



Key Provisions on Transition

IDEA 1997 compared to H.R. 1350 (IDEIA 2004)

On December 3, 2004, President George W. Bush signed H.R. 1350 (IDEIA 2004) into law. This document identifies the major differences between IDEA 1997 and H.R. 1350 (IDEIA 2004) concerning transition services (**bold** text indicates language changes from IDEA 1997).

Individuals with Disabilities Education Act of 1997	H.R. 1350: Individuals with Disabilities Education Improvement Act of 2004
Part A: GENERAL PROVISIONS	
Section 601: SHORT TITLE; TABLE OF CONTENTS; FINDINGS; PURPOSES	Section 601: SHORT TITLE; TABLE OF CONTENTS; FINDINGS; PURPOSES
<p>(d) PURPOSES. The purposes of this title are—</p> <p>(1)(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 employment and independent living</p>	<p>(d) PURPOSES. The purposes of this title are—</p> <p>(1)(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</p>
Section 602: DEFINITIONS	Section 602: DEFINITIONS
<p>(30) TRANSITION SERVICES. The term “transition services” means a coordinated set of activities for a student with disability that—</p> <p>(A) is designed within an outcome-oriented process, which promotes movement from school to post-school activities, including post-secondary education, vocational training, integrated employment (including supported employment), continuing and adult education, adult services, independent living, or community participation;</p> <p>(B) is based upon the individual student’s needs, taking into account the student’s preferences and interests; and</p> <p>(C) 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.</p>	<p>(34) TRANSITION SERVICES: The term “transition services” means a coordinated set of activities for a child with a disability that—</p> <p>(A) 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;</p> <p>(B) is based on the individual child’s needs, taking into account the child’s strengths, preferences, and interests; and</p> <p>(C) 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.</p>

**Individuals with Disabilities
Education Act of 1997**

**H.R. 1350: Individuals with Disabilities
Education Improvement Act of 2004**

Part B: ASSISTANCE FOR EDUCATION OF ALL CHILDREN WITH DISABILITIES

**Section 614: INDIVIDUALIZED
EDUCATION PROGRAMS**

(c) ADDITIONAL REQUIREMENTS FOR
EVALUATION AND REEVALUATIONS

(5) EVALUATIONS BEFORE CHANGE IN
ELIGIBILITY—A local educational agency shall
evaluate a child with a disability in accordance with
this section before determining that the child is no
longer a child with a disability.

**Section 614: INDIVIDUALIZED
EDUCATION PROGRAMS**

(c) ADDITIONAL REQUIREMENTS FOR
EVALUATION AND REEVALUATIONS

(5) EVALUATIONS BEFORE CHANGE IN
ELIGIBILITY—

(A) IN GENERAL – **Except as provided in sub-
paragraph (B)**, a local educational agency shall
evaluate a child with a disability in accordance
with this section before determining that the child
is no longer a child with a disability.

(B) EXCEPTION—

**(i) IN GENERAL – The evaluation described in
subparagraph (A) shall not be required before
the termination of a child’s eligibility under this
part due to graduation from secondary school
with a regular diploma, or due to exceeding the
age eligibility for a free appropriate public edu-
cation under State law.**

**(ii) SUMMARY OF PERFORMANCE – For a
child whose eligibility under this part terminates
under circumstances described in clause (i), a lo-
cal education agency shall provide the child with
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.**

**Section 614, INDIVIDUALIZED
EDUCATION PROGRAMS**

(d) INDIVIDUALIZED EDUCATION
PROGRAMS

(1) DEFINITIONS

(A) INDIVIDUALIZED EDUCATION
PROGRAM

(vii)(I) beginning at age 14, and updated annually,
a statement of the transition service needs of the
child under the applicable components of the

**Section 614, INDIVIDUALIZED
EDUCATION PROGRAMS**

(d) INDIVIDUALIZED EDUCATION
PROGRAMS

(1) DEFINITIONS

(A) INDIVIDUALIZED EDUCATION
PROGRAM

**(VIII) beginning not later than the first IEP to
be in effect when the child is 16, and updated
annually thereafter—**

**Individuals with Disabilities
Education Act of 1997**

**H.R. 1350: Individuals with Disabilities
Education Improvement Act of 2004**

child's IEP that focuses on the child's courses of study (such as participation in advanced-placement courses or a vocational education program);

(II) beginning at age 16 (or younger, if determined appropriate by the IEP Team), a statement of needed transition services for the child, including, when appropriate, a statement of the interagency responsibilities or any needed linkages; and

(III) beginning at least one year before the child reaches the age of majority under State law, a statement that the child has been informed of his or her rights under this title, if any, that will transfer to the child on reaching the age of majority under section 615(m); and

(viii) a statement of—

(I) how the child's progress toward the annual goals described in clause (ii) will be measured; and

(II) how the child's parents will be regularly informed (by such means as periodic report cards), at least as often as parents are informed of their nondisabled children's progress of—

(aa) their child's progress toward the annual goals described in clause (ii); and

(bb) the extent to which that progress is sufficient to enable the child to achieve the goals by the end of the year.

