

SPECIAL EDUCATION RIGHTS AND RESPONSIBILITIES

Chapter 10

Information on Transition Services, Including Vocational Education

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SPECIAL EDUCATION RIGHTS AND RESPONSIBILITIES

Chapter 10

Information on Transition Services, Including Vocational Education

1. Does the school district have to help students with disabilities make the transition from high school to adult life?

Yes. Federal special education law requires that there be transitional planning services for students with disabilities regardless of which agencies provide support or educational services to the student. Beginning no later than the first Individualized Education Program (IEP) held after a student turns 16 (or younger if determined appropriate by the IEP team) and updated annually, the IEP must contain a statement of appropriate measurable postsecondary goals. The goals must be based on age appropriate transition assessments related to training, education, employment and independent living skills where appropriate. The IEP must also contain a statement of needed transition services for the student that focus on the student's courses of study (such as participation in advanced-placement courses or a vocational education program). In addition, the IEP must contain, when appropriate, a statement of the interagency responsibilities. [20 United States Code (U.S.C.) Sec. 1414(d)(1)(A); 34 Code of Federal Regulations (C.F.R.) Secs. 300.320(b) & 300.321(b)(3).]

A coordinated transition-planning meeting (conducted as part of an IEP team meeting) should include representatives of agencies that would serve the student

after graduation. The purpose of the plan is to ensure that the student continues to receive the support needed, from the appropriate public and private agency / agencies, to continue vocational training, education services, or find and maintain the most independent level or employment possible. The plan should also address residential, social and recreational goals.

Various agencies provide continued educational support for students with disabilities after graduation. These include the Department of Rehabilitation (DR), the regional center, college disability service programs, and other private agencies. Transitional planning will give you a greater opportunity to become familiar with these community resources. Do not take a passive role in the planning process. Work with your school district to identify and work with the agencies that will assist your child after graduation.

The statement of needed transition services in each IEP must include, where applicable, a statement of the responsibilities of other participating agencies. However, remember that the district remains ultimately responsible for ensuring that these services are provided. Therefore, if a participating agency stops providing an agreed upon service, the district must fulfill that obligation or responsibility, either directly or through contract or other arrangement. [20 U.S.C. Sec. 1412(a)(12)(B).] The district must also have another IEP meeting to find a different way to meet the transition objectives in the IEP. [34 C.F.R. Sec. 300.324(c).]

2. What are transition services for students in special education?

Transition services for students in special education are services that help students move from school to adult life. They should reflect the student's own goals for his future.

The law defines transition services as a coordinated set of activities for a student with a disability that –

- (1) Is designed within an outcome-oriented process, which promotes movement from school to post-school activities, including post-

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- secondary education, vocational training, integrated employment (including supported employment), continuing and adult education, adult services, independent living, or community participation;
- (2) Is based upon the individual student's needs, taking into account the student's preferences and interests; and
 - (3) Includes instruction, related services, community experiences, the development or employment and other post-school adult living objectives, and, when appropriate, acquisition of daily living skills and functional vocational evaluation.

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

One court has found that a student's services may include driver's education, self-advocacy, and independent living skills such as cooking and cleaning. [*Yankton School District v. Schramm*, 93 F.3d 1369,1374 (8th Cir. 1996).]

California law is quite ambitious and specific in its descriptions of transition services and state and local education agencies' responsibilities to provide them.

The California Legislature has found and declared that improvements in special education have not resulted in paid employment or maximum integration of special education students into the community. The Legislature states that there is no formalized process that bridges the gap between school and post-school services and resources, and that there is insufficient coordination between educators, adult services providers, employers, and families which would lead to paid employment and social independence. Because of this, the majority of options available to adults with disabilities foster dependence rather than independence. The Legislature's goal for transition services is a planned movement from school to adult life that provides opportunities which maximize economic and social independence in the least restrictive environment. [Cal. Ed. Code Sec. 56460.]

State law requires that the superintendent provide a broad range of transition services for special education students such as, , such as employment and academic training, strategic planning, interagency coordination, and parent training. [Cal. Ed. Code Sec. 56461.]

