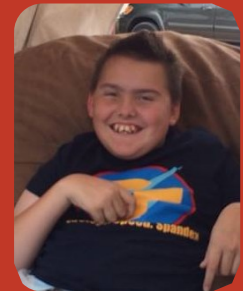


Transition from School to Adult Life

A PARENT RESOURCE BOOK



Utah
Parent
Center

Special needs,
extraordinary potential

utahparentcenter.org

Transition from School to Adult Life – A Parent Resource Book

The development and update of information in this resource book has been completed with funding from multiple state and federal funding sources over time.

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Contact the Utah Parent Center for:

- Free individual consultations and advocacy support
- Free Utah Parent Center workshops
- Additional information on topics covered in this book

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HOW TO USE THIS GUIDEBOOK

Dear Reader,

What is in store for youth with disabilities after they leave school? What will happen when educational services or accommodations at school, which have been mandated by federal law, are completed? These questions are important to all parents of youth with special needs.

This guidebook has been designed to equip you to be an active participant in developing your student's transition IEP (Individualized Education Program), beginning with the IEP that is developed when the child is 14, or younger if appropriate. It is also designed to give you crucial information that will become essential as your youth enters adulthood.

Although disabilities may vary greatly in their severity or impact from one individual to the next, all benefit from planning for the future.

Should you need any additional information or guidance, please contact the Utah Parent Center. Our knowledgeable staff will be happy to answer your call.

-The Guidebook Writers



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INTRODUCTION: SPECIAL EDUCATION VS ADULT SERVICES

What is the *difference* between special education and adult services?

As your youth continues to age and grow to be an adult, there are important changes that happen with the systems he or she will access.

Topics Included in this Section:

- Shift in Coordination Responsibility
- Special Education
- Adult Services

What changes can be expected when accessing adult services?

Special education is responsible for coordinating services for young people while they are in school. When students leave school, in spite of many services and options that may be available, there is no longer a "central agency" or person assigned responsibility to plan, coordinate and oversee the provision of information and services. This means that families and adult individuals with disabilities become primarily responsible for seeking out what they need and engaging with the agencies and organizations providing adult services.

Special Education:

- Special Education is an entitlement program that provides services to all qualified students throughout their public education.
- Parents are the advocates, spokespersons, and decision-makers for their children until their children turn 18 years old. After age 18, guardianship, or other forms of supported decision-making, might need to be considered.



Adult Services

- Adult service agencies are eligibility programs. Each one has a set of specific requirements that determines whether an individual qualifies for services.
- All young people legally become adults at age 18. Young adults with disabilities are no exception. At 18 years of age, young adults with disabilities are legally responsible for making their own decisions, unless some form of guardianship is obtained.

SECTION 1: SELF-DETERMINATION AND SELF-ADVOCACY

How is this a valuable skill for your young adult?

If your youth has a disability, self-determination and self-advocacy are keys to future success.

Topics Included in this Section:

- Self-Determination and Self-Advocacy
- Person Directed Planning
- Resources

Letting Go is a Process

Although it is especially difficult for you to allow and encourage your teen with disabilities to seek independence, it is easier when preparations have been made in advance. You will be less distressed if you view “letting go” as a process and use transition planning to provide an approach that lays adequate groundwork for successful independence.

As teens move toward adulthood and independence, you can encourage choice-making, disciplining yourself not to interfere. Even if you are afraid of possible failure at some new task or poor treatment by others, recognize that reasonable risk-taking is essential to personal growth, ultimate well-being and long-term happiness.



Self-Determination in the Transition IEP

The goals and objectives of the Transition IEP can include specifics that address concerns about your youth’s ability to function safely and independently. When the transition plan is being developed or reviewed, you have the opportunity and obligation to make certain those concerns are addressed. As the plan is implemented and monitored, assess your youth’s progress in making choices, experiencing consequences, evaluating outcomes and applying new knowledge to new circumstances of transition.

Tip:

Help your youth to attend and participate in meetings to develop the IEP or 504 Plan. When you are present, these meetings can be a safe testing ground for discussing strengths, interests, talents and needs with school staff. See *Student Led IEP and Section 504 Meeting* in Section 2.

“We don’t have a clue as to what people’s limits are. All the tests, stopwatches, and finish lines in the world can’t measure human potential. When someone is pursuing their dream, they’ll go beyond what seem to be their limitations. The potential that exists within us is limitless and largely untapped.”

~ Robert J Kriegel and Louis Patler

Self-Determination

Until now, you have been your child's best advocate - advocating for needed services medically and in the school system. However, research shows that, no matter the disability, youth who learn to make their own decisions and advocate for themselves at a young age are better prepared for their future challenges and opportunities.

Self-determination is a combination of attitudes and abilities that lead people to set goals and take initiative to reach these goals. It is about being in charge. It means learning about one's disability, one's strengths and needs, what accommodations are needed, and communicating those needs to others. It means youth and young adults can learn to make their own choices, effectively solve problems and take control and responsibility for their lives. Practicing self-determination also means experiencing the consequences of choices.

Self-Advocacy

The ability to speak up for oneself and express needs, concerns and rights under the law is self-advocacy. As youth enter adulthood, disability disclosure is required to secure "reasonable accommodations" in the workplace and in postsecondary settings. In addition, disclosure is necessary to become eligible for public programs and supports, youth also need to understand their medical conditions and how to explain these to health care professionals. It takes practice and opportunities to put the practice into action to become a skilled self-advocate.

How can parents help to promote self-advocacy skills?

- Teach your youth about their disabilities.
- Help them understand any medical conditions.
- Help your youth describe his or her disabilities clearly and simply.
- Help them identify strengths, interests and learning styles.
- Help them know what accommodations they may need.
- Help your youth communicate at his or her level of ability. If needed, use a speech board or assistive technology.
- Develop opportunities at home and in school for self-advocacy practice.
- Encourage youth to speak to teachers when accommodations are needed.
- Help them prepare ahead of time by planning what to say and making notes of key points to use. This can also be something that is done at school prior to the IEP meeting.
- Practice communication skills through role playing.

Tip:

Whether in the workplace, on a college campus or with a doctor, youth must know their strengths and limitations, understand how they affect their performance and health, believe they have the right to direct their own lives, and know how to communicate this to other people.



Understand Disability Disclosure

- Discuss with your teen the advantages and disadvantages of disclosing their disability in a particular setting.
- Help your youth determine how much information will be disclosed and in what settings disclosure is needed.
- Practice ways to disclose the information in a positive way.
- Share the skills already developed through life experiences.
- Help youth recognize their strengths.
- Help him or her understand what accommodations are needed.

Promote Choice Making

- Provide choice-making opportunities throughout the day, such as choosing clothing, social activities, family events, and other life activities.
- Allow them to make mistakes and experience the consequences.
- Explain to youth how you make decisions. Teach tools that will help them make choices, such as listing risks, benefits and consequences.
- Help youth develop skills in the area of problem-solving by breaking down the steps that guide your thinking and going over them together.

Goal Setting and Planning Skills

- Teach your youth family values and the importance of setting priorities.
- Define what a goal is and demonstrate the steps to reach a goal.
- Make a road map to mark short-term accomplishments as he or she works toward a goal.
- Help students determine their strengths and interests in order to decide on a career.
- Explore together what skills and level of training are needed to accomplish his or her career goal.
- Determine short-term goals your youth can take to reach his or her career goals.
- Be flexible in your support.



PERSON DIRECTED PLANNING

Person Directed Planning is an ongoing problem-solving process used to help people with disabilities plan for their future. Person Directed Planning is done with meaningful input from the youth and a team of individuals who know him or her. The team may consist of the youth, parents and other family members, friends, neighbors, people

from school or work, support coordinators, family attorneys, or other professionals. This team meets together to develop post-school goals, including goals for community living and recreation. These individuals take action and work with the individual to make sure the strategies discussed in planning meetings are implemented.

Steps for a Person Directed Planning Meeting

1. Together with your youth, develop a record, history or personal life story that captures background information, critical events, medical issues, major developments and important relationships.
2. Have your youth describe or give input on what life would ideally look like, such as community participation/engagement, work-related goals, and living situation.
3. Establish a list of preferences and dislikes.
4. Review the profile you've created and practice presenting it to the individuals who will partner and help your youth along the way.
5. On the meeting day, share this information with the group.
6. Identify obstacles and develop strategies to achieve the goals/vision.
7. The group identifies action steps to be completed in the short-term.
8. Meet again to follow-up on progress.



What are the benefits of Person Directed Planning?

- Individuals feel more confident about the direction of their lives
- Brings people together to help problem-solve and support the person of focus
- It can help guide service agencies in providing supports based on what's important to the person of focus

Tip:

Your son or daughter should make choices and communicate those choices to the team. If your child has trouble communicating, you can use assistive technology, pictures, or sign language to encourage them to actively participate in the planning process. You can also ask "yes" or "no" questions and look directly at the youth for a response.

RESOURCES

SELF-DETERMINATION, SELF-ADVOCACY, DISABILITY DISCLOSURE AND PERSON DIRECTED PLANNING

Center for Parent Information and Resources (CPIR)

<http://www.parentcenterhub.org/>

Best Practices in Self-Advocacy Skill Building

<http://www.parentcenterhub.org/priority-selfadvocacy/>

Opening Doors to Self-Determination Skills Workbook

<http://www.parentcenterhub.org/opening-doors-to-self-determination/>

I'm Determined Project

<http://www.imdetermined.org>

Job Accommodation Network (JAN)

<https://askjan.org/index.html>

Disability Disclosure and Employment Dos and Don'ts of Disclosure

<https://askjan.org/topics/discl.htm>

National Collaborative on Workforce and Disability (NCWD)

<http://www.ncwd-youth.info/>

The 411 on Disability Disclosure: A Workbook for Youth with Disabilities

<http://www.ncwd-youth.info/411-on-disability-disclosure>

Office of Disability Employment Policy (ODEP)

<https://www.dol.gov/odep/>

Advising Youth with Disabilities on Disclosure: Tips for Service Providers

<https://www.dol.gov/odep/pubs/fact/advising.htm>

Youth, Disclosure, and the Workplace: Why, When, What, and How

<https://www.dol.gov/odep/pubs/fact/ydw.htm>

Utah Parent Center (UPC)

<http://www.utahparentcenter.org/>

Parents Teaching Self-Advocacy Skills: Helping Your Child toward Self-Determination

<http://www.utahparentcenter.org/self-determination-video/>

Self-Advocacy/Self-Determination

<http://www.utahparentcenter.org/self-advocacyself-determination/>

SECTION 2: DEVELOPING THE TRANSITION IEP

What are transition services?

Transition services are a coordinated set of activities that are designed to achieve specific results, and are focused on improving the academic and functional achievement of the student with a disability to facilitate the student's movement from school to post-school activities.

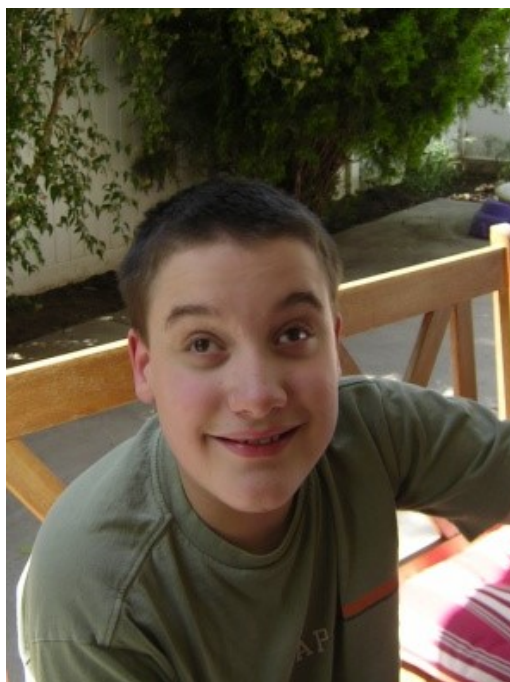
Topics Included in this Section:

- The Transition IEP
- Key Team Members
- Community Programs
- Student-led IEP and Section 504 Meetings
- Writing Measurable Postsecondary Goals
- Age of Majority – 18th Birthday
- Resources

Why have transition IEPs?

The purpose of the Transition IEP team meeting is to consider the postsecondary goals and transition services needed for the student. Post-secondary goals are measurable outcomes that occur after the student leaves the school system.

Transition services and planning began as one of many ideas for increasing the quality of life for young adults with disabilities. Today, transition from school to adult life is more than a nice idea; it is a requirement of the law. The Individuals with Disabilities Education Act (IDEA) requires that transition services be included in every transition-aged student's IEP .



Tip:

Utah law requires that transition planning be included on each student's IEP in the year the student is age 14, or younger if determined appropriate by the IEP team, and must be updated each year.

The foundation of the plan needs to be a coordinated effort between the student, parents, school, and adult service providers to achieve a desirable future for the individual.

