

OUT OF SCHOOL AND UNPREPARED:

The Need to Improve Support for Students with
Disabilities Transitioning to Adulthood



February 2011

ARISE Coalition
151 West 30th Street, 5th Floor
New York, NY 10001

www.arisecoalition.org

INTRODUCTION

The Obama administration has declared it a national priority to graduate all students from high school ready to succeed in college and careers.¹ New York State recently secured \$7 million in federal Race to the Top funds based, in part, on a promise to improve curriculum to promote college and career readiness for New York State's students.² In addition, the State is considering revising its high school graduation requirements to promote college and career readiness.³ New York City Department of Education leadership has similarly identified the improvement of college readiness and college completion rates as a challenge for the coming years in a number of public statements.⁴

Against this backdrop, this briefing paper focuses on a particular population of New York City students – students with disabilities – for whom planning and preparation for the transition to life after high school are actually legal requirements. Post-secondary outcomes for this group of students are unquestionably dismal:

- Graduation statistics for the class of 2009 show that only 1 in 4 students with disabilities graduated from high school in 4 years.⁵
- Data just released by New York State education officials calculates that just under 17% of students with disabilities in New York State graduate high school college and career ready.⁶
- As of 2008, only about 15% of people with disabilities between the ages of 21 and 64 in New York State had attained a degree of Bachelor of Arts or higher.⁷
- Fewer than 35% of adults between 18 and 64 with disabilities are employed, as compared to about 75% of their peers without disabilities.⁸

In this particularly distressed economy, we can expect employment to become even more of a challenge, making preparation for college and careers more critical than ever before.

¹ See, for example, the supporting documentation around the Federal Education Department's National Education Technology Plan, announced November 9, 2010 available at <http://www.ed.gov/technology/netp-2010>.

² See, for example, New York State's Request for Information on "Development of Curriculum Models" available at <http://usny.nysed.gov/rftt/docs/rfi/curriculummodels.html>.

³ See Memorandum from John B. King, Jr. to the College and Career Readiness Working Group of the New York State Regents dated December 7, 2010 available at <http://www.regents.nysed.gov/meetings/2010Meetings/December2010/1210ccrd1.pdf>.

⁴ See, for example, the NYC DOE's November 3, 2010 press release, "Chancellor Klein Releases 2010 High School Progress Reports" available at <http://schools.nyc.gov/Offices/mediarelations/NewsandSpeeches/2010-2011/2010HSPProgressReports.htm>.

⁵ See <http://www.p12.nysed.gov/irs/pressRelease/20100309/home.html> and <http://schools.nyc.gov/Accountability/data/GraduationDropoutReports/default.htm>.

⁶ See "Most New York Students Are Not College-Ready," by Sharon Otterman. New York Times, February 7, 2011, available at <http://www.nytimes.com/2011/02/08/nyregion/08regents.html>.

⁷ See <http://www.ilr.cornell.edu/edi/disabilitystatistics/reports/acs.cfm?statistic=9>.

⁸ *DISABILITY MATTERS, Unequal Treatment and the Status of People with Disabilities in New York City and New York State*. A Report for Policymakers, Funders and Advocates that looks at the prevalence of disability in New York City and across the state, and identifies inequalities at the State, City and county levels. Expected to be available March 1, 2011 at www.cidny.org.

The ARISE Coalition is a group of parents, educators, and advocates who have come together to push for systemic changes to benefit all students, including students with disabilities, in New York City's (NYC's) public schools.⁹ With this paper, we are calling for NYC and New York State (NYS) to revisit and improve their practices and procedures in support of transition planning for youth with disabilities.¹⁰ What follows is (1) a brief overview of the legal requirements around transition planning, (2) an analysis done by the Coalition of over 200 Individualized Education Programs (IEPs)¹¹ collected from our members, with a comparison to findings from similar work done three years ago by one of our member organizations, (3) a brief overview of what the State and City are already doing to improve transition planning, and (4) specific recommendations for strengthening transition planning to achieve better outcomes for students with disabilities after they complete high school in NYC.