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

(bb) the transition services (including courses of study) needed to assist the child in reaching those goals; and

(cc) beginning **not later than** 1 year before the child reaches the age of majority under State law, a statement that the child has been informed of the child's rights under this title, if any, that will transfer to the child on reaching the age of majority under section 615(m).

(ii) RULE OF CONSTRUCTION — nothing in this section shall be construed to require —

(I) that additional information be included in a child's IEP beyond what is explicitly required in this section; and

(II) the IEP Team to include information under 1 component of a child's IEP that is already contained under another component of such IEP.

[Note: The following text appears in Part B, Section 614 (d)(1)(A)(i), as part of the definition of what an IEP includes.]

(II) a statement of measurable annual goals, including **academic and functional goals**, designed to—

(aa) meet the child's needs that result from the child's disability to enable the child to be involved in and **make** progress in the general education curriculum; and

(bb) meet each of the child's other educational needs that result from the child's disability;

(III) a description of how the child's progress toward meeting the annual goals described in subclause (II) will be measured and when periodic reports on the progress the child is making toward meeting the annual goals (such as through the use of quarterly or other periodic reports, concurrent with the issuance of report card) will be provided;

<p align="center">Individuals with Disabilities Education Act of 1997</p>	<p align="center">H.R. 1350: Individuals with Disabilities Education Improvement Act of 2004</p>
<p>(3) DEVELOPMENT OF IEP—</p> <p>(A) IN GENERAL – In developing each child’s IEP, the IEP Team, subject to subparagraph (C), shall consider –</p> <p>(i) the strengths of the child and the concerns of the parents for enhancing the education of their child; and</p> <p>(ii) the results of the initial evaluation or most recent evaluation of the child.</p>	<p>(3) DEVELOPMENT OF IEP—</p> <p>(A) IN GENERAL – In developing each child’s IEP, the IEP Team, subject to subparagraph (C), shall consider –</p> <p>(i) the strengths of the child;</p> <p>(ii) the concerns of the parents for enhancing the education of their child;</p> <p>(iii) the results of the initial evaluation or most recent evaluation of the child; and</p> <p>(iv) the academic, developmental, and functional needs of the child.</p>
<p>(6) CHILDREN WITH DISABILITIES IN ADULT PRISONS—</p> <p>(A) IN GENERAL – The following requirements do not apply to children with disabilities who are convicted as adults under State law and incarcerated in adult prisons:</p> <p>(i) The requirements contained in section 612(a)(17) and paragraph (1)(A)(v) of this subsection (relating to participation of children with disabilities in general assessments.)</p> <p>(ii) The requirements of subclauses (I) and (II) of paragraph (1)(A)(vii) of this subsection (relating to transition planning and transition services), do not apply with respect to such children whose eligibility under this part will end, because of their age, before they will be released from prison.</p>	<p>(7) CHILDREN WITH DISABILITIES IN ADULT PRISONS—</p> <p>(A) IN GENERAL – The following requirements shall not apply to children with disabilities who are convicted as adults under State law and incarcerated in adult prisons:</p> <p>(i) The requirements contained in section 612(a)(16) and paragraph(1)(A)(i)(VI) (relating to participation of children with disabilities in general assessments).</p> <p>(ii) The requirements of items (aa) and (bb) of paragraph (1)(A)(i)(VIII) (relating to transition planning and transition services), do not apply with respect to such children whose eligibility under this part will end, because of such children’s age, before such children will be released from prison.</p>

RESOURCES

Council for Exceptional Children (CEC) <http://www.cec.sped.org/>
CEC provides a summary of the law, their recommendations, and a link to the text of the law.

National Association of State Directors of Special Education (NASDSE) <http://www.nasdse.org/>
NASDSE has a side-by-side comparison of IDEA ‘97 and the new law available for purchase.

Wrightslaw, IDEA 2004
<http://www.wrightslaw.com/law/ideal/index.htm>
Wrightslaw provides information on changes in the law, as well as some brief explanatory comments.

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