

State and Federal Laws Regarding Transition

Massachusetts Laws Related to Transition



Technology

Massachusetts Law Chapter 285 of the Acts of 2008 (section 2 of c.71B) – Beginning at age 14 or sooner if determined appropriate by an individualized education program team, school age children with disabilities shall be entitled to transition services and measurable postsecondary goals, as provided under the federal Individual with Disabilities Education Act. 20 USC sec. 1400.

- The term “transition services” means a coordinated set of activities for a child with a disability that:
 - 1) Is designed to be within a results-oriented process, that is focused on improving the academic and functional achievement of the child with a disability to facilitate the child’s movement from school to post-school activities, including postsecondary education; vocational education; integrated employment (including supported employment); continuing and adult education; adult services; independent living or community participation;
 - 2) Is based on the individual child’s needs, taking into account the child’s strengths, preferences, and interests; and
 - 3) Includes instruction, related services, community experiences, the development of employment and other post-school adult living objectives and, when appropriate, acquisition of daily living skills and functional vocational evaluation. [602(34)]

In addition, Massachusetts has a transition law, Chapter 688, also known as “Turning 22.” The law requires the school special education administrator to make a referral for eligible students with disabilities to an adult service agency, which it deems to be the most appropriate agency to serve the student after special education ends. Chapter 688 requires that an Individual Transition Plan (ITP) be developed for eligible students, which describes the types of programs and supports the individual will need upon leaving special education.

- **WIOA- Workforce Innovation Opportunity Act**
The Workforce Innovation and Opportunity Act (WIOA), signed into law on July 22, 2014, is the first legislative reform of the public workforce system in 15 years. WIOA outlines a broader youth vision that supports an integrated service delivery system and gives a framework through which states

and local areas can leverage other Federal, State, Local, and philanthropic resources to support in-school and out-of-school youth. WIOA is committed to providing high quality services for youth and young adults beginning with career exploration and guidance, continued support for educational attainment, opportunities for skills training in in-demand industries and occupations, and culminating with a good job along a career pathway or enrollment in post-secondary education. The Massachusetts Rehabilitation Commission is responsible for carrying out these objectives

Massachusetts State Resources

- Department of Developmental Services
<http://www.mass.gov/eohhs/gov/departments/dds/>
 - For children under 18 with developmental disabilities
<http://www.mass.gov/eohhs/docs/dmr/awp/application-child.pdf>
 - For adults over 18
 - With an intellectual disability or developmental disability
<http://www.mass.gov/eohhs/docs/dmr/awp/application-adult.pdf>
 - Fact sheet for Autism Spectrum Disorder, Smith-Magenis Syndrome or Prader-Willi Syndrome
<http://www.mass.gov/eohhs/docs/dmr/awp/elig-fact-sheet.pdf>
- Massachusetts Rehabilitation Commission
<http://www.mass.gov/eohhs/gov/departments/mrc/>
- Massachusetts Department of Mental Health
<http://www.mass.gov/eohhs/gov/departments/dmh/>
- Commission for the Blind
<http://www.mass.gov/eohhs/gov/departments/mcb/>
- Commission for the Deaf and Hard of Hearing
<http://www.mass.gov/eohhs/gov/departments/mcdhh/>
- Masshealth (Medicaid)
<http://www.mass.gov/eohhs/gov/departments/masshealth/>

Please note if links change, use letters of agency after mass.gov and search for applications. Example, mass.gov/dds, then search for eligibility or application.

Other Resources

- Social Security <https://www.ssa.gov/disability/>
- Autism Insurance Resource Center
<https://www.disabilityinfo.org/arica/>
- Federation for Children with Special Needs
The LINK center www.fcsn.org/linkcenter
- SupportBrokers: www.thearcofmass.org/programs/supportbrokers

The Arc of Massachusetts 217 South Street, Waltham, MA 02453 (781)891-6270 • www.arcmass.org

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Transition from School to Adult Life - Time Lines

What is transition?

Transition is about planning for life!

The transition your son or daughter will make from school to adult life in the community is a long journey. This journey can be difficult for anyone, but for a child with a disability, determining where to go, the best way to get there, and then completing the journey can be especially challenging. This is why it is so important for you to think, as early as possible, about the important steps your child will need to make and to develop a plan for his/her future.

There are federal and state laws that guide the delivery of transitional educational services to children with disabilities. It is important for parents to understand these laws.




The Arc
Massachusetts

What can parents do to prepare for their child's transition?

"The road leading to a successful transition from childhood to adulthood should begin much earlier than the teenage years. It starts when children learn about themselves, their strengths and weaknesses and, so doing, begin to value themselves. It ends when, as adults, these same children can take control over choices and decisions that impact their lives and take responsibility for their actions. This is called Self-Determination."

(Davis & Wehmeyer, 1991).

Age 13, 14 & 15:

- Talk about the value of work and teach behaviors that develop employment potential.
- Provide opportunities to see people at work in different settings.
- Give relationships and friendships priority, including friendships with peers without disabilities. The relationships can help build bridges to potential jobs, volunteer opportunities, and a range of community activities. Relationships also help us grow and learn about ourselves and the world around us.
- Allow as much independence as possible; assign responsibility for certain chores to help instill a positive work ethic.
- Teach money management skills, along with shopping experiences and banking skills.
- Promote appropriate behavior at home and in social situations.
- Provide opportunities to make choices and decisions, to explore and take risks, and to learn from experiences of success and failure.
- Assist in good grooming skills and emphasize the importance of physical fitness.
- Think about volunteer job opportunities in the community, paper routes, or other ways to develop job skills.
- Attend parent workshops on Transition to become informed about the process of Transition Planning.
- Help your child to become a self-advocate.
- What is required to happen while students are still in special education? Find out all about Massachusetts laws regarding transition goals and transition services.



