1st Cir. 1983). Arguably, no "non-unique" needs have to be addressed.
- (2) The availability of services may not be considered in writing the IEP. If a service is needed it must be written on the IEP and if the district does not have it available, it must be provided by another agency. One of the earliest of all the agency rulings mandated that availability of services be disregarded in writing the IEP (*Leconte*, EHLR 211:146, OSEP, 1979). This principle has been reiterated repeatedly by the Office of Special Education and Rehabilitative Services (OSERS) and the Office of Special Education Programs (OSEP) and virtually ignored by the field.
- (3) The IEP is a firm, legally binding "commitment of resources." The district must provide the services listed or the IEP must be amended (*Beck*, EHLR 211:145 (OSEP 1979)).
- (4) IEPs must be individualized. The same goals, same content areas, same discipline or the same amounts of therapy on many IEPs (e.g., every student who receives speech therapy in a particular building receives 30 minutes daily) reveals a violation of this individualization requirement (*Tucson, AZ Unified Sch. Dist. #1*, EHLR 352.547 (OCR 1987)).

- (5) All of the components of the IEP required by law (e.g., goals and objectives, specific special education and related services) must be present.

II. Developing the IEP

The proper team has assembled, the student's photo is prominently placed, the calming herbal tea has been served, the tape recorder is on and the newsprint is on the easel. It is time to begin developing the IEP. A three-step IEP development process is strongly recommended:

- (a) List the student's unique characteristics or needs that require individualization (and which entitle the student to individualized services);
 - (b) Determine and specify the district-provided services and modifications that will appropriately address each need; and
 - (c) Write the goals and objectives that will be accomplished by the student if the services and modifications are appropriate and effective.
- An IEP "Non-Form" consisting solely of a blank piece of paper oriented horizontally can accommodate this process far better than existing forms. Divide the paper into thirds and label the three columns something like:
- (1) Student's Needs;
 - (2) Services; and
 - (3) Evaluation of Services.

Other headings that work well are (a) Individualize because... (b) What the district will do; (c) How we'll know it is working.

The Student's Unique Characteristics or Needs

First, the IEP team must determine the student's unique characteristics or needs to which the special services will be directed. One helpful way to learn to think in terms of these essential characteristics is to imagine that you are describing the student to a volunteer who has never met the student and is going to take him or her camping for a week. The IEP is required to address only the portions or aspects of the student's education that need to be individualized. The student should be visible in the IEP. Too many IEPs reveal only the academic program available in the resource room and show nothing whatsoever about the student. The primary focus of the IEP is going to be the specification of services. This initial step is to determine what is necessitating the services.

If we complete the statement, "We are individualizing Johnny's program because _____" those "because" are his unique needs. The "because" may be such things as: (a) he is reading several years behind where he should be; (b) he is unable to organize his assignments, homework; or (c) his attention is too easily distracted away from work, etc. These are the exact needs to be addressed in the next column. When a legal dispute arises about a student's program, a common concern is whether the services provided addressed all the student's special needs. Those special needs are what must be specified in this first stage of IEP development. It is difficult to imagine how one could either attack or defend the services offered to meet unique needs unless those needs had been specified. In addition to the real world knowledge the IEP team members have about the student's characteristics/ needs, it may be helpful to consult any current evaluations. This is particularly important for the first IEP, which immediately follows the evaluation, which found the student to be IDEA eligible. Some evaluations fail to address a student's special needs; others can be very helpful.

Characteristics or needs will often "cluster." The team may well decide in the next stage that one service will address more than one characteristic or need. However, at this point it is important to just "brainstorm" and list all the unique characteristics that require individualized attention. Sometimes the natural flow seems to be to work "across" the IEP Non-Form, i.e., when a characteristic has been identified, to then decide what service or accommodation will address it and finally determine the goals and objectives for that service that will indicate its appropriateness. Other times it may be better to list all the characteristics first, then move to services and then to goals. Either way, or a combination, is perfectly OK.