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Transition services include in-service training programs, resource materials, and handbooks that identify the following:

- (1) The definition of “transition,” including the major components of an effective school-based transitional program;
- (2) Relevant laws and regulations;
- (3) The roles of other agencies in the transition process including, but not limited to, the scope of their services, eligibility criteria, and funding;
- (4) The components of effective transition planning;
- (5) The role of families in the individualized transition process;
- (6) Resources and model programs currently available in this state.

Development of the role and responsibilities of special education in the transition process, including the following:

- (1) The provision of work skills training, including those skills that are necessary in order to exhibit competence on the job;
- (2) The provision of multiple employment options and facilitating job or career choice by providing a variety of vocational experiences;
- (3) The collection and analysis of data on what happens to students once they leave the school system and enter the adult world;
- (4) The coordination of the transition planning process, including development of necessary interagency agreements and procedures at both state and local levels;
- (5) The provision of instructional learning strategies that will assist students who find learning difficult in acquiring skills that will enable them to obtain diplomas, promote a positive attitude toward secondary and post-secondary life;
- (6) The development and implementation of systematic and longitudinal vocational education curriculum including the following:
 - a. Instructional strategies that will prepare students with significant disabilities to make a successful transition to supported employment and the community;

- b. The introduction of vocational and career education curriculum in the elementary grades for those students who can benefit from it;
- (7) Materials, resource manuals, and in-service training programs to support the active participation of families in the planning and implementation of transition-related goals and activities;
- (8) The development of resources and in-service training that will support the implementation of individualized transition planning for all special education students;
- (9) The development of a network of model demonstration sites that illustrate a wide variety of transition models and implementation strategies;
- (10) Coordination with other specialized programs that serve students who face barriers to successful transition;
- (11) A research, evaluation, and dissemination program that will support the major programmatic aspects of transition services.

Through a variety of competitive grants, bids, contracts, and other awards specific content areas will be developed in cooperation with a variety of field-based agencies, including local education agencies, special education local plan areas, county offices, institutions of higher education, and in-service training agencies. [Cal. Ed. Code Sec. 56462.]

3. What is an individual transition plan (ITP)?

The Individual Transition Plan (ITP) is a written plan designed to help prepare students for passage from school to post-school life. [20 U.S.C. Sec. 1401(34); Cal. Ed. Code Secs. 56462 & 56345.1.] The ITP must be based on the student's needs, preferences and interests and reflect the student's own goals. Objectives, timeliness, and people responsible for meeting the objectives should be written into the ITP (and made part of the IEP). It is important to understand that transition planning and development of the ITP are part of the IEP process.

4. When should transition planning occur?

Transition planning must begin by the first IEP held after the student reaches age 16 or earlier if appropriate for the student. [20 U.S.C. Sec. 1414(d)(1)(A)(i)(VII); 34 C.F.R. Sec. 300.320(b).] It is important to begin the transition process when students are younger than 16 to ensure enough time to plan for and receive effective services. It is particularly important for students with significant disabilities, those at risk of dropping out and those on a specific academic track.

Transition planning can occur at a combined Individualized Education Program (IEP) and Individualized Transition Plan (ITP) meeting, or it can occur in a separate meeting. A separate transition planning meeting can be beneficial because it allows more time to focus on the student's desires and preferences. Then, the ITP can be made part of the IEP.

When a combined ITP/IEP meeting is held, ideally, transition planning should occur first. No matter which method of planning is used transition objectives, goals and activities should be identified and included in the student's IEP or a separate ITP can be attached to the IEP form. All of the IEP procedural guidelines must be followed.

5. How do I initiate a transition planning meeting?

You can initiate a transition planning meeting by making a written request to your child's teacher, the principal or special education administrative office. The letter should clearly say that the purpose of the meeting is transition planning.

Whether you or the district have initiated the transition planning process, the district must send out a meeting notice that:

- (1) Indicates that the purpose of the meeting will be to discuss transition;
- (2) Indicates that the student will be invited; and
- (3) Identifies any other agency that will be invited to send a representative.

[34 C.F.R. Sec. 300.322(b).]

