

TRANSITION SERVICES IN THE IEP: REQUIREMENTS FOR POST-SECONDARY PLANNING

Presented By: JIM WALSH

WALSH, ANDERSON,
BROWN, GALLEGOS
and GREEN, P.C.

ATTORNEYS AT LAW

www.WalshAnderson.com

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I. Overview

The IDEA requires public schools to assist special education students make the transition from school to the post secondary world. This means that IEP teams must determine what services, education, employment, and even living skill activities, will best help each student meet his or her unique needs. Thus, the resulting IEP must provide for special education students a customized roadmap – a transition plan – for meeting their postsecondary goals.

II. Transition Services Under the IDEA - What Do the Federal Regulations Tell Us?

34 CFR §300.1 Purposes.

The purposes of this part are –

- (a) To ensure that all children with disabilities have available to them a free appropriate public education that emphasizes special education and related services designed to meet their unique needs and prepare them for further education, employment, and independent living;

34 CFR §300.43 Transition services.

- (a) 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 includes --
 - (i) Instruction;
 - (ii) Related services;
 - (iii) Community experiences;
 - (iv) The development of employment and other post-school adult living objectives; and
 - (v) If appropriate, acquisition of daily living skills and provision of a functional vocational evaluation.
- (b) Transition services for children with disabilities may be special education, if provided as specially designed instruction, or a related service, if required to assist a child with a disability to benefit from special education.

34 CFR §300.320 Definition of individualized education program.

- (b) Transition services. Beginning not later than the first IEP to be in effect when the child turns 16, or younger if determined appropriate by the IEP Team, and updated annually, thereafter, the IEP must include –
 - (1) Appropriate measurable postsecondary goals based upon age appropriate transition assessments related to training, education, employment, and, where appropriate, independent living skills; and
 - (2) The transition services (including courses of study) needed to assist the child in reaching those goals.
- (c) Transfer of rights at age of majority. Beginning not later than one year before the child reaches the age of majority under State law, the IEP must include a statement that the child has been informed of the child's rights under Part B of the Act, if any, that will transfer to the child on reaching the age of majority under Sec. 300.520.

34 CFR §300.321 IEP Team.

- (b) Transition services participants.

- (1) In accordance with paragraph (a)(7) of this section, the public agency must invite a child with a disability to attend the child's IEP Team meeting if a purpose of the meeting will be the consideration of the postsecondary goals for the child and the transition services needed to assist the child in reaching those goals under Sec. 300.320(b).
- (2) If the child does not attend the IEP Team meeting, the public agency must take other steps to ensure that the child's preferences and interests are considered.
- (3) To the extent appropriate, with the consent of the parents or a child who has reached the age of majority, in implementing the requirements of paragraph (b)(1) of this section, the public agency must invite a representative of any participating agency that is likely to be responsible for providing or paying for transition services.

III. Transition Services Under the IDEA – Federal Guidance

2007 Guidance on Transition Services and the IEP

Question: Must an IEP include measurable postsecondary goals based on age appropriate transition assessments for every 16-year-old student with a disability regardless of the student's skill levels relating to education, employment and training?

Answer: Yes. Under 34 CFR § 300.320(b), the IEP for each child with a disability, must, beginning not later than the first IEP to be in effect when the child turns 16, or younger if determined appropriate by the IEP Team, and updated annually thereafter, include: (1) appropriate measurable postsecondary goals based upon age appropriate transition assessments related to training, education, employment, and, where appropriate, independent living skills; and (2) the transition services (including courses of study) needed to assist the child in reaching those goals. This requirement applies, whether or not the child's skill levels related to training, education, and employment are age appropriate. The IEP Team must, however, develop the specific postsecondary goals for the child, in light of the unique needs of the child as determined based on age appropriate transition assessments of the child's skills in these areas.

Question: May community access skills be included in the IEP as independent living skills?

Answer: It depends. The IEP Team must determine whether it is necessary to include appropriate measurable postsecondary goals related to independent living skills in the IEP for a particular child, and if so what transition services are needed to assist the child in reaching those goals. Under 34 CFR § 300.43, "transition services" are defined as "a coordinated set of activities for a child with a disability" "to facilitate movement from school to post-school activities," and include among other activities, "independent living, or community participation." Based on the assessment of the student's independent living

skills, the IEP Team would need to determine whether transition services in the form of community access skills are necessary for the child to receive a free appropriate public education (FAPE). If so, those skills must be reflected in the transition services in the child's IEP.