- Develop a partnership with the school system and become an active participant in the development of your child's IEP.
- Participate in the development of the Transition Planning Form and make sure the VISION/post-secondary goals are reflected in the IEP.
- Develop annual IEP goals that support the student's VISION/post-secondary goals.
- Encourage your school system to conduct appropriate informal and formal transition assessments.
- Help your child to understand his/her disability; when to ask and who to ask for assistance.
- Together with your child, create a vision of their life after leaving school or at age 22 (person-centered planning).
- Continue these activities throughout their teen years.

Age 16 & 17:

- Be sure your child's IEP addresses all the areas where skills are needed to make the biggest difference in your child's ultimate independence.
- First job experience ought to be considered if your child is not already working.
- Think about how your child will participate in IEP meetings in a meaningful way.
- Develop a transition portfolio of your child's interests, activities and daily experiences to help them create their vision and support active participation in their IEP development.
- Encourage self-determination and self-advocacy skills.
- Continue to have transition assessments done to determine preferences, interests and abilities.
- Encourage independence in all areas of life such as self-care activities, money management, and travel in the community.
- Talk about the value of work. Teach and support behaviors that develop employment potential.
- Help your child to think about and envision his/her future.
- Attend transition-related workshops, fairs, conferences, seminars, webinars, etc.
- Encourage relationships and nurture friendships.
- Explore volunteering, paid work experience, and connections to community-based activities.

- Develop a long-term plan (5 year) to cover educational, vocational, community experiences, and independent living skills.
- Find out what a 688 referral is.
- If your child is expecting to meet all graduation requirements at the age of 18 and terminate special education services ensure that a 688 referral is made if they are in need of continued services as an adult
- If your child leaves school before age 22, make sure all transition goals are met.
- Apply for services from the Massachusetts Rehabilitation Commission (MRC). Every school in Massachusetts has an MRC Counselor assigned who can help with career and vocational development
- If you are planning to apply for Social Security Insurance (SSI), get information about eligibility. Students who have assets exceeding \$2,000 are not eligible for SSI benefits. Consult an attorney or financial planner about a special needs trust or other arrangement that will protect eligibility for benefits. Check the availability of the ABLE Act. ABLE allows individuals to save up to \$100,000 and does not affect benefits.
- Investigate the need for guardianship and other options for legal protection. Guardianship is a legal procedure requiring a clinical evaluation and a petition to the probate court. Not all individuals need to have a guardian, and less intrusive alternatives may be preferable. These include power of attorney, health care proxy, conservatorship, and supported decision making.
- Investigate Adult Family Care (AFC); a MassHealth Program that provides a taxfree stipend to caregivers (including family members), as long as assistance is provided with daily care and you are not a legal guardian.
- Have interest surveys and vocational assessments done to determine interests and abilities.

Age 18:

- Apply for SSI/Mass Health. If SSI eligible, an individual will automatically be eligible for MassHealth. If not eligible for SSI, apply separately to the Division of Medical Assistance for MassHealth.
- Help your child actively participate in his/her IEP meeting. He/she should be part of planning their learning and life goals.
- Apply for Section 8 Housing Vouchers.
- Make sure emphasis on IEP is on post-school goals that will make the biggest differences in the life of your child.
- Understand Age of Majority. At age 18, all people are presumed to be legally competent to make all life decisions.
- Register men for Selective Service.
- Apply for eligibility for adult services, if you have not already done so. These include the Department of Developmental Services, Department of Mental Health, Mass. Commission for the Blind, and Mass. Rehabilitation Commission. If your son or daughter is diagnosed with Autism Spectrum Disorder, Smith-Magenis Syndrome or Prader-Willi syndrome, they do not need have a diagnosis of an intellectual disability to receive services from DDS.
- Apply for Adult Family Care (AFC).
- Have your child register to vote.
- Make sure your child has some work experience.

- Continue to consider transition assessments to clarify student's continued skill development needs.
- Invite a representative from a human service agency, (example: Transition Coordinator from DDS or MRC) to attend your child's IEP meeting.
- Network with other families who have been through the Transition process.

Age 20 & 21:

- By age 20 (or 2 years prior to terminating special education), the school special education administrator initiates a Chapter 688 referral to the appropriate human service agency to serve the student as an adult. Individuals who receive Social Security/Social Security Disability Insurance (SSDI) are automatically eligible for Chapter 688, others must go through an eligibility determination process.
- Individual Transition Plan (ITP) Meeting. No later than 9 months prior to graduation (usually around the student's 21st birthday), the Chapter 688 Liaison from the human service agency convenes the ITP meeting where the plan is developed. The student, family, school team, and any involved adult service agencies need to think about the programs and support needed (short-term, 1-2 years) when the student leaves school. The Chapter 688 Liaison is responsible for writing the ITP and submitting it to the Transitional Advisory Committee (TAC), which must approve, modify or reject the ITP. The TAC decision can be appealed by the student/ parent.
- Visit different day programs (and residential programs, if determined those services will be available) that provide services and supports to determine an appropriate placement for your child, or consider options such as self-directing your child's services or selecting Agency With Choice, a co-employment model.
- Try to ensure your child has had either an after-school job or weekend job with pay.
- Make sure your child has REAL work experiences in the community with local businesses.
- Find an adult primary physician and dentist.

Age 21½:

- 3-5 months before leaving school, the student/family should call DDS (or other adult agency) area office to see if a service coordinator has been assigned and is beginning to develop your child's adult services.

Age 22:

- Transition from school to adult services should be complete. Adult services are not an entitlement. Adult services are based on availability and are subject to funding by the legislature.
- Continue to attend family meetings, trainings, list serves to learn more about new and existing services.