Examples of characteristics (not all from the same student) in both academic and social-emotional-behavioral areas follow. Remember that for each, the next inquiry will be, "What will the district do about this?" Some examples of unique characteristics or needs in academic areas are:

- (a) Handwriting that is slow, labored, "drawn," nearly illegible due to improper size and spacing of letters and words;
- (b) Lacks understanding of place value and regrouping in both addition and subtraction;
- (c) Attributes literal, concrete meaning to everything he hears and reads; doesn't get jokes or slang;
- (d) Understands spoken language, decodes words accurately, but does not comprehend material read independently; oral reading reveals severe lack of expression and no attention to punctuation;
- (e) Works very slowly, becomes upset if he makes a mistake, quits and refuses to continue if paper is "messy";
- (f) Answers before thinking, both in oral and written work; work is impulsive; many "careless" errors; and
- (g) Gets arithmetic problems "messed up" and copies them incorrectly off board and out of book. Lines up problems incorrectly and also lines up answers wrong in multiplication and division.

The law requires that the Present Level of Performance (PLOP) in these areas of need be indicated in a way that is readily understandable and is precise enough to allow us to measure progress. The PLOP can appear either as an elaboration of the characteristic or need or as the chronological beginning point in a succession of PLOP, behavioral objectives, and annual goal. The PLOP is now, the objectives are short-term goals, and the goal is where the student is headed by the end of a year.

If the PLOP is treated as a quantification of the characteristic or need, then a PLOP for the slow, barely legible handwriting in example (a) above might be "copies 5 words per minute with 1 or 2 of the words illegible."

Some characteristics or needs are sufficiently descriptive as they are and need no quantification, e.g., lacks understanding of place value and regrouping. To say that the student performs zero regrouping problems correctly adds little to the description.

Sometimes a present level of performance can be best described by a work sample. A picture can speak very loudly, as in a timed handwriting sample, which could be attached to the IEP as a PLOP. Such a sample can reveal both quality (content) of written expression as well as mechanics of handwriting.

Some examples of unique characteristics or needs in social-emotional- behavioral areas would be:

- (a) Shy; no friends; never volunteers in class; never initiates social contact with other children;
- (b) Bully; doesn't know how to play with other children; physically aggressive with smaller children;
- (c) Over-reacts and has temper outbursts; is noncompliant; pouts and whines; is sullen and negative when suggestions are made; and
- (d) Short attention span; easily distracted by sounds.

These characteristics would be treated just the same as academic needs. A PLOP would be added if necessary and then the team would ask what the district will do about the bullying or the shyness or short attention span.

The Special Education, Related Services and Modifications - the District's "Will Do's"

The second inquiry the team should make is, "How will the district respond to each of the student's needs? What will we do about Joe's need for help in making friends? What will we do about Toni's tendency to work rapidly and carelessly? What will we do about Manuel's anger problem?" The special education, related services or modifications the district will provide can be conveniently thought of as the "district do's." The "do's" are listed in the middle column of the Non-Form. They may be as creative, flexible, innovative, and often inexpensive as the team's brainstorming and combined wisdom allow. This listing of services becomes the "Special Education and Related Services" which the law requires be on the IEP and which is too often omitted or simply perverted into a mere check mark or a percentage of time in special education. The amount of related services such as speech therapy or physical therapy that is needed must be shown, along with the date the service is to begin and the anticipated duration of the service.

One of the interesting issues about services is the question of whether methodology need be specified. If, for example, the service is remedial reading, must the method be spelled out? In general the answer is "no". In 1977, when the IDEA rules were first proposed, they would have mandated that methodology and instructional materials were to be included in IEP's. However, when the rules became final that requirement had been dropped. In the meantime, some states and districts had moved quickly and already had forms that included methods and materials. It is not unusual to find those forms still in use. One disadvantage of including method is that so doing means an IEP meeting would have to be called to change the method. If method isn't on the IEP it can be changed unilaterally as the teacher sees fit.

Methodology becomes a source of conflict when parents are convinced their child will receive benefit from a particular method and will not benefit from the method the district wants to use. The most frequently sought methods are a particular method of communication for students who are deaf and direct instruction and/or phonics based reading programs for students who are learning disabled. Almost all courts agree that schools may usually select the method. However, in rare cases parents have been able to show that a particular method is necessary to allow the IEP to be "reasonably calculated" to allow benefit, e.g., *Hawaii Dept. of Education v. Tara H.*, Civ. No. 86-1161, (D.HI 1987). It is extremely important to note, as no court has yet done, that when the U.S. Supreme Court said methodology should be left to the state (school) it said so in the context of presuming the school had expertise in all relevant, effective methods (*Board of Ed. v. Rowley*, 102 S.Ct. 3034, (1982)). This is not usually the case.

