



Bureau of  
Special Education Support

Guidance Document  
for  
Compliance with Indicator 13:  
Secondary Transition



New Hampshire

**Department of Education**

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## Purpose

The purpose of this guidance document is to provide New Hampshire school district personnel with information about the New Hampshire Department of Education (NHDOE), Bureau of Special Education Support's (the Bureau's) process for monitoring compliance for the Special Education State Performance (SPP) Indicator 13 and to offer resources on writing transition components into an IEP.

The New Hampshire Rules for the Education of Children with Disabilities Ed 1109.01(10) indicates an Individualized Education Program (IEP) must include: *A statement of transition services that meets the requirements of 34 CFR 300.43 and 34 CFR 300.320(b), with the exception that a plan for each student with a disability beginning at 14 or younger, if determined appropriate by the IEP team, shall include a statement of the transition service needs of the student under the applicable components of the student's IEP that focuses on the student's courses of study such as participation in advanced-placement courses, vocational education, or career and technical education<sup>1</sup>.* However, the State Performance Plan (SPP) Indicator 13 only focuses on students age 16 and above in accordance with IDEA 2004. Therefore, this guidance document is written specifically for Indicator 13 requirements for the aforementioned age group.

## What is Indicator 13?

Indicator 13 is one of 17 Indicators (performance measures) that the federal government uses to monitor state performance relative to Federal Special Education laws. Indicator data is reported annually, (in the Annual Performance Report, or APR), to the federal government as part of the IDEA- Part B Special Education State Performance Plan (SPP). The definition for Indicator 13 is as follows:

*The 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 that is likely to be responsible for providing or paying for transition services, including, if appropriate, pre-employment transition services, was invited to the IEP Team meeting with the prior consent of the parent or student who has reached the age of majority<sup>2</sup>.*

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<sup>1</sup> The New Hampshire Rules for the Education of Children with Disabilities Ed 1109.01(10)

<sup>2</sup> 20 U.S.C. 1416(a)(3)(B)

## Monitoring Procedures

The Bureau will monitor secondary transition plans for randomly selected students from every LEA every year. Compliance monitoring for Indicator 13 is conducted via desk audits or on-site reviews and is completed by Bureau staff.

Professional development opportunities are available by the Bureau at no cost to LEAs to assist districts in gaining an understanding of the components of secondary transition planning for Indicator 13. These components include writing measurable post-secondary goals, completing age-appropriate transition assessments, selecting transition services, course of study, linking measureable annual IEP goals to transition, inviting students to IEP meetings and obtaining prior parent consent to invite collaborative agencies. As follow-up after the Indicator 13 training, a district may request a coaching session where district staff share sample transition plans and have the Bureau provide feedback based on the components of Indicator 13 Compliance.

The New Hampshire Special Education Information System (NHSEIS) is used to generate student level information for file selection for Indicator 13 Compliance monitoring. Each LEA will have a predetermined number of SASIDs consisting of a representative sample considering gender, age, ethnicity, disability, case manager, high school(s), and placements (to include charter schools, out-of-district and out-of-state). The number of SASIDs monitored for each LEA will be based on the total number of Indicator 13 eligible students enrolled at LEA at the time the SASID lists are generated. The chart below identifies the break-down:

# of Eligible Indicator 13 Students in the LEA	# of Files to be Reviewed during Initial Monitoring
1 - 9	1
10 - 19	2
20 - 39	4
40 - 59	6
60 - 79	8
80 - 99	10
100 - 149	12
150 - 199	17
200 - 299	22
300 - 399	32
400 - 499	40
500 - 599+	50

Between two - five additional SASIDs, (or in cases where a district has additional Indicator 13 eligible students), will be provided in case unexpected changes occur to a selected student's status, such as transferring

to another school district or exiting special education. If additional SASIDs are needed they must be used in the order they are listed.

