

MARILYN J. BARTLETT, M.ED., PH.D., J.D.

**Professor, Education Law
Texas A&M - Kingsville
Room #100, 1055 N. University Blvd.
Kingsville, TX 78363**

Transitioning from high school to post-secondary education:
Why transition from the IEP to a 504 plan in the
freshman or sophomore year is important!

Students with disabilities who plan to go on in school after high school and who have an IEP or receive accommodated services in the public secondary education setting need to be advised of the transitioning process into post-secondary education. Students with disabilities are protected under IDEA 2004, Rehabilitation Act of 1973, Section 504, the Americans with Disabilities Act (ADA) and the Americans with Disabilities Act, Amended Acts of 2008 (ADA AA). Later, when the child is enrolled in a post-secondary educational setting, the protections of ADA AA will be critical.

The transition process is mandated by law to begin at age 14 or in the eighth grade.

1. Students with special needs must be given a specific program of study leading to a standard or special diploma.
 - a. This is where the rubber hits the road. If you and your child have post-secondary education plans in mind, you must see to it that your child receives a standard diploma. (Actually, if it is at all possible to avoid the “special” diploma, do so! Many low functioning positions require a high school diploma for persons with special needs!)
2. Your teenager must be given instruction or information on self-determination and advocacy.

- a. But in my mind, age 14 or eighth grade is too late to begin! This is what the law mandates but as you know, most students with special needs, who also happen to be teenagers, need time to come around to new ideas, especially ideas suggested by their parents! You need to start with this much earlier. Set the stage when your child is younger; in general, from the time your child is six or seven, keep asking that child - “When you grow up, what do you want to be, where do you want to go to college?” Remember - even though all teenagers are not necessarily ‘college material’ it is still a good idea to talk about it until you know for sure. Plant and nurture the seeds of vocations!

When the teenager is age 16, the law mandates that the IEP must include measurable post-secondary goals and transition services including courses of study that will enable your teenager to achieve her/his goals.

3. At this point, your teenager must have a pretty good idea of what they want to do and to which post-secondary institution they need to go to accomplish their life’s goals! Again, to begin this process at age 16 is most likely too late for any student, let alone your teenager with special needs! And, one problem I have observed is that high school principals and guidance counselors are not advising the students regarding this transition process very well.

With a growing number of students with disabilities entering a post-secondary institution setting, the need for this successful transition is necessary. In 2008 – 2009, there were 4,470 two year and four year post-secondary degree granting institutions, out of those, 3,680 enrolled students with some type of disability, this equates to 88% of the institutions enrolled students with disabilities (Raue and Lewis, 2011, p. 5). There were approximately

707,000 students with some type of disability enrolled in a two-year or four-year post-secondary degree granting institution (Raue and Lewis, 2011, p. 6).

So, what's a parent to do? Actually, there are several things parents need to do. Let's take some ideas one at a time.

4. This may sound silly, but, Parent, you who are reading this right now, have you discussed the fact that your teenager is “disabled” with your teenager? If your teenager does not understand that they have a handicapping condition, tell them! You would be amazed at how many students arrive at college, visit the personnel in the office of disabilities, present their folder of accommodations materials and break down and cry when the director says, “So, you have Aspergers?” or, “Your materials inform me that you are learning disabled and reading on about the fifth grade level?” Response: “My mother never told me that (*tears*)!”
5. Teach your teenager to self-advocate beginning as young as you can.
 - a. Begin by talking with your teenager about their special gifts and talents (what do they do well) and the extent of their disability (what is difficult for them to do assisted or unassisted?) Maybe you and your teenager could make a chart so that they can see for themselves that they have special gifts and well as difficulties.
 - b. You will probably need to teach your teenager the words to verbalize what they can and cannot do. Role-play with your teenager. If they have practiced the language, then, when put in the awkward spot, the words will be there and spoken from a position of strength, not embarrassment.
 - c. Specifically talk to your teenager about what works well for them when they are in school or studying or traveling about – what works well for them with their unique

disability. (One size does not fit all!) Again, my friends in the office of disabilities tell me that many students arrive and have no clue which help them best. (The answer: *shrug* - head tilted, shoulder goes up, flat affectation – “I don’ know.” This is when the parent looks at the 18 year old freshman and wonders, “Is this my poor baby who has special needs or is this some strange teenager talking?”)