A common and interesting question related to these "District To Do" services relates to in-service training for teachers. Rob, e.g., has Tourette syndrome and needs a teacher who is knowledgeable about how his involuntary vocalizations are affected by stress. The agreed upon service to be provided by the district is in-service training by the local physician for all the school staff. Does that "district do" belong on Rob's IEP? Yes, it does. It is a service to meet his unique need. One concern is that such a service doesn't lend itself directly to a goal formulated in terms of Rob's behavior. This concern is easily addressed by looking to what we hope to see in Rob's behavior as a result of having an informed, sympathetic teacher who assists him in avoiding unnecessary stress. One obvious answer is improved academic performance. Other outcomes could be a direct decrease in frequency and severity of his symptoms and an increase in socialization.

Another issue is that the service is not being provided directly to Rob. Legally, an important question is whether Rob is receiving some special education, i.e., some specially designed instruction to meet his unique needs, which is delivered by qualified special education personnel. If he is not receiving any special education, as defined in the law, he is either not eligible under IDEA or he is not receiving the free appropriate education to which he is entitled. If he is receiving special education then it does not matter how the in-service training for his teachers is conceptualized. Logically, in-service staff training is perfectly analogous to parent training and is, therefore, a related service. If so, it is important to specify, as for all related services, how much in-service is to be provided and when.

For many years some districts resisted including on IEP's the modifications needed in the regular classroom. However, it is well settled law that they must be included. A checklist of types of modifications (e.g., in grading, discipline, assignments, texts, tests, etc.) can be helpful to insure all necessary modifications are addressed.

The Present Levels of Performance, Goals and Objectives - Evaluating the District "Do's"

The third step, after the needs have been delineated and the services specified, is to write the required annual goal and behavioral objectives for each special education service or cluster of services. The clustering of services can be very efficient as well as conceptually illuminating. For example, think of a secondary student who has a severe learning disability affecting his written expression. He might need several services including keyboarding instruction, tutoring in writing, modifications in test taking and length of written assignments, substitution of oral presentations for some term papers, and modified grading. The entire service cluster could be reasonably evaluated in terms of his improved

rates of successful course completion and attendance. Other goals could also be very appropriate. The point is that just as characteristics or needs can be clustered to provide one service, so services can be clustered to be assessed by a common, single goal.

Writing goals and objectives begins with asking, "If the service we are providing is effective, what will we see in Todd's behavior that tells us so?" The purpose of the mandated goals and objectives is to evaluate the service. We need to know when or if to change what we're doing, to change the service we are providing. As long as we're on track and the child is making reasonable progress we just keep going. That's why objectives are to be statements of how far the student will progress toward the annual goal (12 month objective) by when.

One of the common and major problems with goals and objectives is that they are not taken seriously by their writers who have no intention of actually checking whether the student has reached them or not. It is as if we never understood the most basic tenet of the IEP, i.e., that we are going to try the listed services and see if they work for that student. The goals and objectives are to be real. They are to be used to evaluate program effectiveness. They are not just legal requirements to be completed and filed. The contrast can be seen easily.

Examples of Annual Goals	
Real Goal	Not Real Goal
Joe will have no more than 5 unexcused absences/tardies this year.	Joe will have a better attitude toward school 80% of the time.
Sara will participate regularly in a supervised extra-curricular activity that meets weekly.	Sara will make wise choices in her use of leisure time.
Max will maintain a C+ average in his regular classes.	Max will be 75% successful in the mainstream.
Beth will pass upper body strength items on the fitness test.	Beth will show an appropriate level of upper body strength.

One easy and effective way to include the mandated present levels of performance (PLOP) in the areas of concern is to use them as the beginning point in a sequence going from the PLOP to the objectives to the annual goal. This kind of sequence is illustrated in Joe's Non-Form IEP. Joe is an identified student with learning disabilities who was in the 9th grade in a very small, rural district.

