



*Presented by the Children's Attorneys
Project's Education Advocacy Program*

Approaching Adulthood: A Toolkit for Families with Children with Disabilities



Table of Contents

Introduction	3
Special Education Transition Planning	3
Recommendations for IEP Transition Plan at Age 14	5
Recommendations for IEP Transition Plan Starting at Age 16	5
Transition Planning	6
High School Diploma Options	10
Other Community Resources	11
My Child Has Turned 18, Now What?	13
Guardianship and Alternatives to Guardianship	14
Alternatives to Guardianship	16
Americans with Disabilities Act	19

Introduction



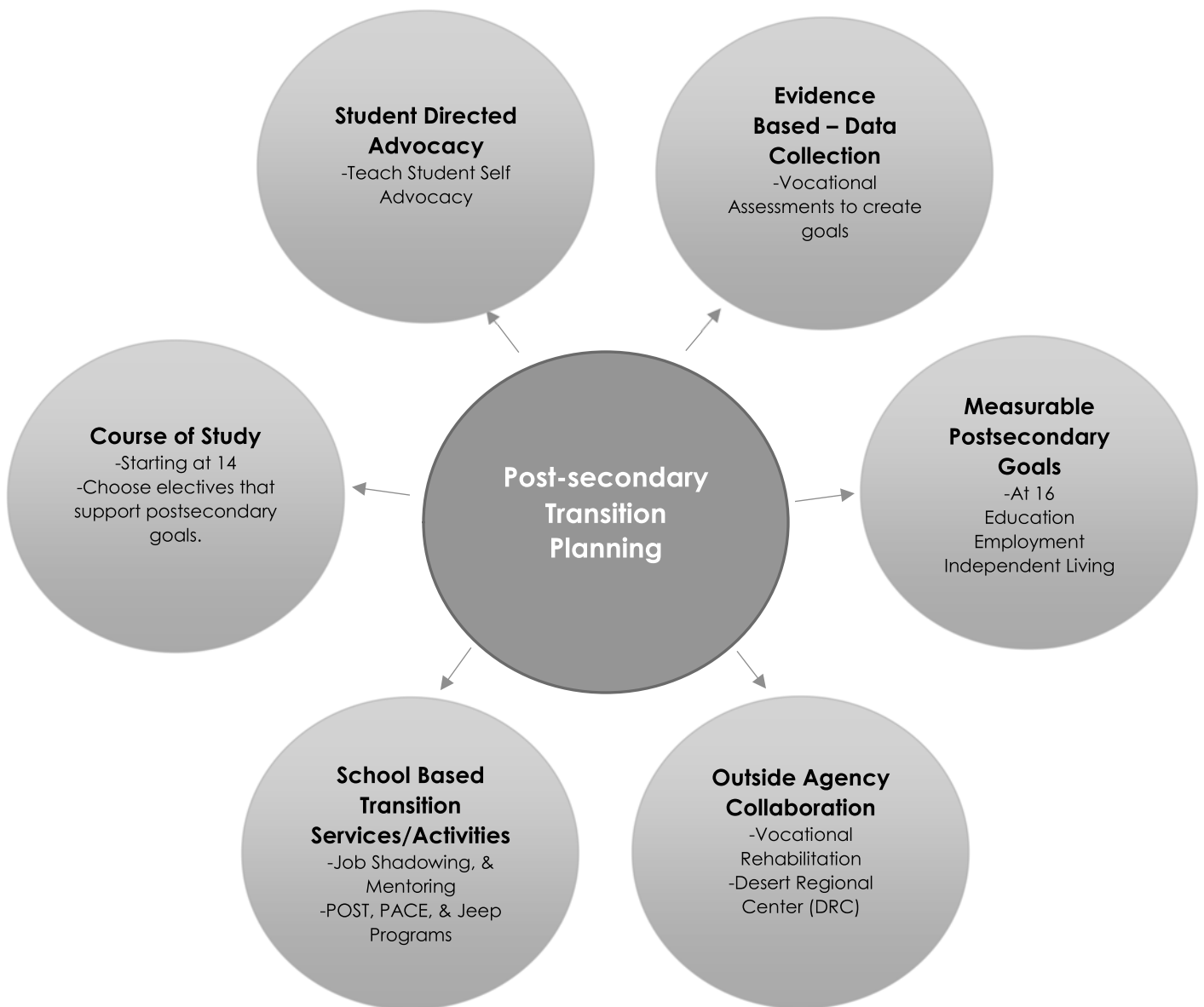
Every parent has a certain level of anxiety as their child approaches adulthood. Is my child prepared to support herself or himself? Will my child seek higher education or professional training? Will my child be content and able to make good decisions? This anxiety is complicated and intensified for a parent with a child with a disability. For that parent, there are many questions concerning education, job readiness, and guardianship that must be addressed. The purpose of this toolkit is to assist the parent, guardian, and youth in preparing for this transition.

