

IDEA – Reauthorized Statute
SECONDARY TRANSITION

**(See also Individualized Education Program (IEP) and
Changes in Initial Evaluation and Reevaluation)**

The reauthorized *Individuals with Disabilities Education Act* (IDEA) was signed into law on Dec. 3, 2004 by President George W. Bush. The provisions of the act became effective on July 1, 2005, with the exception of some of the elements pertaining to the definition of a “highly qualified teacher” that took effect upon the signing of the act. This is one in a series of documents, prepared by the Office of Special Education and Rehabilitative Services (OSERS) in the U.S. Department of Education, that covers a variety of high-interest topics and brings together the statutory language related to those topics to support constituents in preparing to implement the new requirements.¹ This document addresses only the changes to the IDEA provisions regarding secondary transition that took effect on July 1, 2005. It does not address any changes that may be made by the final regulations.

IDEA 2004:

1. Adds “further education” of children with disabilities to the IDEA’s purposes.

The purpose of IDEA is to ensure that all children with disabilities have available to them a free appropriate public education (FAPE) that emphasizes special education and related services designed to meet their unique needs and prepare them for further education, employment and independent living. [601(d)(1)(A)]

2. Changes language from the term “transition services” now refers to a “child” instead of a “student,”

The definition of “transition services” is changed to refer to a “child,” rather than a “student,” with a disability. [602(34)]

3. Changes the definition of “transition services.”

The term “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 postsecondary education; vocational education; integrated employment (including supported employment); continuing and adult education; adult services; independent living or community participation;

¹ Topics in this series include: Alignment With the *No Child Left Behind Act*; Changes in Initial Evaluation and Reevaluation; Children Enrolled by Their Parents in Private Schools; Discipline; Disproportionality and Overidentification; Early Intervening Services; Highly Qualified Teachers; Individualized Education Program (IEP) Team Meetings and Changes to the IEP; Individualized Education Program (IEP); Local Funding; National Instructional Materials Accessibility Standard (NIMAS); Part C Amendments in *IDEA 2004*; Part C Option: Age 3 to Kindergarten Age; Procedural Safeguards: Surrogates, Notice and Consent; Procedural Safeguards: Mediation and Resolution Sessions; Procedural Safeguards: Due Process Hearings; Secondary Transition; State Funding; and Statewide and Districtwide Assessments. Documents are available on the OSERS Web site at: www.ed.gov/about/offices/list/osers/index.html.

- Is based on the individual child's needs, taking into account the child's strengths, preferences, and interests; and
- 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.

[602(34)]

4. Requires changes to performance goals and indicators.

The state has established goals for the performance of children with disabilities in the state that ... address graduation rates and dropout rates, as well as such other factors as the state may determine. [612(a)(15)(A)(iii)]

5. Exception to requirements for evaluation before a change in eligibility.

The evaluation described in Section 612(c)(5)(A) shall not be required before the termination of a child's eligibility under Part B due to graduation from secondary school with a regular diploma, or due to exceeding the age eligibility for FAPE under state law. [614(c)(5)(B)(i)]

For a child whose eligibility under Part B terminates under circumstances described above, an LEA 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 postsecondary goals. [614(c)(5)(B)(ii)]

6. Changes the secondary transition requirements in the individualized education program (IEP).

- Beginning not later than the first IEP to be in effect when the child is 16 and updated annually thereafter, the IEP must include:
 - o Appropriate measurable postsecondary goals based upon age-appropriate transition assessments related to training, education, employment and, where appropriate, independent living skills;
 - o The transition services (including courses of study) needed to assist the child in reaching those goals; and
 - o Beginning not later than one year before the child reaches the age of majority under state law, a statement that the child has been informed of the child's rights under IDEA, if any, that will transfer to the child on reaching the age of majority under Section 615(m).

[614(d)(1)(A)(VIII)]

7. Adds a rule of construction.

Nothing in Section 614 shall be construed to require (1) that additional information be included in a child's IEP beyond what is explicitly required in Section 614; and (2) the IEP team to include information under one component of a child's IEP that is already contained under another component of such IEP. [614(d)(1)(A)(ii)]