The *NH Indicator 13 Compliance Checklist* will be used to record compliance for each SASID number. **All seven elements on the checklist must meet the requirements for Indicator 13 Compliance in order to meet the target of 100%.** The Bureau will calculate an LEA's compliance percentage, (based on the results from the initial monitoring review), by dividing the total number of files in 100% compliance by the total number of Indicator 13 files reviewed for that district and multiplying that number by 100. Example: six (6) 100% compliant SASIDs out of eight (8) total SASIDs x 100 or  $6/8 \times 100 = 75\%$  compliance. This percentage score is reported in the SPP/APR and used in LEA Determinations.

Each LEA will be notified of the findings of compliance and/or noncompliance in writing as soon as possible, but no later than 30 days from the date of the monitoring review. Feedback will be provided on an Indicator 13 Compliance Matrix.

In preparation of showing evidence demonstrating the compliance requirements for Indicator 13, the LEA's special education administrators, coordinators and case management staff should:

- (1) Review the *NH Indicator 13 Compliance Checklist*.
- (2) Form study groups within their special education department where staff review one another's IEPs for the seven items listed on the *NH Indicator 13 Compliance Checklist*.
- (3) Participate in an Indicator 13 Compliance training session and coaching session offered by the Bureau. (Coaching sessions can only be conducted after district staff have participated in the Indicator 13 Compliance training and prior to the distribution of the SASID list).

## **Initial Monitoring Process**

The following steps outline the process the Bureau will follow when conducting the initial monitoring review for Indicator 13 Compliance:

1. The Bureau will establish Indicator 13 monitoring teams with a minimum of two reviewers who are trained to identify compliance with Indicator 13.
2. For LEAs who use NHSEIS the monitoring review will be conducted via a desk audit in NHSEIS.
3. For non-NHSEIS LEAs the monitoring review will be conducted virtually or as a physical on-site visit.
4. The Bureau will provide a list of student SASID numbers to Special Education administrative personnel four weeks prior to the monitoring review. The list will contain an additional two - five SASID

numbers, if possible, that can be used in the event any of the student SASIDs on the list have since transferred, exited special education, graduated or otherwise exited that school district.

5. For desk audits conducted via NHSEIS, any evidence not reviewable in NHSEIS will need to be paperclipped/attached to the most recent NHSEIS IEP. Such items may include transition assessments, evidence that the student was invited to the IEP meeting, and if necessary, evidence that the parent or adult student gave prior consent to invite any outside agency, identified as being responsible for a transition service, to the IEP meeting. (See item number 9 below for non-NHSEIS LEAs).
6. The Indicator 13 Compliance monitoring review will take place between the months of November and December.
7. For any SASID number where documents from the cumulative student file are needed as evidence for Indicator 13 Compliance Monitoring, the LEA will sign Bureau staff in on the Record of Access, using the date the document is paperclipped/attached.
8. To determine compliance with Indicator 13, the monitoring team will review the secondary transition plans, contained in the current IEP, for each SASID number on an LEA's list using *The New Hampshire Indicator 13 Compliance Checklist*.
9. For LEAs that do not use NHSEIS, the Bureau will schedule either a physical or virtual on-site visit within the first two weeks of November. Evidence, corresponding to the current IEP, will be reviewed for each student. Bureau staff will sign in on the Record of Access for each student file reviewed. If a virtual onsite is scheduled, all evidence will be screen shared and the LEA will sign Bureau staff in on the Record of Access.

## **Data Collection and Reporting**

The results of the initial monitoring review will serve as compliance data for LEA Determinations.<sup>3</sup> LEAs will be notified, in writing, of findings of compliance and/or noncompliance as soon as possible, but no later than 30 days from the date of the monitoring review. This letter is provided to the Special Education Administration and the District Superintendent of Schools.