For a child with a disability, as adulthood approaches, the law guarantees certain protections and rights. These protections are designed to provide more resources and options to children with disabilities as they mature into young adults preparing to make their own decisions as it pertains to schooling, professional training, and guardianship. It is our goal to help families, youth, supportive persons, and professionals ensure this process is smooth while still being protective of a youth's rights to be a part of the process and maintain a certain level of autonomy.

Special Education Transition Planning

As youth approach age 18, special education law provides certain protections that assist with this transition so that the youth is either prepared for employment, post-secondary schooling, or a supportive living environment. Transition planning for a child with a disability should start at age 14. Transition planning is a process meant to provide students with the needed skills and services to transition to adulthood. These services should be built into the child's Individualized Education Plan or IEP. All students with disabilities, ages 14 to 22, must have a meaningful transition plan. The transition plan is created by the student, family, and school.

Outside agencies like Desert Regional Center (DRC) can be invited if appropriate and if the school provides appropriate Prior Written Notice (PWN) to the family. If possible, these meetings should be student driven. The IEP team should consider whether the student is making adequate progress towards the goals set forth in the IEP, meeting graduation requirements, and receiving a free and appropriate public education. Free and appropriate public education should occur in the least restrictive environment so the student can be with non-disabled peers as much as possible. Each high school has a trained transition specialist who should attend IEP meetings.



Recommendations for IEP Transition Plan at Age 14



The IEP must start to discuss transition planning in the student's current course of study. During this stage of transition, students should pick electives and courses that support the student's post-secondary goals. This can also include internships, various school organizations and activities, and job shadowing.

Recommendations for IEP Transition Plan Starting at Age 16

The IEP must include:

- Age appropriate evidence based transition assessments
- Desired post-school outcomes for education, employment & independent living
- Measurable post-secondary goals for education and/or job training, employment & independent living

Transition Planning

Transition related activities come in many forms. The following is a list of examples.

Educational Transitions	
Magnet Schools	<p>CCSD has 40 magnet schools located throughout the County. These schools provide specialized education in a particular area of interest. Students must complete an application and apply by January 8 the year prior to the year they wish to attend a specific school. Students with and without disabilities can apply and there is a lottery system for admission.</p> <p>https://magnet.ccsd.net/about</p>
Dual credit courses for high school and college credit	<p>https://earlycollegenv.com/college-courses/</p> <p>https://www.unlv.edu/asc/dual-enrollment</p> <p>https://www.csn.edu/high-school-programs</p> <p>https://www.csn.edu/jumpstart</p> <p>https://sites.google.com/nv.ccsd.net/ccrinccsd/for-parents/dual-enrollment</p>
Your Educational Success (YES) program in conjunction with Community College of Southern Nevada	<p>This program aims to assist students with disabilities make a smooth transition from high school to post-secondary schooling, either college or vocational training. Students who attend YES can earn both college and high school credit.</p> <p>http://my.ccsd.net/userdocs/documents/7bpPE6wI5DY7ia2c.pdf</p>

<p>Post-secondary Opportunities for Students in Transition (POST)</p>	<p>Post-secondary Opportunities for Students in Transition (POST) – This is an IEP driven program with heavy supervision geared to teach life skills including vocational, community and leisure/recreation skills. This program is for 5 and ½ hours a day and available to students from 18-21 and the students have obtained the adjusted diploma. The program follows the CCSD calendar and takes place on CCSD campuses across the district. Transportation is based on a students need and determined by the IEP team. Students typically access a CCSD bus stop near their home to get to the program.</p> <p>http://tv.ccsd.net/watch?v=TqEKyyFFUmzp</p>
--	--