Additional examples of sequences that are intended to be used to evaluate the services are shown below:

Examples of Sequences	
A: PLOP	Anita averages 10 unexcused absences/tardies per month.
Objective 1	By Feb. 1 she will have fewer than 5 unexcused absences/tardies per month.
Objective 2	By April 2 she will have fewer than 2 unexcused absences/tardies per month.
Goal	From April through June 1 she will average less than 1 unexcused absence/tardy per month.
B: PLOP	Jeremy submits fewer than half his homework assignments.
Objective 1	By Nov. 15 he will have submitted 75% of all homework assignments.
Objective 2	By Jan. 15 he will have submitted 85% of all homework assignments.
Goal	By the end of the year he will regularly submit all assigned homework on time.

C: PLOP	Jill silently reads 6 th grade material at a rate of 50-75 words per minute and correctly answers 30-40% of factual comprehension questions asked orally.
Objective 1	By Dec. 1 Jill will read 6th grade material orally at 75-100 words per minute with 0-2 errors.
Objective 2	By Mar. 1 Jill will read 6th grade material orally at 100-125 words per minute with 0-2 errors and correctly answer more than 70% of factual questions asked over the material.
Goal	By June 15 Jill will orally read 7th grade material at 75-100 words per minute with 0-2 errors and correctly answer 90% to 100% of factual questions asked over the material.

JOE'S IEP NON-FORM A			
Unique Characteristics/ Needs	Special Education, Related Services, Modifications	Begin; duration	Present levels, Objectives, Annual Goals (Objectives to include procedure, criteria, schedule)
1. More time to complete written assignments.	1. Adjust amount of work required (e.g., selected questions, page limits) and/or extend time for completion (e.g., for essays and content area assignments)	immediately, year	1-3. Present Level: Out of school for three years, completed virtually no assignments during the 9th grade Objectives: 1. Within one month,
2. Because of his attention deficits and disorders, he needs frequent access to a low-distraction environment	2.1 Provide in-classroom seating away from high distractions	immediately, year	will complete 50% or more of his assignments with grade of "C" or better. 2. Within three months, Joe will complete 80%

	<p>2.2 Provide an alternative work place for independent work (e.g., study hall, library, resource room) available to Joe on request</p> <hr/> <p>2.3 Provide in-service to all teachers on Attention Deficit Disorders</p>		<p>or more of his assignments with grades of "C" or better.</p> <p>Goal: Joe will complete classroom assignments satisfactorily.</p>
3. Needs assistance with oral and written directions	<p>3.1 Provide Joe with tape, tape recorder, and headphones and instruct Joe in using this equipment unobtrusively in any classroom settings</p> <hr/> <p>3.2 Classroom teachers will condense lengthy directions into steps and will write directions and assignments on chalkboard, wall chart, overhead transparency, hand-out, etc.</p>	by Oct. 3	
4. Joe doesn't know how to approach teachers to seek needed instruction	4.1 Provide direct instruction in teacher appropriate behaviors	20 min. daily Sept.5- Nov. 15	<p>4. Present Level: Never approaches teachers</p> <p>Objectives:</p> <ol style="list-style-type: none"> 1. Within one month, Joe and two of his teachers will agree, Joe is interacting more and more appropriately 2. Within three months, Joe and four of his teachers will agree, Joe is "appropriate" in his interactions with teachers <p>Goal: Joe will complete classroom assignments satisfactorily</p>
5. Joe is very disorganized, does not keep track of due dates, assignments, etc.	5.1 Provide appropriate materials and specific instructions in establishment and maintenance of an organizational system that includes a notebook and a calendar/checklist system	10 min. daily Sept.5-10	<p>5. Present Level: See characteristics</p> <p>Objectives:</p> <ol style="list-style-type: none"> 1. Within one week Joe will physically organize a notebook with dividers for each class and use a calendar to note assignments, due dates, etc. (checked daily by contact agent) 2. Within one month, Joe will independently use organized notebook and calendar/checklist <p>Goal: Joe will successfully use organizing aids such as a notebook and calendar</p>
6. Joe needs to learn how to deal with peers who tease him.	6.1 Provide instructions to using appropriate assertive behaviors when teased by others	1 hr. weekly Sept.5-Nov.15	<p>6. Present Level: Once or twice daily Joe reacts inappropriately to peer teasing</p> <p>Objectives:</p> <ol style="list-style-type: none"> 1. Within two weeks, in role playing situations, Joe will respond appropriately to staged teasing 2. Within six weeks, Joe will respond successfully in confrontations with peers 50% of the time (self-monitoring) 3. Within six months, Joe will respond successfully in confrontations with peers 100% of the time (self-monitoring) and the confrontations will be much less frequent <p>Goal: Joe will react appropriately to peers</p>

