

# Transition from MUSER

The word “transition” is used about 70 times in the Maine State Special Education Regulations, officially Maine Unified Special Education Regulation Birth to Age Twenty or affectionately known as MUSER. There is one reference to “homeless” children, numerous references to transition from preschool to K-12, and the rest are related to Transition from K-12 to beyond.

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**Post Secondary Goals.** Post secondary goals mean statements of intention related to post-school training, education, employment, and, where appropriate, independent living skills based on the child’s strengths, preferences, and interests and shaped by age appropriate *transition* assessments.

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Advance Written Notice of IEP Meetings

Each SAU must take steps to ensure that one or both of the parents of a child with a disability are present at each IEP Team meeting or are afforded the opportunity to participate, including, notifying parents of the meeting early enough, at least 7 days prior to the meeting, to ensure that they will have an opportunity to attend; ...

...The notice must indicate that the purpose of the meeting will be to begin *post secondary transition planning* in accordance with 34 CFR 300.320(b) and that the SAU will invite the student and identify any other agency that will be invited to send a representative. [34 CFR 300.322(a) and (b)(1,2)] The notice must include whether the school

administrative unit will have an attorney present at the individualized education program team meeting. A copy of the notice of the IEP Team Meeting shall be placed in the child's...

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### ***Secondary Transition***

(a) *Transition services* means a coordinated set of activities for a child with a disability that 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 post-secondary education, vocational education, integrated employment (including supported employment), continuing and adult education, adult services, independent living, or community participation; is based upon the individual child's needs, taking into account the child's strengths, preferences, and interests; and includes instruction, related services, community experiences, the development of employment and other post school adult living objectives, and if appropriate, acquisition of daily living skills and provision of a functional vocational assessment. *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 300.43]

(b) Beginning not later than 9th grade the IEP Team will start the *transition plan* and it will be updated annually thereafter—  
(aa) appropriate measurable postsecondary goals based upon age appropriate *transition assessments* related to training, education, employment, and, where appropriate, independent living skills;

(c) 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 post secondary goals for the child and the *transition services* needed to assist the child in reaching those goals. [34 CFR 300.321(b)(1)]

(d) 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. [34 CFR 300.321(b)(2)]

(e) To the extent appropriate, with the consent of the parents or the child who has reached age of majority, in implementing the requirements of (c) above, the public agency must invite a representative of any participating agency that is likely to be responsible for providing or *paying for transition services*. [34 CFR 300.321(b)(3)]

(f) Failure to meet transition objectives. If a participating agency, other than the SAU, fails to provide the transition services described in the IEP, the local educational agency shall reconvene the IEP Team to identify alternative strategies to meet the transition objectives for the child set out in the IEP. [20 USC 1414(d)(6)]

Nothing in these rules relieves any other agency, including the Maine Department of Health and Human Services, the Maine Department of Labor, the Maine Department of Corrections, the Maine Department of Public Safety, or the Bureau of Vocational Rehabilitation, of the responsibility to provide or *pay for any transition service* that the agency would otherwise provide to children with disabilities who meet the eligibility criteria of that agency.

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Initial IEP Team Meeting for the child under Part C.

In the case of a child who was previously served under Part C of IDEA, an invitation to the initial IEP Team Meeting must, at the request of the parent, be sent to the Part C service coordinator or other representatives of the Part C system to *assist with the smooth transition of services*. [34 CFR 300.321(f)]

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For a child with a disability the planning must begin no later than the 9th grade or earlier, if determined appropriate by the IEP Team, and the notice also must—

(i) Indicate—

- (I) That a purpose of the meeting will be the consideration of the *postsecondary goals and transition services* for the child, in accordance with § 300.320(b); and...

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(h) The IEP Team shall *adopt a transition plan* during the child's 9th grade school year, to be updated annually thereafter, and it will include:

- (i) Appropriate measurable postsecondary goals based upon *age appropriate transition assessments* related to training, education, employment, and, where appropriate, independent living skills;

(ii) The *transition services* (including courses of study, such as participation in advanced placement courses, a vocational education program, or adult education program, and instruction, related services, community experiences, the development of employment and post school adult living objectives and if appropriate, acquisition of daily living skills and the provisions of a functional vocational evaluation per 34 CFR 300.43 needed to assist the child in reaching those goals; and

(iii) Beginning not later than 1 year before the child reaches the age of eighteen a statement that the child has been informed of the child's rights under this title [IDEA], if any, that will transfer to the child on reaching eighteen years of age.

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### ***Failure of Transition Objectives***

(1) Participating Agency Failure. If a participating agency other than the SAU, *fails to provide the transition services* described in the IEP in accordance with 34 CFR 300.320(b), the SAU must reconvene the *IEP Team to identify alternative strategies to meet the transition objectives for the child set out in the IEP.*

(2) Construction. Nothing in this part relieves any participating agency, including a State vocational rehabilitation agency, of the responsibility to provide or *pay for any transition service* that the agency would otherwise provide to children with disabilities who meet the eligibility criteria of that agency. [34 CFR 300.324(c)]