<p>Vocational & Employment Transitions</p>	
<p>Vocational Assessments using the Nevada Career Information System</p>	<p>These assessments help focus a student’s talents and goals into a career setting. The student must be enrolled in CCSD, able to work and attain skills for employment, participate in on and off campus experiences, and must not be credit deficient. The website offers various programs from middle school to college that help with planning for post-secondary schooling.</p> <p>https://portal.nvcis.intocareers.org/</p>
<p>Career and Technical Education (CTE)</p>	<p>CTE or Career and Technical Education provides students with the opportunity to explore career options upon completion of high school. There are opportunities for job shadowing, mentoring, industry certification, and college credit. This program is available to students with our without disabilities.</p> <p>https://ccsd.net/departments/career-technical-education</p>

<p>Job Exploration and Expectation Program (JEEP)</p>	<p>This program is available for students 16-21 with an IEP. This program allows a student to rotate through various departments within their school, such as, graphic arts, cafeteria, custodial services, library, nurse’s office, or the athletic departments. A student may earn general education credits and upon completion of this program can transition to competitive employment or another CCSD transition program.</p> <p>http://tv.ccsd.net/watch?v=zjMZHzaV5dpq</p>
<p>Programmatic Approach to Career Education (PACE) program</p>	<p>The PACE program provides supportive employment for students with an IEP. Students must be between the ages of 18 – 21 and have obtained the adjusted diploma. PACE is located on campuses throughout the school district and follow the traditional 9 month calendar. Transportation is based on a student’s need and determined by the IEP team. Students typically access a CCSD bus stop near their home to get to the program.</p> <p>http://tv.ccsd.net/watch?v=Gne2WifSnBMB</p>
<p>Job Discovery Program (JDP) through Opportunity Village</p>	<p>Job Discovery Program I (JDP I) – Available to students 18 – 21 who have obtained the adjusted diploma. Students rotate through different departments and work about six hours a day with the goal of a student being ready for competitive employment at the end of this program. Students rotate job-sites 5 times in the year and work at each site for 9 -10 weeks. Transportation is based on a students need and determined by the IEP team. This program provides vocational training in a natural environment for students whose disabilities is a barrier to competitive employment. (A student must apply and interview for this program. Applications are due in November – one year prior to the first day of attendance)</p> <p>Job Discovery Program II (JDP II) – This program is for students who require less supervision than POST/JDP I. May help students obtain jobs in the area upon</p>

	<p>completion of the program. Available to students 18 – 21 and have obtained the adjusted diploma. This program is at the City of Henderson Heritage Park Senior Center, OV Thrift Store; St. Rose Hospital San Martin Campus and Three Square. This job is year round and is 6 hours per day. It is non-rotating. Students typically access a CCSD bus stop near their home to get to the program. (A student must apply and interview for this program. Applications are due in November – one year prior to the first day of attendance)</p> <p>https://www.opportunityvillage.org/pages/job-discovery-program</p>
<p>Nevada Department of Employment, Training and Rehabilitation (DETR)</p>	<p>Vocational rehabilitation services are available to students in high school who have a disability that results in a substantial barrier to employment. 11th and 12th graders are encouraged to apply. Students may apply directly to Vocational Rehabilitation or may be referred. There is an application process that may take up to 60 days to determine eligibility. After eligibility is determined, the student's family resources are considered before Vocational Rehabilitation agrees to pay all or a portion of the costs for services. Clients with adequate financial support may be asked to share in the costs.</p> <ul style="list-style-type: none"> ✓ Assessments to determine job-related skills and abilities ✓ Collaboration with school district to assist in transition planning ✓ Career Counseling and guidance ✓ Assistance with college or trade school education ✓ Assistive technology ✓ On-the-job training ✓ Services to help retain employment such as assistive technology and job coaching <p>Southern Nevada, Phone: (702) 486-5230, TTY: (702) 486-1018</p>

	<p>Las Vegas Rehabilitation Office - 3016 W. Charleston, Suite 200 (702) 486-5230</p> <p>Nevada JobConnect - 3405 S. Maryland Parkway (702) 486-0100</p> <p>One Stop Career Center - 6330 W. Charleston, Suite 190 (702) 822- 4214</p> <p>http://detr.state.nv.us/Rehab%20pages/voc%20rehab.htm</p>
--	---

High School Diploma Options

In CCSD, there are three standard diplomas available to children with disabilities:

Standard Diploma

The standard diploma is offered to both children with or without a disability. To graduate with a standard diploma, students must complete the required course credits and participate in statewide assessments.