The Bureau enters data from the completed Indicator 13 Compliance Checklist into the Indicator 13 Compliance Matrix for each LEA which is included with the LEA compliance letter. Data collected from each LEA is compiled into the Indicator 13 Compliance database. Information recorded includes:

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<sup>3</sup> See Attachment A

- i. LEA Name
- ii. School Name
- iii. SASID Number
- iv. Indicator 13 monitoring team reviewer name
- v. Date of finding(s)
- vi. Items in compliance
- vii. Items in noncompliance with detailed information outlining specific areas of noncompliance.
- viii. LEA percentage of compliance
- ix. Date of written notification to district of their findings of compliance/noncompliance

## **Process for Correction of Noncompliance**

Indicator 13 is a compliance Indicator, comprised of two stages, Prong 1 and Prong 2. Prong 1 includes the initial monitoring review of randomly selected SASIDs for all Indicator 13 regulations as well as any necessary child specific corrections.

An LEA found in 100% compliance after the initial monitoring review has no follow-up requirements and will receive written notification of compliance within 30 days of the monitoring review.

An LEA not in 100% compliance after the initial monitoring review will enter into Prong 2 and receive written notification of findings within 30 days of the monitoring review. The correction of child-specific findings of noncompliance identified during the initial monitoring review and outlined in the written notification, must be verified corrected within 60 days from the written notification. The Bureau will conduct a desk-audit via NHSEIS to verify child-specific corrections.

## **Prong 2 Monitoring Process**

Prong 2 mandates the correct implementation of Indicator 13 regulations, which is evidenced by a second monitoring review (using new SASIDs) for **only the areas** of noncompliance identified during initial monitoring. The number of SASIDs selected for Prong 2 will be based on the LEAs level of compliance from the initial monitoring review. Below is a chart outlining the break-down:

Percentage of Compliance per District after the Initial Monitoring	# of Files to be Reviewed per District Based on the Percentage of Initial Compliance*
100%	0
67% - 99%	1
34% - 66%	2
0% - 33%	3
<b>* A district will never be asked to review more files than what was reviewed during the initial monitoring</b>	

The Bureau will notify LEAs of the number of SASIDs required for Prong 2 and the monitoring timeline. Once notified, LEAs will inform the Bureau of the Indicator 13 eligible students selected for the Prong 2 review and, if needed, have any required evidence paperclipped/attached to the NHSEIS IEP. For each LEA, NHSEIS or non-NHSEIS users, Prong 2 monitoring will be conducted in the same manner as the initial monitoring process.

Findings identified during Prong 2 must be corrected within one year from the initial written notification of findings (Prong 1). The LEA must demonstrate implementation of Indicator 13 regulations with complete fidelity by achieving 100% compliance during the Prong 2 monitoring review. LEAs not meeting 100% compliance during Prong 2 will enter into Corrective Action.

Once 100% compliance is confirmed, the Bureau will send written notification to the Special Education Administration and the District Superintendent of Schools that the Indicator 13 areas of noncompliance have been corrected and no further action is required.

## Corrective Action

An LEA that does not meet 100% compliance during the Prong 2 monitoring review will enter into Corrective Action, whereby the LEA will be required to develop a corrective action plan in order to identify the root causes(s), such as practices, procedures and policies, leading to the findings of noncompliance.

If an LEA does not correct identified noncompliance in a timely manner (within one year from identification), the state may take enforcement actions (such as the redirection of federal IDEA funds).

**ATTACHMENT A – Scoring Rubric for Indicator 13 LEA Determinations**

Upon completion of each LEA’s Indicator 13 Initial Monitoring visit, districts will receive written notification of their Indicator 13 compliance percentage. (The compliance percentage is calculated by dividing the total number of files in 100% compliance by the total number of Indicator 13 files reviewed for that district and multiplying that number by 100). Each district’s compliance percentage will be used in determining their Indicator 13 score for the LEA Determinations Rubric as illustrated in the table below.

<b>General Supervision - SPP/APR Data; 618 Federal Tables and LEA Determinations</b>	
<b>Indicator 13: Secondary Transition</b>	
<b>Score</b>	<b>District Compliance</b>
0	100% Initial Compliance with this Indicator
2	District did not meet 100% target
N/A	District does not have any Indicator 13 eligible students

**IDEA Basis for Indicator 13**

**CFR 34 §300.43 Transition Services**

- (a) Transition Services means 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 supported 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;
    - (v) If appropriate, acquisition of daily living skills and provision of a functional vocational evaluation.
- (b) Transition services for children with disabilities may be special education, if provided as specifically designed instruction, or a related service, if required to assist a child with a disability to benefit from special education.

