Indicator 13 Checklist: Frequently Asked Questions and Responses

The following are Frequently Asked Questions regarding the NSTTAC developed Indicator 13 Checklist with responses from NSTTAC for re-release by NTACT that may help you as you consider the I-13 Checklist, available at www.nsttac.org.

QUESTIONS	ANSWERS
General Questions	
1. For the postsecondary goals you have Education or Training, Employment, and Independent Living; what about community participation?	1. *The four postsecondary goals are taken from the law. See IDEA 2004, Part B, Section 614(d)(1)(A)(i)(VIII)(aa): "appropriate measurable postsecondary goals based upon age-appropriate transition assessment related to training, education, employment, and, where appropriate, independent living skills. (Regarding community participation, see question 2.)*
2. Can States modify the outcome areas identified in item 1 of the Checklist?	2. *No. In order to be able to demonstrate performance on the Indicator and compliance with the regulatory requirements, States should use education/ training, employment, and independent living as written in the Indicator and IDEA2004. Goals related to community participation may be relevant to the area of independent living.*
3. What if a student has more than one postsecondary goal in a postsecondary goal area (e.g., a student has both residential and community participation goals, which would both	3. *In cases where there are more than one postsecondary goal in a postsecondary goal area, reviewers*

be in the area of independent living skills)?	*may select only one for the purposes of the Checklist.*
3. Has the checklist been field-tested and if so, how long does it take to review files with the checklist. What training worked best to roll this out?	4. *Information provided from States beginning to use the 8-item checklist for Indicator 13 suggest that each file review takes approximately 8 – 15 minutes.* *Some states are also beginning to gather reliability data on using the Checklist and are sharing their results with NSTTAC. Contact NSTTAC to gather specific information on these efforts, as they are gathered.* *There is also a Collecting Reliable and Valid Indicator 13 Data resource, developed by the Data Accountability Center, NSTTAC, and States available at www.nsttac.org under the Indicator 13 tab.* *States using the Checklist report that trainings are reportedly 3 – 6 hour workshops with personnel responsible for developing IEPs, as well as staff responsible for collecting data on IEPs using and adapting the Checklist and the training materials from NSTTAC's website. NSTTAC has developed examples and non-examples of annual goals relevant to transition services which support postsecondary goals, which are located at www.nsttac.org, under Indicator 13 and Training Materials. NSTTAC also has PowerPoint presentations available for use in training teachers and administrators.*

	NSTTAC's website also features a National map of State resources. Several States have posted resources on personnel development for using the Indicator 13 Checklist. Please contact NSTTAC for additional examples or PowerPoint presentations and training agendas.
5. How does this checklist match up to the Transition Requirements Checklist (O'Leary, 2009)? Are they compatible?	5. *They are compatible. The Transition Requirements Checklist (O'Leary, April 2006) has been updated in response to the reauthorization of IDEA (2004) and the Indicators for State Performance Plans (2005) as well as the Indicator Measurement Table changes in 2009. Updates to that document have been made in collaboration with NSTTAC staff. The Transition Requirements Checklist is more comprehensive but includes items to meet Indicator 13. The NSTTAC Checklist items appear as items 1, 5, 13, 14, 15, 16, 17, 21 & 22 in the Transition Requirements Checklist.*
6. Will the Office of Special Education Programs (OSEP) indicate which of the 8 items in the checklist are absolutely critical for meeting Indicator 13?	6. *The Checklist operationalizes Indicator 13. Therefore, all 8 items are critical for meeting the requirements of the indicator. It is a tool States may use. States should communicate directly with OSEP regarding adequate data collection for Annual Performance Reports on any of the Indicators.* *The Indicator was re-written in February, 2009 for use beginning in the 2009-10 reporting year which is the February 1, 2011 SPP/APR*