(1) WHAT THE LAW REQUIRES

The Individuals with Disabilities Education Act (IDEA) mandates school districts to provide effective transition planning to support successful post-school employment and education for youth with disabilities.¹² Every student who has reached the age of 16 (age 15 under NYS law), or sooner if appropriate, must have an IEP that identifies “transition services.”¹³ Transition services are defined as a coordinated set of activities that promote movement from school to post-school activities, including post-secondary education, vocational training, employment, adult services, independent living, and community participation. The services must be based on the individual student and must respond to his or her needs, preferences, abilities, and interests.¹⁴ Transition services must include instruction, community experiences, and development of employment and other post-school adult living objectives. If appropriate, daily living skills and a functional vocational evaluation may also be included.¹⁵ To address all of the above in a meaningful way, the team that creates the IEP in the transition years should include a representative of the public agency – typically the school – that will be expected to provide and supervise the transition activities. If appropriate, representatives of other participating agencies – such as the state agency that oversees vocational support for individuals with disabilities – must be invited to attend as well. Finally, the parent and the student must be invited to participate in the IEP meeting, to ensure the student’s needs, preferences, and interests are fully addressed.¹⁶

⁹ For a full list of ARISE Coalition members see www.arisecoalition.org/about.php.

¹⁰ This briefing paper was researched and written with funding generously provided by the New York Community Trust.

¹¹ An Individualized Education Program (IEP) is a document revised at least annually that sets forth, among other things, the special education program and services that the student is entitled to receive.

¹² 20 U.S.C. §.1401(34); 34 C.F.R. § 300.43(a); 8 N.Y.C.R.R. § 200.1(fff) (setting forth a nearly identical definition of transition services).

¹³ 20 U.S.C. § 1414 (d) (1) (A) (i) (VIII) (bb); 8 N.Y.C.R.R. § 200.4(d) (2) (ix). NYC calls for a student’s IEP to include a statement of transition needs, focusing on the student’s course of study, beginning at age 14. See New York City Department of Education, “Creating a Quality IEP – Individualized Education Program Manual,” Jan. 2005 available at <http://schools.nyc.gov/NR/rdonlyres/916F2D1C-8D46-4635-A988-45D9CC13F561/0/CreatingQualityIEP.pdf>.

¹⁴ 20 U.S.C. § 1401(34); 34 C.F.R. §300.43(a).

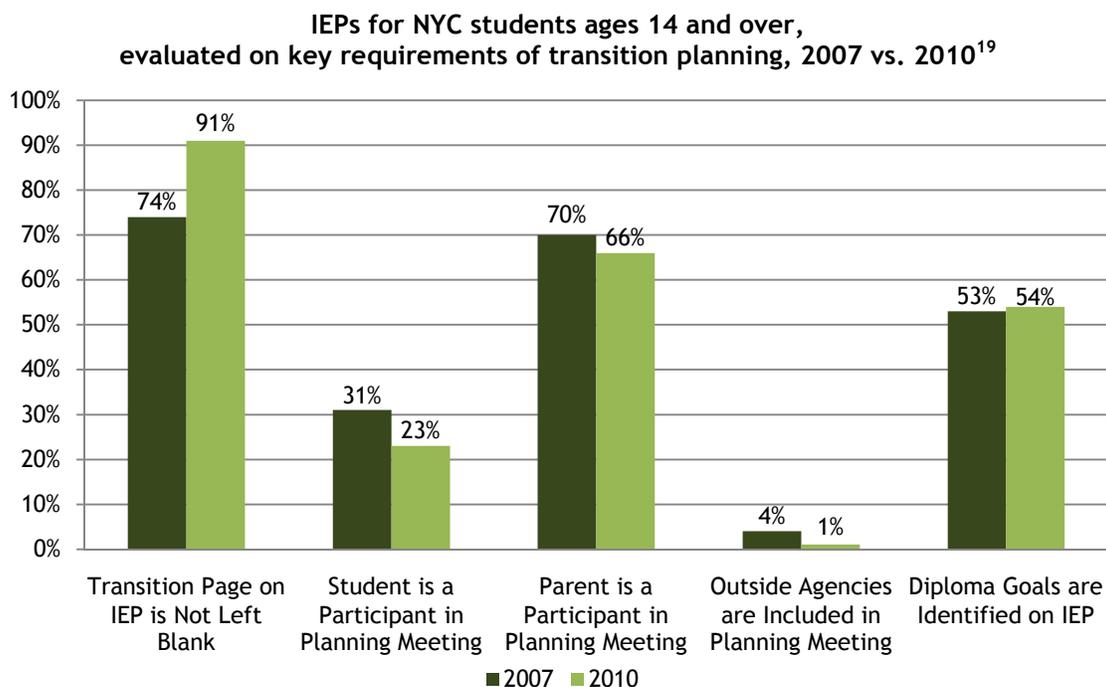
¹⁵ Id. Daily living skills include, but are not limited to, “dressing, hygiene, self-care skills, [and] self-medication.” See, for example, description in “Creating a Quality IEP” supra at 13.