The focus should always be the young adult's vision of the future. The coordinated set of activities needs to be based on the individual student's needs, taking into account the student's strengths, preferences and interests; and needs to include:

- Instruction
- Related services
- Community experiences
- The development of employment and other post-secondary adult living objectives
- If appropriate, acquisition of daily living skills and to also be provided a functional vocational evaluation

IEP teams have to walk a fine line and strike a balance between high expectations and reasonable goals that are written with the belief that a student will be able to meet them. The plan becomes the roadmap to guide the student toward the desired outcomes.



Transition services are designed to be a results-oriented, student-centered, process. The focus is on improving the academic and functional achievement of the student with a disability to facilitate the student's movement from school to post-school activities (activities happening after the student leaves the school system), including:

- Training and education, such as on-the-job training, vocational education, continuing education and post-secondary education
- Employment in an integrated setting, which can include supported employment, job carving, and part-time or full-time employment
- Independent living
- Community participation



For a student with a disability, age 14 or older, the Transition IEP must include:

- Present levels of academic achievement and functional performance, based on an annual, age-appropriate transition evaluation
- Realistic and reasonable measurable postsecondary goals, related to training, education, employment, and, where appropriate, independent living skills
- Transition services, including multi-year courses of study that will enable the student to reach the post-secondary goals identified on the IEP (multi-year means more than just classes the student has taken and is currently taking, and also includes future classes)
- Evidence that the student was invited to the IEP meeting where transition services are to be discussed. If the student does not attend the IEP meeting, the IEP team must take other steps to ensure the student's preferences and interests are considered
- If appropriate, evidence that a representative of any participating agency that might be providing or paying for any transition services was invited to the IEP team meeting, with written consent of the parent or adult student prior to the meeting. Such agencies might include the Utah State Office of Rehabilitation (USOR) or the Division for Services for People with Disabilities (DSPD)
- If the agency representative attends the meeting, evidence that they were present
- Any modifications to graduation requirements



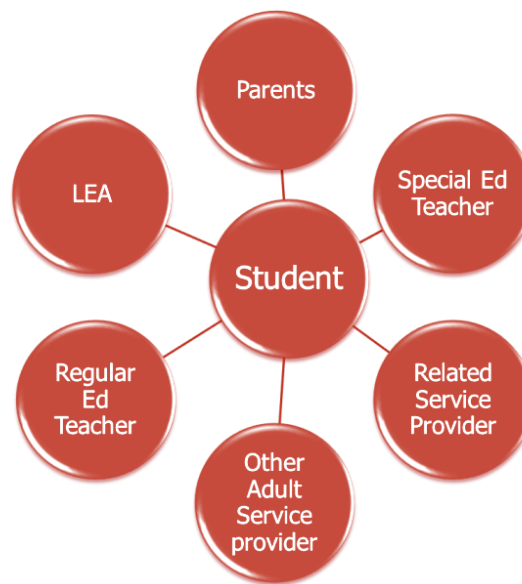
What about the school counselor?

Students with disabilities need to have access to school counselors for the purpose of planning, and counselors need to be actively invited and included, when appropriate, in school activities which address course planning (including online courses), graduation, and post-secondary education and employment. Some of these activities may include participation in college week, meetings regarding scholarship opportunities, taking the ACT and exploring concurrent enrollment options.

KEY TEAM MEMBERS

The youth is the center of the key players on the team. IDEA requires the following members also be part of the Transition IEP team:

1. The student. If the student does not attend, the Local Education Agency (LEA) must take other steps to ensure that the student's preferences and interests are considered
2. One or both parents, guardian or surrogate parent, to the extent appropriate; with the consent of the student if the student is over age 18
3. No less than one special education teacher of the student, or, where appropriate, not less than one special education provider of the student
4. At least one regular education teacher of the student, if the student is or may be participating in the regular education environment
5. A representative of the Local Education Agency (LEA), who is usually the school administrator or a representative
6. If appropriate, related service providers (occupational therapist, speech pathologist, etc.)



7. An individual who can interpret the instructional implications of evaluation results (may be a task that can be performed by another team member)
8. If appropriate, an agency representative that might be providing or paying for any transition services

Tip:

A Local Education Agency (LEA) is a school district or charter school.

How do you know who will be in attendance at the meeting?

IDEA requires that the parents *and the student* receive prior notice of the IEP meeting. If the student is an adult student, 18 or older, the Notice of Meeting must be addressed to the student, not the parents, unless the parent has obtained legal guardianship, power of attorney or conservatorship. Notice of the meeting includes the purpose, time and location of the meeting and who will be in attendance. It must inform the parents and the student of their right to bring other individuals who have knowledge or expertise.

COMMUNITY PROGRAMS

What are community programs and how are they important to the transition IEP?

Since the school is expected to initiate preparation for transition to work and adult life, the guidance and support of school personnel is essential. It is also necessary to identify who else will participate in the IEP meeting along with them, your youth, and you.

When appropriate, representatives of community programs like the Utah State Office of Rehabilitation Services (USOR), residential specialists, mental health workers, and support coordinators with the Division of Services for People with Disabilities are encouraged to send a representative to the transition IEP meeting. Community programs and adult agencies, which have services that link school experiences with realistic employment and independent living opportunities, can assist and fund **eligible** individuals with disabilities to prepare for and engage in gainful employment.

Tip:

If the school invites an agency representative, a consent form must be signed by the parent/adult student PRIOR to any documented invitation to the IEP meeting where transition services are to be discussed. Parents/adult students may invite an agency representative to the IEP meeting without signed consent. It is important to inform the team ahead of time about additional people you are inviting.



Who is assigned to provide or pay for special education or transition related services?

If any public agency other than an educational agency, such as the school district or charter school, is otherwise obligated or assigned responsibility to provide or pay for any services that are also considered special education or related services, the public agency must fulfill that obligation or responsibility. This can be done directly, through contract or some other arrangement, as might be described in an interagency agreement, independently.

If a public agency, other than an educational agency, fails to provide or pay for the special education and related services, the school district or charter school must pay for or provide these services to the student in a timely manner. This means that the needed services for the student could not be delayed. Since it provided the services, the LEA is then authorized to claim reimbursement for those services from the non-educational public agency that failed to provide or pay for these services, and that agency must reimburse the LEA in accordance with the terms of the interagency agreement.

STUDENT LED MEETINGS

When youth take an active role in developing their own IEPs or Section 504 plans, the results can be amazing. Studies show that student-directed IEPs are associated with higher academic achievement, better communication and self-advocacy skills and stronger motivation for students with disabilities to achieve.

Before the IEP Meeting

- Work with your IEP team members to brainstorm ways to prepare for the upcoming meeting
- Explain the general process to the student and assure him or her that there will be support along the way
- Set some time aside to review the existing IEP and gather your youth's opinion on what he or she feels is or isn't working well
- Gather ideas and suggestions

Some suggestions for encouraging student participation are:

- Establish the purpose and goals of the meeting.
- Have the student direct part of or the entire IEP meeting.
- Ask the student relevant questions to discuss: career goals, training and education goals, independent living goals, strengths and weaknesses, learning styles, classroom accommodations, skills to improve.
- Listen attentively and take notes.
- Give the student plenty of time to think and respond. This is crucial.
- Use the information the youth provides.
- Summarize the student's goals and plans.



WRITING MEASURABLE POSTSECONDARY GOALS



It is likely that your IEP team has been writing goals for many years. Transition IEP goals are different in that they begin to tackle areas that have not been represented on the IEP before. Measurable postsecondary goals are outcomes that occur after the person has left high school. They tell what a student WILL do (be enrolled in, attending, working at, etc.).

When writing measurable postsecondary goals, consider:

- Using results-oriented terms such as “enrolled in,” “work,” “live independently” as if the student could be seen actually performing this activity
- Using measurable descriptions such as “full-time” and “part-time”
- Using language in the goal similar to, “After high school . . .”
- Goals can be broader to begin with and then refined and updated with each annual IEP as the student progresses
- Sometimes goals in education and employment can be combined. On the other hand, because employment is a distinct activity from the areas related to training and education, each student’s IEP must include a separate postsecondary goal in the area of employment
- Sometimes multiple goals are needed in one area

What areas are required?

- **Training or education**—specific vocation or career field, vocational training program, apprenticeship, on-the-job training, supported employment, Job Corps, four year college or university, technical college, two year college, shorter vocational or technical program, etc.
- **Employment**—competitive, paid employment
- **Independent living**, where appropriate—adult living, daily living, independent living, financial, transportation, etc.

Tip:

After the IEP has been successfully finalized, don’t forget to periodically review your goals and progress. Adjust these goals as needed.



AGE OF MAJORITY - 18TH BIRTHDAY

Do parents continue making educational decisions for their student once he or she turns 18?

All decision-making rights are transferred to the student at age 18, unless the student has married, has become emancipated, or the parent has obtained legal guardianship, power of attorney or conservatorship (see Section 6 Guardianship and Financial Planning).

How can I prepare my child for the age of majority (18)?

1. Role-playing together: practice the meeting ahead of time.
2. Helping your teen develop good working relationships with school personnel and other IEP team members.
3. Not allowing educators to pressure your youth into making decisions he or she is not capable of handling.
4. Avoiding being overprotective: do not interfere with your teen's desires when it is not truly necessary.
5. Staying involved even after you are no longer the primary Participant in the development of your child's IEP.
6. Seek out information prepared by other adults with disabilities designed to mentor or support youth with disabilities. For an example, see "My Voice Counts" in the resource area of this section.

Tip:

IDEA does not address parents' attendance at IEP meetings once a student has reached the age of majority. The school or student could, however, invite a parent to attend the meeting as an individual who is knowledgeable about the student's educational needs and abilities.



Prior Written Notice

The Utah State Board of Education's Special Education Rules and Regulations state: "Beginning not later than one year before the student reaches the age of majority (age 18 in Utah) the IEP must include a statement that the student has been informed of the student's rights under Part B of the IDEA that will transfer to the student on reaching the age of majority. The transfer of rights also occurs upon notification to the LEA that a student has married or become emancipated before age 18."

- The LEA must provide separate notice to both the student and the parents regarding the transfer of these rights.
- These rights also transfer to students who are incarcerated in an adult or juvenile state or local correctional institution.

RESOURCES

TRANSITION AND THE IEP

Center on Technology and Disability (CTD)

<http://www.ctdinstitute.org/>

EnvisionIT: Enhancing Transition Through Technology

<http://www.ctdinstitute.org/cafe>

Division of Services for People with Disabilities (DSPD)

<http://www.dspd.utah.gov>

O*Net OnLine Interest Profiler

<https://www.onetonline.org/>

Utah Futures

<https://utahfutures.org/>

Interest Profiler

<https://utahfutures.org/assessments/interest-profiler>

Utah Parent Center (UPC)

<http://www.utahparentcenter.org/>

From 'NO' Where to 'KNOW' Where: Transition to Adult Life

<https://utahparentcenter.org/training/videos/transition-videos/>

Parents as Partners in the IEP Process

<https://utahparentcenter.org/wp-content/uploads/2015/10/Parents-as-Partners-in-the-IEP-Process-Handbook1.pdf>

<https://utahparentcenter.org/training/videos/iep-videos/>

The Ins and Outs and Ups and Downs of Running Your Own IEP Meeting: A Training Guide for Self-Advocates

<https://utahparentcenter.org/?s=self+advocate>

Transition to Adult Life/Adult Services

<http://www.utahparentcenter.org/transition-to-adult-life/>

Student-Led IEPs

<https://utahparentcenter.org/publications/infosheets/general-info-sheets/student-participation-in-the-iep/>

Student-Led Section 504 Plan

https://www.youtube.com/watch?v=08af3Yx_cmA&feature=youtu.be

What Parents and Youth Should Know About Transition

https://www.youtube.com/watch?v=DEwRV_1ds40&feature=youtu.be

Utah State Board of Education (USBE)

<https://www.schools.utah.gov/>

Procedural Safeguards (Parent and Adult Student Rights in Education)

<https://www.schools.utah.gov/specialeducation/resources/lawsrulesregulations>

USBE Rules and Regulations in Special Education

<https://www.schools.utah.gov/specialeducation/resources/lawsrulesregulations>

Utah State Office of Rehabilitation (USOR)

<https://jobs.utah.gov/usor/vr/services/student.html>

SECTION 3: GRADUATION OR AGING OUT OF SERVICES

What are my student's different options?

In each transition IEP, the IEP team should address whether the student will graduate with a high school diploma or receive a certificate of completion.

Topics Included in this Section:

- Diploma or Certificate of Completion
- Graduation
- Summary of Performance
- Resources

DIPLOMA OR CERTIFICATE OF COMPLETION

Graduation requirements and diploma options must be understood by youth and their families in order to chart a pathway to life after high school. The differences between them, described below, should help guide you when discussing the courses that the student will take throughout his or her high school career. A student with a disability may need accommodations and/or modifications, as specified by IEP teams.

Graduation Paths

The IEP team, with the student's input, can choose the path that best meets the student's needs.

Regular High School Diploma: If your student has met all the high school graduation criteria, the LEA will award a high school diploma. At this time eligibility for special education services will terminate. The IEP team may amend graduation requirements by documenting them in the IEP.