6. Establish with your teenager post-secondary plans.
 - a. When your teenager is 12 or 13 years of age, you need to make a judgment as to whether you think your teenager can succeed in some post-secondary academic setting. Not all kids are college material, but if you and your child talk about the future beginning at six to seven years of age, then, at fourteen years, the teenager will be more willing to engage in discussions about post-secondary education.
7. When your teenager is 13 years old, you must talk about life’s occupations.
 - a. It would be helpful to look at people by defining them by what they do. Kids tend not to see “Uncle Bill” the real estate agent as anything other than “Uncle Bill!” But when you point out occupations and you add self-efficacy statement, “You could do that!” it may just begin to sink in. You have to do it consistently . . . for years! (That’s why you’ll start when your child is still a child!) School personnel do not have the time to engage in discussions about what each teenager could “be” when they grow up. It is haphazard at best for “regular” kids, usually non-existent for kids with special needs. Once again, you need to do it...constantly...so your teenager can begin to envision them self as the lawyer, the teacher, the fireman, or even a chef!

Now this is where you must understand the law.

8. When your teenager is 14 or in the eighth grade, you need to ask about what the school has planned for beginning transition to the post-secondary education. Having done your homework, you will have an agenda of what you and your teenager want to have happen.
 - a. A part of your homework is knowing which schools are appropriate for your teenager. Consider Beacon College in Florida or Landmark College in Vermont. Both are strictly for learning disabled students. You need to research the institution's office of disabilities to determine if the facility is "handicapped friendly." You may want to use the Ohio State University as the high-end benchmark and compare other schools to Ohio State.
 - b. Be prepared to transition your teenager off the IEP and onto a 504 plan. Too many students with disabilities do not understand the importance of their IEP, the need to transition to a 504 Plan prior to graduating high school, and their rights under the ADA AA in the post-secondary environment.
 - c. Assuming that your teenager is capable of succeeding in a post-secondary educational setting, now is the time to make sure your child is taking the right courses required to get into that setting.
 - i. Request a meeting with your child's guidance counselor to discuss the academic program and its relation to "further education, employment, and independent living." (The purpose of IDEA 2004 - 20 USC § 1400(d)) Do your homework and know which "college-prep" courses the post-secondary school would like your child to have taken. You can help ensure that the guidance counselor will include those classes with appropriate accommodations. If possible, have your child attend this meeting and be the self-advocate along with you.

- ii. Again, assuming that your child is still on an IEP, at age 15 it is time to begin to wean the child off the special education prescriptive program. An IEP is akin to a 'prescription with treatment' – we have diagnosed the difficulty, we have prescribed remediation training, we also are providing support services, etc, etc. versus, being on a 504 plan that simply contains accommodations - in order to level the playing field.

There comes a point at the end of the freshman year or beginning of the sophomore year when perhaps it is more important to have your child attending all classes for the content rather than being pulled out to work on skills associated with their IEP.

In addition, this is about the time when your child will tell you that they don't want to be different – they just want to be a regular teenager. It is no longer effective to be pulling your child out of classes for some remedial work thereby causing them to miss the history lecture or the introduction to the newest algebra concept upon which next week's test will be based! At this point, it would be better for your child to begin to experiment with different types of accommodations for the next two years (maybe five semesters) to determine what works and what doesn't work for her/him while they are still in high school and maybe having a tutor after school.

9. But wait! First get your ducks lined up! You need to review what happens when you take your child off the IEP. Before you allow your child to come off the IEP, ask for an evaluation; if the school refused, ask for an Independent Educational Evaluation (IEE - 20 USC § 1415(b)(1)). By the middle of the sophomore year, when your child is 15 years and 6 months, you need to have the school district pay for one more full evaluation. You need to get a full assessment so that you know exactly how your child is functioning so that you and your child can make a well thought out decision regarding post-secondary education.

- a. Once you have asked for your child to be removed from the Special Education Program and to be given a Sec 504 plan, do not sign any papers until the 504 plan is in place. You want a seamless transition. Be clear that you and your child want to begin to try different accommodations than those the child may have had all along. Again, do your homework so that you can ask for specific accommodations that are appropriate for your child's disability – remember we want all tests from now on to test your child's ability, not the disability! Get it in writing that your child wants to try different alternatives to determine what works best – don't just assume that that which your child has had for accommodations in the past is the best approach in the future.
- b. As soon as you sign your child off the IEP, tell the team you look forward to receiving the SOP (Summary of Performance). This document will be a comprehensive analysis of your child's strengths and weaknesses the day that the IEP ends and the accommodation plan of the 504 begins.
- c. The rules are less defined under the 504 plan, so you are going to have to be a little more aggressive about what you want for your child.

