

Date of Hearing: March 22, 2023

ASSEMBLY COMMITTEE ON EDUCATION
Al Muratsuchi, Chair
AB 438 (Blanca Rubio) – As Introduced February 6, 2023

SUBJECT: Pupils with exceptional needs: individualized education programs: postsecondary goals and transition services

SUMMARY: Lowers the age at which postsecondary transition planning for students with exceptional needs begins from age 16 to age 14, effective July 1, 2025. Specifically, **this bill:**

- 1) Requires, effective July 1, 2025, that a student’s individualized education program (IEP) include the following information commencing with the first IEP after a student turns 14, instead of 16:
 - a) Appropriate measurable postsecondary goals based upon age-appropriate transition assessments related to training, education, employment, and where appropriate, independent living skills; and
 - b) The transition services, including courses of study, needed to assist the pupil in reaching those goals.
- 2) Lowers the age at which a student would be required to be invited to an IEP team meeting if the purpose of the meeting is the consideration of the postsecondary goals for the child and the transition services needed to assist the child in reaching those goals.
- 3) Makes conforming changes.

EXISTING LAW:

Federal law

- 1) The federal Individuals with Disabilities Education Act (IDEA) defines transition services to mean a coordinated set of activities for a child with a disability that:
 - 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 postsecondary education, vocational education, integrated employment (including supported employment), continuing and adult education, adult services, independent living, or community participation; and
 - b) 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.
- 2) States that 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.
- 3) Requires that, beginning not later than the first IEP in effect when the child is 16, and updated annually thereafter, the IEP include:
- a) Appropriate measurable postsecondary goals based upon age appropriate transition assessments related to training, education, employment, and, where appropriate, independent living skills;
 - b) The transition services (including courses of study) needed to assist the child in reaching those goals; and
 - c) Beginning not later than one 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, if any, that will transfer to the child on reaching the age of majority. (20 U.S.C. § 1400, Sec. 300.43)
- 4) Requires that a child with a disability, at age 16, be invited 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.
- 5) Requires that, if the child does not attend the IEP team meeting other steps are taken to ensure that the child's preferences and interests are considered.

State law

- 6) Restates the transition planning requirements of IDEA, and adds "or younger if determined appropriate by the IEP team" to the description of the age at which transition planning is required to begin. (Education Code (EC) 56341.5)
- 7) States that planning for transition from school to postsecondary environments should begin in the school system well before the student leaves the system. (EC 56460)
- 8) Establishes the Project Workability program, which provides instruction and experiences that reinforce core curriculum concepts and skills leading to gainful employment. Authorizes the California Department of Education (CDE) to award grants to school districts, county offices of education (COEs), state special schools, and charter schools, and nonpublic, nonsectarian schools. Requires that Project Workability grant applications include the following elements: recruitment, assessment, counseling, pre-employment skills training, vocational training, student wages for try-out employment, placement in unsubsidized employment, other

assistance with transition to a quality adult life, and utilization of an interdisciplinary advisory committee to enhance project goals. (EC 56470)

FISCAL EFFECT: This bill has been keyed a possible state-mandated local program by the Office of Legislative Counsel.

COMMENTS:

Need for the bill. According to the author, “For many youth with autism and other disabilities, the transition to adulthood begins with an Individualized Education Plan (IEP). However, California does not require planning to begin until age 16, when many students are half way complete with high school. As a result, the state is not providing students who have been identified as having a disability with the essential time needed to develop the appropriate skills for adult life, and the time for schools, parents, and service providers to develop meaningful individualized transition plans. California must catch up to other states, over half of whom start transition IEP’s at 14 years of age, if we want to be an education leader again.”

Age of transition planning for students with disabilities. Federal law requires that, beginning not later than the first IEP to be in effect when the child is 16, and updated annually thereafter, the IEP include a postsecondary transition plan. State law restates the federal requirement to begin transition planning at 16, and in addition states, “or younger if determined appropriate by the IEP team.” Federal law also requires that students be invited to IEP team meetings at which postsecondary goals are discussed.

According to the CDE, there are 128,172 students with disabilities ages 14 and 15 enrolled in the 2022-23 school year. This provides an estimate of the number of additional students to whom an earlier transition planning requirement would apply.