Certificate of Completion: May be awarded to students that meet the school district criteria who have completed their senior year, are exiting the school system, but have not met all state or district requirements for a diploma. This does not end FAPE.

Alternate High School Diploma: Designed for students with significant cognitive disability who meet the requirements for participation in Utah's Alternate Assessment (Dynamic Learning Maps). It allows students the opportunity to learn rigorous standards-based content through the Essential Elements and Extended Core curriculum. This does not end FAPE.

CAREER DEVELOPMENT CREDENTIAL (CDC)

The Career Development Credential is available to students with disabilities who are working toward a (1) Regular High School Diploma or an (2) Alternate High School Diploma. Prior to obtaining the credential, the student must have earned credit in core academic content areas.

This credential requires 120 hours of community-based work experience,

completion of a transition curriculum class or coursework. It also requires half a credit (0.5) in an internship.

The credential is earned as part of a diploma, and it helps direct the student's focus to career and work experience. This is an effort to further support students be prepared for adulthood as they experience their transition services and supports in school.

GRADUATION

Eligibility for Special Education Services upon Graduation

- Graduation from high school with a regular high school diploma constitutes a change of placement, requiring written prior notice. Parents or adult students must be notified of graduation as a change of placement with enough time to appeal the action. If state and federal regulations have been followed, graduation should not come as a surprise to parents, since transition planning begins when a student is age 14 or younger.
- Students with disabilities who graduate from high school with a regular high school diploma or a Utah Adult Secondary Diploma from the Adult High School Completion Program are no longer eligible for public education services.
- The term *regular high school diploma* does not include an alternative degree that is not fully aligned with the State's academic standards, such as a certificate of attendance/completion or a General Educational Development credential (GED). These options will not end eligibility for special education services.

Tip:

IEP amendments may include modifications, substitutions, and/or exemptions made to accommodate the needs of the individual student, if the student has a disability. The modification or substitution must maintain the integrity and rigor expected for high school graduation. For instance, you could not replace a math credit by taking an art class.



If a student is in the post-school program until age 22, when does he or she really “age out?”

Utah’s legislature recently passed a law (HB 317) that states “if a student with a disability turns 22 during the school year, the entitlement extends to the end of the school year”. The school year is defined as the 12 month period from July 1 through June 30.

In other words, students who turn 22 years old on or after July 1st would be eligible to continue with their special education programming for one more school year.

No Prior Written Notice Needed:

Reaching maximum age (age 22) ends eligibility for a free appropriate public education (FAPE). Exiting at maximum

SUMMARY OF PERFORMANCE

Under IDEA, an LEA must provide a student who is graduating with a regular high school diploma or exiting the school system at age 22 with a summary of the student's academic achievement and functional performance, which should include recommendations on how to assist the student in meeting his or her postsecondary goals.

This summary of performance (SOP), with the accompanying documentation, is important to assist the student in the transition from high school to higher education, training and/or employment.

The SOP contains key information about the student that can help in understanding what accommodations can be helpful in a postsecondary setting. It can also provide information useful to the student when disclosing a disability.



The SOP must include:

- A summary of the student's academic achievement and functional performance
- A statement of the student's postsecondary goals, with recommendations on how to assist the student in meeting them
- A statement of when and how accommodations were used for instruction and assessment



Tip:

School districts are responsible for determining how students with or without disabilities who have not met graduation requirements participate in ceremonies where diplomas or Certificates of Completion may be awarded.

RESOURCES

GRADUATION AND THE IEP

Center for Parent Information and Resources (CPIR)

<http://www.parentcenterhub.org/>

Getting Ready for When Your Teen Reaches the Age of Majority: A Parent's Guide

<http://www.parentcenterhub.org/age-of-majority-parentguide/>

Secondary Transition: Helping Students with Disabilities Plan for Post-High School Settings

<http://www.parentcenterhub.org/helping-students-with-disabilities-plan-for-post-high-school-settings/>

Utah Parent Center (UPC)

<http://www.utahparentcenter.org/>

From 'NO' Where to 'KNOW' Where: Transition to Adult Life

<https://utahparentcenter.org/training/videos/transition-videos/>

Parents as Partners in the IEP Process

<https://utahparentcenter.org/wp-content/uploads/2015/10/Parents-as-Partners-in-the-IEP-Process-Handbook1.pdf>

<https://utahparentcenter.org/training/videos/iep-videos/>

Transition to Adult Life/Adult Services

<http://www.utahparentcenter.org/transition-to-adult-life/>

What Parents and Youth Should Know About Transition

https://www.youtube.com/watch?v=DEwRV_1ds40&feature=youtu.be

Utah State Board of Education (USBE)

<https://www.schools.utah.gov/>

Age-Appropriate Transition Assessments

<https://www.schools.utah.gov/specialeducation/programs/schooltransition>

Frequently Asked Questions Regarding the Career Development Credential (CDC)

<https://schools.utah.gov/file/a5109432-5105-44f4-801f-5f29aa3551b7>

Graduation Requirements

<https://www.schools.utah.gov/curr/graduationrequirements?mid=1014&tid=2>

Utah's Transition Action Guide for Students with Disabilities and Team Members

<https://schools.utah.gov/file/5069b847-a065-4167-9717-cc191f98312d>

USBE Rules and Regulations in Special Education

<https://www.schools.utah.gov/file/bff61848-ae42-4265-a654-6dae5f398507>

SECTION 4: PROBLEM-SOLVING IN SPECIAL EDUCATION

What options are there if the process breaks down?

It is best to seek to resolve difficulties at the lowest possible level. Most resolution options have a process or chain of command to follow. The state of Utah has different kinds of supports available to you and the IEP team.

Topics are In This Section include:

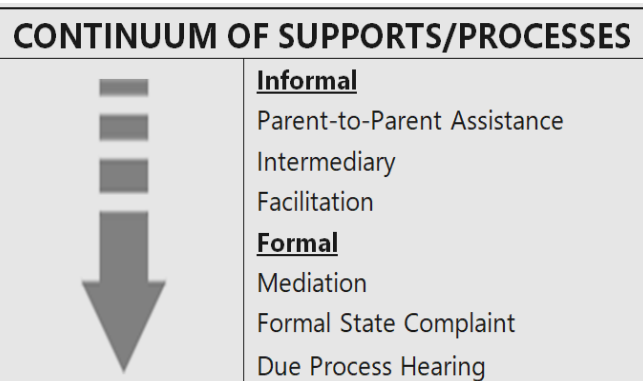
- Continuum of Supports
- Chain of Command
- Informal Dispute Resolution
- Formal Dispute Resolution

CONTINUUM OF SUPPORTS

As you work with your child’s IEP team, you might find yourself in disagreement with some of the other team members’ opinions and suggestions on how to proceed with the modifications, services and/or supports for your child. You should feel comfortable and confident in disagreeing with the IEP team and with expressing their reasons for doing so.

Disagreement, in and of itself, is not detrimental to the team, since it provides teams the opportunity to dig deeper to find underlying concerns and to be creative in finding solutions for them. Teams can make progress when the focus is placed on the student and meeting his or her needs. Having an open mind to consider multiple solutions to a problem will also be beneficial.

In addition to the chain of command, informal supports exist to help resolve issues early on, and they help minimize the level of difficulty experienced between the parents and the school district or charter school. They allow families to better preserve relationships. IDEA also provides guidance for formal processes and mechanisms designed to resolve disputes.



Tip:

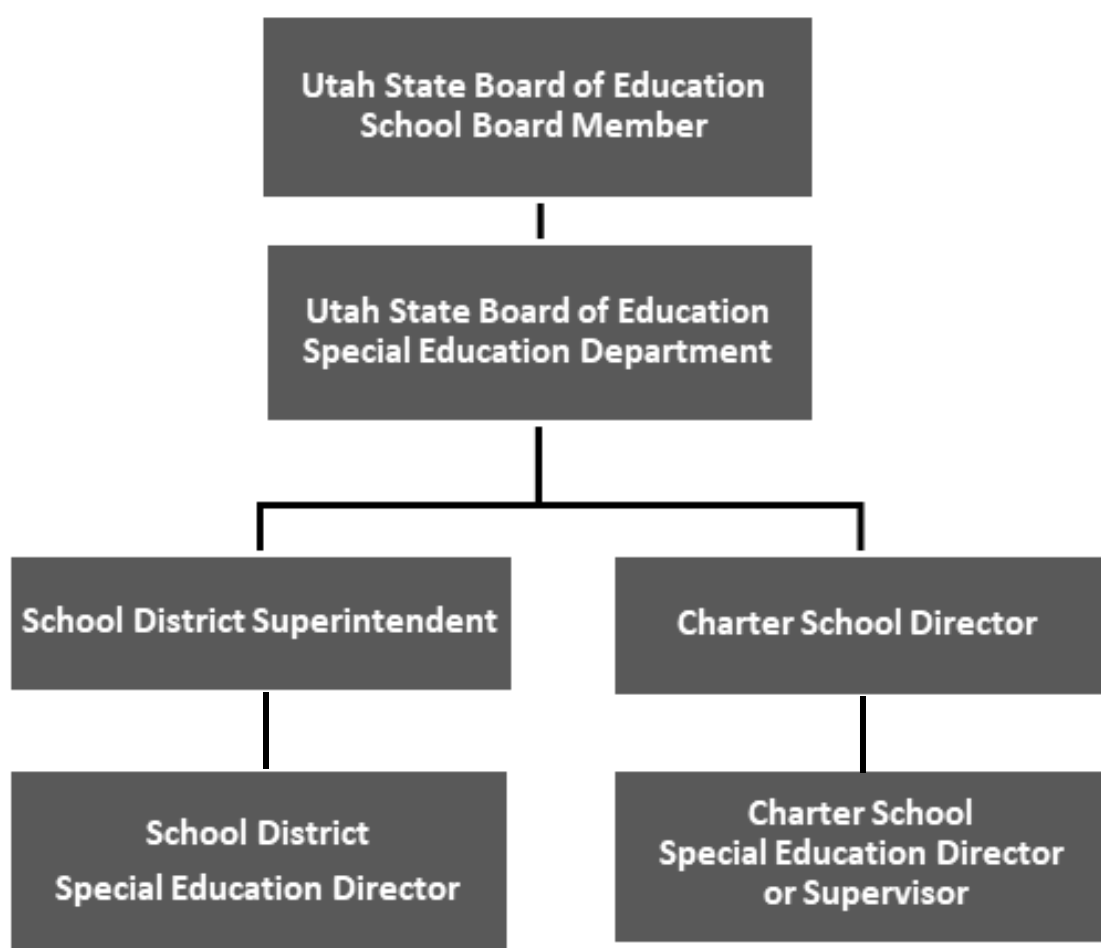
At this point, it is critical to remember good communication skills. Keeping respectful communication will go a long way in helping meetings be productive. Be prepared to negotiate and keep an open mind. It is always helpful to remember that you are likely to work with the same professionals for many years into your child’s future as he or she goes through the public school system.



CHAIN OF COMMAND

When seeking help within the education system, make sure to follow the chain of command. First, try to resolve issues with the teacher. If this is not sufficient, request that the teacher go with you to the next level, usually the principal. Most problems are solved at this level. If you cannot work things out at the building level, always follow your school district or charter school's chain of command.

CHAIN OF COMMAND FOR SCHOOL DISTRICTS AND CHARTER SCHOOLS



How do I communicate my concerns as I go up the chain of command?

See **Introduction: Building a Partnership** (pg. 1) to learn more about ways to effectively communicate your concerns for your student with school personnel. This will include valuable tips on both verbal and written communication.

INFORMAL DISPUTE RESOLUTION

When families are in dispute with the school district or charter school providing services for the student, the Individuals with Disabilities Education Act (IDEA) provides for certain supports to help resolve them. These are known as “formal” options. However, each state is unique in the kinds of supports available to families beyond the formal options. Utah has three distinct “informal” options that families can utilize, including parent-to-parent assistance, an intermediary, and IEP meeting facilitation.

PARENT-TO-PARENT ASSISTANCE

The Utah Parent Center (UPC) has varying levels of support for families with varying levels of need. These services are provided at no cost to parents.

Parent Consultants

UPC Parent Consultants are available for consultation, problem-solving and support in the IEP process for parents throughout the state. These knowledgeable individuals provide training and resources on a variety of disability-related topics. In addition to the Parent Consultants available in our main office, several districts in Utah have a designated Parent Consultant assigned to serve families within their respective boundaries.

Visit the UPC website (www.utahparentcenter.org) to learn if your district has a dedicated Parent Consultant and to find specific contact information. Families can call the UPC's main phone line to access all other Parent Consultants or to inquire about a district consultant.

As parent advocates, we encourage and assist parents in navigating and resolving disputes with ongoing communication and collaboration with school districts or charter schools throughout the state.

This level of support is characterized by:

1. More intensive communication, including frequent check-ins with parents;
2. Document review and discussions with the purpose of gaining an in-depth understanding of the information and helping frame questions, and;
3. Meeting attendance, including eligibility meetings, IEP meetings, transition meetings and other meetings along the special education continuum of formal and informal dispute resolution, as needed.