Alternative Diploma

An alternative diploma is offered only to children with a disability up to the age of 22 who are assessed through the Nevada Alternate Assessment. Students working towards an alternative diploma are expected to complete the required course credits aligned to general education standards and participate in the Nevada Alternate Assessment.



Adjusted Diploma

An adjusted diploma is also offered for children with a disability who are unable to earn a standard or alternative diploma. Students work towards the goals contained in the IEP. Students also participate in state wide assessments as planned for in the IEP.

A complete chart and detailed description of all three diplomas can be located at: http://www.doe.nv.gov/uploadedFiles/nde.doe.nv.gov/content/Special_Education/Additional_Resources/AD_Legal.pdf

Other Community Resources



Transitioning to life after high school can be daunting but there are community resources available to help with daily life skills, entering the work force, and more.

Desert Regional Center (DRC) for various services

DRC is a state agency that serves children and adults living in Southern Nevada who have a diagnosis of intellectual disability or closely related developmental disabilities. Services include family support, job placement and vocational training, and assistance with community living arrangements. To be eligible for services, the applicant must have a documented diagnosis of intellectual disability or a closely related condition such as Cerebral Palsy, Epilepsy, Autism, or other neurological impairment that is a developmental disability occurring prior to age 22 years. In addition, the person must have substantial limitations in adaptive functioning. Adaptive skill areas include: communication, self-care, home living, social skills, community use, self-direction, health and safety, and functional academics. Additionally, an intake interview will be completed to assist in establishing eligibility and service needs.

Administrative Offices 1391 S. Jones Blvd. Las Vegas, Nevada 89146 (702) 486-6200

Community Services and Intake Department 5550 W. Flamingo Road Las Vegas, NV 89103 (702) 486-7850 (Intake)

Nevada JobConnect for employment opportunities

Nevada JobConnect Career Centers are user-friendly facilities located throughout the state that provide businesses and job seekers with personalized attention and a variety of valuable services, including job listings, job placement, work



registration, labor market information, career information and guidance, assessment, information about education and training opportunities, unemployment insurance information, information on filing for unemployment insurance, resume preparation, referrals to other partner agency services, and more.

LAS VEGAS location - 3405 South Maryland Parkway, Las Vegas, NV 89169, P: 702.486.0100

HENDERSON location - 4500 East Sunset Road, Suite 40, Henderson, NV 89014, P: 702.486.0300

NORTH LAS VEGAS location - 2827 Las Vegas Boulevard North, Las Vegas, NV 89030, P: 702.486.0200

<http://www.nevadajobconnect.com/>

Financial toolkit

Opportunity Alliance Nevada (OANV) released a financial toolkit which provides information on financial security for individuals with disabilities and their families. Find the toolkit on the OANV website, by clicking on the Find Resources link.



<http://www.opportunityalliancenv.org/>

My Child Has Turned 18, Now What?



Education Rights Transferred

By statute, at age 18 the right to make decisions concerning education are transferred to the student unless a court determines that student is incompetent.

Post-Secondary Education, Training or Employment

There are protections available for students who choose to go on to either college, vocational training, or employment. About

11 percent of undergraduate students have a documented disability. With appropriate supports and accommodations, this group of students is as successful as their non-disabled peers. At the time of college, students should be encouraged to self-disclose their disability status to receive appropriate accommodations. Students should be encouraged in high school to start the role of self-advocacy so

they are prepared should they choose to go to college or vocational training. The following is a review of federal law that is geared to protect those with disabilities in the work place, college, or vocational training.

Guardianship and Alternatives to Guardianship



Guardianship is the creation of a legal relationship where a court determines a person is unable to manage her own affairs because of disability or other incapacity and the appointment of someone to provide assistance is necessary. The appointed person, called a

guardian, then assumes decision-making responsibility for the person, called a protected person.

For some children with severe disabilities many parents intend to file guardianship petitions so they may continue to advocate for their child to ensure their needs are met. A parent may worry that their child will decide to no longer attend school or recklessly spend money.

In Nevada, parents have been encouraged to file for full guardianship of their children for decades. But with guardianship comes serious consequences to both the young adult and guardian. When a petition is filed the young adult has a wide range of existing constitutional rights that might be limited upon judicial approval of the guardianship. The young adult might lose the ability to make even basic decisions about her life or property as those rights have been delegated to another. This loss of freedom can have negative effects on the young adult, especially when they possess decision-making ability, even if limited.

