



## **Looking Ahead: Transition Planning for Life After School**

**By Sage C. Hart, Esq.**

High school graduation is a milestone for any student, but when a young adult has disabilities, it ushers in a period of even greater change. While attending public school, students with special needs are legally entitled to a wide array of services, but once they leave (by the age of 21), they lose much of that support system. At that point, the services available to them are fragmented and often difficult to identify. For that reason, transition planning is a critical part of their school experience, preparing them for the adult world that awaits them and providing a path to their personal objectives.

Federal law requires that transition planning be included in the first Individualized Education Program (IEP) in place as the student turns 16; however, some schools begin the process earlier. While five or more years may seem like sufficient time to plan for your student's transition out of school, remember that, as a parent, the days may feel long, but the years are short. So do not delay planning for this important stage in your student's life.

### **What Should the Transition Plan Include?**

The transition plan should address the student's interests, goals and the skills needed to achieve them. While academic performance is important, social and independent living skills may be more crucial. And while much of the preparation will take place at school, there may be services within the community that become key to the young person's development.

Questions to consider include:

- Will the student have a career? If so, will postsecondary education be needed? How about career counseling, job search services and, possibly, supported employment?
- Where will they live? Are there Medicaid waiver lists for residential services that they should sign up for? In many states, the wait time can be years.
- What life skills do they need? Can they cook? Handle a checkbook? Read a bus schedule?

### **What's the Process?**

Transition planning should take place during your child's annual IEP meeting, with updates during the course of the year to ensure that progress is being made. The student should, to the extent possible, be involved in all discussions, with parents playing a pivotal role, as well. If the student is unable to clearly express their interests and goals, parents may want to collect information about their child's interests and strengths throughout the year in a portfolio.

Others to involve in the transition planning process include:

- a school system representative,
- a special education teacher,
- a regular education teacher, if appropriate,
- representatives from relevant community services,
- an individual who can interpret the child's evaluation results.

Participants will help the student establish age-appropriate, measurable goals. They'll then identify services and activities needed by the student to develop the skills necessary to achieve their goals.

The transition plan should evolve to reflect the student's changing abilities and interests. For instance, they may initially be attracted to a particular job, only to realize, through an internship, that they don't enjoy that type of work. In many cases, a transition plan becomes increasingly focused as the student approaches graduation. At 16, for instance, they may establish the goal of working with animals, while at 20, they may seek a job at the local zoo.

### **Legal Adulthood**

When a student reaches the age of majority (18 in most states), they're legally considered an adult, responsible for making decisions regarding educational, medical and financial matters. About six months before their 18th birthday, it's time to consider whether it's necessary to obtain decision-making authority on their behalf. If your child has the capacity to execute legal documents, decision-making authority could be handled through [a financial power of attorney or medical advance directive](#).

If the school recognizes that the student lacks the capacity to provide informed consent relating to their IEP, they should have procedures for appointing a parent or other appropriate person to represent the student's educational rights. Many students maintain a good relationship with their parents and agree to having their parents continue to attend

IEP meetings and contribute to transition planning. In some states, establishing an [education power of attorney](#) is an additional option.

If, on the other hand, your child lacks the capacity to implement powers of attorney, it may be necessary to pursue legal guardianship through the court system. Establishing guardianship is a serious step, since it involves limiting the individual's ability to make their own choices, whereas a power of attorney simply names *additional* individuals empowered to act on their behalf. Before undertaking guardianship proceedings, consider whether supported decision-making, combined with powers of attorney, may provide the right balance.

In addition, at 18 the young adult may qualify for means-tested public benefits, such as Supplemental Security Income (SSI) and Medicaid, because their parents' income will no longer be considered when determining eligibility. This is a time to consider creating a special needs trust (SNT) to hold funds meant to enhance their quality of life without affecting benefits that could become important to their well-being.

Transition planning is important. It's your child's game plan for realizing their aspirations. It combines creativity, practicality and research. Done well, it can change lives.

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