This in-depth support is provided to parents through the resolution of the concern.



Tip:

Parent-to-parent assistance will be delivered by experienced and knowledgeable parents of individuals with disabilities who provide problem solving ideas and options to support you in making sure that the needs of your child are met.

INTERMEDIARY

Telephone and Electronic

An intermediary from the Utah State Board of Education (USBE) can be requested by the parent. The intermediary can help clarify issues via telephone call or may use other electronic means to provide knowledge and state regulation information to:

- Parents
- School district personnel
- Charter school personnel

The intermediary might refer the family to other informal ways of resolving issues and, if appropriate, may also proceed with resolving the situation.



FACILITATORS

Sponsored by the LEA

Some of the LEAs throughout the state offer this option, and they are able to bring in a facilitator that is not part of the IEP team to assist with the team dynamics and to help the team move forward. Facilitators have expertise in effective listening and speaking skills, and their participations can be a positive experience for the entire team.

Sponsored by the USBE

In Utah there is a group of trained, impartial, problem-solving, facilitators who are available to give support in the IEP process. These facilitators help IEP teams communicate effectively. Their purpose is to help parties work through problems before they escalate and become more difficult, expensive and time consuming.

The help of an IEP Facilitator can be requested by either the parent or the school. Since this is a voluntary option for IEP teams, both the parent and the LEA must agree to facilitator participation. The facilitator can be requested through the Utah Parent Center (UPC) or the Utah State Board of Education (USBE) and will be paid for at public expense, without any direct cost to parents or LEAs.

How do I know which of these informal supports is right for me?

When in doubt about what support is most appropriate for your particular situation, please don't forget to call the Utah Parent Center (UPC) for an individualized consultation provided at no cost to you. Our Parent Consultants, who are themselves parents of individuals with disabilities, await your call to help guide you. They can provide more in-depth information about each of these supports and other information that may be relevant to you.

To access any of these resources, please contact the Utah Parent Center at 801-272-1051, Toll Free at 1-800-468-1160, or visit our website at www.utahparentcenter.org.

FORMAL DISPUTE RESOLUTION

MEDIATION

The USBE maintains a list of qualified and impartial mediators that are trained in effective mediation techniques and special education law. Mediation is voluntary, so both the parent and the LEA must agree to participate in the process. The process is at no cost to the parents nor the school district or charter school. All discussions that take place during mediation remain confidential.

The result of a successful mediation is a legally binding agreement. A written and signed mediation agreement is enforceable in any state court or district court of the United States. Mediation may not deny or delay the parent's or adult student's right to a due process hearing or deny any other rights.



FORMAL STATE COMPLAINT

A complaint is an allegation that the law is not being followed. If negotiation doesn't resolve the conflict, you can file a complaint in writing to the USBE Director of Special Education. A complaint must be filed no more than one (1) year from the violation.

A copy of the complaint must be sent to the school district's Special Education Director or the charter school administrator. If parents or adult students are unable to file in writing, they can contact the local school district or charter school or the USBE for assistance. Allegations may be made by public agencies, private individuals or organizations.

Timeline Information

Unless there are exceptional circumstances, as a general rule, the Utah State Director of Special Education shall resolve the complaint within 60 calendar days and issue a written decision of findings and remedies to both parent and school district or charter school.

The complaint decision issued by the USBE is the final action and is not subject to appeal. If either party disagrees, a Due Process complaint can be filed.

What must be included in a state complaint?

- A statement that the LEA or public agency has violated a requirement of Part B of IDEA or the Utah State Board of Education Special Education Rules
- The facts on which the statement is based
- The contact information and signature of the person making the complaint

When regarding a specific student:

- Student's name, address, and school attending
- The contact information and signature of the person making the complaint
- A description and nature of the problem
- A proposed resolution to the problem

If you decide to proceed with a due process hearing, it is recommended you have some legal help. A due process hearing is a very formal (and costly for the district or charter school and often for the parent or adult student) legal proceeding where an attorney is usually used. Try all forms of mediation before considering a due process hearing, but do not be afraid to advocate for your own and your child's rights.

DUE PROCESS HEARING

Parents may file a due process complaint (different from a formal state complaint) requesting an impartial due process hearing on any of the matters relating to the identification, evaluation, or educational placement of the student, or the provision of a free appropriate public education (FAPE) to the student.

A copy of the due process complaint must be sent to the USBE. Under some circumstances a school district or charter school may also request a hearing. Persons with special expertise, including attorneys and advocates, may assist or accompany either party to a due process hearing.

Additional Considerations

- You can expect to be able to have the student present for the hearing, to have the hearing open to the public, and to receive findings and decisions at no cost to you.
- The decision at the hearing is final unless appealed in civil action.
- Under certain circumstances, an expedited hearing can be requested and granted.
- There are special considerations regarding attorney's fees for both parties.
- The student will remain in the last agreed-upon educational placement, unless both parties agree otherwise.

What is a resolution meeting?

Within 15 calendar days of receiving notice of the parents' or adult student's due process complaint and prior to initiating a hearing, the school district or charter school must convene a meeting with them and other relevant members of the IEP team who have specific knowledge of the facts (not including an attorney of the district or charter unless the parent is accompanied by an attorney).

The purpose of the meeting is for the parents or adult student to discuss their complaint and the facts of the complaint so that the district or charter has the opportunity to resolve the dispute. The resolution meeting does not need to be held if the parents or adult student and the district or charter agree in writing to waive the meeting or to use the mediation process. **If the issue is not resolved within 30 days, the due process hearing would take place.**

Tip:

For a comprehensive overview and understanding of Due Process, please refer to the USBE Rules and Regulations in Special Education, the Procedural Safeguards (parental and adult student rights in special education) found at the end of the section, or contact the Utah Parent Center for a free consultation at 801-272-1051 or Toll Free at

RESOURCES

DISPUTE RESOLUTION IN SPECIAL EDUCATION

Center for Appropriate Dispute Resolution in Special Education (CADRE)

<http://www.cadeworks.org/>

CADRE Dispute Resolution Parent Guides

CADRE Dispute Resolution Comparison Guide

<http://www.cadeworks.org/for-families>

Disability Law Center (DLC)

<http://disabilitylawcenter.org/>

Utah Parent Center (UPC)

<http://www.utahparentcenter.org/>

Everything You've Always Wanted to Ask about the IEP and the Special Education

Process and Early Dispute Resolutions: Questions and Answers

<http://www.utahparentcenter.org/training/webinars/>

Understanding your Parents' Rights and Procedural Safeguards

Using Negotiation and Advocacy Skills to Works with your Student's School Team

<http://www.utahparentcenter.org/training/videos/iep-videos/>

Utah State Board of Education (USBE)

<https://schools.utah.gov/>

Dispute Resolution

Procedural Safeguards (Parent and Adult Student Rights in Education)

USBE Model Forms and Policies

USBE Parent Advocates

USBE Resources and Technical Assistance Documents

USBE Rules and Regulations in Special Education

<https://schools.utah.gov/specialeducation/resources/lawsrulesregulations>

SECTION 5: EDUCATION, TRAINING AND EMPLOYMENT

How do I help my student prepare for their next step once they have aged out or received their diploma?

Family involvement and high expectations for youth play a large role in achieving success in adulthood. Participation and involvement of parents, family members and/or other caring adults promotes the social, emotional, physical, academic, and occupational growth of teens, leading to better post-school outcomes.

Topics Included in this Section:

- Postsecondary Options
- Training and Employment Services
- Financial Aid and Scholarships
- Resources

The transition from youth to adulthood is challenging for almost every young person. This is particularly true for young people with disabilities. Yet, it is in those critical transition-age years that a young person's future can be shaped and determined. Research has identified interventions that can make a positive difference in the lives of youth with disabilities.

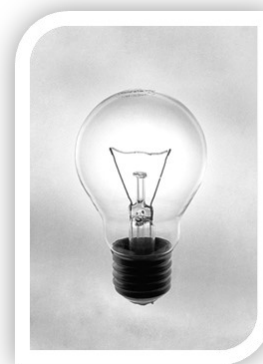
Below are a few ideas of how you can help your youth prepare for a career:

- Set high expectations that build upon the young person's strengths, interests and needs and foster the ability to achieve independence and self-sufficiency.
- Take an active role in teaching your youth to work. Ensure he/she has chores and encourage community service and volunteering.
- Teach positive work behaviors (also called "soft skills"), such as: maintaining good personal hygiene, getting up on time, calling when running late, accepting direction, accepting changes in schedules, offering compliments to others, and other communication and social skills.
- Encourage youth to take responsibility for their actions at home, school and in the community, and to accept the consequences.
- Help your teen understand his/her disability and how to explain it to others.
- Before the transition IEP meeting, explore different careers with your youth or ask a member of the IEP team to work with your youth.
- Teach your youth about self-disclosure. Discuss whether the youth feels accommodations on the job are needed, and whether or not to disclose a disability.
- Learn and teach youth about their rights under Section 504 of the Rehabilitation Act and the Americans with Disabilities Act (see "Law" section in handbook).

Tip:

Visit the Utah Parent Center's website under Transition to Adult Life/Adult Services for more suggestions and ideas to prepare your student for postsecondary options.

POSTSECONDARY OPTIONS



Options for all types of disabilities

Too often students with disabilities, and especially those with intellectual disabilities, aren't encouraged to consider college. The Individuals with Disabilities Education Act (IDEA), along with inclusive education practices, has created higher expectations for students with disabilities. The changes in the Higher Education Opportunity Act of 2008 (HEOA) also make it possible for individuals with intellectual disabilities to attend college (see Section 9 Laws the Impact People with Disabilities).

Research shows that individuals with disabilities who attend a technical school or college are more likely to:

- Be employed
- Earn higher wages
- Develop academic and personal skills
- Learn self-advocacy skills
- Gain independence
- Develop new friendships
- Be more likely to move away from home

Four-Year Universities and Colleges:

A university is an institution that offers undergraduate and graduate degrees. Colleges offer associate and undergraduate degrees. The number of colleges and universities that are creating programs and supports for students of all abilities continues to increase.

Accommodations on the ACT/SAT

Parents and students usually work with school counselors on applications for college entrance exams; however, the school is not responsible for granting approval for accommodations. The request goes to a college board, which determines which accommodations are appropriate.

When accessing rights for accommodations under the ADA and Section 504 of the Rehabilitation Act on college entrance exams, an individual must present documentation of the disability and the justification for the requested accommodation. Make the request early on in the year, since it can take several months to receive final approval, and students have been known to reapply multiple times.

For the ACT, students may request one of the following accommodation categories:

- Standard Time National Testing with Accommodations
- Extended Time National Testing (50 percent time extension)
- Special Testing: testing at school with extended time and alternate formats available (not as part of national or international testing at a test center)

Postsecondary education is any type of school or training beyond the high school level. The postsecondary experience may include taking a continuing education class, a program-specific course, taking a class for credit, pass/fail or auditing a class (no grade is received). Academic success is not always defined by a grade on a transcript. The postsecondary experience can also mean obtaining a certificate, an associate's degree, bachelor's degree, master's degree or a doctorate.

College or University Community Opportunities for Individuals with Intellectual Disabilities or Autism:

Inclusive postsecondary education means that all students with disabilities can take classes, access recreational and social opportunities and are included in the community and four-year colleges and university experience. Because of their disabilities, these students are generally not able to pass the standard college entrance exams. They may not be on a standard degree track. Programs offered in Utah allow students learning opportunities leading to independence, employment and career development.

Community Education or Adult Enrichment Classes

Classes can be accessed within your community for individuals to gain more knowledge in a subject, gain skills in a career, improve their education, master independent living skills, socialize with the community and to have fun.

Utah Applied Technology Colleges (ATC)

Colleges of Applied Technology provide competency-based education in an open-entry, open-exit environment which prepares high school and adult students with career and technical skills. The flexibility of open-entry, open-exit scheduling allows students to start school anytime without waiting for a specific date (i.e. quarters or semesters). ATCs' affordable tuition allows full-time adult students to attend for a minimal cost base rate and high school students to attend at no tuition cost. Each college campus provides accommodations and supports to assist students with disabilities.

A number of programs are being developed at the Applied Technology Centers for individuals with intellectual disabilities to help students brush up on basic skills, qualify for a better job or prepare for success. These classes boost students over the walls that have been holding them back from where they want to be.

What is a Disability Resource Center or Disability Service Office?

Every public university and college is required to provide necessary supports and accommodations to eligible students with disabilities to ensure access to higher education programs and activities. It's important to note accommodations will not be given automatically. Documentation requirements may vary by institution.

Colleges are not required to provide evaluation or assessment services to determine student eligibility or provide personal services or equipment. This means that it makes sense to have up-to-date information on evaluations related to the disability when students approach the time to consider higher education options.

FINANCIAL AID AND SCHOLARSHIPS

Financial Aid

Grants, work-study, low-interest loans as well as financial aid from a variety of sources for college, career and professional schools make higher education a possibility. Financial aid may be available from the U.S. federal government, the state of residence, the college attended, a nonprofit or private organization, and even as tuition reimbursement from an employer.