III. Legal Requirements for Transition Components of the IEP

Transition services must be included in all IEP's when the student reaches age 16 and may be included for younger students if deemed appropriate by the IEP team (*OSEP Letter to Anonymous*, 17 EFLR 842). Preventing school dropout is to be a major factor in determining when transition services are needed (*OSEP Letter to Bereuter* 20 IDELR 536). See also [Appendix A to IDEA 97](#)

Transition services are a coordinated set of activities that promote movement from school to such post-school activities as post-secondary education, vocational training, employment, adult services, independent living and community participation. They must be based on the individual student's needs, taking into account his or her preferences and interests. Transition services must include instruction, community experiences, and development of employment and other post school adult living objectives. If appropriate, daily living skills and functional vocational evaluation may also be included.

If the IEP team determines an individual student does not need services in one or more of these areas the IEP must contain a statement to that effect and the basis upon which the determination is made (*OSEP Letter to Cernosia* 19 IDELR 933).

See Jim's Non-Form IEP transition component for an example of such a statement regarding employment. Before the student leaves school the IEP must also contain, if appropriate, a statement of each public agency's and each participating agency's responsibilities or linkages (including financial) for the transition activities (34 CFR 300.346(d) and comment).

The IEP meeting must include a representative of the public agency providing and supervising the transition activities and, if appropriate, representatives of other participating agencies. In almost all situations the familiar district representative required for all IEP meetings would qualify as this representative. If appropriate, the student should also be there to ensure her or his needs, preferences, and interests are addressed. It is difficult to imagine circumstances where it would not be appropriate for a student who has a learning disability to be at the meeting. If the student cannot attend, other methods of participating must be used (34 CFR 300.344(c)(3)).

The ultimate responsibility for providing transition services rests with the school district (or state education agency if district fails) and there is no provision for a waiver of this requirement. Thus it applies to all public agencies to whom IDEA applies and, if a participating agency defaults on service provision, it is the school that must find an alternative way to provide the service. However, nothing in IDEA relieves a participating agency of any of its responsibility for serving or paying for services for that student.

Two 1994 due process hearings against an Iowa district resulted in rulings that the district's failure to provide appropriate transition planning and services precluded the district from graduating the student and obligated it to provide further vocational programs (*Mason City Comm. Sch. Dist.* 21 IDELR 241 and 21 IDELR 248).

Developing the Transition Component of the IEP

The **transition component of the IEP** is just that, a part of the student's regular IEP. It is not a parallel document, a separate thing, or a "transition IEP." All the IEP development requirements and procedures discussed earlier also apply to the transition component. The legal significance of transition, being but one aspect of the IEP process, is substantial. A student is entitled to those transition services, which for that student are either special education or related services necessary to enable the student to benefit from special education. The period of "benefit" to be considered has arguably been lengthened beyond school and into adult life, but the substantive entitlement is still to special education and related services, not to those plus transition services.

One logical beginning point for the transition component is with the team reaching agreement about the individual student's needs with regard to the three mandated areas of:

- (a) instruction;
- (b) community experiences; and
- (c) employment and other post-school living objectives.

If the team deems it inappropriate to address an area, presumably because the student presents no unique needs, the IEP must include the basis for that determination. The student's needs, taking into account interests and preferences, can be explored prior to the meeting and substantial input should also be sought from the parents. Questionnaires are appropriate.