¹⁶ 20 U.S.C. § 1414 (d) (1)(B)(i) and (vii); 8 N.Y.C.R.R. § 200.3 (a)(1)(i) and (x).

(2) WHAT OUR RESEARCH SHOWED

Two years ago, Advocates for Children of New York (AFC), a founding member of the ARISE Coalition, released a report, “Transitioning to Nowhere,” that analyzed the planning and provision of legally mandated transition services to students with disabilities in NYC.¹⁷ In that report, AFC reviewed over 250 IEPs for students between the ages of 15 and 21. That review and analysis led to a number of key findings documenting “pervasive failures of the NYC DOE to plan for and provide transition services to students with disabilities.”¹⁸

To update that research and see whether there has been any improvement, the ARISE Coalition recently conducted our own review of 222 IEPs created after the release of the AFC report for students over the age of 14. Below is a graphical depiction of what the new data showed, comparing it to the 2007 findings. While our results showed a greater percentage of IEPs that included some minimal reference to transition planning, we saw no substantive improvements since “Transitioning to Nowhere.” Importantly, nearly half of the IEPs still failed to identify the type of diploma the student was hoping to earn, let alone the services the student would need to reach his or her goals for graduation.



Transition plans must include measurable goals, clearly identify services to be provided, and incorporate a student’s needs, strengths, preferences, and interests. Transition planning requires much more than checking off boxes or parroting statutory language. We found that the majority

¹⁷ “Transitioning to Nowhere” is available at <http://www.advocatesforchildren.org/reports.php>.

¹⁸ Id. at 2.

¹⁹ We evaluated planning efforts for students 14 and over because NYC calls for transition planning begin at the age of 14. See “Creating a Quality IEP,” Supra at 13.

of IEPs examined failed to include the individualized analysis and personalized goal setting necessary to assure a meaningful transition plan. The IEPs we reviewed were riddled with stock phrases wherever there should have been individualized responses, and we saw the same stock phrases repeated often in the section describing the student's desired long-term outcomes. For example, as a specific goal for community integration, the IEP would read, "Johnny will integrate into the community with supports as needed," defining neither how Johnny will integrate, nor the supports that he should be prepared to access.

(3) HOW THE STATE AND CITY ARE RESPONDING

Both the NYS and NYC Departments of Education have acknowledged that transition planning in NYC must improve. Pursuant to the IDEA, the New York State Education Department (NYSED) IDEA Part B State Performance Plan for 2005-2010, used for evaluating the State's success in implementation of the federal law, measures school districts against several indicators pertinent to post-secondary transition, including graduation and dropout rates of students with disabilities, the inclusion of secondary transition goals in IEPs for students 15 and older, and post-school outcomes.²⁰ NYC has failed to meet the state targets for each of these indicators for the four years since reporting has been required – from the 2005-2006 school year through the 2008-2009 school year.²¹ Under the State's Performance Plan, steps must be taken to improve performance on each indicator. To that end, NYSED has created ten Regional Special Education Technical Assistance Support Centers (RSE-TASC) staffed by specialists in school improvement in the areas of Transition Services, Special Education, Bilingual Services, Positive Behavior Interventions and Supports/Behavior, and Nonpublic Schools. One Center is specifically dedicated to work with NYC.²²

Simultaneously, NYSED has changed the IEP forms to be used throughout the state. All education agencies, including the NYC DOE, will now be required to use a new IEP form.²³ Guidance from NYSED on the new form emphasizes and details the requirements and indicators around the identification of post-secondary goals and transition needs, as well as development of a coordinated set of transition activities.²⁴ Notably, however, the State's new IEP, unlike the IEP currently in use in NYC, does not require that diploma goals be identified anywhere on the form, thus removing a critical piece of information from the transition plan.