What financial aid is available?

- **Pell Grants:** Federal Pell Grants, unlike student loans, do not have to be repaid. Amounts can change yearly and are dependent upon student financial need.
- **Federal Work Study:** Federal Work-Study allows students to earn money working in part-time jobs on campus .
- **Federal Supplemental Education Opportunity Grants:** Federal Supplemental Education Opportunity Grants (FSEOG) are awarded based on financial need and do not need to be repaid. They are administered directly by the financial aid office at each participating school and is therefore called "campus-based" aid.
- Some employers, such as McDonald's, Chic-Fil-A, etc., provide tuition assistance to employees.
- Possible Vocational Rehabilitation Funds can be provided based on an Individualized Plan for Employment (IPE)



Scholarships

There are many types of scholarships (some not based on high GPAs), that are provided by many different organizations. Every scholarship has specific applications and guidelines. The student is responsible for finding scholarships and submitting the applications by deadlines. Please keep in mind that it is not necessary to pay a consultant or organization to find scholarships. It just takes research and time to find them.

Tip:

Request a meeting with your high school counselor to go over relevant information on federal aid and scholarships for which you may be personally eligible.

TRAINING AND EMPLOYMENT SERVICES

Most individuals with disabilities, including those with significant disabilities, now have the opportunity to be employed in a competitive employment setting with the right supports. Expect employment and set high expectations. Believe that your youth can work.

How can Vocational Rehabilitation (VR) Services from the Utah State Office of Rehabilitation assist my student?

- VR assists eligible youth and adults, ages 14 and older, to prepare for and obtain employment and independence by providing professional vocational counseling and guidance in order to facilitate client acceptance of disability and development of self-advocacy skills.
- VR can partner with employers, school districts, higher education, and other agencies to provide comprehensive employment opportunities.
- VR counselors can be involved in a student's IEP meeting and provide the youth with job exploration counseling, work-based learning experiences, counseling in relation to post-secondary education, workplace readiness training, and instruction in self-advocacy.

What employment supports exist if my child has a significant disability?

Agencies such as the Division of Services for People with Disabilities (DSPD) assist eligible individuals with the most significant disabilities in obtaining and maintaining competitive employment in integrated employment settings.

They do this by providing supported employment services, such as job carving, job coaching, transportation, assistive technology, specialized job training, and individually tailored support on the job.

Tip:

Did you know there are websites that will help your young adult explore job and career options? See our resource section under Interest Profilers and Career Exploration to get started.



RESOURCES

EDUCATION, TRAINING AND EMPLOYMENT

American College Testing (ACT)

<http://www.act.org/>

The ACT in the State of Utah

<http://www.act.org/content/act/en/products-and-services/state-and-district-solutions/utah.html>

The College Board

<https://www.collegeboard.org/>

Need Accommodations for SAT, PSAT/NMSQT, PSAT 10, or AP Exams?

<https://www.collegeboard.org/students-with-disabilities/accommodations-other-exams>

Disability Law Center

<http://disabilitylawcenter.org>

Client Assistance Program (CAP) Brochure

Employment and Vocational Rehabilitation

Factsheet: Requesting a Reasonable Accommodation

<http://disabilitylawcenter.org/resourcestopic/#employment>

Division of Services for People with Disabilities (DSPD)

<http://www.dspd.utah.gov>

Employment First Initiative

<https://dspd.utah.gov/employment-first/>

Employment-Related Personal Assistance Program (EPAS)

<http://health.utah.gov/lrc/EPAS/EPASHome.htm>

Federal Student Aid

<https://fafsa.ed.gov/>

Free Application for Federal Student Aid (FAFSA)

<https://studentaid.ed.gov/sa/fafsa>

Finding Scholarships

<https://studentaid.ed.gov/sa/types/grants-scholarships/finding-scholarships>

Job Accommodation Network (JAN)

<https://askjan.org/index.html>

A to Z of Disabilities and Accommodations

<https://askjan.org/links/atoz.htm>

National Collaborative on Workforce and Disability (NCWD) For Youth

<http://www.ncwd-youth.info/>

O*Net OnLine Interest Profiler

<https://www.onetonline.org/>

Utah Futures

<https://utahfutures.org/>

Interest Profiler

<https://utahfutures.org/assessments/interest-profiler>

Internship/On the Job Training

<https://utahfutures.org/internships>

Paying for School

<https://utahfutures.org/paying-for-school>

Utah Statewide Independent Living Council (UILC)

<http://usilc.org/>

Independent Living Centers (ILC)

<http://usilc.org/il-centers>

Utah Parent Center (UPC)

<http://www.utahparentcenter.org/>

Disability Resource Centers at Institutes of Higher Learning

<http://www.utahparentcenter.org/drcs/>

College Programs for Students with Disabilities

<http://www.utahparentcenter.org/wp-content/uploads/2016/07/College-Programs-for-Students-with-Disabilities.pdf>

Higher Education Options in Utah

<https://utahparentcenter.org/post-high-education/>

Meeting the Needs of Adults with Disabilities: Innovative Ideas, Community Living, Successful Employment, and Tips for Parents

<https://utahparentcenter.org/meeting-the-needs-of-adults-with-disabilities/>

Transition to Adult Life/Adult Services

<http://www.utahparentcenter.org/transition-to-adult-life/>

Utah State Board of Education (USBE)

<https://www.schools.utah.gov/>

Adult Education and GED

<https://www.schools.utah.gov/aaed>

Career and Technical Education

<https://schools.utah.gov/sas/scep/schoolcounseling/cteconnections>

Assessment and Accountability

<https://schools.utah.gov/assessment>

Transition Action Guide

<https://www.schools.utah.gov/file/61afe4d0-3c9b-41b8-b314-a892785fb421>

Utah State Office of Rehabilitation (USOR)

<https://jobs.utah.gov/usor/>

Utah Work Incentives Planning Services (UWIPS)

<https://jobs.utah.gov/usor/vr/services/uwips.html>

SECTION 6: GUARDIANSHIP AND FINANCIAL PLANNING

When my child turns 18, is he or she legally considered an adult in the state of Utah?

Yes! Unless guardianship has been awarded, all rights are transferred to your child. This means they will be expected to make decisions about special education services, medical treatment, finances, SSI, and other life decisions.

Topics Included in this Section:

- Guardianship
- Estate Planning
- Special Needs Trusts
- ABLE Act and ABLE Accounts
- Resources

GUARDIANSHIP

Guardianship is a legal process that allows someone (usually a family member) to ask the court to find that a person age 18 or older is unable to manage his/her affairs effectively because of a disability. A guardian steps in the shoes of the person with a disability and makes decisions in the individual's best interest.

Utah Statute allows for two different types of guardianship: Plenary and Limited.



Plenary (Full) Guardianship is the most restrictive form of guardianship. All adult rights are removed from the individual and transferred to the guardian. The individual remains much like a minor child, and forfeits their right to vote.

Limited Guardianship is a less restrictive form of guardianship. With this type of guardianship, the guardian is only able to exercise rights for the protected person in the areas specified by the court.

There are 5 major areas for limited guardianship:

- Medical
- Financial
- Education
- Residential
- Habilitation (including daily support services)

The guardian requests which areas the individual needs assistance with, and petitions the court for guardianship in those specific areas.

Although the guardian can request guardianship in all 5 areas, it would not be considered plenary guardianship and the individual would retain the right to vote.

How to Get Started

When deciding to seek guardianship, you as the parent have a choice as to what type of legal representation you will pursue.

- The parent or petitioner can choose to hire an attorney to represent him or herself during the hearing or
- The parent can act as his or her own attorney through a process called pro se representation.



In order to prepare for the process, you will need to gather two different types of medical information for the courts:

- **A Doctor's Letter:** this letter is mandatory and should be written by an MD, DO or PhD. but the court will also accept letters from a LCSW and even a nurse practitioner. This letter must be current within the past 12 months and should provide a statement of all diagnoses for the protected person.
- **Psychological Evaluations:** this is not required; however, it can be helpful in expediting the guardianship process. You can request a copy of a psychological evaluation or summary from your child's school file, or you can also use evaluations that were completed when the original diagnoses were given.

Tip:

Parents are the child's legal guardians until age 18. It is recommended that you begin the guardianship process 2 to 3 months prior to your child's 18th birthday.

Alternatives to Guardianship

It is important for parents to know that guardianship is not the **ONLY** option which will allow them to actively participate in their adult child's life.

Consider these alternatives to guardianship:

- Supported Decision Making
- Power of Attorney
- Durable Power of Attorney
- Health Care Proxy
- Directive to Physician
- Money Management
- Social Security Representative Payment Program
- Representative Payee
- Protective Payee
- Joint Bank Account

ESTATE PLANNING

Parents like to think that someday when they die and are no longer able to help their children by being there, that they can leave behind some kind of inheritance that will help them. An outright inheritance may actually jeopardize the public program benefits received by sons or daughters with a disability. This needs to be taken into account when planning an estate for an heir with a disability.

In order to navigate the tricky water of estate planning for an individual that needs to maintain access to need-based government assistance, families are encouraged to work alongside professionals in the field. Together, the team can better help families develop and implement appropriate estate plans for their needs. Even if you already have a family attorney, you may want to ensure that they have specialized knowledge about disability estate planning.

Seven crucial question families need to consider:

1. Who will care for the child with a disability if I am physically unable to do so?
2. How can we maximize government benefit programs that currently assist families of people with disabilities? (SSI, SSDI, Medicare, Medicaid, military pensions, etc.)
3. How can we coordinate our personal resources with government benefit programs to provide the best possible lifestyle for the disabled individual, both now and in the future?
4. How can we provide sufficient resources to ensure a comfortable lifestyle without the government having claim on the inheritance?
5. How can we manage our resources so they are available for the life of the individual with disabilities?
6. How can we ensure a dignified funeral and burial service when our son or daughter dies?
7. How can we get the rest of the family to understand and support the plans we make?

These questions are best answered with the assistance of professionals experienced in these matters. Besides an attorney, the planning team could include an accountant, a financial planning professional, and an advocate.

Everyone works together to accomplish:

- A letter of intent: this is a letter by the parent regarding the child with a disability. It is an in-depth letter regarding the child – likes, habits, special communications, medical information, housing needs, etc.
- A complete analysis of resources: both family and individual, including government programs and other private resources and a plan for optimizing them.
- Appropriate execution of all legal documents: wills, trusts, transfers, etc. The appointing of a trustee, a successor trustee, and final disposition of the trust when the person with the disability dies.
- Funding of the trust: to ensure the wishes can be carried out.

SPECIAL NEEDS TRUST

A Special Needs Trust (SNT) is a fund that is carefully set up to allow coverage of the financial needs of a disabled individual, or beneficiary, without jeopardizing eligibility for need-based government benefits, like Medicaid and Social Security Income (SSI). To be certain that needed government assistance continues, the assets must be placed in the trust and set up correctly.

Trusts and Government Benefits

Any individual accessing needs-based government benefits is limited in the amount of assets that person can maintain. The SNT must be designed specifically to supplement, not supplant, government benefits. The funds in SNT do not belong directly to the person with a disability, and a third-party trustee is designated as the person who administers or manages the funds. The person with the disability is nominated as a beneficiary of the trust and is usually the only one who receives the benefits.

Money from the trust cannot be distributed directly to the person with a disability. Instead, it must be distributed to third parties to pay for goods and services to be used by the person with a disability.

The SNT funds may NOT be used for food, shelter or clothing. Otherwise, this would supplant the need for government benefits and eligibility may be jeopardized.

How can an SNT be used?

- Out-of-pocket medical and dental expenses
- Eyeglasses
- Annual independent check-ups
- Transportation (including vehicle purchase)
- Maintenance of vehicles
- Insurance (including payment of premiums)
- Rehabilitation
- Essential dietary needs
- Materials for a hobby or recreation activity
- A computer or electronic equipment
- Trips or vacations
- Entertainment, such as going to a movie, ballgame, concert, etc.
- Goods and services that add pleasure and quality to life such as videos, furniture or a television
- Athletic training or competitions
- Personal care attendant or escort

Tip:

It may be helpful to discuss potential inheritances with grandparents or other relatives. Grandparents, with all the love and good intentions in the world, but no acquaintance with the requirements of the programs upon which their grandchild is dependent, may have written an outright inheritance into their wills.

THE ABLE ACT AND ABLE ACCOUNTS

The Achieving a Better Life Experience (ABLE) Act of 2014, better known as the ABLE Act, was passed by congress to amend the Internal Revenue Service (IRS) Code. ABLE accounts are tax-free savings accounts for individuals with disabilities who had the onset of the disability happen before the age of 26.

Utah does not currently have a plan to manage accounts, but instead contracts with other states when Utah residents want to open an account.