Zigmond (1990) has studied extensively secondary programs for students with learning disabilities and suggested four major areas of program need. First, many of these students need, and too few receive, **intensive basic skills instruction**. Too many programs slight basic skills altogether, believing it is too late while others require students to "do" basic skills activities, but provide next to no real instruction. What Zigmond calls "**Survival Skills**" includes explicit instruction needed by most LD students in behavior control, teacher-pleasing and study skills including test taking.

The third need is for successful completion of **courses required for graduation**. As schools suffer funding cut backs, so-called basic level courses in math and English often disappear, leaving IEP teams to struggle with issues of granting graduation credit for resource room courses or for extensively modified regular courses. One legally correct solution is for the district to establish what the essential, minimum requirements are for credit toward graduation. Those may be rigorously adhered to, as long as reasonable modifications are allowed in how the requirement is met. The IEP should lay out these understandings clearly and explicitly.

Transition needs are the last area Zigmond addresses. She points out that about 12 to 30% of graduating LD students go on to college and they, of course, have transition needs related to selecting and applying to a school. She also notes that vocational education programs in high

school are not necessarily a better ticket to job success than are more academic programs. We are left realizing, again, that many secondary programs still need improvement and that we must truly look, in the IEP process, at the individual needs and situation of each student.

One of the most important additional skills needed by many students who have learning disabilities is **self-advocacy**. The student's presentation of his or her needs at the IEP meeting may itself provide one opportunity to assess and discuss self-advocacy skills. Another concern for some students with learning disabilities is passing the examinations required to obtain a driver's license. Using the same basic three-step inquiry process used in the rest of the IEP and with self-advocacy and obtaining a driver's license as the student's needs we can illustrate the inclusion of transition services on the IEP. This Non-Form is nearly identical to that used earlier to show Joe's IEP. The only difference is that the present level of performance is included in the first rather than last column. That is just another way of doing it and is unrelated to the fact we are illustrating transition.

It is important to note that the Secretary of Education has acknowledged that not all the IEP content requirements, especially goals and objectives, are appropriate for all transition services (FR 44847, discussion of 34 CFR 300.346). No IEP team should use time or energy trying to fit transition needs and services into a format including annual goals and objectives unless it truly makes sense to do so.

Confidentiality of IEP's

Many secondary teachers report they have no idea which of their students, if any, are on IEP's and that they never see the IEP even when they are informed a student has one. This is sad, perhaps sometimes even tragic. By its very nature a good IEP is always helpful and sometimes essential in providing an appropriate program for the student. Rarely is a student's disability so mild or limited that she or he requires no modifications or accommodations in regular middle school or high school classes.

When this process of hiding IEP's from teachers is questioned the common answer suggests a belief that confidentiality would be violated if IEP's were shared. While it is true IEP's are education records and must be treated as such, the [Family Educational Rights and Privacy Act \(FERPA\)](#) has an exception, which is pertinent. Under Reg. 99.31(a) of the FERPA regulations, an educational agency may disclose personally identifiable information from the education records of a student without the written consent of the parent "if the disclosure is to other school officials, including teachers, within the educational institution or local education agency who have been determined by the agency or institution to have legitimate educational interests" in that information.

Furthermore, even if there were a confidentiality problem under state law or district policy it could be readily solved by parental permission to share the IEP with all teachers. Parents should insist teachers have copies of the IEP, even if it means they themselves must provide them to the teachers. Of course, it should go without saying that the IEP should not contain any information beyond what is required. It would not be appropriate, e.g., to include the category of disability or an intelligence score, etc.

Discussion

We are all new at incorporating transition services into the IEP and into the broader world. Few rulings are yet available to assist us in understanding new requirements. Already a few areas of confusion are emerging. Several are in the direction of an unduly expansive reading of the new regulations.

First, the transition activities that must be addressed, unless the IEP team finds it unnecessary, are: (a) instruction; (b) community experiences; and (c) the development of objectives related to employment and other post-school areas. There is a tendency to confuse these three requirements with the post-school activities to which the three are to be directed, i.e., post-secondary education, vocational training, employment, adult services, independent living, etc. Many "lists" are available which can be seen as suggesting the IEP must address the latter directly rather than the former.

