

Indicator 13: “Percent of youth with IEPs aged 16 and above with an IEP that includes appropriate measurable postsecondary goals that are annually updated and based upon an age appropriate transition assessment, transition services, including courses of study, that will reasonably enable the student to meet those postsecondary goals, and annual IEP goals related to the student’s transition services needs. There also must be evidence that the student was invited to the IEP Team meeting where transition services are to be discussed and evidence that, if appropriate, a representative of any participating agency was invited to the IEP Team meeting with the prior consent of the parent or student who has reached the age of majority.”
 [20 U.S.C. 1416(a)(3)(B)]

Questions and Answers Regarding SPP Indicator 13 Requirements, Item 8

<p>Indicator 13, Item 8: If appropriate, is there evidence that a representative of any participating agency was invited to the IEP Team meeting with the prior consent of the parent or student who has reached the age of majority?</p>	<p>IDEA 2004 requires that, “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” (300.321 [b][3]).</p>
<p>What are the implications for districts if parents do not consent (or return the form) to having outside agencies attend the IEP meeting?</p>	<p>If parental consent cannot be obtained or parents indicate that they do not consent, the district cannot invite the outside agency to the IEP meeting. In this situation, the appropriate input to FACTS for this item would be “N/A”. All activities and attempts to obtain parental/student consent and/or parent/student indication of non-consent should be documented in the student’s file. Note: this consent requirement is specific to the IEP meeting.</p>
<p>Will there be findings made against districts based on this portion of the indicator? If so, will they result in additional restrictions in the use of IDEA funds?</p>	<p>In order for a district to “meet” the requirements of SPP Indicator 13, <u>all eight</u> items of Indicator 13 must “meet.” If any one item “does not meet” then the IEP is designated as “does not meet.” The United States Department of Education, Office of Special Education Programs, requires States to make findings of noncompliance when Local Education Agencies (LEAs) do not reach the measurable and rigorous target of 100% for State Performance Plan (SPP) compliance indicators when noncompliance is identified through the State’s data systems. For further information regarding these requirements, please refer to OSEP Memorandum 09-02 available at http://spp-apr-calendar.rrfcnetwork.org/getfile/view/id/575.</p> <p>Information about the restrictions on the use of IDEA funds can be found in the guidance document posted by the US Department of Education at http://www.ed.gov/policy/gen/leg/recovery/guidance/idea-b.pdf. The following paragraph at the bottom of page 17 addresses this question:</p> <p><i>There are other provisions of the IDEA that limit whether an LEA may reduce local effort under IDEA section 613(a)(2)(C) (34 CFR §300.205). Under IDEA section 616(a) (34 CFR §300.600(a)(2)), SEAs are required to make determinations annually about the performance of each LEA using the following categories: Meets Requirements, Needs Assistance, Needs Intervention, and Needs Substantial Intervention. Under 616(f) (34 CFR §300.608(a)), if in making its annual determinations, an SEA determines that an LEA is not meeting the requirements of Part B, including meeting targets in the state’s performance plan, the SEA must prohibit that LEA from reducing its MOE under IDEA section 613(a)(2)(C) for any fiscal year. Therefore, an SEA must prohibit an LEA from taking advantage of the MOE reduction under IDEA section 613(a)(2)(C) if the LEA’s determination is Needs Assistance, Needs Intervention, or Needs Substantial Intervention.</i></p>

<p>In addition to documenting the attempts to gain consent, what does ISBE recommend for districts to do?</p>	<p>ISBE has been providing examples to districts to consider in their planning for meeting the requirements of this item and doing so in a way that works with existing district activities where parents might be available. If you can get a majority of the consents taken care of this way, you can focus on the smaller percentage with a more targeted effort such as phone calls, etc. For example:</p> <ul style="list-style-type: none"> • Incorporating as an activity at registration • Incorporating as an activity on “Parent Night” or “Meet the Staff Night” types of activities • Incorporating as an activity at the close of the current IEP meeting (the consent will be good for one year and therefore cover the invitations for the following year’s IEP meeting. <p>Sample consent forms are available on the Indicator 13 webpage at: http://www.isbe.net/spec-ed/html/indicator13.htm</p>
<p>Do districts need to get consent annually? If so, this can be a very time consuming process for the reasons listed above.</p>	<p>Yes. Because the IEP document is valid for one year, our legal counsel has advised that parent consent be obtained annually. See suggestions above.</p>
<p>This “rule” went into effect on 7/1/09. Districts were not adequately advised of this change and the ISBE “guidance” is dated 10/09. Can this field in IEPoint be marked “n/a” for the period of time that meetings were held prior to the notification from ISBE?</p>	<p>These legal requirements have been in effect since the passage of IDEA 2004 (See 34 CFR 300.320(b), 300.321(b)). As such, Illinois has not received flexibility in the regulatory requirements surrounding secondary transition and Indicator 13. In July 2009, ISBE was notified by the US Department of Education, Office of Special Education Programs and the National Secondary Transition Technical Assistance Center that the <i>data collection requirements</i> for Indicator 13 had been revised to better align with the requirements in IDEA 2004. After working with Harrisburg Project to implement the necessary changes to the FACTS data collection, ISBE notified LEAs of the revised Indicator 13 data collection requirements in August and September 2009 through the Special Education Director’s Conference, Director’s listserv and FACTS Instruction Manual. Following this notification to LEAs, ISBE received several requests to clarify the requirements found at 34 CFR 300.321(b)(3), as reflected in Question 8 of the revised Indicator 13 checklist. In order to support school districts in implementing this requirement, in October 2009, ISBE released recommended consent forms for parents and for students who have reached the age of majority.</p>
<p>Will there be a point when the error message in IEPoint will change? If so, when?</p>	<p>Given the changes to the Indicator 13 data collection for the 2009-2010 school year by the US Department of Education, Office of Special Education Programs (OSEP), incomplete Indicator 13 data resulted in warnings for the October and December 2009 FACTS transmissions. These warnings for incomplete data will turn into errors effective with the March 2010 FACTS transmission.</p> <p>Districts will still be able to submit FACTS records where the Indicator 13 component is completed, but does not meet the requirements of Indicator 13. These instances where completed data is submitted but the student’s transition plan does not meet the requirements of Indicator 13 will be handled after the final June FACTS transmission each year through the State’s general supervision system, as required by IDEA 2004.</p>