- ABLE savings accounts will not affect eligibility for SSI, Medicaid and other public benefits.
- Contributions to the account made by any person (the account beneficiary, family and friends) will be made using post-taxed dollars and will not be tax deductible, although some states may allow for state income tax deductions for contributions made to an ABLE account.
- Legislation explains further that an ABLE account will, with private savings, "secure funding for disability-related expenses on behalf of designated beneficiaries with disabilities that will supplement, but not supplant, benefits provided through private insurance, Medicaid, SSI, the beneficiary's employment and other sources."
- If the individual with the account passes away, after funeral expenses, any money remaining in the account will go toward repaying SSI and Medicaid.

What do ABLE accounts cover?

These accounts cover qualified expenses related, but not limited to, the areas of housing, transportation and education. It supports expenditures that would help maintain the health, independence and quality of life of individuals with disabilities.

ABLE accounts are designed to ease the financial strains faced by individuals with disabilities who also benefit from programs, such as Medicaid and Social Security Income.

Tip:

To learn more about ABLE accounts, please contact the Utah Parent Center at 801-272-1051, Toll Free at 1-800-468-1160, or visit our website at www.utahparentcenter.org.

RESOURCES

GUARDIANSHIP, ESTATE PLANNING, SPECIAL NEEDS TRUST AND ABLE ACT

Achieving a Better Life Experience Act (ABLE) National Resource Center

<http://www.ablenrc.org/about/history-able-act>

Guardianship Associates of Utah

<http://www.guardianshiputah.org/>

Attorney and Legal Services

<http://www.guardianshiputah.org/resources.html>

Utah Courts

<https://www.utcourts.gov/>

Legal Clinics, Agencies and Organizations

<https://www.utcourts.gov/howto/legalclinics/>

Self-Help Resources/Guardianship and Conservatorship

<https://www.utcourts.gov/howto/family/gc/>

Utah Parent Center

<http://www.utahparentcenter.org/>

Legal Solutions for Families with Disabilities

[https://www.youtube.com/watch?](https://www.youtube.com/watch?v=vXAJaTBI5hg&list=PL0lfs2Vo5bLzD4FOeOtV9qfZzjNHFMSCx&feature=share)

[v=vXAJaTBI5hg&list=PL0lfs2Vo5bLzD4FOeOtV9qfZzjNHFMSCx&feature=share&index=3](https://www.youtube.com/watch?v=vXAJaTBI5hg&list=PL0lfs2Vo5bLzD4FOeOtV9qfZzjNHFMSCx&feature=share&index=3)

SSI- Disability Benefits

<https://utahparentcenter.org/wp-content/uploads/2015/10/Applying-for-SSI-on-Behalf-of-a-Child-with-Special-Needs.pdf>

Utah State Bar

<http://www.utahbar.org/>

SECTION 7: HEALTHCARE TRANSITION

When my young adult turns 18, does he or she have to give consent for me to speak with his or her healthcare providers?

Unless your youth has a condition that prevents him/her from making health care decisions and parents/caregivers have obtained guardianship, then the answer is **YES**.

Topics Included in this Section

- Health and Wellness
- Resources

HEALTH AND WELLNESS

Health Care Transition is the planned movement of youth/young adults with special health care needs from child-centered to adult-oriented healthcare. This transition process includes an ongoing dialog aimed at educating youth/young adults about their diagnosis and/or health condition. This promotes gradual independence, informed decision making and successful navigation of resources and support systems.

As most adolescents become adults, they must assume responsibility for their health care. Assuming responsibility for one's own health care, as developmentally able, is part of growing up, becoming independent from one's family, and finding a place in the adult community.



How can my youth's primary care physician help?

- Assist your child in taking increased responsibility for managing his/her health condition, treatments and medications
- Arrange to see your teen for both routine health promotion visits and condition management visits
- Assist your child in understanding how lifestyle choices may affect his/her health condition
- Talk with your child about how his/her role as a patient may change with an adult care provider
- Talk with your child about future adult health care needs and how these may change over time
- Assist in identifying adult health care providers and facilitate the referral to the new provider
- Provide a written transition medical summary for your child and his/her adult health care provider
- In cases of guardianship, assist caregivers in inclusion and giving the young adult a voice in his/her care

If your child is covered by your employer's health insurance, you will need to find out when eligibility ends. Depending on the policy some health insurance plans will cover an adult dependent child.

If your child has access to an insurance plan through their own employment make sure to read the plan carefully to see what's covered and what's not.

Young adults at 18 years of age who have disabilities can apply for Medicaid based on their own income and assets. Under the Affordable Care Act (ACA) they can remain on their parents insurance until age 26, even if married or not living at home.

Planning the big "MOVE"

- Know your health and wellness baselines
- Prepare brief medical summary
- Understand health insurance
- Prepare for the differences
- Ask others for recommendations
- Interview potential physicians
- Write down questions before hand

Can your youth manage his or her own healthcare?

- Describe disability/medical condition
- Identify changes/symptoms caused by medical condition
- Understand implications of chronic illness/disability on daily life
- Make own medical appointments
- Tell when changes/symptoms require medical attention
- Refill medications and supplies
- Tell when to replace durable medical equipment
- Hire personal care assistants and be responsible for their supervision
- Be responsible for managing daily treatments
- Name medications, what they're for, or carry that information in a wallet/purse
- Arrange transportation to medical office
- Know or carry a list of health emergency phone numbers in wallet/purse
- Seek help and know what to do in a medical emergency
- Identify a physician for adult care
- Understand importance of general health maintenance
- Consider genetic counseling if appropriate
- Prepare and asks questions of medical providers
- Respond to their questions
- Accesses information and answers to health related concerns.

RESOURCES

HEALTHCARE AND HEALTHCARE TRANSITION

Got Transition

<http://www.gottransition.org/>

Health Care Transition FAQs

<http://www.gottransition.org/youthfamilies/index.cfm>

Developmental Disabilities and Transition

Six Core Elements of Health Care Transition

<http://www.gottransition.org/resources/index.cfm>

Federally Facilitated Marketplace

<https://www.healthcare.gov/>

Medical Home Portal

<https://www.medicalhomeportal.org/>

Utah Department of Health

<https://health.utah.gov/>

Children's Health Insurance Program (CHIP)

<http://health.utah.gov/chip/>

Medicaid

<https://medicaid.utah.gov/>

Primary Care Network (PCN)

<http://health.utah.gov/pcn/>

Utah Department of Human Services

<https://hs.utah.gov/>

Program and Services Locator

<https://hs.utah.gov/contact/locations>

Substance Abuse and Mental Health

<http://dsamh.utah.gov/>

Utah Parent Center

www.utahparentcenter.org

Family to Family Network

<http://www.utahparentcenter.org/projects/family-to-family/>

Utah Family Voices

www.utahfamilyvoices.org

SECTION 8

BASICS OF SOCIAL SECURITY

Does my son or daughter need to have a qualifying disability or be blind to be eligible for Social Security Income?

Yes! Not only does there need to be a qualifying disability, but benefits are dependent upon the family's income and assets as well. However, when your youth turns 18, the family income is no longer considered, even if parents have been awarded guardianship.

Topics Included in this Section:

- Work Incentives
- SSI Redetermination
- Managing Benefits
- Resources

The Social Security Administration (SSA) has a variety of disability programs: Supplemental Security Income (SSI), Social Security Disability Insurance (SSDI), and Social Security Childhood Disability Benefit (CDB).

Supplemental Security Income (SSI) is a benefit for people considered disabled, by Social Security Administration standards, who have low income and little access to resources. Your young adult will apply for SSI because he/she has not worked to accumulate benefits under SSDI (see below).

Social Security Disability Insurance (SSDI) is designed for people considered disabled, by Social Security Administration standards, who have earned enough income through previous work and paid FICA taxes to qualify for benefits.

Social Security Childhood Disability

Benefit (CDB) is an additional benefit for adults with disabilities whose parents have worked enough to qualify. The young adult must be 18 years or older, have the onset of disability before age 22, and have a parent who worked and is now deceased, or who gets Social Security retirement or disability benefits. Individuals with disabilities can receive both CDB and SSI or SSDI.

How to Apply

Online:

- <https://www.ssa.gov/applyfordisability/>

Phone:

- Call 1-800-772-1213 from 7 a.m. to 7 p.m. Monday through Friday. If you are deaf or hard of hearing, you can call TTY 1-800-325-0778

In Person:

- Visit your local Social Security office. (Call first to make an appointment.)

Eligibility

- Age 18 or older
- Not currently receiving benefits on your own Social Security record
- Unable to work because of a medical condition that is expected to last at least 12 months or result in death

WORK INCENTIVES

Young people who receive Social Security cash benefits (SSI or SSDI) will be better off financially and experience greater overall life satisfaction when they go to work, including when it is on a part-time basis. Whenever possible, SSI should be used as a stepping stone to economic self-sufficiency.

The Social Security Administration has **Work Incentives** that make it possible for people with disabilities receiving SSI and SSDI to explore work options and still continue to receive benefits. These Work Incentives help beneficiaries remove barriers to work by offering support services.



Tip:

Social Security is complex and ever-changing. Please contact your local Social Security Administration office for the most comprehensive and up-to-date information.

WORK INCENTIVES EXAMPLES

Student Earned Income Exclusion (SEIE)

Allows qualified young people who are in school to keep some or all of their earnings without losing money from their SSI checks.

To qualify for this exclusion, the student must be:

- In college or university for at least eight hours a week, or
- In grades 7-12 for at least 12 hours a week, or
- In a training course to prepare for employment for at least 12 hours a week (15 hours a week in a course involving shop practice)

Note: students may be eligible for the SEIE if they are in school for less time than indicated above due to reasons beyond their control, such as illness. In addition, a homebound student may be eligible for this exclusion in some circumstances.

Medicaid While Working

Your Medicaid coverage can continue even if your earnings along with your other income become too high for an SSI cash payment. See Medicaid for more information.

Earned Income Exclusion

The first \$65 of the monthly earnings, plus one half of the remaining earnings, are not counted. The \$20 general exclusion amount also applies. Less than one half of the monthly earnings are counted when the SSI payment is adjusted.

Property Essential to Self-Support (PESS)

The value of property you own for use in trade or business or personal property you use for work is excluded when calculating payments, regardless of its value or rate of return.

SSI RE-DETERMINATION

What happens with SSI when my child turns 18?

If you are currently receiving Social Security Income (SSI) payments for your underage child (younger than 18 years of age), changes will take place at the age of majority. The Social Security Administration (SSA) reevaluates his or her eligibility under new medical standards designed for adults. This review is called an "Age 18 Redetermination."

When your youth turns 18, the family income is no longer considered, even when the parents have guardianship. SSA will look at the young adult's income and liquid assets like savings, stocks, bonds, etc., and real property.

The individual is allowed to have a car and own a house. If the young adult is deemed eligible for SSI or SSDI, the young adult is also automatically eligible for Medicaid or Medicare.

If the SSA determines that a young person is not disabled during the Age 18 Redetermination, he or she may keep receiving SSI benefits when an appeal is filed *within 10 days* of the determination, along with a request that benefits be continued.

Tip:

It is often a good idea to put any education-related funds into a separate account. This arrangement can help show the SSA that these funds are intended for educational expenses only and should not be counted in the same way as other income or resources.

What about SSI and SSDI if my young adult attends college?

Social Security Income benefits can be excluded as income for federal student financial aid eligibility. These funds must be used for educational purposes in order to be excluded. There is no time limit on this exclusion. Specific examples include funds from the following federal educational assistance programs:

- Work-Study Programs
- Pell Grants
- Federal Supplemental Educational Opportunities Grants (FSEOG)
- Federal Educational Loans (Federal PLUS Loans, Perkins Loans, Stafford Loans, Ford Loans, etc.)
- Upward Bound Program- U.S. Department of Education
- LEAP (Leveraging Educational Assistance Partnership)
- SLEAP (Special Leveraging Educational Assistance Partnership)
- State educational assistance programs, including work-study, funded by LEAP or SLEAP

Some other forms of financial aid for education may be subject to special rules. Check with a Social Security representative or a Benefits Specialist for more information.

MANAGING SSI BENEFITS

Whether you are the representative payee for your child's Supplemental Security Income (SSI) payments or your young adult is responsible for the funds, keeping accurate track and managing appropriate use of the funds can be daunting. Here are some helpful suggestions to assist with managing such benefits:

- Refer young persons to a benefits specialist who can assist them in understanding how working affects their benefits.
- Develop a good relationship with the local Social Security office. Do not rely solely on the toll-free Social Security telephone representative.
- Arm yourself with information. Learn about the different programs and learn as much as you can about the impact of employment on benefits.
- Additional help is available locally to directly assist youth and families with managing benefits, including legal and advocacy organizations. The SSA sponsors a network of Work Incentives Planning and Assistance (WIPA) programs throughout the country. In Utah, WIPA is called the Utah Work Incentives Planning Services (UWIPS).
- Discuss the best method for reporting work earnings with the local Social Security office. This is particularly important if a recipient's earnings vary from month to month. SSI and SSDI beneficiaries should keep good records concerning work history, wages (pay stubs) and benefits received.

Be aware that the Social Security Administration (SSA) may send checks that should not have been issued.

The recipient will then get an "overpayment notice" and will be told to pay the money back. This may be because the recipient



neglected to report a wage increase, or it may be because the SSA made a mistake.