Question: If an IEP Team chooses to address transition before age 16 (for example, at age 14) are the same standards required?

Answer: Yes. The regulations provide, at 34 CFR § 300.320(b), that beginning not later than the first IEP to be in effect when the child turns 16, or younger if determined appropriate by the IEP Team, and updated annually, thereafter, the IEP must include -- (1) Appropriate measurable postsecondary goals based upon age appropriate transition assessments related to training, education, employment, and, where appropriate, independent living skills; and (2) The transition services (including courses of study) needed to assist the child in reaching those goals. If the IEP Team for a particular child with a disability determines that it is appropriate to address the requirements of 34 CFR § 300.320(b) for a child who is younger than age 16, then the IEP for that child must meet the requirements of 34 CFR § 300.320(b).

Question: Section 300.320(b)(1) requires that appropriate postsecondary transition goals be measurable. Must we measure goals once a student has graduated or has aged out?

Answer: There is no requirement for public agencies to measure postsecondary goals once a child is no longer eligible for FAPE under Part B of the Act. Under 34 CFR § 300.101, FAPE must be made available to all children residing in the State in mandatory age ranges. However, the obligation to make FAPE available does not apply to children who have graduated from high school with a regular high school diploma (34 CFR § 300.102(a)(3)) or to children who have exceeded the mandatory age range for provision of FAPE under State law (34 CFR § 300.102(a)(2)). When a child's eligibility for FAPE pursuant to Part B terminates under these circumstances, in accordance with 34 CFR § 300.305(e)(3), the local educational agency (LEA) must provide a "summary of the child's academic achievement and functional performance, which shall include recommendations on how to assist the child in meeting the child's postsecondary goals." However, this provision does not require the LEA to provide services to the child to meet these goals.

From: *Questions and Answers on Individualized Education Programs (IEPs), Evaluations, and Reevaluations*, 47 IDELR 166 (Jan. 1, 2007).

2009 Guidance on Summary of Performance (SOP)

Question: What is the purpose of the SOP, "a summary of the child's academic achievement and functional performance, which shall include recommendations on how to assist the child in meeting the child's postsecondary goals"?

Answer: The purpose of the SOP is to provide the child with a summary of the child's academic achievement and functional performance in order to assist the child to transition beyond high school.

Question: What information is required and what information would be helpful to include in the SOP?

Answer: The SOP must include recommendations on how to assist the child in meeting his or her postsecondary goals. The IDEA does not otherwise specify the information that must be included in the SOP; rather, State and local officials have the flexibility to determine the appropriate content to be included in a child's SOP, based on the child's individual needs and postsecondary goals.

Question: Does a general educational development credential (GED) or alternate diploma trigger the creation of an SOP?

Answer: No. A public agency, pursuant to 34 CFR § 300.305(e)(3), must provide a child whose eligibility for services under Part B of the IDEA terminates due to graduation from secondary school with a regular diploma, or due to exceeding the age of eligibility for a free appropriate public education (FAPE) under State law, with a summary of the child's academic achievement and functional performance. This Part B requirement does not apply to the group of children who leave secondary school with a GED credential or alternate diploma and whose eligibility for services under Part B has not terminated. See 34 CFR § 300.102(a)(3)(iv), which clarifies that a regular high school diploma does not include alternate degrees, such as a GED credential.

Public agencies are not required to provide an SOP for students who leave secondary school with a GED credential or alternate diploma; however, there is nothing in the IDEA or the Part B regulations that would prevent a State from doing so. If a State establishes a policy or practice requiring LEAs to provide an SOP to students with disabilities who leave high school with a GED credential or an alternate diploma, we recommend that, to avoid any confusion, the LEA notify the student and his or her parents that the student's eligibility for FAPE under Part B does not terminate until the student is awarded a regular high school diploma or the student exceeds the age of eligibility for FAPE under State law, whichever occurs first. States that require their LEAs to provide children who leave secondary school with a GED credential or alternate diploma with an SOP must comply with 34 CFR § 300.199. Each State, under 34 CFR § 300.199(a)(1), must ensure that any State rules, regulations, and policies conform to the purposes of Part B. Further, 34 CFR § 300.199(a)(2) requires States to identify in writing to OSEP and to their LEAs any State-imposed requirement that is not required by Part B of the IDEA or the implementing regulations, such as one requiring their LEAs to provide children who leave secondary school with a GED or credential or alternate diploma with an SOP.