So now your child is 16 years old and in the middle of the junior year. Now what?

Begin to visit the colleges you have identified as being nurturing environments for your, soon to be, college student! Take a road trip to several campuses! First stop on campus: The office of disabilities!

10. Reality check – another semester has gone by, has your child tried other accommodations?

Have you had a few serious conversations with your child about how the accommodations are working? Have you adjusted the 504 plan?

It's August. Your child is going into the senior year! Are your child's applications submitted yet? They should be! The earlier you secure the admission to school, the sooner you can begin to help your child identify with the new school whether it is ITT or MIT! Once your child is admitted, call the post-secondary school's bookstore to order a school banner – hang it in such a way that it is the first thing your child sees when waking up in the morning and the last thing seen before putting the lights out. Get a few T-shirts and a sweatshirt; get a notebook or two from the school. Have school paraphernalia around the house. Plan a trip to the school in the spring – make sure your child “studies” the campus map and can identify buildings, streets, and important places like the cafeteria, the student union, the bookstore, and of course, first and foremost, the office of disabilities. Every time you visit that campus go to the office of disabilities first!

Now it is January of your child's senior year. Does your child fully understand the disability, able to explain it and what works? Has your teenager practiced self-advocating? Is your teenager using the most useful accommodations? Is this all written in the 504 plan? If not, gently insist that a meeting take place to write this all in a new 504 plan. If you haven't done it already, go to the college website and download what your student needs to do with the 504 plan upon arriving at college. It may be that you might want to add something into the “high school” 504 plan so that the language is consistent with the college requirements. Again, do your homework ahead of time!

In the spring before your child goes off to college, you and your child should visit the college campus once more. This might be the time to bring your child's 504 plan to the personnel in the office of disabilities services and to inquire when it would be appropriate to

register for classes for the fall (i.e., in the spring, before the “good” professors’ classes are already full!)

Before you know it, it’ll be time to pack up the car and bring your child to college. It is difficult enough for all parents but it will be especially difficult for you if you feel that your child isn’t ready. So, once again, do your homework, be prepared for the emotions!

Let’s now review the transition process.

1. Do your homework about the programs and your child’s rights.
 - a. Transition plans should begin at fourteen years of age and must be created by the child’s sixteenth birthday. (20 USC § 1401(34) + 1414(c)(5)(B)(ii) + 1414(d)(1)(A)(i)(VIII))
2. Teach your child to self-advocate!
3. You may want to have both an IEP and a 504 plan or eliminate the IEP between the ages of 14 to 16 so that your child can maximize time in the classroom in preparation for post-secondary schoolwork. However, you should get one more full evaluation performed by the school or an IEE before the IEP is closed.
4. Remember to ask for the Summary of Performance (SOP).
5. Get the 504 accommodations in writing with the possibility of trying out different accommodations over the last two years of high school to learn with which accommodations work best with your teenager.
6. Section 504 does not mandate meetings with the parents; YOU will need to request 504 meetings every year to modify your teenager’s plan, otherwise the school is under no obligations to do so – they often think that one size fits all!
7. Know the post-secondary schools’ disability policies before you even assist your teenager to apply – don’t waste the money if that school is not helpful to the disabled population.

Knowing the requirements will help to ensure that everything is on the last high school 504 plan for the college to receive.

8. Finally, before your teenager registers for college classes, they must talk with the office of disabilities personnel to be guided into classes with professors who understand and are willing to accommodate your teenager with disabilities.
9. When your child “ages out” of the 504 plan, the ADA AA will automatically cover them! With the help of the personnel in the office of disabilities, your child will be successful in the post-secondary educational environment.
10. Finally, if your child is thinking about graduate school, make sure that there is a continuity of services – a complete history of accommodations all the way through college. Also, you may want to have your child tested once during their college senior year to reestablished that the existence of the disability and confirm the need for accommodations.

Your child deserves a seamless transition from the IEP to the 504 to the ADA AA and you can make it happen!