To avoid hardship, the recipient may want to set aside funds not due to them in a separate bank account. If a recipient feels he/she should not have to return the funds, that person has 60 days to file an appeal or a waiver form. If the person does not qualify for an appeal or waiver, it may be possible to work out a repayment plan. If the overpayment was due to work income, the recipient may contact the Disability Law Center.

- Make and keep copies of everything sent to the SSA. Send important letters (e.g., appeals) by certified letter, with a return receipt requested.
- Keep a written record of all phone calls to the SSA—to whom you spoke, date and time, information given and received. Always follow up any substantive phone conversations in writing.
- Read and respond quickly to all letters from the SSA.
- If a young person goes into the hospital and will be in for at least a month, notify SSA immediately.
- An individual has the right to appeal any decision that the SSA makes. Time limits apply. Act quickly.

RESOURCES

BASICS OF SOCIAL SECURITY

Disability Law Center

<http://disabilitylawcenter.org>

Social Security

<http://disabilitylawcenter.org/resourcestopic/>

Social Security Administration

<https://www.ssa.gov/>

Disability Benefits

<https://www.ssa.gov/disabilityssi/>

Disability Planner

<https://www.ssa.gov/planners/disability/>

Appeal a Decision

<https://www.ssa.gov/disabilityssi/appeal.html>

Work Incentives

<https://www.ssa.gov/disabilityresearch/wi/generalinfo.htm>

The Red Book: A Guide to Work Incentives

<https://www.ssa.gov/redbook/>

Utah Parent Center

www.utahparentcenter.org

SSI– Disability Benefits: <https://www.youtube.com/watch?v=ztUGgp2VqQE&feature=share&list=PL0lfs2Vo5bLzD4FOeOtV9qfZzjNHFMSCx>

Utah Family Voices

www.utahfamilyvoices.org

SECTION 9: LAWS THAT IMPACT PEOPLE WITH DISABILITIES

Are there any protections that apply specifically to individuals with disabilities?

Yes! The laws that are currently in place vary in the areas of life they impact for people with disabilities. Some are specific to education, whereas others are anti-discrimination civil rights laws.

Topics are In This Section include:

- Laws Impacting Education
- Laws Impacting Broad Civil Rights



LAWS IMPACTING EDUCATION

CARL D. PERKINS CAREER AND TECHNICAL EDUCATION IMPROVEMENT ACT

Most recently reauthorized in 2006, the Carl D. Perkins Act aims to increase the quality of technical education within the United States by providing students with the academic and technical skills necessary to be successful in a knowledge and skill-based economy. It seeks to strengthen the connection between secondary and postsecondary education. This law also requires that a career and technical education be provided for students with disabilities as well.

FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT (FERPA)

FERPA is a privacy law, last amended in 2001, that protects access to information on the student's educational record and restricts access by others. It allows the parents to review and amend information in the file they feel is inaccurate or misleading. If you disagree with information in the file, there are procedures to request that the information be removed.

FERPA continues to apply as students move on to postsecondary education. There are additional guidelines to keep in mind for access to records or challenging what is contained in the student's educational file contents under IDEA.

Tip:

If your child will be graduating with a high school diploma or aging out at age 22, get a copy of your child's most recent IEP and other school records. Schools are only required to keep the file for 3 years after the student has exited.

HIGHER EDUCATION OPPORTUNITY ACT (HEOA)

HEOA, reauthorized in 2008, contains a number of important new provisions that improve access to postsecondary education for students with intellectual disabilities. It emphasizes preparing general education teachers, as well as, postsecondary staff, faculty and administrators in educating students with disabilities. HEOA also allows for students with intellectual disabilities to be eligible for Pell Grants, Supplemental Educational Opportunity Grants and the Federal Work Study Program.

Students with intellectual disabilities are eligible to apply for federal financial aid to help cover the cost of attending college under these circumstances:

- Students must meet the definition of intellectual disability as outlined in the Act.
- Students must be attending an approved comprehensive transition program: a list of these programs is maintained on the federal financial aid website.
- Students who meet these two criteria ARE NOT required to have a standard high school diploma or be pursuing a degree or certificate.
- Students with intellectual disabilities DO still have to meet the financial need criteria for eligibility.



Tip:

Eligibility is for federal grants and work study funds, but NOT student loans.



INDIVIDUALS WITH DISABILITIES EDUCATION IMPROVEMENT ACT (IDEA)

Commonly referred to as IDEA 2004 and most recently reauthorized in 2004, The Individuals with Disabilities Education Act (IDEA) is a law that ensures services to children with disabilities throughout the nation. IDEA governs how states and public agencies provide early intervention, special education and related services to eligible infants, toddlers, children and youth with disabilities.

Infants and toddlers with disabilities (birth-2) and their families receive early intervention services under Part C of IDEA. Children and youth (ages 3-21) receive special education and related services under Part B of IDEA.

Once a student graduates with a high school diploma, he or she is no longer eligible for an IEP. A student may also “age out” of this law by turning 22 and earning a Certificate of Completion. See Section 3 *Graduation and Aging out of Services*.

What are the 6 principles covered in IDEA 2004?

1. **Free appropriate public education (FAPE):** The right to FAPE means special education and related services are available to eligible children with disabilities age 3 to 22 and are to be provided at no cost to the parents. The specially designed educational programs and services reflect the child’s individual educational needs, and are to be provided in conformity with the Individualized Educational Program (IEP). The provision of FAPE differs for each child, but the principle is the same.
2. **Appropriate evaluation:** An appropriate evaluation gathers accurate information to determine eligibility or continued eligibility; it also identifies the student’s strengths and educational needs. An individualized education program is then designed to respond to the student’s needs.
3. **Individualized Education Program (IEP):** The IEP is a legally binding, written document that outlines the special education program, services and related services based on the child’s educational needs.
4. **Least restrictive environment (LRE):** The LRE is the environment where the student can receive an appropriate education designed to meet his or her special education needs, while still being educated with nondisabled peers to the maximum extent appropriate.
5. **Parent and student participation in decision making:** IDEA requires that parents must be given the opportunity to play a central role in the planning and decision making regarding their child’s education. Parents must have the opportunity to participate in the meetings regarding identification, evaluation, educational placement and the provision of FAPE to the student. Student rights and participation are strongly encouraged, particularly when addressing transition planning.
6. **Procedural due process:** The guarantee of procedural due process means that there are safeguards designed to protect the rights of the parents and their children with disabilities, as well as to give families and schools a mechanism for resolving disputes.

MCKINNEY-VENTO ACT

The McKinney-Vento Act, which recently was amended under the Every Student Succeeds Act (ESSA) of 2015, mandates protections and services for children and youth who are homeless including those with disabilities. The 2004 reauthorization of IDEA also includes amendments that reinforce timely assessment, inclusion and continuity of services for homeless children and youth who have disabilities.



The Educational Rights for Children and Youth Experiencing Homelessness

- A homeless education liaison in every public school district
- Right to immediate enrollment in school where seeking enrollment without proof of residency, immunizations, school records or other documents
- Right to choose between the local school where they are living, the school they attended before they lost their housing or the school where they were last enrolled
- Right to transportation to their school of origin
- Right to be free from harassment and exclusion. Segregation based on a student's status and homelessness is strictly prohibited
- Right to access to educational services for which they are eligible including IDEA services, ESL, gifted and talented programs, vocational/technical education and school nutrition programs
- Right to be notified of their options and rights under McKinney-Vento. Liaisons must post rights of students experiencing homelessness in schools and other places in the community.
- Right to have disagreements with the school settled quickly

Who is Considered Homeless?

Anyone who lacks a fixed, regular and adequate nighttime residence including:

1. Sharing the housing of others due to lack of housing, economic hardship or similar reason
2. Living in motels, hotels, trailer parks, camping grounds, due to lack of adequate alternative accommodations
3. Living in emergency or transitional shelters
4. Abandoned in hospitals
5. Living in a public or private place not designed for humans to live
6. Living in cars, parks, abandoned buildings, public train stations, etc.
7. A migrant child who qualifies under any of the above

LAWS IMPACTING BROAD CIVIL RIGHTS

SECTION 504 OF THE REHABILITATION ACT OF 1973

With the passage of the Rehabilitation Act of 1973, Congress required that federal fund recipients make their programs and activities accessible to all individuals with disabilities. The law states that, 'No qualified individual with disabilities, shall, solely by reason of her or his disability be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.' Section 504 protects persons from discrimination based upon their disability status.

A person has a disability within the definition for Section 504 if he or she: Has a mental or physical impairment which substantially limits one or more of such person's major life activities; Has a record of such impairments; or Is regarded as having such an impairment.

Section 504 has three major areas of emphasis:

- Employment
- Program accessibility
- Requirements for preschool, elementary and secondary education.

Tip:

Section 504 regulations cover a larger group of students with disabilities than does special education and all students in special education are protected under Section 504. Once students enter postsecondary education, the need for accommodations in the new setting will be reevaluated and additional documentation may be required. Remember that, although institutions of higher learning have to provide reasonable accommodations, they are not required to modify the curriculum.

AMERICANS WITH DISABILITIES ACT (ADA)

Enacted in 1990, the ADA prohibits discrimination on the basis of disability in employment, State and local government, public accommodations, commercial facilities, transportation, and telecommunications. You can expect reasonable changes to policies, practices, and procedures to prevent discrimination.

Similar to the definition of disability under Section 504 of the Rehabilitation Act, an individual with a disability is defined by the ADA as a person who has a physical or mental impairment that substantially limits one or more major life activities, a person who has a history of such an impairment, or a person who is perceived by others as having such an impairment.

What do the ADA and Section 504 have in common?

Both the ADA and Section 504 are Federal civil rights laws. Both prohibit discrimination based on an individual's disability. Equal access and opportunity is the focus. Both must also take into account whether any needed accommodations result in undue hardship.

Neither Section 504 nor the ADA specifically name all of the impairments that are covered.

What is considered a major life activity?

Major life activities include functions such as:

- Caring for oneself
- Performing manual tasks
- Seeing
- Hearing
- Eating
- Sleeping
- Walking
- Standing
- Lifting
- Bending
- Speaking
- Breathing
- Learning
- Reading
- Concentrating
- Thinking
- Communicating
- Working
- Non-volitional bodily functions



Accessing Protections- ADA and Section 504 of the Rehabilitation Act

Young adults age 18 and over can only claim protection under Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act (ADA) if they choose to self-disclose they have a disability.

Self-disclosure is required in order to:

- Receive services through state and federal agencies, such as Vocational Rehabilitation, community mental health centers, the Social Security Administration, etc.
- Receive accommodations in the workplace
- Access supports at institutions of higher learning, such as applied technology centers, colleges or universities

See Section 1 *Self-Determination and Self-Advocacy* to learn how to support your youth understand disability disclosure.

Tip:

Do not assume that an employer, an applied technology center, college or university will automatically know what accommodations a young adult needs. The student needs to know what accommodations he or she needs and be able to request them when necessary.

WORKFORCE INNOVATIONS AND OPPORTUNITY ACT (WIOA)

WIOA, enacted in 2014, is designed to help people with significant barriers to employment, including people with disabilities, access employment, education, job-driven training, and support services that give them the chance to advance their careers and secure the high quality jobs and careers of the future. It is also designed to help employers hire and retain skilled workers.

WIOA defines competitive integrated employment as fully integrated full-time or part-time work at minimum wage or higher, with wages and benefits similar to those without disabilities performing the same work. The act also provides for supported employment services for adults and youth with significant disabilities.

Sheltered workshops are not prohibited under WIOA. Nevertheless, a series of steps must be taken before an individual under the age of 24 can be placed in a job paying less than minimum wage.

The Workforce Innovation and Opportunity Act Requires:

- Each state to arrange for pre-employment transition services for all eligible students with disabilities
- Local VR offices to coordinate pre-employment transition which includes attendance at a student's Individualized Education Program (IEP) meeting when invited, and working with schools to coordinate and ensure the provision of pre-employment transition services
- Each state to dedicate 15% of its federal grant funds to pre-employment transition services (pre-ETS) for students with disabilities.

Technical Assistance for Post-Secondary Education:

The Workforce Innovation and Opportunity Act allows the Rehabilitation Services Administration commissioner to fund technical assistance to "better enable individuals with intellectual disabilities and other individuals with disabilities to participate in postsecondary educational experiences and to obtain and retain competitive integrated employment."



Are there any other ways that employment is supported for individuals with disabilities?

Work incentives help people with disabilities who are on Supplemental Security Income (SSI/SSDI) to achieve independence by helping them take advantage of employment opportunities. Some incentives allow individuals to discount some of their income or resources. Other incentives allow the individual to continue to receive Medicaid coverage even if not receiving the SSI benefit amount. See Work Incentives under Section 8 *Basics of Social Security*.