	*submission. Additional guidance regarding submission using the new language can be found at **www.nsttac.org** and at **www.rrfcnetwork.org** under the SPP/APR Calendar. The re-written Indicator and the NSTTAC developed checklist are aligned.*
7. What does NSTTAC plan to do with Indicator 13 data reported by States?	7. *NSTTAC summarizes the national data set on Indicator 13 for OSEP.*
8. Has the NSTTAC Checklist for Indicator 13 been reviewed by OSEP?	8. *Yes, the Checklist has been reviewed by OSEP and is available on the project's website **www.nsttac.org** and at **www.rrfcnetwork.org** under SPP/APR Calendar.*
9. Could the Checklist be adapted by a State, so that the items are rated (e.g., a Likert-like scale), rather than a simple Yes/No?	9. *Yes, a State may use a different rating method, rather than a simple yes/no, as long as it can report appropriately on Indicator 13. States may want to confer with OSEP regarding specific strategies for data collection.* A Likert approach would only work for establishing professional development and technical assistance needs and strengths; whereas compliance is an all or none item.
10. If Indicator 13 is monitored within the State monitoring system is that okay? How many files/ districts need to be reviewed for this Indicator? Do the files selected for review need to be verified as representative across various factors?	10. *Yes, Indicator 13 is not a sampling Indicator (e.g., 7, 8, 14) but can be incorporated within a State's established monitoring plan. Specifics regarding the number of files that are actually reviewed for this and other Indicators should be clear in a State's SPP and discussed with OSEP, if necessary.*

Item 1: Is there an appropriate measurable postsecondary goal or goals that covers education or training, employment, and, as needed, independent living?

11. For a goal to be measurable must it be able to be counted?	11. *Yes. If a postsecondary goal (an outcome that occurs after the person has left high school, not a process that occurs after a student leaves school) is stated in a manner that can be counted as occurring or not occurring, it is a measurable postsecondary goal. Statements that indicate what a student "will" do rather than "plans" or "hopes to" do, indicate measurable postsecondary goals.*
12. Please suggest how to respond when asked whether the use of "will" when stating the postsecondary goal means that the school system/State will be providing and/or paying for college, training, etc. after high school, since the rest of the IEP is binding.	12. *It is not recommended that families, students, IEP teams, or LEAs refrain from articulating postsecondary goals, intended to guide services while students are in school. School districts are not expected or intended to pay for attaining the goal after a student has graduated or exited from LEA services.*
13. Are we responsible for what the student does after they leave school? (i.e. If Johnny wants to be a mechanic and everything in his transition plan is geared towards that and then he doesn't do that, are we responsible for that?)	13. *No. IDEA 2004 discusses the purpose of transition services as "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" (IDEA 2004, Part B, 614, [d][1][A][i][VIII]; §300.43[a][1]).*

	The Regulations, released August 14, 2006, also clarify the purpose of transition services as being "designed to meet (students') unique needs and prepare them for further education, employment, and independent living" (§300.1[a]). IDEA 2004 does not require that LEAs are held accountable for the attainment of postsecondary goals. The stated measurable postsecondary goals are required components of transition planning. There are numerous mediating factors that positively or negatively affect an adult's acquisition of goals, for which a school could not be held accountable. The purpose of the legislation and this Indicator is that a student's education program, support their goals beyond secondary school.
14. If the LEA is not accountable for the student achieving the postsecondary goal (See Response in #13 above), why does the postsecondary goal need to be written as a "will" statement, rather than a "wants" or "plans" statement?	14. *NSTTAC continues to recommend using "will" statements, rather than "intends" or "plans", as this infers an outcome that occurs after the person has left high school, not a process that may occur while a student is still in school.* *"Will" also sets a tone of expectation for achieving the postsecondary goal and should emphasize the importance of aligning the rest of the student's educational program with the postsecondary goal(s).*
15. How specific do measurable post-secondary goals need to be written? Should they include when the goal will be completed? Should they include exactly where (e.g., name of	15. *Increased specificity in writing postsecondary goals is more likely to result in writing "measurable postsecondary goals". The specificity of the postsecondary goal will, however, depend on the individual*