Additionally, the parent, as the young adult's guardian, must now answer to the court. The parent must know and comply with Nevada's guardianship laws. The

guardian will be required to report to the court at least annually about the young adult, and many decisions about the young adult's life and property cannot be made without first obtaining court approval. That means the guardian will need to become accustomed to preparing and filing legal documents and attending court hearings.

To learn how to establish a guardianship, there is a free guardianship class - <https://www.lacsn.org/practice-areas/consumer-rights-project/adult-guardianship/free-guardianship-class>.

Additional resources and forms are available online through the Self-Help Center - <https://www.familylawselfhelpcenter.org/self-help/guardianship>.

One question or analysis that is often overlooked is whether there is another less restrictive means of protecting the young adult and whether those alternatives have been explored. Is the young adult able to express him/herself? What can the young adult comprehend? These questions should be explored because with guardianship comes judicial oversight and monitoring. A less restrictive alternative to guardianship benefits both the young adult and her parents and promotes self-determination and autonomy.

Alternatives to Guardianship

Supported Decision Making

Supported decision-making (SDM) allows individuals with disabilities to make choices about their own lives with support from a team of people. People with disabilities may need assistance making decisions about living arrangements, health care, relationships, and financial matters. But they do not necessarily need a guardian to make those decisions for them. A trusted network of supporters can field questions and review options to help the person with the disability make their own decisions. Supporters are selected by the person with the disability. They can be family members, co-workers, friends, and past or



present providers. The individual selects supporters who know and respect his or her will and preferences, and who will honor the choices and decisions the individual makes. Supported decision-making promotes self-determination, control, and autonomy. It fosters independence.

In Nevada, supported decision making was recognized through the enactment of a new law (AB480) that went into effect on July 1, 2019. Under this new law, the supporters designated by the adult have legal status to be with the adult. This includes participating in discussions with third parties such as healthcare providers and others to assist the adult who is making decisions and obtaining information. Decisions made or communicated by the adult with the assistance of a supporter or supporters are also legally recognized as the adult's decision and are similarly enforceable. SDM agreements can also now be relied upon by physicians and other third parties.

More information and sample forms are available at <https://www.familylawselfhelpcenter.org/images/forms/guardianship/sdma.pdf>.



Durable Power of Attorney

A durable power of attorney for finances is a legal document where the person voluntarily gives another person the authority to make decisions over financial matters. The power of attorney avoids guardianship and offers flexibility to the family. The durable power of attorney creates a fiduciary relationship where the person assuming responsibility must act on the behalf of the young adult and not use funds for their own personal gain.

Durable Power of Attorney for health care

In Nevada, a person with intellectual disabilities can designate an individual to make health care decisions for them. A doctor can speak to both the young adult and designated person. The designated person can then help the young adult decide what care they should receive. Nev. Rev. Stat. Ann. 162A.865

More information and sample forms are available at <https://www.familylawselfhelpcenter.org/self-help/guardianship/overview/purpose-and-types-of-a-guardianship#alternatives>

Representative Payee

The Social Security Administration can appoint a substitute person to receive federal benefits, such as social security disability income, on a recipient's behalf. The procedure for establishing a payeeship is informal with some evidence or showing that the young adult is unable to handle the funds herself and appointment of a payee is in the young adult's best interest.

<https://www.ssa.gov/payee/>

Special (aka Limited) Guardianship

A court can restrict the rights of the guardian, allow the protected person to have certain decision-making authority, and specially tailor the limited guardianship to

the protected person's needs and circumstances. This should be explored prior to filing for full guardianship over a young adult.

Full Guardianship

If no alternatives to guardianship exists, a full guardianship might be the most appropriate legal mechanism to protect the young adult. The guardian has certain responsibilities to the young adult or protected person and there is judicial oversight. Guardians must provide a preliminary plan of care and budget and submit written reports to the court at least annually. There are court hearings to monitor the well-being of the protected person, and the young adult is protected by a protected person bill of rights.

The Protected Person Bill of Rights includes, among other things,

- The right to an attorney
- The right to receive copies of documents
- The right to participate in developing a plan for care
- The right to have consideration given to stated desires and preferences
- The right to exercise control of all aspects of life not delegated to a guardian by court order, and
- The right to maintain privacy and confidentiality in personal matters.

