

## 5-L: SPECIAL EDUCATION PUPIL TRANSITION SERVICES

The term "transition services", as defined in the Individuals with Disabilities Education Act (IDEA) [34 CFR 300.43] [20 U.S.C. 1401(34)], means a coordinated set of activities for a pupil with a disability that:

- are designed to be within a results-oriented process, that are focused on improving the academic and functional achievement of a pupil with a disability to facilitate the pupil'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, and community participation
- are based on the individual needs of the pupil taking into account the pupil's strengths, preferences, and interests; and
- include instruction, related services, community experiences, the development of employment and other post-school adult living objectives and if appropriated, acquisition of daily living skills and the provision of a functional vocational evaluation.

Transition services for pupils with disabilities may be classified as special education:

- If the services are provided as specifically designed instruction, or related services.
- If the services are required to assist the pupil with a disability to benefit from special education.

Transition services for pupils with disabilities may or may not generate membership FTE.

### A) Requirements for Counting in Membership

For state school aid pupil membership, a local or intermediate school district may count a pupil receiving transition services related to work-based learning experiences, work activity center services, or transition/community living experiences if the district has evidence that all of the following occurred:

- 1) The **pupil must meet pupil membership eligibility requirements** pursuant to Section 6(4) or 6(6) of the State School Aid Act (MCL 388.1606) **and any other applicable statute.**
- 2) The **pupil shall be registered, enrolled, and participating in the course(s)** pursuant to Section 6(4), Section 6(8) and Section 6a of the State School Aid Act (MCL 388.1606 and MCL 388.1606a).
- 3) The pupil must be assigned to a special education teacher employed by the educating district.
- 4) A pupil receiving special education transition services counted for pupil membership purposes must meet the 1,098 hours requirement in order to be counted full-time. A pupil receiving less than 1,098 hours of pupil instruction will be counted for a prorated FTE.
- 5) In addition to the above, membership for pupils receiving Work Activity Center Services must also be determined on the following:
  - a. The activities which the pupil engages in for the deviated wage portion of their work activity center services must be incidental to the instructional program (less than 50% of the pupil's school time).
  - b. If the pupil is engaged in those activities where a deviated wage is paid for more than 50% of the time in a work activity center service, that time does not count toward membership, since the pupil is in the work activity center primarily for therapy or

employment and not for the purpose of receiving instruction. A pupil who attends school less than 50% of their time may only be counted for that time instruction is received under the direct supervision of a teacher.

- 6) In addition to the above, membership for pupils receiving transition community living experiences must be determined on the following:
  - a. The district must have a training plan and training agreement with the community living experiences site in place by the pupil membership count day which sets forth expectations and standards of attainment. The community living experience must align with the pupil's post-secondary goals as described in the pupil's IEP.
  - b. The community living experiences component must be approved by the local school board and contain learning objectives and standards for determining pupil progress. The learning objectives cannot be general, such as punctuality, developing good work habits, and other general employability skills.
  - c. The community living experiences must be monitored by a designated school special education teacher.
  - d. The community living experiences must be documented on the pupil's schedule and grade or credit is given based upon the assessment of progress towards the achievement of the pupil's school goals.
  - e. The community living experiences site must take pupil attendance and maintain verified records of that attendance.

#### **B) Transition Services That Do Not Generate Pupil Membership Counts**

While school districts are responsible for developing an individualized education program that includes appropriate transition services, districts are not responsible to provide activities and services otherwise provided by Vocational Rehabilitation or Adult Education or that go beyond the normal K-12 instructional requirements. Activities that go beyond the normal K-12 instructional requirements include postsecondary instruction (not provided under the postsecondary enrollment options act as dual enrollment), sheltered employment, and adult education.

Pupils with an IEP must be provided equal access to adult education programs; however, enrollment in adult education programs does not generate FTE membership as described under section 6 of the State School Aid Act.

#### **C) Transition Services That Generate Pupil Membership Counts**

Pupils enrolled and receiving special education transition services may be counted for state school aid pupil membership purposes:

- If the pupil is enrolled in a public school and assigned to an instructional staff person employed by the educating district as of the count date.
- If the pupil receiving special education transition services meets the requirements of the particular special or general education program/service in which he or she is enrolled.

There are three specific types of special education transition services that may be counted for pupil membership:

- 1) Special Education Worksite-Based Learning Experiences (formerly referred to as Community-Based Instruction)

This type of work-based learning relates to rule 340.1733(h) and (i) of the Revised Administrative Rules of Special Education Programs and Services. (See the Pupil Accounting Manual Section 5P subsection 2 "Work-Based Learning Experiences for Pupils with Disabilities" for specific requirements necessary to count pupils enrolled in worksite-based learning programs for membership purposes.

## 2) Work Activity Center Services

This program uses paid employment in a Work Activity Center, under a wage deviation, designed to provide career/vocational evaluation or therapeutic activities for pupils with disabilities. Pupils who are assigned to Work Activity Center Services and are being paid for time counted in membership must meet the following criteria:

- a. Have Work Activity Center Services specifically identified on the individualized education program (IEP).
- b. Be assigned to an approved special education teacher employed by the educating district during the time the pupil was receiving Work Activity Center Services.
- c. Verify that the Work Activity Center Services contractor, if any, has a wage deviation approved by the U.S. Department of Labor consistent with the regulations for implementing the Fair Labor Standards Act of 1938, as amended, and the Youth Employment Standards Act of 1978, as amended.

## 3) Transition/Community Living Experiences (TCLE)

This type of transition learning experience is identified as an outcome oriented process for a pupil who is 16 years of age or older. TCLE includes post school activities such as independent living skills or community preparation skills. The activities and services provided will be based upon the pupil's post school vision (goals), as documented in the pupil's IEP.