6. How should transition services be written into the IEP?

As with other parts of the IEP, the transition requirements are not just mere technicalities. One court recently found that a school that only provided for the vocational needs of the student failed to meet its transition obligations to him. It did not develop a plan to help the student “survive an adult life.” The court noted that the school:

- (1) Did not identify any goals for the student after he left school;
- (2) Did not perform any transition evaluations, other than a vocational evaluation;
- (3) Did not provide “the full panoply of services that transition planning envisions” to prepare him for life outside of school in such areas as personal needs, getting around the community and recreation; and
- (4) Failed to meet his individual, unique needs and instead placed him in an existing generic program with minor adaptations.

[*East Penn School District v. Scott B.*, 1999 WL 178363 (E.D. Pa. 1999).]

The transition IEP should be “outcome oriented.” This means that the coordinated set of transition activities developed by the IEP team includes goals that prepare your child for as independent a life as possible. For example, the outcome for a student might be employment in a retail store. The services for that student should focus on seeking and maintaining a position with the necessary supports, solidifying basic work habits, punctuality and grooming, and developing supported and/or independent living skills.

7. How does the IEP team determine my child’s transition needs and the services that should be provided?

The five main components of transition are: instruction, related services, community experience, daily living skills and the development of employment and other post-school adult living objectives. [34 C.F.R. Sec. 300.43.]

The district must conduct appropriate assessments in the above areas to determine your child's transition needs and the services that address those needs. The assessment process should be followed as it is for any other area of need. [34 C.F.R. Sec. 300.304(b); Cal. Ed. Code Sec. 56320(f).] See Chapter 2, *Information on Evaluations/Assessments*.

In addition, the district must also consider student and parent input in developing the ITP. Students do not need to fit into a set, one-size-fits-all program option. Rather, it is important to plan creatively and to focus on your child's individual abilities, needs, interests and post-secondary school goals.

8. What should a transition program for younger students contain?

The statement of "postsecondary" goals and transition services should relate directly to the student's goals beyond secondary education, and show how planned studies are linked to these goals. For example, a student interested in exploring a career in computer science may have a statement of transition services needs connected to technology course work, while another student's statement of transition services needs could describe why public bus transportation training is important for future independence in the community. The goal is to select courses of study that will be meaningful to the student's future and motivate the student to complete her education.

Students should participate in high school education programs similar to their nondisabled, same-aged peers. For example, a student may participate part-time or full-time in regular education classes at the high school, with support from an "inclusion program." Special education teachers, paraprofessional aides and service providers collaborate with the general education teachers to adapt curriculum and give individualized instruction within these integrated environments to allow the student to meet IEP goals. Additionally, the student can begin to take part in individualized, functional and integrated work experience, perhaps for one period, one or two days per week, both on and off the high school campus.

9. What should a transition program for older students contain?

Ideally, these programs should lead students to outcomes which maximize independence. For some students, the goal will be to move toward post-secondary education. For others, the goal may involve community-based programs, such as adult integrated work programs. In that case, school staff supports the student to obtain and maintain an integrated job near her home so that she can be integrated in the community. The student should also be directly hired, so that the individual is on the employer's payroll, not paid through a subcontract with the school. Additionally, if a student works part-time, transition staff can assist her to take integrated, regular college or adult education classes; join fitness centers; and participate in everyday community activities, such as shopping, public transportation, movies, library, adult sports, etc.

Transition planning must be active on the part of the district. In one case, a hearing officer found a clear failure on the part of the district to provide appropriate transition services when the IEP contained only two informal activities (the student was to investigate college catalogs and write to colleges for more information). In addition, the hearing officer found that such a transition plan could not have been based on the student's individual needs because the student tested significantly below grade level in all areas and would need far more extensive services than simply being told to investigate colleges on her own. [*Student v. San Francisco Unified Sch. Dist.*, Case No. SN 476-98 (Special Education Hearing Office) (1998), available at www.oah.dgs.ca.gov.]

Districts have responsibilities under the IDEA in the area of transition planning and services which must be fulfilled prior to exiting a student from high school. The IDEA's transition planning and services provisions create a separate substantive entitlement for special education students. Three main components of transition are: instruction, community experience and the development of employment and other post-school adult living objectives. [*Student v. Novato Unified School Dist.*, Case No. SN 886-94 (1995); 34 C.F.R. Sec. 300.43.] Vocational and social instruction should take place in the community as much as possible.