postsecondary education institution, name of employer)?	*student and his or her IEP team. There are no rules about providing dates for completing the goals; however, increased specificity (where or why) provides clarity in the direction of the student's educational program in general.*
16. Is it appropriate to just indicate that "No employment goals are appropriate at this time" or is there a better way to indicate this on an IEP, for students whose challenges are so great that any level of employment is unrealistic?	16. *No. "While including employment goals in the IEPs of some students with severe medical conditions and developmental needs may be upsetting to parents….the IDEA does not provide an exception for this requirement based on the nature of the (student's) disability; and OSEP does not have the authority to waive this statutory requirement" (Letter from OSEP to Dr. Carol Ann Heath, Maryland State Department of Education, August 21, 2009; available from www.ed.gov). Based on section 607(e) of IDEA, this response was provided as informal guidance and is not legally binding, but represents an interpretation by the U.S. Department of Education in the context of a specific question or situation).*
17. While we can identify possible training/education and independent living post-secondary measurable goals, these are adults we see as not being employed even in supported settings. Any suggestions?	17. *NSTTAC has developed examples and non-examples (see Training Materials under Indicator 13 at www.nsttac.org) that include postsecondary employment and education/ training goals for students with severe and complex disabilities.*
18. For students with the most complex disabilities (e.g., profound cognitive disabilities, deaf-blindness, medical frailty), would an appropriate post-secondary employment or education/training goal be focused on	18. *Yes, the IEP team might consider the skills and qualities (e.g., mobility, stamina) that a student has not yet developed, but would need to develop to be employed. "The purpose of this requirement is to ensure that the IEP Team considers and develops*

skills or attributes that student may need in the future to be employed? For this population can postsecondary employment be engagement in their community in a work setting or a setting that contributes to their family's or community's welfare?	*appropriate measurable postsecondary goals, in a timely manner, in each of these essential areas for every child with a disability, and updates them annually to ensure that the goals reflect the child's present needs, strengths, preferences, and interests" (Letter from OSEP to Dr. Carol Ann Heath, Maryland State Department of Education, August 21, 2009; available from www.ed.gov). Based on section 607(e) of IDEA, this response was provided as informal guidance and is not legally binding, but represents an interpretation by the U.S. Department of Education in the context of a specific question or situation).*
19. If an IEP team has determined the student is for the most part functioning independently and will need no postsecondary supports, should the team leave the area of Independent Living blank?	19. *Yes, it is acceptable for an IEP team (including the student and family) to determine that it is not necessary to articulate postsecondary goals in the area of independent living, based on the regulatory language of "appropriate measurable postsecondary goals based upon age-appropriate transition assessment related to training, education, employment, and, where appropriate, independent living skills" [IDEA 2004, Part B, Section 614(d)(1(A)(VIII) (aa)].*

Item 2: Is (are) the postsecondary goal(s) updated annually?

20. If this is a student's first IEP since they have turned 16, and so the postsecondary goal is NOT being updated but developed for the first time, how is that marked?	20. *Because there has not been an opportunity to update the postsecondary goal, mark this item "Yes".*
21. How do we document that the postsecondary goal was reviewed	21. *If (a) the IEP was reviewed within 12 months of the previous IEP, (b) the purpose of the meeting was to*

within 12 months, if there's no change in the postsecondary goal?	*consider the child's postsecondary goals and the transition services needed to assist the child to reach those goal, and (c) measurable postsecondary goal(s) are in the IEP, this item should be marked "yes". The Present Level of Academic and Functional Performance (PLAAFP) or meeting notes may also include a statement that the postsecondary goals were considered in the current IEP's development.*

Item 3: Is there evidence that the measurable postsecondary goal(s) were based on age appropriate transition assessment?	
22. Is it okay if we locate information on the transition assessment somewhere other than within the IEP document?	22. *Yes, concerning transition assessment information, evidence may be gathered from other components of a student's file for each postsecondary goal stated in an IEP. It may also be recorded in the section for Present Level of Academic and Functional Performance or in a section designated for recording assessment information. Your State's Education Agency and Local Education Agency should be able to provide guidance on where to find and document this information.*
23. Do LEAs need to administer assessments for transition planning annually to adequately answer this question as a "yes"?	23. *No, there is no requirement in IDEA 2004 that the transition assessment information be collected annually. However, the definition adopted by the field and NSTTAC would indicate that transition assessment data are gathered regularly.* *NSTTAC uses the Division on Career Development and*