Question: Is a public agency required to include in the SOP the documentation necessary to determine a student's eligibility for the Vocational Rehabilitation (VR) Services program and/or accommodations in institutions of higher education?

Answer: No. Section 614(c)(5) of the IDEA does not require the LEA to include in the SOP the documentation necessary to determine a child's eligibility for another program or service, such as the State VR Services program, or the child's need for accommodations in college or in other postsecondary educational settings. However, the SOP may include information that may assist another program to determine a student's eligibility for services or accommodations. For example, section 102(a)(4) of the Rehabilitation Act of 1973, as amended, requires the State VR Services program to use information submitted by education officials to assist in making eligibility determinations for students with disabilities. The SOP is one of the educational records that may be used to provide information to determine a student's eligibility for VR services.

A postsecondary student who has identified him or herself as an individual with a disability and has requested academic adjustments, auxiliary aids or modifications of policies, practices or procedures from an institution of postsecondary education may, consistent with an institution's documentation requirements, provide the institution with the SOP as part of the documentation to be used by the institution to determine whether the student has an impairment that substantially limits a major life activity, as defined under Section 504 of the Rehabilitation Act (Section 504) and/or the Americans with Disabilities Act (ADA), and requires academic adjustments as defined in the Section 504 regulations at 34 CFR § 104.44. Institutions may set their own requirements for documentation so long as they are reasonable and comply with Section 504 and the ADA.

Question: How can the SOP assist the VR Services program in the provision of transition services to eligible VR students with disabilities?

Answer: In addition to providing information that may be used to determine a student's eligibility for VR services, the SOP serves as a functional document that provides the VR Services program with information describing a student's vocational, employment, academic and personal achievements as well as vocational and employment supports needed by the student.

If determined to be eligible to receive VR services, the student, with the assistance of a VR counselor, develops an individualized plan for employment (IPE) to achieve a specific employment outcome. An SOP may facilitate the development of a meaningful IPE by providing information that describes the student's secondary and postsecondary goals, career interests, levels of academic performance, need for reasonable accommodations for work, and the functional levels of the student's social and independent living skills, at the time of completion of secondary education.

In general, an SOP that informs the State VR Services program of the student's academic and vocational functional performance may minimize delays in the transition service delivery system and better prepare the student for a successful career.

From: *Questions and Answers on Secondary Transition*, 52 IDELR 230 (June 1, 2009).

IV. How Have the Courts Interpreted the Requirements?

Federal case law

Disconnect between transition plan and IEP goals

The junior in high school had an IEP that called for her to make one year's progress in reading, which would have brought her reading up to the 6th grade level. The transition plan called for her to go to college. The court held that the apparent lack of consistency between transition plan and IEP goals did not mean that FAPE was denied. The district provided solid evidence of educational progress and implemented the transition plan appropriately. Key quote:

Failing to show there was no transition plan, Plaintiffs claim instead the IEP was deficient because it failed to state how Stephanie would meet her transition goal of attending college. However, there is no requirement for a transition plan to dictate IEP goals. Unlike the IEP, a transition plan is not a strictly academic plan, but relates to several post-secondary skills, including independent living skills and employment. While it may be ideal if a transition plan influences IEP goals, a newly identified transition goal will not change the ability of a child to progress at a higher rate academically.

Therefore, while the District helped Stephanie realize she wanted to attend college, the District was not required to ensure she was successful in fulfilling this desire. The IDEA is meant to create opportunities for disabled children, not to guarantee a specific result. [Cites omitted]. Stephanie was six grade levels behind in reading when she arrived at the District for 11th grade. It was unreasonable for Stephanie's parents to expect she would be reading at a 12th grade level by graduation.

The court also discussed how a transition plan compares with an IEP:

Plaintiffs further argue the transition plan was inadequate because the district did not provide progress monitoring of the transition goals. Plaintiffs' arguments rely on the standard for progress monitoring of the IEP, which is not the standard for a transition plan. Transition plan statutory requirements contain no progress monitoring requirement. An IEP must include a method to measure a child's progress; however, a

transition plan must only be updated annually and include measurable goals and corresponding services.