The NYC DOE, through the Division of Students with Disabilities and English Language Learners, points to several initiatives that it says will improve compliance with transition planning requirements and mandates.²⁵ The first is the expansion of its Special Education

²⁰ The State Performance Plans are available at <http://www.p12.nysed.gov/specialed/spp/>. See also, the Individuals with Disabilities Education Act, 20 U.S.C. § 616 (d), for the relevant section of the federal law.

²¹ See <http://eservices.nysed.gov/sepubrep/mainervlet?f=report0809&school=300000010000&run=Go>.

²² See <http://schools.nyc.gov/Academics/SpecialEducation/EducatorResources/RSE+TASC.htm>.

²³ See Memo from James P. DeLorenzo, "New York State Model Forms: Student Information Summary Form and IEP," available at <http://www.p12.nysed.gov/specialed/formsnotices/IEP/memo.pdf>.

²⁴ See <http://www.p12.nysed.gov/specialed/publications/iepguidance/transition.htm>.

²⁵ This information is based on a conversation at the New York City Department of Education with members of the ARISE Coalition and staff from the Office of Students with Disabilities and English Language Learners on October 22, 2010.

Student Information System (SEGIS) program, an online IEP development system that is intended to stop an IEP team from moving forward with the creation of an IEP unless all mandated information has been included. Use of SEGIS is only being rolled out now, and until it has been in operation for some time, it will be impossible to measure how successfully it addresses the compliance issues around transition planning. DOE staff also say they intend to use training activities geared towards implementing the new State-mandated IEP form at all NYC schools as a vehicle to support and facilitate DOE personnel in creating more meaningful transition plans. Additionally, DOE staff report that they are creating tiered professional development opportunities around transition planning to provide support to school personnel involved in the planning process and to encourage the use of appropriate planning to drive instruction in classrooms where students with disabilities are educated. Finally, last winter, the NYC DOE announced plans and identified guiding principles for reform intended to better educate students with disabilities in community schools – with improved outcomes for students with disabilities as the ultimate goal of these reform efforts.²⁶

(4) WHAT WE RECOMMEND

The ARISE Coalition supports the efforts being made by NYSED and the NYC DOE to improve transition planning. We encourage the State and the City to maximize funding for this important work. In addition, we recommend that the NYC DOE, with support from NYSED, give post-secondary transition for students with disabilities the same high priority that it is giving post-secondary transition for other students. In particular:

Action Item: The DOE needs to take all necessary steps to ensure compliance with the legal requirements pertaining to transition planning. These legal requirements are not just red tape; they provide a framework for the type of thoughtful planning and collaboration that need to happen for successful transitions from school to adulthood.

- The City must meet the goals for transition to adulthood identified in the State's Performance Plan for special education.
- The DOE must identify and train an individual at every NYC school to be specifically responsible for facilitating individual student and school transition activities and working with students, families, and adult service agencies to determine and facilitate the most appropriate options for graduating students with disabilities.

Action Item: The DOE must expand and, where necessary, create relevant professional development curriculum related to transition planning for all school personnel involved in the development of appropriate transition plans, including, but not necessarily limited to, all IEP teams, school guidance counselors, and Committee on Special Education members who will work with or on behalf of any students with disabilities over the age of 14.

Action Item: The DOE must ensure that diploma goals are always included in transition plans.

²⁶ <http://schools.nyc.gov/NR/rdonlyres/73F383BF-4BC4-403A-846B-3A19474418F0/88046/ChancellorsMemo.pdf>.

- To accomplish this result, the City must make diploma goals an IEP requirement, despite the fact that the State has not.
- The DOE must encourage IEP teams to consider diploma goals early in the student's educational career to guarantee that required course work is provided and completed by the student in time to achieve success.
- The DOE must take steps to guarantee that students and parents are informed and understand the consequences of selecting each diploma option.

Action Item: The DOE needs to increase access of all responsible parties in transition planning to information about post-secondary/transition programs and options for young people with disabilities.

- The DOE needs to create a central, current, searchable database of existing programs that may support students with disabilities transitioning to their post-secondary experiences.
- That database must be accessible online and upon request in hard copy and in their native language to parents, students, advocates, and school professionals responsible for the creation of appropriate and individualized transition plans.

