

Key Component – What Else Do I Need to Know?



Age of Majority, Guardianship and Transfer of Rights

In the state of New Hampshire age 18 is considered the Age of Majority. This means youth are considered adults and their own guardian regardless of whether they have graduated from high school. Therefore, they take control over their educational rights and are now responsible for signing the IEP. Schools are required to inform youth by age 17 of the rights that will transfer to them, however this area may need to be reviewed more frequently and earlier. If a youth is capable of being their own guardian but does not want to sign the IEP, they may have a parent continue as their educational decision maker and should do so in writing. See PIC's website www.picnh.org for a sample letter that you may use to notify the team of this.

In some cases, there may be concerns regarding whether a youth has the capability to be their own guardian. There are several guardianship options including guardianship of the person, guardianship of the estate and temporary guardianship. For more information on guardianship and guardianship options:

- Your local Area Agency <http://www.dhhs.state.nh.us/DHHS/BDS/LIBRARY/Fact+Sheet/bds-area-agencies.htm>
- Office of Public Guardianship <http://www.opgnh.org/>
- Clerks of County Probate Court <http://www.nh.gov/judiciary/courtlocations/index.htm#probate>

The Adult Service System – Entitlement vs. Eligibility

Children with disabilities found eligible for special education under the IDEA 2004 and the NH Rules are entitled to a free appropriate public education (FAPE) from age 3 to graduation with a regular high school diploma or to the age 21, whichever comes first. The IEP lists the services and supports required to provide the child with a disability with a FAPE and a school must provide the services listed in the IEP. Once a youth graduates with a regular high school diploma or turns 21, whichever comes first, they are no longer entitled to a free appropriate public education. They may however, be eligible for other adult services. Adult services are dependent on eligibility and funding availability and do not begin until a youth is 21. It is important to know that just because

a youth was eligible for special education services in high school does not automatically qualify them for adult services, as the criteria for eligibility are different. There are also wait lists for many services. This is one of the many reasons that transition planning is so important.



Transition Planning Tips!!

- o The state is divided into 10 regions and each has a local Area Agencies that provides services to adults with developmental disabilities. Many Area Agencies have transition specialists or other staff who assist youth with developmental disabilities and their families during the transition process. The Area Agency can be involved in the transition planning process and IEP development. They can also assist youth and families in accessing benefits (such as Social Security, Social Security Disability, Medicare) and making guardianship arrangements. For more information on the local Area Agencies, <http://www.dhhs.state.nh.us/DHHS/BDS/LIBRARY/Fact+Sheet/bds-area-agencies.htm>
- o The state also has 10 local Community Mental Health Centers that can provide mental health services to adults with mental health issues. Some have staff that work specifically with youth transitioning from children's services to adult services. For more information on their locations and services, <http://www.dhhs.state.nh.us/DHHS/BBH/regions.htm>
- o Vocational Rehabilitation (VR) also has staff called Transition Specialists who work with transitional aged youth. VR is the most common partner in transition planning and can offer support in job searches and employment. For more information on VR <http://www.ed.state.nh.us/education/doe/organization/adultlearning/VR/transition.htm>
- o Another great resource for independent living planning is Granite State Independent Living www.gsil.org. They provide tools and resources around employment, community living, benefits planning and self-advocacy. A representative from GSIL can also be included as part of the IEP team to assist with transition planning.

College vs. High School

As mentioned before, entitlement for a free appropriate public education under IDEA 2004 and the NH Rules ends once a youth graduates from high school with a regular high school diploma or reaches age 21, whichever comes first. However, youth with disabilities have rights under the Americans with Disabilities Act and Section 504 of the Rehabilitation Act of 1974. These are civil rights laws that prohibit colleges and other post secondary institutions from discriminating against youth with disabilities and allows for equal access. However, the youth still must be able to meet entrance requirements.



Transition Planning Tips!!

- o Learning about their rights and responsibilities after high school is an important aspect of transition planning and should be included as a Transition Service in the IEP. For more information on Section 504 and rights and responsibilities in college, check out the US DOE's brochure <http://www.ed.gov/about/offices/list/ocr/transition.html>

It is important to know that there are no IEPs in college and while services under Section 504 of the Rehabilitation Act are available, there are no 504 plans either. Supports in college are very different from the supports and services available in high school. A youth will be responsible to self-identify that they have a disability and be able to provide appropriate documentation of their disability. This means they must be able to explain their disability, provide current documentation of their disability and describe exactly what they require for accommodations.



Transition Planning Tips!!

- o Youth need to be taught self-advocacy skills and communication skills to assist them in being able to discuss and describe their disability, strengths and needs. Self-advocacy and communication skills training and goals can be Transition Services in the IEP.
- o Kids As Self-Advocates (www.fvkasa.org) has some great materials to help with self-advocacy and communication skills. For other self-advocacy tools, see **Key Component – Give Youth an Opportunity to Get Involved**.
- o The Summary of Performance document may be a tool to assist youth in describing their disability and needed supports. See later in this section.