The following characteristics can be found in (TCLE):

- a. TCLE programs may be provided in various locations, such as a K-12 school campus, a postsecondary school campus, or at a community location.
- b. Pupils in TCLE programs are not performing work, are not considered to be a paid or unpaid trainee under federal definitions, and their actions do not constitute an employer/employee relationship.
- c. TCLE programs are provided under the direction of a certified special education teacher who provides oversight for the community placement program.
- d. TCLE programs consist of an instructional component under the direction of a certificated special education teacher employed by the district and a community placement program that prepares the pupil for independent living, learning, and working in the community.
- e. The instructional component, under direct supervision of a certificated teacher, is no less than sixty (60) consecutive minutes daily and may take place at the community placement site.
- f. A certificated staff member employed by the district must visit the pupil and the pupil's instructor in the community placement location once every 30 calendar days.
- g. Pupils may be enrolled in both worksite-based learning programs and TCLE programs; however, neither the worksite-based learning program nor the community placement part of the TCLE may exceed 50% of the pupil's FTE.

NOTE: Transition/Community living experiences do not include worksite-based learning services as identified in the Special Education Administrative Rule 340.1733(h) and (i) or under the Pupil Accounting Rule 340.15 for the distribution of state aid.

**D) Programming Examples and the Amount of Pupil FTE Generated for Membership Purposes Based on a 6 Hour Day**

<i>HOURS OF DIRECT INSTRUCTION</i>	<i>HOURS OF COMMUNITY LIVING EXPERIENCES</i>	<i>HOURS OF WORK-BASED LEARNING EXPERIENCES</i>	<i>PUPIL MEMBERSHIP FTE</i>
0	3	3	.00 FTE *
1	1	4 **	.66 FTE
1	2 ***	3 ***	.66 FTE
1	5 **	0	.66 FTE
2	4 **	0	.83 FTE
3	3	0	1.0 FTE
<b>*NO FTE AS THERE IS NO INSTRUCTIONAL COMPONENT TO THIS PROGRAM</b>			
<b>** WSBL/TCLE CANNOT EXCEED HALF OF THE PUPIL'S FTE</b>			
<b>***WSBL AND TCLE TOGETHER CANNOT EXCEED HALF OF THE PUPIL'S FTE</b>			

**E) Comparison Between Transition/Community Living Experiences and Worksite-based learning Experiences**

<b>Requirements</b>	<b>TCLE</b>	<b>WSBL</b>
Can employees from a community agency provide instruction?	Yes, under the supervision of a certificated special education teacher who has the pupil on their caseload as part of the TCLE component only.	No, the employer through supervised work provides an educational experience related to instruction as described in the training plan.
Is there a minimum amount of required instructional time?	Yes, the minimum is 60 consecutive minutes per day to receive any FTE. This instructional time must be provided by a certificated special education teacher employed by the LEA or ISD. Additional instruction time can be added based on the pupil's need, and be prorated for additional FTE.	The experience cannot generate more than one-half of the pupil's FTE. To generate a full FTE, the balance of the pupil's time must be provided by a certificated teacher employed by the LEA or ISD.

<p>Does a pupil's post-school vision need to be provided as a rationale for placement?</p>	<p>Not only should the pupil's post-school goals (vision) be clearly written, but they must also be readily measureable and updated at least annually. The pupil's community placement must allow the pupil to make progress towards the post school goals (vision).</p>	<p>The post-school goals (vision) will be provided as part of the training agreement which lists expectations and standards of attainment, job activities, time and duration of the program, wages to be paid, and related instruction, if applicable.</p>
<p>What are the documentation requirements to claim membership FTE?</p>	<p>The minimum a LEA or an ISD must have in the pupil's file are: a compliant transition-IEP, a training plan, a training agreement, an EDP, along with evidence of attendance, and progress towards measureable post school goals. A minimum of 1,098 hours of instruction must be provided to generate a 1.0 FTE.</p>	<p>The pupil must be enrolled in grades 9-12 and be eligible to receive credit toward a high school diploma. A written training plan and written training agreement must be in place by the count day. The employer must verify attendance. The number of worksite hours cannot exceed the maximum hours allowed by the district. A certificated staff member must visit the site once every 30 calendar days.</p>
<p>Can the instruction occur off-site?</p>	<p>Yes, instruction may occur off-site of the LEA/ISD in the community. In addition, a pupil may receive instruction at a location that is closely related to the post school vision.</p>	<p>Yes, the instruction may occur off-site of the LEA/ISD in the community.</p>
<p>Is there a requirement for certificated teacher contact time?</p>	<p>Yes, a minimum of 60 consecutive minutes per day must be provided by a certificated special education teacher employed by the LEA or the ISD.</p>	<p>Yes, WSBL cannot generate more than one-half of the pupil's FTE. A pupil may not work more than 24 hours in a week if school is in session.</p>
<p>Can a pupil perform and get paid for work?</p>	<p>No, the intent of this provision is to allow for the development of functional skills related to the pupil's need in the community and adult living areas.</p>	<p>Yes, a WSBL experience is coordinated by the school district through a training agreement with an employer involved in supervising work. WSBL may be paid or unpaid and may be provided as non-CTE experiences or under State Approved Career and Technical Education (CTE) programs.</p>

**F) Statutory and Other References**

State School Aid Act  
388.1701

Administrative Rules  
340.1733(h)-(i)

Youth Employment Standards Act  
1970 PA 30

Fair Labor Standards Act  
29 USC 201, et seq

Federal Regulations  
34 CFR 300.29