Action Item: The DOE must actively promote the development of self-advocacy skills for students, including improving student participation in IEP meetings and other activities in transition planning.

- The DOE should look to Independent Living Centers – community-based organizations working to increase opportunities for people with disabilities to direct their own lives – as a resource in this regard.

Action Item: The DOE needs to promote and expand opportunities for career exploration as part of the curriculum, including the ongoing development of meaningful community experiences.

- To this end, the DOE should commit to increasing outreach to and hiring of NYC's own graduates with disabilities for work in the NYC public schools, districts, networks, and central offices.

APPENDIX I:
Transition page, current IEP

Student _____	NYC ID# _____	CSE # _____	Date of Conference _____
TRANSITION			
LONG TERM ADULT OUTCOMES			
(Beginning at age 14 or younger if appropriate, state long term outcomes based on the student's preferences, needs and interests.)			
Community Integration: _____			
Post-Secondary Placement: _____			
Independent Living: _____			
Employment: _____			
DIPLOMA OBJECTIVE			
<input type="checkbox"/> Regents Diploma <input type="checkbox"/> Advanced Regents Diploma <input type="checkbox"/> Local Diploma <input type="checkbox"/> IEP Diploma			
Expected High School Completion Date _____			As of Date _____
TRANSITION SERVICES			
(Required for students 15 years of age and older.)			
Instructional Activities			

Responsible Party: <input type="checkbox"/> Parent <input type="checkbox"/> School <input type="checkbox"/> Student <input type="checkbox"/> Agency _____			
_____ <input type="checkbox"/> Fall <input type="checkbox"/> Spring <input type="checkbox"/> Summer			
Community Integration			

Responsible Party: <input type="checkbox"/> Parent <input type="checkbox"/> School <input type="checkbox"/> Student <input type="checkbox"/> Agency _____			
_____ <input type="checkbox"/> Fall <input type="checkbox"/> Spring <input type="checkbox"/> Summer			
Post High School			

Responsible Party: <input type="checkbox"/> Parent <input type="checkbox"/> School <input type="checkbox"/> Student <input type="checkbox"/> Agency _____			
_____ <input type="checkbox"/> Fall <input type="checkbox"/> Spring <input type="checkbox"/> Summer			
Independent Living			

Responsible Party: <input type="checkbox"/> Parent <input type="checkbox"/> School <input type="checkbox"/> Student <input type="checkbox"/> Agency _____			
_____ <input type="checkbox"/> Fall <input type="checkbox"/> Spring <input type="checkbox"/> Summer			
<input type="checkbox"/> Acquisition of Daily Living Skills <input type="checkbox"/> Functional Vocational Assessment			

Responsible Party: <input type="checkbox"/> Parent <input type="checkbox"/> School <input type="checkbox"/> Student <input type="checkbox"/> Agency _____			
_____ <input type="checkbox"/> Fall <input type="checkbox"/> Spring <input type="checkbox"/> Summer			