A student may have completed the district's prescribed course of study and passed the necessary proficiency tests. Even under these circumstances, however, if the school has not provided appropriate and individualized transition services, she may continue to be eligible for special education services. [See *Student v. Bellflower Unified School Dist.*, Case No. SN 575-01.]

10. How can students be involved in developing their own transition plans?

Students must be invited to attend any ITP meeting. The meeting should be person-centered, so that its focus is the student and her needs and desires for the future. Goals and objectives in the student's ITP should emphasize the student's preferences, and include all life areas, such as home, work, community, social, etc. During the meeting, it may be useful to list the strengths, needs, dreams, fears, and wishes of an individual student and family.

The meeting should be conducted in a manner that enables the student to understand the planning process and to participate fully. [34 C.F.R. Sec. 300.321(b)(1).] If the student does not attend the IEP meeting, the school district must take other steps to ensure that the student's preferences and interests are considered. [34 C.F.R. Sec. 300.321(b)(2).]

11. Who should participate in a transition planning meeting?

In addition to the required IEP participants, and with the consent of the parents or a student who has reached the age of 18, the district is required to invite a representative of any agency that is likely to provide transition services to the IEP meeting. This should include representatives from the vocational rehabilitation agency, the regional center, community mental health, community college, and traditional private rehabilitation agencies, as appropriate. [34 C.F.R. Secs. 300.321(b)(3) & 300.324(c).] If a representative does not attend, the district should take steps to obtain the agency's participation in the planning of any transition services.

12. What if the school district, parents and student cannot agree on the statement of transition services in the student’s IEP?

The IEP team should discuss any disagreements and attempt to resolve them informally. If either the family or the district disagrees with the proposed IEP, either may participate in an alternative dispute resolution process or request due process. See Chapter 6, *Information on Due Process Hearings/Compliance Complaints*.

13. What if a participating agency fails to provide agreed-upon transition services that are listed in the IEP?

If a participating agency agrees to provide transition services and then fails to do so, the school district must hold a meeting of the IEP team as soon as possible to identify alternative strategies for meeting the ITP goals. The district is ultimately responsible for ensuring that transition services are provided. However, this does not relieve any participating agency (including a state vocational rehabilitation agency) of the responsibility to provide or pay for any services the agency would otherwise provide to students with disabilities who meet that agency’s eligibility criteria. [20 U.S.C. Sec. 1412(a)(12)(B); 34 C.F.R. Sec. 300.324(c); Cal. Ed. Code Sec. 56345.1(c).]

14. What if the school district fails to provide transition services that are listed in the IEP or ITP?

When the school district fails to provide transition services which are written in the student’s IEP, a parent, individual, public agency or organization can file a complaint with the California Department of Education. [5 C.C.R. Sec. 4650(a)(7)(D).] See Chapter 6, *Information on Due Process Hearings/Compliance Complaints*.

15. Can a student continue to get transition services after receiving a certificate of completion?

Yes. If a special education student has not met the requirements for graduation (including the objectives of the statement of transition services), the district must continue to provide transition services to the student until she turns 22 years of age. See Chapter 11, *Information on Graduation/Testing*.

You should ensure that your child's IEP includes a transition plan beginning at age 16, or younger, focusing on transition services. [Cal. Ed. Code Sec. 56345(a)(8).] You should also discuss with the IEP team how your child's IEP goals addressing transition will be completed before all services from the school district have ended.

16. What is the relationship between transition services and vocational education?

Vocational education is broadly defined in the overall definition of special education as “organized educational programs that are directly related to the preparation of individuals for paid or unpaid employment, or for additional preparation for a career not requiring a baccalaureate or advanced degree.” [34 C.F.R. Sec. 300.39(b)(5).] In addition, vocational training is included within the definition of transition services. [34 C.F.R. Sec. 300.43.] Since vocational education and training may be a crucial part of a student's transition services, they should also be a major part of the ITP planning process.