The entirety of the Protected Person Bill of Rights is codified in Nevada Revised Statute (NRS) 159.328. For more information:

<https://www.leg.state.nv.us/nrs/nrs-159.html#NRS159Sec328>



Americans with Disabilities Act

Students that were traditionally provided services under the Individuals with Disabilities Education Act (IDEA) can continue to receive accommodations under section 504 of the American with Disabilities Act (ADA).

ADA Title I-Employment

The ADA protects persons in the workplace. If a company has 15 or more employees each working for each working day for 20 or more calendar weeks in the current year they are required to follow the ADA. The employer must also be doing business in the United States. In order to be afforded the protections of the ADA, the young adult must be qualified for employment and have a recognized disability. A person is qualified for the specific job if they could successfully complete the tasks with a reasonable accommodation to perform essential functions of the job. Documentation may need to be provided to the employer upon request. The documentation can be limited. The following is how the ADA defines disability, which is broader than the 13 recognized disabilities under the IDEA. This definition is the same if the youth is also applying to post-secondary schooling or training.



1. A physical or mental impairment that substantially limits one or more major life activities of such individual;
2. A record of such an impairment

Major Life Activities are defined as:

Caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, sitting, reaching, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, interacting with others, and working.

These are some examples that have been found to substantially limit major life activities:

Deafness, blindness, intellectual disability, partially or completely missing limbs, mobility impairments requiring use of a wheelchair, autism, cancer, cerebral palsy, diabetes, epilepsy, HIV infection, multiple sclerosis, muscular dystrophy, major depressive disorder, bipolar disorder, post-traumatic stress disorder, obsessive-compulsive disorder, and schizophrenia.

An impairment of a major bodily function also constitutes a major life activity:

A major life impairment includes the operation of a major bodily function such as, functions of the immune system, special sense organs and skin, normal cell growth, digestive, genitourinary, bowel, bladder, neurological, brain, respiratory, circulatory, cardiovascular, endocrine, and reproductive functions.

For more information:

https://www.eeoc.gov/laws/regulations/ada_qa_final_rule.cfm

ADA Title II-Public Services

If a college or vocational school receives federal funding, they are considered public entities and subject to Section 504 protections of the ADA.

Therefore, these entities must make their programs, services, and activities accessible to persons with disabilities. A qualified person for purposes of Title II is someone who can meet the essential requirements for participation in a program. As for post-secondary schooling, a qualified student is student who meets the academic and technical standards required for admission. The first step is to get accepted into the program and then request accommodation. There are also accommodations provided for SAT/ACTs in preparation of school. While there are 13 recognized disability categories under IDEA, the ADA is broader in its definition of what constitutes a disability. So as a child transitions from her IEP to ADA her disability



may need to be reclassified into one of the following definitions. The good news is the ADA defines disability broadly. The following is how the ADA provides a framework to define disability:

1. A physical or mental impairment that substantially limits one or more major life activities of such individual;
2. A record of such an impairment

Major Life Activities are defined as:

Caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, sitting, reaching, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, interacting with others, and working.

These are some examples that have been found to substantially limit major life activities:

Deafness, blindness, intellectual disability, partially or completely missing limbs, mobility impairments requiring use of a wheelchair, autism, cancer, cerebral palsy, diabetes, epilepsy, HIV infection, multiple sclerosis, muscular dystrophy, major depressive disorder, bipolar disorder, post-traumatic stress disorder, obsessive-compulsive disorder, and schizophrenia.

An impairment of a major bodily function also constitutes a major life activity:

A major life impairment includes the operation of a major bodily function such as, functions of the immune system, special sense organs and skin, normal cell growth, digestive, genitourinary, bowel, bladder, neurological, brain, respiratory, circulatory, cardiovascular, endocrine, and reproductive functions.

For more information:

https://www.eeoc.gov/laws/regulations/ada_qa_final_rule.cfm

Conclusion

This toolkit has been prepared for the purpose of ensuring all parents, guardians, and youth are prepared for the transition into adulthood. Each situation is different, and the above resources offer a starting point so that every young person with a disability has the protections and rights guaranteed by the law.

For more information about Legal Aid Center of Southern Nevada, visit: www.lacsn.org

The mission of Legal Aid Center of Southern Nevada is the preservation of access to justice and the provision of quality legal counsel, advice and representation for individuals who are unable to protect their rights because they cannot afford an attorney.