High v. Exeter Township School District, 110 LRP 7642 (E.D.Pa. 2010)

Inviting outsider service providers to the meeting

A district court in Wisconsin concluded that the district provided appropriate transition services despite the fact that the district failed to issue written invitations to two outside service providers. The court noted that the parent invited the two and one of them attended all three of the IEP Team meetings at which transition was discussed. The other attended only one of the three, but conveyed his recommendations to the Team. Noting that the district is only required to invite such service providers “to the extent appropriate” the court held that any procedural error that occurred was harmless. In reaching this conclusion the court put the emphasis on substance over form. Key quote:

[Quoting from an earlier case] “The failure of the plan to discuss transition is, however, a procedural flaw, not a substantive one: no one would be complaining about the language of the plan if the District had in fact been providing transitional services to [the student]. The important question is therefore whether the District failed to give [the student] something to which she was entitled.”

Rosinsky v. Green Bay Area School District, 53 IDELR 193 (E.D.Wis. 2009)

9th Circuit refutes "self-sufficiency" FAPE standard

In overturning a District Court ruling in a reimbursement action, the 9th Circuit confirmed that IDEA 1997 did not raise the *Rowley* basic floor of opportunity standard for determining if an IEP provided FAPE. The court soundly refuted the lower courts reasoning for holding that IDEA 1997 raised the bar in regards to FAPE. The District Court had ruled that by its description of transition services as intending to foster independent living and economic self-sufficiency IDEA 1997 had adopted a new standard of FAPE. The Circuit Court concluded that if Congress wanted to change the FAPE standard it would have done so by directly changing the definition of FAPE. Key Quote:

We conclude that the district court misinterpreted Congress' intent. Had Congress sought to change the free appropriate public education "educational benefit" standard -- a standard that courts have followed vis-à-vis *Rowley* since 1982 -- it would have expressed a clear intent to do so. Instead, three omissions suggest that Congress intended to keep *Rowley* intact. First, Congress did not change the definition of a free appropriate public education in any material respect. If Congress desired to change the free appropriate public education standard, the most logical way to do so would have been to amend the free appropriate public education definition

itself. Second, Congress did not indicate in its definition of "transition services," or elsewhere, that a disabled student could not receive a free appropriate public education absent the attainment of transition goals. Third, Congress did not express disagreement with the "educational benefit" standard or indicate that it sought to supersede Rowley. In fact, Congress did not even mention Rowley. *J.L. v. Mercer Island School District*, 109 LRP 48649 (9th Cir. 2009).

Transition plan based on an Occupational Assessment was reasonably calculated to provide FAPE

Despite allegations that a Texas district disregarded a teenager's interest in music when developing her transition plan the District Court held that the transition plan, which reflected the student's strong interests in fashion and child care, was reasonably calculated to provide FAPE. An occupational assessment conducted by the district showed the student had both a high interest and a high skill level in the fields of fashion, child care, and child development. The assessment also indicated a high interest in performing arts but the skill score in that area was in the "very low" range. Based on the assessments, the IEP team developed a transition plan that called for the student to work in a clothing store and to work as a classroom aide in an elementary school music class. Although the placement in the music class was discontinued the following year due to the student's dissatisfaction with the position, the district included one-to-one music instruction in the student's IEP to address her interest in music. The court concluded that as required by the IDEA the transition plan reflected the student's skills and interests, and included a series of practical goals that would help her transition into life after high school. The court thus held that the district had no obligation to pay for the student's placement in a music academy for students with cognitive disabilities. *K.C. b/n/f M.S. and W.C. v. Mansfield Independent School District*, 618 F. Supp. 2d 568 (N.D. Tex. 2009).

"Outcome-oriented process" of transition plan doesn't mean outcome is guaranteed

The First Circuit clarified the meaning of the term "outcome-oriented process" in the IDEA's definition of transition services. In refuting the parents' assertion that with regard to transition services, the old *Rowley* standard of "some educational benefit" was no longer applicable, the court stated that the parents "read far too much into Congress's 1997 definition of transition services." The court concluded that an "outcome-oriented process" referred to just that -- a *process*. It did not create a new or different substantive standard: "it specifies the perspective that participants in the process should strive to attain but does not establish a standard for evaluating the fruits of that process." The court also dismissed the argument that the student's IEP was inadequate and incomplete because it did not contain a "transition plan". The proposed IEP in this case included a wide array of transition services, scattered throughout the document. Thus the parents failed in their argument that the absence of a specific, separate "transition plan" doomed the IEP. While the IDEA requires that the IEP must include a statement of transition services, the court stated that it does not require that "those statements be articulated in a

separate component of the IEP." Thus, says the court, "merely pointing to the absence of a stand-alone transition plan cannot form the basis for a founded claim of procedural error." *Lessard v. Wilton-Lyndeborough Cooperative School District*, 518 F.3d 18 (1st Cir. 2008).