**CFR 34 §300.320(b) Transition Services** – Beginning not later than the first 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.

**CFR 34 §300.321 (b) Transition Service Participants**

- 1) In Accordance with paragraph (a)(7) of this section, the public agency must invite the child with a disability 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 under §300.320(b).
- 2) If the child does not attend the IEP Team meeting, the agency must take steps to ensure that the child’s preference and interests are considered.
- 3) 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.

**CFR 34 §300.322 Parent participation**

- (b) *Information provided to parents.*
- (2) For a child with a disability beginning no later than the first IEP to be in effect when the child turns 16, or younger if determined appropriate by the IEP Team, the notice also must --
    - (i) Indicate –
      - (A). that the 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
      - (B). that the agency will invite the student; and
    - (ii) Identify any other agency that will be invited to send a representative.

## Post-Secondary Goal Area Definitions

### REQUIRED:

- *Education/Training*

**Definition of Education/Training:** Education/Training is enrollment in (a) community or technical college (2-year program), (b) college/university (4-year program), (c) compensatory education program, (d) a high school completion document, certificate of attendance, or certificate class (e.g., Adult Basic Education (ABE), High School Equivalency Test (HiSET)), (e) short-term education or employment training program (e.g., Workforce Investment Act [WIA], Job Corps), (f) vocational technical school, which is less than a two year program or (g) on-the-job training.

- *Employment*

**Definition of Employment:** Employment is (a) competitive, (b) supported, or (c) sheltered.

**Competitive employment** means work- (i) In the competitive labor market that is performed on a full-time or part-time basis in an integrated setting; and (ii) For which an individual is compensated at or above the minimum wage, but not less than the customary wage and level of benefits paid by the employer for the same or similar work performed by individuals who are not disabled.

**Supported employment** is competitive work in integrated work settings, or employment in integrated work settings in which individuals are working toward competitive work, consistent with the strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice of the individuals, for individuals with the most significant disabilities for whom competitive employment has not traditionally occurred; or for whom competitive employment has been interrupted or intermittent as a result of a significant disability; and who, because of the nature and severity of their disability, need intensive supported employment services.

**Sheltered employment** refers to “an accredited occupationally-oriented facility, including a work activities center, operated by a private nonprofit agency, which, except for its administrative and support staff, employs disabled persons certified under special provisions of federal minimum wage laws by the Wage and Hour Division, U.S. Department of Labor.

### AS NEEDED:

- *Independent Living*

**Definition of Independent Living:** Independent Living or life skills are defined as “those skills or tasks that contribute to the successful independent functioning of an individual in adulthood” (Cronin, 1996) in the following domains: leisure / recreation, home maintenance and personal care, and community participation.

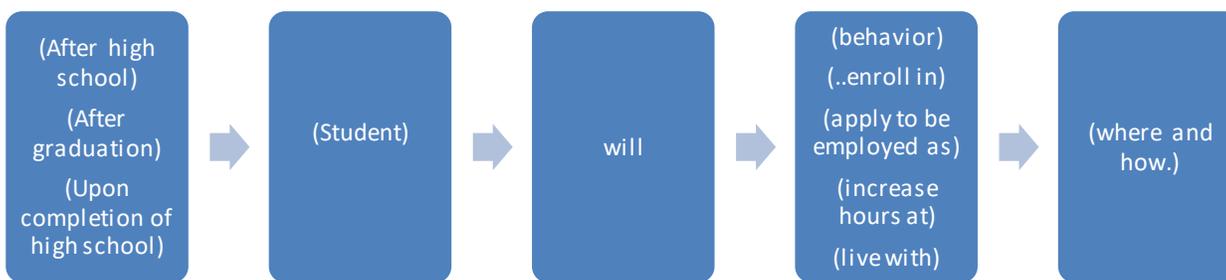
## ATTACHMENT D – Measureable Post-Secondary Goals