APPENDIX II:
Transition pages, new state IEP

MANAGEMENT NEEDS THE NATURE (TYPE) AND DEGREE (EXTENT) TO WHICH ENVIRONMENTAL AND HUMAN OR MATERIAL RESOURCES ARE NEEDED TO ADDRESS NEEDS IDENTIFIED ABOVE:
EFFECT OF STUDENT NEEDS ON INVOLVEMENT AND PROGRESS IN THE GENERAL EDUCATION CURRICULUM OR, FOR A PRESCHOOL STUDENT, EFFECT OF STUDENT NEEDS ON PARTICIPATION IN APPROPRIATE ACTIVITIES
STUDENT NEEDS RELATING TO SPECIAL FACTORS BASED ON THE IDENTIFICATION OF THE STUDENT'S NEEDS, THE COMMITTEE MUST CONSIDER WHETHER THE STUDENT NEEDS A PARTICULAR DEVICE OR SERVICE TO ADDRESS THE SPECIAL FACTORS AS INDICATED BELOW, AND IF SO, THE APPROPRIATE SECTION OF THE IEP MUST IDENTIFY THE PARTICULAR DEVICE OR SERVICE(S) NEEDED.
Does the student need strategies, including positive behavioral interventions, supports and other strategies to address behaviors that impede the student's learning or that of others? <input type="checkbox"/> Yes <input type="checkbox"/> No
Does the student need a behavioral intervention plan? <input type="checkbox"/> No <input type="checkbox"/> Yes:
For a student with limited English proficiency, does he/she need a special education service to address his/her language needs as they relate to the IEP? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not Applicable
For a student who is blind or visually impaired, does he/she need instruction in Braille and the use of Braille? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not Applicable
Does the student need a particular device or service to address his/her communication needs? <input type="checkbox"/> Yes <input type="checkbox"/> No
In the case of a student who is deaf or hard of hearing, does the student need a particular device or service in consideration of the student's language and communication needs, opportunities for direct communications with peers and professional personnel in the student's language and communication mode, academic level, and full range of needs, including opportunities for direct instruction in the student's language and communication mode? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not Applicable
Does the student need an assistive technology device and/or service? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, does the Committee recommend that the device(s) be used in the student's home? <input type="checkbox"/> Yes <input type="checkbox"/> No
MEASURABLE POSTSECONDARY GOALS <small>BEGINNING NOT LATER THAN THE FIRST IEP TO BE IN EFFECT WHEN THE STUDENT IS AGE 15 (AND AT A YOUNGER AGE IF DETERMINED APPROPRIATE)</small>
<small>LONG-TERM GOALS FOR LIVING, WORKING AND LEARNING AS AN ADULT</small>
EDUCATION/TRAINING:
EMPLOYMENT:
INDEPENDENT LIVING SKILLS (WHEN APPROPRIATE):
TRANSITION NEEDS In consideration of present levels of performance, transition service needs of the student that focus on the student's courses of study, taking into account the student's strengths, preferences and interests as they relate to transition from school to post-school activities:

BEGINNING NOT LATER THAN THE FIRST IEP TO BE IN EFFECT WHEN THE STUDENT IS AGE 15 (AND AT A YOUNGER AGE, IF DETERMINED APPROPRIATE).

COORDINATED SET OF TRANSITION ACTIVITIES		SCHOOL DISTRICT/ AGENCY RESPONSIBLE
NEEDED ACTIVITIES TO FACILITATE THE STUDENT'S MOVEMENT FROM SCHOOL TO POST-SCHOOL ACTIVITIES	SERVICE /ACTIVITY	
Instruction		
Related Services		
Community Experiences		
Development of Employment and Other Post-school Adult Living Objectives		
Acquisition of Daily Living Skills (if applicable)		
Functional Vocational Assessment (if applicable)		

PARTICIPATION IN STATE AND DISTRICT-WIDE ASSESSMENTS
(TO BE COMPLETED FOR PRESCHOOL STUDENTS ONLY IF THERE IS AN ASSESSMENT PROGRAM FOR NONDISABLED PRESCHOOL STUDENTS)

The student will participate in the same State and district-wide assessments of student achievement that are administered to general education students.

The student will participate in an alternate assessment on a particular State or district-wide assessment of student achievement. Identify the alternate assessment:
Statement of why the student cannot participate in the regular assessment and why the particular alternate assessment selected is appropriate for the student:

PARTICIPATION WITH STUDENTS WITHOUT DISABILITIES

REMOVAL FROM THE GENERAL EDUCATION ENVIRONMENT OCCURS ONLY WHEN THE NATURE OR SEVERITY OF THE DISABILITY IS SUCH THAT, EVEN WITH THE USE OF SUPPLEMENTARY AIDS AND SERVICES, EDUCATION CANNOT BE SATISFACTORILY ACHIEVED.

FOR THE PRESCHOOL STUDENT:
Explain the extent, if any, to which the student will not participate in appropriate activities with age-appropriate nondisabled peers (e.g., percent of the school day and/or specify particular activities):

FOR THE SCHOOL-AGE STUDENT:
Explain the extent, if any, to which the student will not participate in regular class, extracurricular and other nonacademic activities (e.g., percent of the school day and/or specify particular activities):

If the student is not participating in a regular physical education program, identify the extent to which the student will participate in specially-designed instruction in physical education, including adapted physical education:

EXEMPTION FROM LANGUAGE OTHER THAN ENGLISH DIPLOMA REQUIREMENT: No Yes - The Committee has determined that the student's disability adversely affects his/her ability to learn a language and recommends the student be exempt from the language other than English requirement.