"Procedural flaws" in transition planning do not equate with a denial of FAPE

The Seventh Circuit criticized an Illinois school district for failing to timely draft a transition plan for a high school student with Rett Syndrome. The district explained that it routinely deferred the drafting of transition plans for students who were "not ready to move along." However, the court pointed out that a "[n]othing in the [IDEA] statute indicates that the District has discretion whether to include a transition plan in the IEP" prior to a student turning 16 years old. While the court conceded that the student "was not in a position to benefit from an elaborate transition plan including advanced vocational or educational skills," it nevertheless observed that the IEP should have explained why there was no material difference between the student's "transition needs and her current needs." Despite its dissatisfaction with the school district's efforts, the court nevertheless held that the district's failure to include specific transition plans in the IEP was a no more than a "procedural flaw" and thus "did not result in the denial of a free appropriate public education." *Board of Education of Township High School District No. 211 v. Ross*, 486 F.3d 267 (7th Cir. 2007).

Where there is no loss of educational opportunity, FAPE has been provided

A 17-year-old student eligible for services under IDEA had been educated in a private out-of-state school for one year when her parents decided to return their daughter to Hawaii to complete her education. When the transition services portion of the IEP was developed, neither the parents nor the student were interviewed. As a result, the transition plan was, according to the court, "a generic and somewhat vague formula of post-high school goals and services, equally applicable to almost any high school student." The court concluded that the transition plan was "not based on the individual child's needs, [did] not take into account her strengths, preferences, and interests ... [and the department of education] did not comply with the procedural requirements of the IDEA." Still, held the court, the "transition plan's generic goals of high school graduation, attendance at a university or community college, and employment in the community" offered a "basic framework sufficient to ensure that [the student] would receive transition services that benefit her education." Though the plan was "procedurally deficient" it did not result in a denial of a FAPE. *Virginia S. and Milton M. v. Dept. of Education, State of Hawaii*, 2007 WL 80814, 47 IDELR 42 (D. Hawaii 2007).

"Vague" and "generic" transitional goals are inadequate

A federal district court in Pennsylvania agreed with a Spanish-speaking mild to moderately retarded 17-year-old special education student with untreatable epilepsy that his IEP did not include a meaningful transition plan. Instead, said the court, the IEP "goals are vague and do not capitalize on Student's strengths or specific interests." The

court continued that the student's "IEPs state generic goals that have remained static from year to year," there were no vocational or independent learning outcomes in the community component of the IEP, there was no component to prepare the student for medical self-monitoring, and the IEPs did not "take into account Student's strengths or preferences." So finding, the court held that the IEP was deficient because it contained no "measurable post-secondary goals related to training, education, employment, and independent living skills." *Marple Newtown School Dist. v. Rafael N.*, 2007 WL 2458076 (E.D.Pa. 2007).

Only the student's expressed needs, preferences and interests must be included in the plan

According to the parents of a 19-year-old special education student, the district's failure to mention vocational and practical living goals made the transition plan incomplete. The district countered that the plan called for the student to meet with college guidance counselor and the transition plan was limited to college preparation rather than vocational goals at the parents' insistence. But according to the parents, IDEA obligated the district to plan for a student's postsecondary vocational and practical training regardless of the expressed desires of the parents. Observing that "case law does not offer strong support for the Plaintiffs' proposition that the District has an affirmative duty to provide for vocational and practical training in all transition plans, without regard to a student's individual needs and preferences," the court held that "the transition plan's focus on college planning was appropriate given [the student's] needs, preferences and interests at the time." *Sinan v. School District of Philadelphia*, 48 IDELR 97 (E.D.Pa. 2007), affirmed by the 3rd Circuit at 109 LRP 59299 (2008).