RESOURCES

LAWS THAT IMPACT PEOPLE WITH DISABILITIES

Achieving a Better Life Experience Act (ABLE) National Resource Center

<http://www.ablenrc.org/about/history-able-act>

Disability Law Center (DLC)

<http://disabilitylawcenter.org>

Civil Rights <http://disabilitylawcenter.org/civil-rights/>

Education <http://disabilitylawcenter.org/education/>

Employment and Vocational Rehabilitation

<http://disabilitylawcenter.org/resourcestopic/>

U.S. Department of Education

<https://www.ed.gov/>

Carl D. Perkins Career and Technical Education Act of 2006

<https://www2.ed.gov/policy/sectech/leg/perkins/index.html>

Family Educational Rights and Privacy Act (FERPA)

<https://www2.ed.gov/policy/gen/guid/fpco/ferpa/index.html>

Higher Education Opportunity Act (HEOA)

<https://www2.ed.gov/policy/highered/leg/hea08/index.html>

Individuals with Disabilities Education Act (IDEA)

<https://sites.ed.gov/idea/>

Laws and Guidance

<https://www2.ed.gov/policy/landing.jhtml>

Parent' Guide to the Family Educational Rights and Privacy Act: Rights Regarding Children's Education Records

<https://www2.ed.gov/policy/gen/guid/fpco/brochures/parents.html>

U.S. Department of Health and Human Services

<https://www.hhs.gov/>

Office of Civil Rights

<https://www.hhs.gov/ocr/>

Rights and Responsibilities under Section 504 and the ADA

<https://www.hhs.gov/civil-rights/for-individuals/disability/index.html>

U.S. Department of Justice

<https://www.justice.gov/>

Information and Technical Assistance on the American with Disabilities Act

<https://www.ada.gov/>

U.S. Department of Labor

<https://www.doleta.gov/>

Disability Related Laws and Regulations

<https://www.doleta.gov/disability/laws-regulations/americans-with-disabilities-act/>

The Workforce Innovation and Opportunity Act (WIOA)

<https://www.doleta.gov/wioa/>

Utah Department of Workforce Services (DWS)

<https://jobs.utah.gov/>

Utah State Office of Rehabilitation (USOR)

<https://jobs.utah.gov/usor/>

Utah Parent Center (UPC)

www.utahparentcenter.org

Laws

<http://www.utahparentcenter.org/resources/laws/>

Section 504

<http://www.utahparentcenter.org/resources/section-504/>

School Services: Individualized Education Program (IEP) and Section 504

<http://www.utahparentcenter.org/resources/school-services/>

IEP vs. Section 504 Plans: Which Is Right for My Child?

<https://www.youtube.com/watch?v=bwRlrPFBDmA&feature=youtu.be>

Utah State Board of Education (USBE)

<https://www.schools.utah.gov/>

Laws, State Rules, and Policies in Special Education

<https://www.schools.utah.gov/specialeducation/resources/lawsrulesregulations>

Educational Equity <https://www.schools.utah.gov/sas/scep/equity>

Civil Rights <https://www2.ed.gov/about/offices/list/ocr/index.html>

Section 504 <https://www.schools.utah.gov/sas/scep/equity/section504>

APPENDIX

Additional Resources

Included in this Section:

- Services - Agencies and Departments
- Services - Nonprofit Organizations
- List of Acronyms

SERVICES - AGENCIES AND DEPARTMENTS

Division of Services for People with Disabilities (DSPD)

<https://dspd.utah.gov/>

DSPD is part of the Utah Department of Human Services. It offers services that assist people to live, learn and work as part of their communities. The services that the DSPD provides are based on eligibility. Services include supported employment, day or partial day supports, respite care, family assistance and support, family training and preparation, residential supports, host home, supported living and the Utah State Developmental Center.

Division of Substance Abuse and Mental Health

<https://dsamh.utah.gov/>

The Utah Division of Substance Abuse and Mental Health is the State agency responsible for ensuring that prevention and treatment services are available for those struggling with a mental or behavioral health problem or a problem with alcohol, tobacco or other drugs.

Medicaid Program

<https://medicaid.utah.gov/>

Medicaid is a source of health insurance coverage for Utah's vulnerable populations. It is a state/federal program that pays for medical services for individuals with limited income and resources. To qualify, these individuals must meet income and other eligibility requirements. Medicaid is run through the Utah Department of Health.

Social Security Administration (SSA)

<https://www.ssa.gov/>

Social Security Disability Insurance (SSDI) and Supplemental Security Income (SSI) disability programs are the federal programs that provide assistance to people with disabilities. These two programs are different in many ways. Both are administered by the Social Security Administration. Only individuals who have a disability and meet medical criteria may qualify for benefits under either program.

Utah Center for Assistive Technology (UCAT)

<https://jobs.utah.gov/usor/vr/services/ucat.html>

Workforce Services Rehabilitation houses UCAT. UCAT offers free evaluation services within Utah to help connect children and adults with disabilities with technology that can help in managing functional limitations due to disability. UCAT also houses the Utah Assistive Technology Teams (UATT), which support school districts and charter school Section 504 and IEP teams to evaluate, acquire and manage assistive technology for students with disabilities. The Utah Center for Assistive Technology (UCAT) is also part of Workforce Services Rehabilitation.

SERVICES - AGENCIES AND DEPARTMENTS

Utah Department of Health

<https://health.utah.gov/>

The Utah Department of Health has multiple divisions, offices and bureaus that run an abundance of programs for the state of Utah in order to promote healthy and safe communities. Both the Medicaid Program and the Children's Health Insurance Program (CHIP) are run under this department.

Utah Department of Human Services

<https://hs.utah.gov/>

The Utah Department of Human Services provides children, youth, families and adults with services and treatments that are needed for these individuals to thrive in their homes and communities. DSPD and the Division of Substance Abuse and Mental Health are both housed under the Department of Human Services.

Utah Department of Workforce Services (DWS)

<https://jobs.utah.gov/>

DWS provides employment and support services to individuals to improve their economic opportunities. It provides information on career guidance, employment and youth job training programs as well as unemployment insurance. Other services include food stamps, financial assistance, Medicaid, health services, training, and child care information. Vocational Rehabilitation and the Utah Center for Assistive Technology are also housed under DWS.

Utah State Board of Education (USBE)

<http://www.schools.utah.gov/main/>

The USBE is Utah's main body responsible for providing information, resources, and technical assistance concerning educational issues. As such, this agency, through various departments, provides services in multiple areas, including special education, education equity, career and technical education, assessments and adult education.

Workforce Services Rehabilitation (Vocational Rehabilitation)

<https://jobs.utah.gov/usor/vr/index.html>

Workforce Services Rehabilitation assists individuals with disabilities to prepare for and obtain employment and increase their independence. The agency includes vocational rehabilitation services, services for the blind and visually impaired, the deaf and hard-of-hearing, independent living and Utah Work Incentive Planning Services (UWIPS). Vocational Rehabilitation is housed within the Utah Department of Workforce Services (DWS). The Utah Center for Assistive Technology (UCAT) and Utah Assistive Technology Teams (UATT) are also part of Vocational Rehabilitation.

SERVICES - NONPROFIT ORGANIZATIONS

Allies with Families

<http://allieswithfamilies.org/>

Allies with Families offers practical support and resources for parents and their children and youth who face serious emotional, behavioral, and mental health challenges. Allies with Families offers a variety of programs, including Family Resource Facilitators who provide coordination services to families who have children and youth with complex needs.

Center for Persons with Disabilities (CPD)

<http://www.cpdusu.org>

The CPD is Utah's Center for excellence in developmental at Utah State University. It is a dynamic collection of projects, guided by a goal to improve the lives of people with disabilities and their families. This is done through research, education, demonstration services and technical assistance.

Disability Law Center (DLC)

<http://disabilitylawcenter.org/>

A private nonprofit organization that is designated as the Protection and Advocacy agency for Utah to protect the opportunities, choices and legal rights of Utahns with disabilities. This includes access to: needed special education supports and services in the least restrictive setting, needed vocational rehabilitation services, needed job accommodations and decreased employment discrimination, needed accommodations in housing, etc.

Family to Family Network

<http://www.utahparentcenter.org/projects/family-to-family/>

The Family to Family Network is supported by the Utah Parent Center and funded by the Division of Services for People with Disabilities (DSPD) to provide support to families of individuals on the DSPD waiting list in communities across the state .

Guardianship Associates of Utah (GAU)

<http://www.guardianshiputah.org/>

GAU assists families who are seeking guardianship of incapacitated family members. Their services include trainings for families in the process of obtaining guardianship, as well as additional supports in the area of guardianship, conservatorship and trusts. The organization also provides guardianship services to many individuals who are wards of the state.

SERVICES - NONPROFIT ORGANIZATIONS

National Alliance on Mental Illness (NAMI) Utah

www.namiut.org

NAMI is a grassroots, self-help, support and advocacy organization of consumers, families, and friends of people with severe mental illnesses, such as schizophrenia, schizoaffective disorder, bipolar disorder, major depressive disorder, obsessive-compulsive disorder, panic and other severe anxiety disorders, attention deficit/hyperactivity disorder, and other severe and persistent mental illnesses that affect the brain.

New Frontiers for Families

www.nffutah.org

New Frontiers for Families provides education, advocacy, peer and community support to individuals with disabilities and their families. They also operate various community youth support programs and also provide Family Resource Facilitators.

Utah Parent Center (UPC)

www.utahparentcenter.org

The UPC is private, nonprofit organization, that serves parents of children and youth with disabilities throughout the state of Utah. The mission of the UPC is to help parents help their children, youth and young adults with all disabilities to live included, productive lives as members of the community. We accomplish our mission by providing accurate information, empathetic peer support, valuable training and effective advocacy based on the concept of parents helping parents. Various projects are housed within the parent center, including Utah Family Voices (UFV) and the Family to Family Network.

Utah Family Voices (UFV)

www.utahfamilyvoices.org

A program of the Utah Parent Center (UPC), UFV is a statewide health information and education resource and support center for families who have children with special health care needs, disabilities, chronic illnesses and/or physical or mental conditions. UFV provides information, referrals and connections for parents, professionals and educators regarding health care services to individuals caring for children and youth with special health care needs. UFV also provides one-on-one consultations, training, information and resources.

Utah Statewide Independent Living Council (USILC)

<http://usilc.org/>

USILC's aim is to develop and expand independent living programs and philosophy on a statewide basis. This is done through Independent Living Centers (ILCs), non-residential facilities that provide services which enhance the independence of people with disabilities. Staff members, some of whom have a disability, play an important role in the delivery of independent living services which include four core services: peer support, information and referral, independent living skills training and advocacy. ILCs are located state-wide.

LIST OF ACRONYMS

ABLE	Achieving a Better Life Experience Act
ACA	Affordable Care Act
ACT	American College Testing
ADA	Americans with Disabilities Act
ATC	Applied Technical College
CADRE	Center for Appropriate Dispute Resolution in Special Education
CPIR	Center for Parent Information and Resources
CPD	Center for Persons with Disabilities
CDB	Childhood Disability Benefit
CHIP	Children's Health Insurance Program
DLC	Disability Law Center
DSPD	Division of Services for People with Disabilities
DWS	Division of Workforce Services
DO	Doctor of Osteopathic Medicine
PhD	Doctor of Philosophy (A doctorate in any discipline, excluding medicine)
EPAS	Employment-Related Personal Assistance Program
FERPA	Family Educational Rights and Privacy Act
FICA	Federal Insurance Contributions Act
FSEOG	Federal Supplemental Education Opportunity Grants
FAFSA	Free Application for Federal Student Aid
FAPE	Free Appropriate Public Education
GED	General Education Development
GPA	Grade Point Average
GAU	Guardianship Associates of Utah
HEOA	Higher Education Opportunity Act
IEP	Individualized Education Program
IPE	Individualized Plan for Employment
IDEA	Individuals with Disabilities Education Act
IRS	Internal Revenue Service
JAN	Job Accommodation Network

LIST OF ACRONYMS

LRE	Least Restrictive Environment
LEAP	Leveraging Educational Assistance Partnership
LCSW	Licensed Clinical Social Worker
LEA	Local Education Agency
MD	Medical Doctor
NAMI	National Alliance on Mental Illness
NCWD	National Collaborative on Workforce and Disability
ODEP	Office of Disability Employment Policy
PLUS	Parent Loan for Undergraduate Students
PCN	Primary Care Network
PESS	Property Essential to Self-Support
Pre-ETS	Pre-Employment Transition Services
SSA	Social Security Administration
SSDI	Social Security Disability Insurance
SSI	Social Security Income
SLEAP	Special Leveraging Educational Assistance Partnership
SNT	Special Needs Trust
SEIE	Student Earned Income Exclusion
SOP	Summary of Performance
UATT	Utah Assistive Technology Teams
UCAT	Utah Center for Assistive Technology
UFV	Utah Family Voices
ILC	Utah Independent Living Center
UPC	Utah Parent Center
USBE	Utah State Board of Education
USOR	Utah State Office of Rehabilitation
USILC	Utah Statewide Independent Living Council
UWIPS	Utah Work Incentives Planning System
VR	Vocational Rehabilitation
WIPA	Work Incentives Planning and Assistance
WIOA	Workforce Innovations and Opportunity Act