In general, most colleges and universities require current evaluations to document that a youth has a disability and requires accommodations. Usually, an evaluation is considered to be current if it was conducted within the last 3 years. There may also be requirements regarding who or what type of evaluator has conducted the evaluation.



Transition Planning Tips!!

- o Re-evaluation is not required prior to graduation with a regular high school diploma or aging out of special education, so IEP teams should discuss the need for a reevaluation to document disability.
- o While there are general standards of what is considered appropriate documentation of a disability, a youth should research to see what the post secondary institutions they are interested in have for a requirement. This research can be listed as a Transition Services in the IEP. For more information about Transition Services, see **Key Component**

Section 504 provides for reasonable accommodations. Reasonable accommodations can include extended time, sign language interpreters, and note takers. Modifications or changes in what is expected on the youth in terms of course work (such as having less reading assignments) are not required to be provided. Many colleges/universities have Offices of Disability Services. Some may offer tutoring services and charge a fee for this because tutoring is not considered a reasonable accommodation under Section 504. Post-secondary institutions are also not required to provide related services such as speech and language or physical therapy, though some may for a fee.



Transition Planning Tips!!

- o While there are general standards of what accommodations are offered, a youth should research to see what the post secondary institutions they are interested in offer for services. This research can be listed as a Transition Services in the IEP. For more information about Transition Services, see **Key Component – Writing the Transition Plan in the IEP.**
- o Most colleges/universities have an Office of Disability Services that can provide information about accommodations.
- o Also, the US DOE has a guide <http://www.ed.gov/about/offices/list/ocr/docs/auxaids.html>
- o For more information on college and college planning, see **Key Component – Thinking about the Future.**

The World of Work

Just like with college, there are no IEPs in the world of work. However, youth with disabilities have rights under the Americans with Disabilities Act and Section 504 of the Rehabilitation Act of 1974. These civil rights laws prohibit employers from discriminating against youth with disabilities. The youth must have the skill, experience, education and other job-related requirements of the position and be able to perform essential functions of the job with or without reasonable accommodations. To be eligible for reasonable accommodations, the youth must have a disability and be qualified for the position that they are applying for.



Transition Planning Tips!!

- o Learning about their rights and responsibilities after high school under the ADA and Section 504 is an important aspect of transition planning and should be included as a Transition Service in the IEP. For more information on Section 504 and rights and responsibilities, visit the Office of Civil Rights www.ed.gov/ocr for more information.

It is important to know that there are no IEPs in the work of work while there are protections under The Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act, there are no 504 plans either. A youth will be responsible to self-identify that they have a disability, be able to explain their disability and describe exactly what they require for accommodations.



Transition Planning Tips!!

- o Youth will be responsible to self-identify to an employer that they have a disability and require accommodations as well as to describe what they need for accommodations. Youth need to be taught self-advocacy skills and communication skills to assist them in to be able to discuss and describe their strengths and needs. Self-advocacy and communication skills training and goals can be Transition Services in the IEP. For more information about Transition Services, see **Key Component – Writing the Transition Plan in the IEP.**
- o Kids As Self-Advocates (www.fvkasa.org) has some great materials to help with self-advocacy and communication skills. For other self-advocacy tools, see **Key Component – Give Youth an Opportunity to Get Involved.**
- o The Summary of Performance document may be a tool to assist youth in describing their disability and needed supports. See later in this section.

The ADA provides for reasonable accommodations in the work place. Reasonable accommodations are modifications or adjustments to the job, work environment or to the way things are usually done that allow the youth an equal employment opportunity. Reasonable accommodations can include making the office or job site accessible, modifying a work schedule, modifying the equipment, and providing readers or interpreters. Removing a primary job responsibility or lowering the work load to less than what is expected of all employees are not considered reasonable accommodations.



Transition Planning Tips!!

- o What a youth will need for reasonable accommodations will depend on their needs and the work they will be doing. Granite State Independent Living or Vocational Rehabilitation can help evaluate a work environment and help determine what accommodations may be needed. This can be listed as a Transition Service in the IEP. For more information about Transition Services, see **Key Component – Writing the Transition Plan in the IEP.**
- o For more information on what is considered a reasonable accommodation, see OCR’s guide <http://www.ed.gov/about/offices/list/osers/products/employmentguide/appendix-4.html>.
- o Also, the Job Accommodation Network (JAN) <http://janweb.icdi.wvu.edu/> has information on rights and responsibilities and resources for employers in making accommodations.

Summary of Performance

When a youth graduates from high school or ages out of eligibility at age 21, IDEA 2004 requires they be provided with a document called a Summary of Performance. The Summary of Performance must include:

- A summary of the youth’s academic achievement and functional performance
- Recommendations on how to assist the youth in meeting their post-secondary goals.

Most colleges/universities and other post-secondary institutions do not consider the Summary of Performance to be appropriate documentation of disability. It is designed to be a tool to be used by youth in achieving their post-secondary goals. It can be used as a tool help a youth describe their disability and support and accommodation needs to a college or employer.

The NH Department of Education has developed model forms for the Summary of Performance. They can be accessed at http://www.ed.state.nh.us/education/doe/organization/instruction/SpecialEd/documents/StudentPerformance_000.doc