There was no procedural violation of IDEA where district involved community service providers in transitional planning

The Fifth Circuit upheld a Louisiana federal district court's ruling that a school district did not violate the transitional services provision of the IDEA. Parents of a wheelchair-bound developmentally delayed teenaged student made numerous allegations against a school district; among their claims was that the school district failed to comply with the IDEA's procedural requirements because it did not provide their son with transition services and did not invite other agencies to his transition plan meetings. The lower court disagreed, pointing out that the student's IEP specifically included transition plans "detailing desired adult outcomes, school action steps, and family action steps for various areas of need such as postsecondary education, employment, living arrangements, homemaking, financial/income, advocacy/legal, community resources, recreation and leisure, transportation, and relationships." In addition, the facilitator of the student's IEP contacted the Office of Citizens with Developmental Disabilities and the Louisiana Rehabilitation Services Department to assist in providing the student with transition services, and the parent was allowed an opportunity to provide meaningful input into decisions affecting the student's transition. Therefore, the court held that the district "complied with the procedural requirements of the IDEA and reasonably formulated [the student's] IEPs to afford him educational benefits" so there was no denial of a FAPE.

Pace v. Bogalusa City School Board, 403 F.3d 272 (5th Cir. 2003), *cert. denied* 546 U.S. 933 (2005).

Transition services must be provided despite student's completion of academic requirements for graduation

A Pennsylvania state court ordered the District to pay for the one-year of a college prep program provided for in the student's transition plan. The District argued that the student had "legally" graduated and therefore it owed no further duty to provide the student FAPE. The review panel found that the failure to provide the transition services indicated in the student's IEP meant that all the requirements of graduation had not been met and the District was still obligated to provide services to the student. The court upheld the award of compensatory services. *Susquehanna Township Sch. Dist. v. Frances J. and Charles J. ex rel. Jelani J.*, 39 IDELR 5 (Pa. Commw. Ct. 2003).

V. The Role of Adult Services Organizations in the IEP Process

Changes to the 2006 final IDEA Part B regulations

The 2006 final IDEA Part B regulations dropped the 1999 requirement that "[i]f an agency invited to send a representative to a meeting does not do so, the [school district] shall take other steps to obtain participation of the other agency in the planning of any transition services." This change helps districts since the IDEA never gave schools authority to compel another agency to participate in transition service planning, and neither the IDEA nor case law ever provided useful guidance as to what those "other steps" might be. In the comments and discussion preceding the 2006 regulations, the Department of Education explained its decision to remove this requirement from the new regulations as follows: "The Act has never given public agencies [such as school districts] the authority to compel other agencies to participate in the planning of transition services for a child with a disability Without the authority to compel other agencies to participate in the planning of transition services, public agencies have not been able to meet the requirement to 'ensure' the participation of other agencies in transition planning. Therefore, while we believe that public agencies should take steps to obtain the participation of other agencies in the planning of transition services for a child, we believe it is unhelpful to retain [the 1999 regulation]." 71 Fed. Reg. 46672 (2006).

Determining who to invite and when

"However, in determining whether a public agency must invite another agency to an IEP Team meeting conducted under 34 CFR § 300.320(b), in general, you may wish to consider such factors as whether a purpose of the IEP Team meeting will be the consideration of the postsecondary goals for the child and the transition services needed to assist the child in reaching those goals, whether there is a participating agency, other than the public agency responsible for providing a free appropriate public education to the child, that is likely to be responsible for providing or paying for the child's transition services, and whether the consent of the parents or the child who has reached the age of

majority has been provided for the other agency's participation at the IEP Team meeting conducted in accordance with 34 CFR § 300.320(b).” From *Letter to Caplan*, 50 IDELR 168, (OSEP, 2008).

When permission for outside agency to participate must be obtained

“Since the conversations at each IEP Team meeting are not the same, and since confidential information about the child is always discussed, we believe that consent must be obtained prior to each IEP Team meeting if a public agency proposes to invite a representative of any participating agency that is likely to be responsible for providing or paying for transition services. Therefore, it is not permissible under this regulation for a public agency to obtain the consent of the parents or eligible child only one time before the transition planning process is initiated for the child until the child leaves school. Although your question also asks about obtaining the requisite consent on an annual basis, one annual consent would not be sufficient if there is more than one IEP Team meeting conducted during a 12-month period where a purpose of the meeting will be the consideration of the child's postsecondary goals and the transition services needed to assist the child in reaching those goals under 34 CFR § 300.320(b).” From *Letter to Gray*, 50 IDELR 198, (OSEP, 2008).