	Transition (DCDT)definition of transition assessment: "Transition assessment is the ongoing process of collecting data on the individual's needs, preferences, and interests as they relate to the demands of current and future working, educational, living, and personal and social environments. Assessment data serve as the common thread in the transition process and form the basis for defining goals and services to be included in the Individualized Education Program", (From: Sitlington, Neubert, & Leconte, Career Development for Exceptional Individuals, 1997, p. 70-71).
24. What do you mean by "age appropriate transition assessment"?	24. *IDEA 2004 states that "appropriate measurable postsecondary goals based upon age appropriate transition assessments" must be included in the IEPs of students who will turn 16 during that year (p.118, 2709, viii, aa). "Age appropriate" measures reflect a student's chronological, rather than developmental age (Wehmeyer, 2002, Teaching Students with Mental Retardation).* *A Transition Assessment Toolkit, developed by NSTTAC and resources on this topic from other States are available at www.nsttac.org. Additional resources on age-appropriate Transition Assessment are available through CEC's Division on Career Development and Transition,*

	the Transition Coalition, and each Regional Resource Center.
25. Can some transition assessment data come from informal measures?	25. *Yes. Transition assessment information can come from informal (e.g., observations, ecological assessments, interviews) in addition to formal measures.* *A Transition Assessment Guide, developed by NSTTAC and resources on this topic from other States (National Map) are available at www.nsttac.org. Additional resources on age-appropriate Transition Assessment are available through CEC's Division on Career Development and Transition, the Transition Coalition, and each Regional Resource Center.*
26. Does the mandate that parental consent <u>is required</u> for all evaluations that are specific to an individual include transition assessment?	26. *No, Transition assessment in no way affects a student's eligibility for services, which is the mandate for parental consent and evaluation. Second, transition assessment is akin gathering other measures of student performance (homework, classwork, quizzes, reading measures) for curricular and program planning, which teachers complete with students without parental consent on a regular basis. Finally, transition assessments are ongoing and multifaceted and a requirement of parental consent each and every time you do such is also unreasonable.*
Item 4: Are there transition services in the IEP that will reasonably enable the student to meet his or her postsecondary goal(s)?	
27. How do you distinguish between instruction and "courses of study?"	27. *Instruction is a component of a transition program that "the student needs to receive in specific areas to*

| | complete needed courses, succeed in the general curriculum and gain needed skills" (Storms, O'Leary, & Williams, 2000, *Transition Requirements: A Guide for States, Districts, Schools, Universities and Families. University of Oregon, Western Regional Resource Center, p.28).*

*Courses of study are "a multi-year description of coursework (necessary) to achieve the student's desired post-school goals" (Storms, O'Leary, & Williams, 2000, *Transition Requirements, p. 8).* |
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| **Item 5: Do the transition services include courses of study that will reasonably enable the student to meet his or her postsecondary goal(s)?** | |
| 28. If our State has clearly defined courses of study, can we just indicate which course of study a student's participating in? | 28. *Yes, in some States identification of a program will indicate that the student's courses of study align with their postsecondary goals.* |
| 29. If we don't have a specific set of courses that all high school students will complete, do we need to list the specific courses they will take? | 29. *Yes, a listing of courses a student will complete between the date of the IEP and school exit may be necessary to address this component.* |
| **Item 6: Is (are) there annual IEP goal(s) related to the student's transition services needs?** | |
| 30. Is it necessary to have at least one IEP goal listed in connection with each postsecondary goal? | 29. *While "a statement of measurable annual goals" (IDEA 2004, Part B, 614, [d][1][A][i][II]) are a required part of a student's IEP, there does not need to be a separate annual goal for each postsecondary goal. Logically, when* |