Does earlier transition planning result in better postsecondary outcomes for students with disabilities? The following research has examined whether earlier transition planning produces improved outcomes for students with disabilities:

- A study examining the vocational outcomes of 15,000 young adults with intellectual disability, half of whom were from states requiring transition services be addressed in IEPs by age 14 and half of whom were from states requiring transition services be addressed by age 16 found that, in each of the 4 years examined, individuals from the early transition states were more likely to be employed by the time their cases were closed than their matched peers from the later transition states. Specifically, over a 4-year period, 58.8% of participants from the early transition states became employed compared with 45.6% for individuals from later transition states. (Cimera, 2014)
- A study investigating whether receiving transition services by age 14 promoted better vocational outcomes than receiving transition services by age 16 for young adults with Autism Spectrum Disorder, found that, among 906 individuals (half of whom were from states requiring transition services be addressed by age 14, and half from states requiring services to be addressed by age 16), in each of the four years examined, individuals from the early transition states were significantly more likely to be employed than individuals from the later transition group. The study also found that early transition individuals who became employed appeared to earn more wages and cost less to serve. (Cimera, 2013)

- In 2019 the U.S. Department of Education (USDOE), in response to a Government Accounting Office (GAO) recommendation, examined post-school outcomes for youth in states that start transition services at age 16, as compared to those states beginning services at a younger age. This data included students with all types of disabilities. The USDOE found no statistically significant difference in outcomes for states beginning transition services at a younger age.

Taken together, this evidence may suggest that the benefits of earlier transition planning are greater for specific groups of students, perhaps those with greater need for support in the transition to postsecondary life.

Most states start transition planning at age 14. A review of the age of transition planning among U.S. states and territories (Suk, 2020) found that 29 of 56 states and U.S. territories begin transition planning at age 14. According to survey data reported by the GAO, about 32% of school districts begin transition planning when students are 14. At least one California school district, the Los Angeles Unified School District, begins transition planning for all students with IEPs at age 14.

Postsecondary outcomes of California students with disabilities. California reports state data regarding postsecondary outcomes of students with disabilities through the federal State Performance Plan (SPP). The SPP is a six-year plan that includes 17 indicators that are related to either IDEA compliance or student performance. States must set rigorous and measurable annual targets for each of the 17 indicators and report their progress in relation to these targets in an annual update, called the Annual Performance Report (APR). The SPP data is used by the USDOE for purposes of technical assistance and enforcement actions.

Indicator 14, Post-School Outcomes, measures the percentage of youth who are no longer in secondary school, had IEPs in effect at the time they left school, and were:

- Enrolled in higher education within one year of leaving high school;
- Enrolled in higher education or competitively employed within one year of leaving high school; and
- Enrolled in higher education or in some other postsecondary education or training program; or competitively employed or in some other employment within one year of leaving high school.

California’s 2019 APR reported the following postsecondary outcomes for California students with disabilities (note that the percentages are additive):

| Measure | Number of respondent youth (additive) | FFY 2019 Data (additive) |
|--|---------------------------------------|--------------------------|
| A. Enrolled in higher education | 11,781 | 56.67% |
| B. Enrolled in higher education or competitively employed within one year of leaving high school | 15,787 | 75.94% |
| C. Enrolled in higher education, or in some other | 19,566 | 94.11% |

| Measure | Number of respondent youth (additive) | FFY 2019 Data (additive) |
|--|---------------------------------------|--------------------------|
| postsecondary education or training program; or competitively employed or in some other employment | | |

SPP Indicator 13, Secondary Transition, measures the percentage of youth 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 service needs.

The SPP also requires evidence that students were 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.

California’s 2019 APR reported that schools met this target for 96% of eligible students. This represents a slight year-over-year decline that CDE attributes to the COVID-19 pandemic. Performance on this indicator increased significantly over the last decade, from 45% in 2010-11.

Postsecondary outcomes of students with disabilities compared to their peers. A 2011 USDOE national analysis of postsecondary outcomes for young adults with disabilities, *The Post-High School Outcomes of Young Adults With Disabilities up to 8 Years After High School: A Report From the National Longitudinal Transition Study-2*, reported the following findings:

- Young adults with disabilities were less likely to have enrolled in postsecondary programs than were their peers in the general population (60% vs. 67%).
- Young adults with disabilities were more likely to have attended a 2-year college (44%) or a postsecondary vocational, technical, or business school (32%) than their peers in the general population (21% and 20%, respectively). In contrast, those with disabilities were less likely than their peers in the general population to have attended a 4-year university (19% vs. 40%).
- Postsecondary completion rates of students with disabilities were lower than those of similar-aged students in the general population (41% vs. 52%).
- Young adults with disabilities who had attended 2-year colleges were more likely to have completed their 2-year college programs than were those in the general population (41% vs. 22%); however, they were less likely than their general population peers to have completed their 4-year college programs (34% vs. 51%).

- Young adults with disabilities earned an average of \$10.40 per hour compared with \$11.40 per hour for young adults in the general population.
- Young adults with disabilities were less likely to live independently than were their peers in the general population (45% vs. 59%).

IEP template workgroup recommends lowering transition planning age to 14. SB 75

(Committee on Budget), Chapter 51, Statutes of 2019, required the CDE to convene a workgroup to design a state standardized IEP template. The workgroup was comprised of representatives of the CDE, the Department of Rehabilitation (DOR), the Department of Developmental Services (DDS), LEAs, special education local plan areas (SELPAs), legislative staff, and relevant state and national policy experts. It was required to do all of the following:

- Examine and make recommendations regarding the following matters: ensuring the IEP development and periodic review processes are designed to improve student outcomes by capturing student strengths and needs and informing learning strategies that support instruction aligned to state standards;
- Design a state standardized IEP template that provides information about student strengths, needs, and learning strategies;
- Support transition planning with early learning and postsecondary options;
- Assess the feasibility of a web-based statewide IEP system to house a statewide template; and
- Design a state standardized addendum to the IEP that addresses distance learning modifications and adaptations to the IEP necessitated by a state or local emergency, including best practices recommendations.