17. What is vocational education?

The California Code of Regulations (C.C.R.) defines Vocational Education for Special Education students as follows:

Specifically designed Vocational Education and Career Development for individuals with disabilities, which may include:

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- (1) Providing prevocational programs and assessing work-related skills, interests, aptitudes, and attitudes;
- (2) Coordinating and modifying the regular vocational education program;
- (3) Assisting individuals in developing attitudes, self-confidence, and vocational competencies to locate, secure, and retain employment in the community or sheltered environment, and to enable such individuals to become participating members of the community;
- (4) Establishing work training programs within the school and community;
- (5) Assisting in job placement;
- (6) Instructing job trainers and employers as to the unique needs of the individuals;
- (7) Maintaining regularly scheduled contact with all workstations and job-site trainers;
- (8) Coordinating services with the Department of Rehabilitation and other agencies as designated in the individual education program.

[5 C.C.R. Sec. 3051.14.]

18. Who is eligible for vocational education?

All special education students, “regardless of severity of disability,” may receive career development or vocational education services. [5 C.C.R. Sec. 3051.14.]

19. When should vocational services start?

Vocational services should be viewed as a long-range process and begin as early as possible. Career awareness and the development of work attitudes should begin in the elementary years. Career exploration of specific vocational areas and structured training experiences often occur in middle school and continues throughout high school. Career placement should begin to be addressed during the two years prior to leaving school.

20. When should I request a vocational assessment and what should it include?

A “functional vocational evaluation” may be conducted before your child enrolls in vocational education. [34 C.F.R. Sec. 300.343(a)(20(5))]. The assessment process should determine vocational interests, aptitudes, achievement, and potential. A variety of assessment procedures have been developed to measure your child’s level of performance in relation to selected careers and occupations such as work samples, on-the-job observation, simulated work stations, manual dexterity tests, career interest inventories, and aptitude tests.

Vocational interests can be determined through the use of career interest inventories and interviews with students, parents, and previous teachers. Prior experiences, hobbies, and career exploration activities are helpful in determining the student’s interest in particular career fields.

For students with more significant disabilities, for whom traditional vocational tests are not valid or who are unable to communicate, functional assessments may be more appropriate.

Vocational aptitudes (such as manual dexterity, eye/hand coordination, fine motor skills, and general intelligence) are examined in order to blend a student’s career interest and vocational strengths and limitations.

21. How can I work with my child’s teachers and other staff to promote the skills necessary for my child to enter a vocational education program?

Make sure that vocational objectives are written into your child’s IEP and by communicating your expectations that your child will work as an adult. It is never too early to begin. Make sure that grooming, physical fitness, mobility, communication, and social skills are emphasized and mastered. The sooner basic skills are developed the sooner emphasis can shift to specific vocational skills. You can assign household responsibilities from an early age. You can also make

sure that your child is involved in community activities and experiences, especially leisure activities. Take an active role in getting your child as many vocational activities and experiences as possible.

22. When I develop my child's IEP, how can I include vocational education services?

Vocational education services can be included within the IEP in several ways. Depending upon the age and ability level of your child, goals for instruction can be included in the areas of grooming skills, social skills training, and general work behaviors. As your child moves toward secondary school age, vocational education services should be included in the IEP through training experiences in the classroom and in the community.

For example, experiences may include travel training on routes within a student's daily schedule (pedestrian and public transportation), training on specific work tasks in the classroom and at sites throughout the community such as local businesses or industries.

Among the related services listed in federal law are rehabilitation counseling services. [20 U.S.C. Sec. 1401(26); 34 C.F.R. Sec. 300.34(a).] These are services provided by qualified personnel to students with a disability in individual or group sessions that focus specifically on career development, employment preparation, achieving independence, and integration in the workplace and community. The term also includes vocational rehabilitation services provided to students with disabilities by vocational rehabilitation programs funded under the Rehabilitation Act of 1973. [34 C.F.R. Sec. 300.34(c)(12).] This related service should be requested for every special education student who has needs in the areas of career development, employment preparation, achieving independence, or community and workplace integration.

23. What factors should I consider in designing a vocational education program for my child?

The following factors should be considered in determining your child's vocational program:

- (1) Student's goal;
- (2) Your expectations;
- (3) Results of vocational assessments;
- (4) Results of work samples (can include classroom samples, commercially produced samples and those prepared by and for local programs);
- (5) Results of experiences in vocationally-oriented programs;
- (6) Descriptions of previous work experiences;
- (7) Student's physical and mental capacity for work;
- (8) Student's employment-related behaviors (for example, attendance, social and interpersonal skills, attention span, communication skills, personal hygiene, dependability, and productivity);
- (9) Course objectives and curriculum requirements;
- (10) Prerequisite skills;
- (11) Modifications necessary to make classrooms, shop, and work sites accessible;
- (12) Alternative instructional materials;
- (13) Staff/student ratio;
- (14) Methods for evaluating and grading student performance;
- (15) Opportunities for work experience;
- (16) Employment opportunities for a person trained in the specific skill, both locally and nationally; and
- (17) Local availability of jobs.