	writing (or reviewing), the team should ask "what postsecondary goal(s) does this annual IEP goal support?" *NTACT has developed examples and non-examples of annual goals that support postsecondary goals, which are located at www.nsttac.org, under Indicator 13 and Training Materials.*
30. Can you provide me with the legal citation that specifically requires that annual IEP goals relate to transition services, which support measurable postsecondary goals? If no citation, please provide the rationale for this requirement in the Indicator and professional development surrounding IEP development for transition-age students?	30. *There is not a citation from IDEA 2004 which addresses the alignment of annual goals with the measurable postsecondary goals. It is required that the IEP include "a statement of measurable annual goals, including academic and functional goals, for the child." (Definition of Individualized Education Program (IEP) Section 300.320(a)(2)(i). Further, the Regulations require that "beginning not later than the first IEP to be in effect when the child turns 16, or younger if determined appropriate by the IEP Team, and updated annually, thereafter, the IEP must include— (1) Appropriate measurable postsecondary goals based upon age appropriate transition assessments related to training, education, employment, and, where appropriate, independent living skills; and (2) The transition services (including courses of study) needed to assist the child in reaching those goals. There is a logical (and intended) connection that the annually updated measurable postsecondary goal would be supported by transition services designed to prepare the student for*

	those postsecondary goals and that the annual goals would be relevant to those transition services (relate to the postsecondary goals).
Item 7: Is there evidence that the student was invited to the IEP Team meeting where transition services were discussed?	
31. How do we document evidence of student attendance or participation in the meeting?	31. *There is no requirement for participation. The law and the Indicator require that the student be <u>invited</u> to the meeting. Section 300.321(b)(1) of IDEA 2004 requires the public agency to invite a child with a disability to attend the child's IEP Team meeting if a purpose of the meeting will be the consideration of the postsecondary goals for the child and the transition services needed to assist the child in reaching those goals, regardless of whether the child has reached the age of majority.* *NSTTAC suggests that the LEA invite the student before the meeting in a user-friendly manner. Document this by keeping a copy of the invitation and putting it in the student's IEP file; if verbal, make a note to the file.*
32. Can the student get a copy of the notice for the meeting that other IEP team members receive or does it need to be a different invitation to the student?	32. *OSEP?* *NSTTAC recommends inviting the student individually, using language understandable to the student. However, it is permissible for the student to receive the same invitation.*
33. Is a mailed letter required to document student invitation to conference?	33. *No, a copy of a mailed or hand-delivered letter or phone log with date and time, documenting that the LEA*

	contacted the student to invite them to the meeting prior to the date/time of the IEP meeting are adequate documentation. A note indicating that an LEA representative verbally invited the student to the meeting on the same date as the meeting would not document adequate invitation.
34. Is a student's signature on the IEP or the student listed on the IEP team for the meeting in which transition services are discussed, evidence of invitation to the meeting.	34. *No. There is an expectation that the student be invited prior to the meeting in a formal (but user-friendly) manner. Therefore, a student's attendance in the meeting, does not necessarily provide evidence that the student was invited prior to the meeting, giving the student time to prepare to participate in a meaningful way.*

Item 8: If appropriate, is there evidence that a representative of any participating agency was invited to the IEP Team meeting with the prior consent of the parent or student who has reached the age of majority?

35. How do we show evidence of having met this requirement?	35. **The file should include documentation that the parent (or child, when of the age of majority) provided consent to invite the other agency's representative and documentation of the invitation that was extended to the other agency's representative.**
36. Can we have a consent form in a student's file that was signed between the agency (i.e., Vocational Rehabilitation) and the parent as evidence of consent?	36. **Yes. It would be permissible to use a consent form obtained by another agency if that consent met the requirements in 34 CFR §300.9 and FERPA § 99.31 and 99.33. These include that the consent is signed and dated, is obtained before the disclosure, specifies the records that are to be disclosed, states the purpose of the disclosure (such as that the purpose of the disclosure is to invite**