### Compliant Measurable Post-Secondary Goals

A compliant measurable postsecondary goal must address each of the following elements:

- a) 1) **education/training**, 2) **employment**, and, if deemed necessary by the IEP team 3) **independent living**.
- b) Participation must occur in a specific place or program.
- c) The participation or action is **observable**.
- d) The expectation, or action, is **explicit**. (Detailed, clear, unambiguous)
- e) The goal occurs (is reached) after graduation or reaching the age of 21, and it is stated as such.

### Formula for Measurable Post-Secondary Goal:



### Examples of Measurable Post-Secondary Goals are:

After high school, Lissette will work on-campus part-time in the food court at a local hospital/medical center with supports from an Area Agency and the staff at the local hospital/medical center.

After high school, Lissette will participate in weekly instruction on independent living skills at an area agency in her community.

After high school, Lissette will live with a roommate in an assisted living apartment with supports provided by an area agency.

### A measurable postsecondary goal may be considered noncompliant if:

- a.) No specific area of interest is identified. (There may be less specificity in the postsecondary goals articulated by younger students, than those in their last years of high school).
- b.) Area of interest does not align with transition assessment results.
- c.) The goal is not measurable (cannot be observed).
- d.) The goal is not stated to occur after graduation or reaching age 21.

**New Hampshire Indicator 13 Compliance Checklist Form**

SAU No: \_\_\_\_\_ School Name: \_\_\_\_\_ SASID# \_\_\_\_\_ IEP Date: \_\_\_\_\_

Indicator 13 Checklist Questions	YES	NO	If No, Explain/Detail Areas of Noncompliance
1. Is there an appropriate measurable postsecondary goal (MPSG) or goals that covers education or training, employment and, as needed, independent living? <b>IDEA and NH Rules Citation:</b> Ed 1109.01(a)(1);34 CFR 300.320 (b)(1)	Y	N	Education or Training: Y N Employment: Y N Independent Living Y N NA Goal must project that it will happen after high school (post-school). Measurable – can the activity be measured/counted; can it be observed, done or accomplished?
2. Is there evidence that the measurable post-secondary goals are annually updated and based upon an age-appropriate transition assessment? <b>IDEA and NH Rules Citation:</b> Ed 1109.01(a)(1);34 CFR 300.320(b)(1)	Y	N	Date of Transition Assessment: _____ Date of IEP Meeting: _____ <b>Area of interest:</b> _____
3. Are there transition services in the IEP that will reasonably enable the student to meet his or her measurable post-secondary goal(s)? <b>IDEA and NH Rules Citation:</b> Ed 1109.01(a)(1); 34 CFR 300.320(b)(2); Ed 1109.01(a)(10); 34 CFR 300.43(a)(1); 34 CFR 300.43(a)(2); 34 CFR 300.43 (b); Ed 1109.03 (i); 34 CFR 300.324(c); Ed 1109.03 (j)	Y	N	Coordinated activities that help support the MGPGs; activities, exposures, opportunities that help to prepare students to get to where they want to go after high school.
4. Do transition services include a course of study that will reasonably enable the student to meet his or her measurable post-secondary goal(s)? <b>IDEA and NH Rules Citation:</b> Ed 1109.01(a);34 CFR 300.320 (b)(2); Ed 1109.01(a)(10)	Y	N	
5. Is there at least one annual IEP goal related to the student’s transition service needs? <b>IDEA and NH Rules Citation:</b> Ed 1109.01(a);34 CFR 300.320(a)(2)(i)(B);34 CFR 300.43	Y	N	Annual goals connect to transition services and MPSGs. Annual goals are part of the transition services big picture plan and how they work with the course of study based upon where a student is functioning to get them to where they want to go after high school.
6. Is there evidence that the student was invited to his or her IEP Team meeting where one of the purposes was considering the postsecondary goals and transition services needed to assist in reaching those goals? <b>IDEA and NH Rules Citation:</b> Ed 1103.01(a); 34 CFR 300.321(b)(1); 34 CFR 300.322(b)(2)	Y	N	_____ Student was invited to the IEP meeting  _____ The consideration of postsecondary goals/transition services was one of the meeting purposes identified on the invitation
7. 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? <b>IDEA and NH Rules Citation:</b> 34 CFR 300.321(b)(3); 34 CFR 300.322(b)(2)(ii)	Y	N NA	
<b>Does the IEP meet the requirements of Indicator 13? (circle one)</b>			<b>YES</b> (All Ys or NA for each of the items above) <b>NO</b> (One or more N for the items above)