A second source of confusion is that by erroneously viewing the transition component of the IEP as a thing unto itself it is easy to forget that IDEA entitles the student who has a disability only to special education and related services. The transition services to which a student is entitled must fit the definition of one or the other. Therefore, each required transition service must be either specially designed instruction to meet the students' unique needs (taking into account his preferences and interests) or it must be required to enable the student to benefit from that instruction. The fact that transition services must qualify as either special education or related services may not pose a significant limitation since one could argue that almost any transition service is necessary to enable the student to reap the benefits of all the special education she or he has had to date.

A third overly broad reading is the failure to recognize that "student's preferences and interests" refers to determining the student's needs, not to delineating the services to be provided (34 CFR 300.18(b)(1)(2)). One way to approach the question of student needs is to envision a typical weekday and a typical weekend after secondary school. Is the student still living in his or her parents' home? Has she gotten an apartment? Does he know how to find apartment ads in the classifieds? How to respond to an ad? How to locate the address?

The exact process the IEP team goes through in looking into a student's post-school future and planning for it will differ from student to student, as it should. The essential elements which will not vary include student and family participation and the willingness of the IEP team to address all the areas of need-intensive and effective basic skills instruction (not just exposure and not just repetitious practice), explicit survival skills, graduation requirements, and transition.

Properly used, the IEP can be an extraordinarily useful tool in building the future we desire for our students who have learning disabilities.

JOE'S IEP NON-FORM (TRANSITION)		
Student's Needs	Special Education & Related Services	Goals & Objectives

(taking into account preferences & interests)	to be Provided and Agency Linkages & Responsibilities (L & R)	(if appropriate)
<p>INSTRUCTION</p> <p>1. Self-Advocacy (PLOP): presently Jim is unaware of his legal rights under Section 504 and ADA, and unable to express the accommodations he would need in given situations in such a large class</p>	<p>1. Small group instruction from Special Ed teacher in relevant rights & procedures under Section 504, ADA, IDEA</p> <p>Role-playing as describing needed accommodations to "employers" and "professors"</p> <p>(Services to begin Tuesday, Sept. 15, two 30-minute sessions weekly until goals are met.)</p> <p>(L & R) Protection & Advocacy will assist teacher and provide materials at no cost. Verified by phone - M. Adams.</p>	<p>1. Goal: Appropriately explain to a potential employer, professor, or other representative of the post-school world what accommodations are needed and, if necessary, the basis for the request.</p> <p>Objectives:</p> <p>1. By Dec. 15, Jim will pass (75%) of a 25-item objective test over basic rights and procedures under Sec.504 and ADA.</p> <p>2. By March 1, given 5 hypothetical situations of common denial of rights under Sec.504 or ADA, correctly explain possible actions and defend choice of actions to be taken.</p>
<p>COMMUNITY</p> <p>2. Driver's License (PLOP): Jim has been driving for a year on a learner's permit and is concerned he cannot pass the test required for his license, although he is confident of all his driving and related skills except map reading.</p>	<p>2. Within two weeks the driver training instructor will inform Jim about accommodations in the state, if any, for licensing people with learning disabilities. Then she and Jim will develop a plan to follow through and that plan will be added to this IEP no later than Oct. 10.</p> <p>Instruction in appropriately obtaining assistance in (a) route highlighting and (b) map drawing will be incorporated in self-advocacy practice above.</p> <p>(L & R) DMV will assist instructor and will provide information on test accommodations. Verified by phone - J. Hill.</p>	<p>2. Goal: Jim will be a competent, licensed driver in Jefferson state prior to June 15 and will be able to obtain and follow highlighted maps and line maps.</p> <p>Objectives:</p> <p>1. By Dec. 1, Jim will be able to describe correctly 8 of 10 times how he would get from A to B following a highlighted map and will 8 of 20 times succeed in getting clerks, gas station attendants or others to assist him in drawing a line map with approximate distances and major landmarks.</p> <p>2. By Dec. 15, Jim will score at least 70% on practice exams, administered under actual conditions.</p>

Reference

Zigmond. N., (1990). Rethinking secondary school programs for students with learning disabilities. *Focus on Exceptional Children*, 23,1,1-22.