The workgroup report, published in October, 2021, made 25 recommendations to improve the IEP process in California and ensure that IEPs are designed to improve student outcomes, capture student needs, and inform learning strategies that support instruction that is aligned to state standards and provided in the general education setting whenever possible.

The workgroup noted the need for the IEP template to specifically and explicitly document transition planning for the many transitions that occur throughout a child's entire public education experience. The workgroup also recognized that secondary transition planning is often focused on the goals for the student after they have exited school and neglects to focus on the needed transition supports to finish school and achieve the goal of receiving a high school diploma.

The workgroup report recommended that state law be revised to lower the required age for postsecondary transition planning from 16 to 14. The report noted that this is consistent with existing law which states "planning for transition from school to postsecondary environments should begin in the school system well before the student leaves the system."

The report also noted that the recommendation to move the required transition planning age from 16 to 14 was not a unanimous recommendation of the workgroup. Some members expressed concern that this would create additional burden for teachers and case managers.

The Budget Act of 2022 appropriated \$200,000 for the California Collaborative for Educational Excellence (CCEE) to convene a panel, comprised of members selected in consultation with and subject to the approval of the Executive Director of the State Board of Education, to continue refining the draft IEP template for usability. On or before June 30, 2024, the CCEE is required to provide the Legislature and other parties an update on the development of a state standardized Individualized Education Program template.

Research on effective transition services. A 2013 evidence review, *Improving Post-High School Outcomes for Transition-Age Students with Disabilities: An Evidence Review* (Cobb, 2013) found few rigorous studies demonstrating effective practices in achieving the IDEA goals of helping students with disabilities obtain employment, pursue postsecondary education and training, and live more independently. The study offered the following “hypotheses” relevant to effective program implementation:

- There are many more programs and bundles of strategies targeting different types of students, as well as greater experience with these programs, than when the earlier literature reviews were conducted.
- The links between transition program offerings or components may be very important. Different findings for similar programs offered in different ways suggest that, for example, work-experience activities may need to be integrated with career and technical education classes or other aspects of students’ educational programs to achieve desired benefits in post-high school outcomes.
- Participation in career and technical education and/or getting a job while in high school may be related to better employment outcomes for students with disabilities.
- Inclusive education settings in high school may ease the path to postsecondary education.
- Several strategies, such as computer-based instruction and prompting, may, by increasing the functional skills of students with intellectual disabilities help them live more independently.

Arguments in support. Autism Speaks writes, “The growing number of youth with autism would benefit from an earlier start in developing the appropriate goals, plans and skills for adult life. Additional planning and implementation years would enhance the ability of students’ IEP teams to create and implement robust and meaningful transition plans and activities such as paid work opportunities/apprenticeships/internships, preparation for post-secondary education and/or programs, housing, etc. This earlier planning is supported by a US Government Accountability Office Report ‘Youth with Autism, Federal Agencies Should Take Additional Action to Support Transition-Age-Youth,’ which found that for many autistic youth, starting transition planning at 16 may be too late.”

Related legislation. AB 2427 (Rubio) of the 2021-22 Session was substantially similar to this bill. This bill was held in the Assembly Appropriations Committee.

AB 2420 (Rubio) of the 2019-20 Session would have required an IEP to include measurable postsecondary goals and transition services beginning when an individual with exceptional needs

is 6 years of age or in grade 1, whichever is applicable first, or sooner at the parent's request. This bill was held in the Assembly Education Committee.

SB 75 (Committee on Budget), Chapter 51, Statutes of 2019, required the CDE to convene a workgroup to design a state standardized IEP template comprised of representatives of the CDE, the Department of Rehabilitation (DOR), the Department of Developmental Services (DDS), LEAs, Special Education Local Plan Areas, legislative staff, and relevant state and national policy experts.

AB 2171 (Frazier) of the 2017-18 Session would have required that the IEPs, the individual program plans (IPPs), and the individualized plans for employment (IPE) of individuals who qualify for services from the DDS or the DOR include a section on how the individuals will be supported in obtaining competitive, integrated employment; would have required the SBE and the DOR to adopt the Employment First Policy; and would have required the CDE, DDS, and DOR to regularly consult with stakeholders regarding the implementation of an agreement to promote coordination of services between the three departments. This bill was held on the Senate Floor.

REGISTERED SUPPORT / OPPOSITION:

Support

Autism Speaks (sponsor)
Center for Autism and Related Disorders
Educate. Advocate.

Opposition

None on file

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