Reviewers Signatures: \_\_\_\_\_ Date: \_\_\_\_\_

## ATTACHMENT F

### Examples - Measureable Annual IEP Goals Linking to Transition

By June 20XX, in order to prepare Logan for the ASVAB test necessary to enlist into the Marines, when given specialized instruction in reading comprehension and a 10<sup>th</sup> grade level non-fiction reading passages (1000 words), Logan will answer 4 literal comprehension questions (who, what, where and when) and 4 inferential comprehension questions (why and how) with 90% accuracy on three out of three trials presented as measured biweekly with a teacher-made answer key.

By June 20XX, in order to prepare Logan for his postsecondary goal of enlisting in the military and becoming a chef, when given specialized instruction in writing and a 10<sup>th</sup> grade level writing prompt, Logan will produce a 3 point essay (5 paragraphs) with an introduction paragraph, three body paragraphs and a conclusion paragraph (with at least 3 sentences per paragraph) on the same topic with a grade of 80% or higher as measured quarterly on a minimum of 4 formal writing assignments.

By May 20XX, in order to prepare to be a law enforcement officer, given specialized instruction in written language, Anthony will compose all written work for class assignments at a minimum 10<sup>th</sup> grade writing level to include compound, complex, and compound-complex sentence structures as measured monthly by Flesch-Kincaid readability analysis on a minimum of four formal writing assignments.

By May 20XX, in order to prepare to be a law enforcement officer, given specialized instruction in written language, Anthony will record (in written format) information he hears from three different oral sources with 90% accuracy as measured three times per quarter by a listening comprehension check list.

In order to prepare for a career in child-care, given specialized instruction in listening comprehension, Mellissa will listen to oral directions of four steps and follow them with 100% accuracy for 10 tasks per week for 9 consecutive weeks.

To prepare Annabelle to take public transportation for her volunteer work and given orientation and mobility therapy, she will learn to identify her bus stop (in the community and on the bus map), ask the driver for confirmation of destination prior to boarding the bus, and confirm the destination with the driver prior to departing the bus, 100% of the time over 10 consecutive independent trials in a 2-month period as measured monthly by checklist by June 20XX.

Liam will respond to direction/redirection by using the following learned skills: have eye contact, use a calm tone of voice and acknowledge the person speaking to him with 3/3 accuracy for five consecutive spontaneous events as measured weekly by teacher observation by June 20XX. Being able to respond to direction/redirection will support Liam's post-secondary employment goal.

Given specialized instruction for self-advocacy, by June 20XX, Justin will advocate for himself when he does not understand content or instructions: asking questions for clarification and accessing learning center assistance in five out of five situations as measured twice per quarter by self-report. Improved self-advocacy skills are necessary for Justin to meet the demands of college.

In order to be successful in his college education classes, by June 20XX, Donald will ask his high school teachers for the necessary accommodations as stated on his IEP as well as describe the reason for the accommodations, using a calm tone of voice and eye contact, with 100% accuracy in 5 out of 6 opportunities provided as measured three times per quarter in his most difficult classes by self-report.

In order to be successful in her postsecondary cosmetology program, by June 20XX, given social pragmatic instruction, Jenny will engage in conversations using safe topics and strategies for starting and continuing conversation with adults in the school building 80% of opportunities provided as measured weekly by teacher observation.