	the other agency's representative to participate in the child's IEP meeting for the purpose of providing or paying for transition services), the potential safety risks of disclosure, identifies the person or class of persons to whom the disclosure may be made, and makes clear that the granting of the consent is voluntary on the part of the parent (or child, when of the age of majority) and may be revoked at any time.
37. Do we need to obtain consent each year?	37. *Yes, at least annually.* *The consent document must be clear about what period of time the consent is provided for, so that the parent (or child, when of the age of majority) understands the permission he or she is providing. Because needs for external agency involvement may change over time for a student, consent should not carry across multiple school years.* *"It is not permissible …for a public agency to obtain the consent of the parents or eligible child only one time before the transition planning process is initiated for the child until the child leaves school" (Letter from OSEP to Nan Gray, Utah State Office of Education, March 17, 2008; available from www.ed.gov). Based on section 607(e) of IDEA, this response was provided as informal guidance and is not legally binding, but represents an interpretation by the U.S. Department of Education in the context of a specific question or situation).*
38. Does parent consent (or student consent, if age of majority) to invite an	38. *Yes. "A separate consent must be obtained from the parents or a child*

outside agency need to be obtained for each IEP meeting?	*who has reached the age of majority for each IEP Team meeting, conducted in accordance with 34 CFR §300.320(b), before a public agency can invite a representative of any participating agency that is likely to be responsible for providing or paying for transition services to attend the meeting" (Letter from OSEP to Nan Gray, Utah State Office of Education, March 17, 2008; available from www.ed.gov). Based on section 607(e) of IDEA, this response was provided as informal guidance and is not legally binding, but represents an interpretation by the U.S. Department of Education in the context of a specific question or situation).*
39. Can a consent form with specific agencies checked off (individualized for that student) be signed at the beginning of the school year?	39. *Yes. A consent form signed by a parent (or student the age of majority) may grant the LEA permission to invite multiple outside agencies to the IEP Team meeting. "Consent means that: (1) the parent has been fully informed of all information relevant to the activity for which consent is sought, (2) the parent understands and agrees in writing to the carrying out of the activity for which …consents is sought and the consent describes that activity and lists the records (if any) that will be released and to whom, and (3) the parent understands that granting of consents is voluntary….In addition …the consent must specify that a public agency will invite the other agency representative to an IEP Team meeting if a purpose of the meeting will be the consideration of the child's postsecondary goals and the transition services needed to assist the*

	child in reaching those goals" (Letter from OSEP to Nan Gray, Utah State Office of Education, March 17, 2008).
40. What if transition services from other agencies are not required? For example, the postsecondary independent living goal is to "share an apartment with a friend" and the family is willing to set this up with the student OR a postsecondary goal to work on the family farm will be supported and coordinated by the family?	40. *These examples would be scored as NA for this item.*
41. What if transition service providers from other agencies are not available in the area (e.g., rural areas)?	41. *This should be scored as No for this item, if the IEP calls for transition services to be provided or paid for by other agencies. NA would not be appropriate here because this example represents a lack of interagency collaboration to support the student's identified postsecondary goal(s).*

42. What responsibility do other agencies have to provide services if they sign off on the IEP? For example, if the State's developmental disabilities office is to provide 60 hours of speech therapy in a year, are they accountable for what is in the IEP?	42. *IDEA 2004 Sec. 300.324(c)(1) states, "if a participating agency, other than the public agency, fails to provide the transition services described in the IEP in accordance with Sec. 300.320(b), the public agency must reconvene the IEP Team to identify alternative strategies to meet the transition objectives for the child set out in the IEP." Further Sec. 300.154(b)(2) states that, "if a public agency other than an educational agency fails to provide or pay for the special education and related services described in paragraph (b)(1) of this section, the LEA (or State agency responsible for developing the child's IEP) must provide or pay for these services to the child in a timely manner. The LEA or State agency is authorized to claim reimbursement for the services from the noneducational public agency that failed to provide or pay for these services and that agency must reimburse the LEA or State agency in accordance with the terms of the interagency agreement or other mechanism described in paragraph (a) of this section."*