



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF SPECIAL EDUCATION AND REHABILITATIVE SERVICES

February 27, 2017

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Dear :

This letter responds to your May 23, 2016 correspondence to the U.S. Department of Education (Department). Your inquiry was forwarded to the Office of Special Education Programs (OSEP) for response. We apologize for the delay in responding.

In your correspondence you request clarification of the Individuals with Disabilities Education Act (IDEA), Part B requirement in 34 CFR §300.320(b). That provision requires that, beginning not later than the first individualized education program (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. You have asked for guidance on what actions are needed to meet the requirement that the child's postsecondary goals and transition services are "updated" annually, and whether the IEP Team must always revise those goals to meet this requirement.

Transition services as defined in 34 CFR §300.43 are: "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 support 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

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The Department of Education's mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.

- (v) If appropriate, acquisition of daily living skills and provision of a functional vocational evaluation.” (emphasis added)

As with all special education and related services, it is up to each child’s IEP Team to determine the special education and related services that are needed to meet each child’s unique needs in order for the child to receive a free appropriate public education (FAPE). 71 Fed. Reg. 46668. In determining the child’s postsecondary goals and transition services, the IEP Team must take into account the child’s preferences and interests. The IDEA requires that the public agency invite a transition-age child to attend his or her IEP Team meeting if the purpose of the meeting will be the consideration of the child’s postsecondary goals and transition services needed to assist the child in reaching those goals. 34 CFR §300.321(b)(1). 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). This requirement applies only in the case of postsecondary goals and transition services and is not mandatory with respect to the child’s other IEP goals and special education and related services.

It is reasonable to expect that a transition-aged youth may, based on coursework completed, community experiences (such as a summer or after-school job), and other college- and career-preparation opportunities, develop new interests or changed preferences regarding his or her postsecondary goal(s). For these and other reasons, it is important that the IEP Team review and update the child’s postsecondary goals and transition services annually to reflect any new or different activities that are required to provide FAPE to the child. While it is possible that the IEP Team could conclude no changes to the goals and transition services are necessary, it must carefully consider whether the existing IEP’s postsecondary goals and transition services remain appropriate to support the child in working toward what he or she hopes to achieve after leaving high school.

Based on section 607(e) of the IDEA, we are informing you that our response is provided as informal guidance and is not legally binding, but represents an interpretation of the IDEA by the Department in the context of the specific facts presented.

If you have any further questions, please do not hesitate to contact Lisa Pagano at 202-245-7413 or by email at Lisa.Pagano@ed.gov.

Sincerely,

/s/

Ruth E. Ryder
Acting Director
Office of Special Education Programs