Vocational education and training in integrated settings (including supported employment) provides students with opportunities to learn appropriate ways of interacting with others in school and work settings. To encourage greater use of integrated programs, Congress did not allocate funds for vocational courses designed solely for students with disabilities. Rather, the federal statute provides funds for supportive services and modifications in regular vocational programs to permit the participation of special populations. [20 U.S.C. Secs. 2301 & following.]

24. What is Supported Employment?

“Supported employment” is a vocational placement option that has been primarily used for persons with developmental disabilities. Under state law (the “Lanterman Act”) this means paid work in an integrated setting in the community in which persons with and without disabilities interact. The employee can be hired by an employer in the community, directly or through a (Regional Center or Department of Rehabilitation) contract with a supported employment agency. Typically, ongoing support services are provided to the employee so that she may keep the job. [Cal. Welf. & Inst. Code Secs. 4851(n)-(p).] The employee may be paid less than minimum wage. This vocational placement option should also be available to persons with other disabilities.

25. Can my child enroll in a general education vocational program?

Yes. General education vocational programs usually include classroom and lab instruction focusing on either an occupational area (for example, business) or a specific occupation (for example, computer programmer). Under Section 504 of the Rehabilitation Act of 1973 students with disabilities cannot be denied access to existing vocational programs because of their need for aides or because of architectural barriers.

For students enrolled in special education, an inclusion program offers them—with appropriate support services — the advantage of regular interaction with nondisabled students. These programs more closely resemble the social setting that your child will encounter when he leaves school and goes to work.

26. What if my child needs an accommodation to be in a regular vocational program?

Districts have an obligation to make reasonable modifications to accommodate the needs of students with disabilities who are on a Section 504 plan. [29 U.S.C. Sec. 794; 34 C.F.R. Sec. 104.12.] Most modifications are based on common sense and involve using safety or teaching practices benefiting all students. The most common forms of modifications are curriculum modifications, specific instructional strategies, and adaptations of equipment or facilities (such as ramps, accessible desks, Braille manuals, talking terminals, sign language courses, and sensory devices). For *special education* students, on an IEP, the district's obligation is to provide the necessary support to enable the student to participate in the program.

Breakthroughs in rehabilitation engineering increasingly benefit students with significant disabilities. Improved design and use of communication, orthopedic and mobility devices assist in the integration process. Specific modifications used to facilitate placement in regular vocational programs will depend on a careful analysis of your child's needs and the specific vocational program. A sample of commonly used techniques includes the following:

- (1) Structured orientation period (which could involve parents);
- (2) Peer tutoring;
- (3) Vocational resource teachers;
- (4) Small-group instruction;
- (5) Readers or interpreters;
- (6) Specialized instructional materials;

- (7) Task analysis (breaking down skills to be learned into small parts);
- (8) Large print materials;
- (9) Sound or light signals on equipment;
- (10) Counseling; and
- (11) Adaptation of teaching techniques to the student's learning style.

27. Does the California Department of Rehabilitation have any responsibility in assisting my child to transition from special education to post-school adult life?

Yes. Each state's vocational rehabilitation agency must have policies and procedures in place for coordination between the agency and education officials responsible for special education. The California Department of Rehabilitation must provide technical assistance to districts in transition planning and services in such areas as vocational rehabilitation and IEP development. [29 U.S.C. Sec. 721((a)(11)(D).]

The state plan must include procedures for identifying students who need transition services and provide outreach to these students as early as possible during the transition planning process. The outreach procedures must describe the purpose of the vocational rehabilitation program, eligibility requirements, application procedures, and scope of services that may be provided to eligible individuals. The state must provide an individualized plan for employment as early as possible during the transition planning, but no later than the time your child leaves school. [34 C.F.R. Secs. 361.22(a)-(b).]