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**An Act to Ensure Students with Disabilities Succeed as Adults:  
Transition Specialist  
H. 159  
Testimony**

My name is Debra Hart, I am the Director of Education and Transition for the Institute for Community Inclusion, at the University of Massachusetts, in Boston. I have worked in the area of transition for 30 years both statewide and nationally — working with students with disabilities, their families, general and special educators, colleges, and rehabilitation personnel.

The post-school outcomes of students with disabilities compared to their peers without disabilities continues to be unacceptable, despite 25 years of laws, policies, and funding dedicated to preparing students with disabilities for adult life (Kessler Foundation/ National Organization on Disability [NOD], 2010; Wagner, Newman, Cameto, Garza & Levine, 2005). Nationally, 21% of working-age people *with* disabilities say they are working full or part-time compared to 59% of working-age people *without* disabilities. Four years after leaving school, only 52% of youth with disabilities are working, and their jobs are short in duration, averaging 13 months and averaging wages of only \$9.00 an hour (Wagner, Newman, Cameto, Levine, & Marder, 2007). Given these poor outcomes, it is not surprising that people with disabilities are more than twice as likely to live in poverty as those without disabilities (34% vs 15%) and a majority who work report that they struggle to get by, or live paycheck to paycheck (NOD, 2010). This sad reality is reflected by the responses of 12% of a group of 15-19-year olds with disabilities who, when asked about their future, said that they “rarely or never” feel hopeful (Wagner, et al., 2007). This hopelessness is predicated upon the implementation of transition services that continue to reflect low expectations for student with disabilities. Further, students with disabilities who do not have paid employment before they exit high school are only 20% likely to achieve paid employment as adults (Leuking, 2009; Richards, 2011).

Unfortunately, Massachusetts is not immune to these poor post-school student outcomes. For example, the employment outcomes for students with disabilities in Massachusetts are evident in 2 national databases (i.e., Rehabilitation Services Administration [RSA] and Administration on

Developmental Disabilities [ADD]). Current research supports that the best possible employment outcome for people with disabilities is **integrated paid employment**; meaning competitive employment – **a real job earning a living wage in the community** (Wehman, Inge, Revelle, Brookes, 2007; Leuking, 2009). Yet of the 4,000 students ages 16-26 enrolled in the Massachusetts vocational rehabilitation system, only 25% had an integrated employment outcome. The remaining individuals were either in segregated employment or unemployed. Further evidence of these poor outcomes comes from a review of the 16,000 students in the same age group who were served by the Massachusetts Department of Developmental Services (DDS). Only 22% of these individuals were in integrated employment while the vast majority (78%) were relegated to segregated day habilitation programs/sheltered workshops (Hart & Migliore, 2011). These student outcomes are no longer tolerable.

These bleak outcomes demonstrate that there is much work to be done to strengthen the quality of services that are provided by both the Massachusetts education system and in the adult services systems. One significant need that could be addressed via the proposed legislation is to build a cadre of highly trained and qualified transition specialists in the Commonwealth. Currently personnel preparation programs available to special educators in Massachusetts suffer from the same lack of comprehensive training on transition that has been documented in other states (Anderson, Kleinhammer-Tramil, Morningstar, et al., 2003; Benitez, Morningstar, & Frey, 2009; Morningstar & Kleinhammer-Tramil, 2005). A review of public/private graduate-level teacher training programs in Massachusetts shows that some programs do NOT offer **any courses on transition** and the maximum coursework offered by few others is **one course**. Further, a recent survey of transition practices of Massachusetts special educators found great inconsistencies in the amount of training received by transition personnel, specifically special educators who are the main providers of transition planning and services. Most noteworthy, were respondents responsible for operating transition programs viewed transition practices that focused on **non-integrated** work, such as sheltered or facility-based work as *exemplary practices* (Reynoso, Henry, Kwan, Suluski, & Thomas, 2011).

Preparing qualified transition personnel is recognized in the research on transition as one of the critical factors to improving the outcomes of students with disabilities (Benitez, et al., 2009). Clearly, Massachusetts is past due in changing how teachers are educated about evidenced-based transition practices; the time is now to make this overdue change, thus ensuring that teacher education goes beyond rudimentary elements of transition planning and ceases to perpetuate these poor post-school student outcomes. Massachusetts needs both quality pre-service and in-service options that prepare

future and current educators as Transition Specialists if we are ever going to see improved student outcomes.

The move toward providing highly qualified Transition Specialists in public schools reflects a growing national trend. The Federal Department of Education, Office of Special Education Programs (OSEP) has recognized this need for Transition Specialists and has offered a grant competition for the past two years that is solely focused on the preparation of Transition Specialists. Moreover, most recently, the OSEP has limited federal grant awards to states that have state level transition specialist licenses or endorsements, such as proposed in H. 159 in an effort to encourage such efforts in order to grow the number of highly qualified Transition Specialists nationwide.

Preparing to leave high school is an exciting and tense time for all students and their families. Ensuring that special education teachers are prepared to support students with disabilities and their families as they enter adult life and it's complexities is critical. Enacting this bill will speak volumes about how we as a society view youth with disabilities and underscore that as a state, we believe in students' potential for success and are willing to invest in them.

Based on the research on transition and my professional experience, I fully support H. 159, and hope you will do the same. Thank you.

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## TESTIMONY

Good afternoon. Thank you for giving me the opportunity to speak to you today. My name is Patricia Pakos. I am here representing The Arc of Massachusetts to provide testimony in support of H.159, An Act to Promote the Successful Transition of Students with Disabilities to Post-Secondary Education, Employment, and Independent Living. I work for The Arc as a Transition Specialist, a Support Broker and as a Disability Consultant. I am also the mother of three children; one of them a daughter with significant disabilities who has gone through the transition process in Massachusetts schools so I have had personal experience advocating for appropriate transition services.

The Arc of Massachusetts the largest advocacy group in the Commonwealth representing individuals with intellectual and developmental disabilities strongly supports the licensing of Transition Coordinators bill.

At present in Massachusetts:

- Transition planning must begin at age 14.
- Special Education teachers of middle and high school students are not required to have any competencies in the area of Transition.
- Very few colleges and universities offer courses or programs focused on Transition because there is not a requirement for this training within the state of Massachusetts.
- The unemployment rate for individuals with disabilities has remained at 70% for the past 30 years.
- The primary intention of the federal special education law, IDEIA, is for students with intellectual and/or developmental disabilities to be prepared for employment and independent living.

Young adults with disabilities want to reside, work, and enjoy social lives in their communities and their parents expect that dream to become a reality. However, the transition from school to adult life is a winding road that many families who have a child with a disability find difficult to navigate. We can help them tremendously by helping ensure that teachers can gain the skills needed in our school systems.

I have heard first hand from hundreds of parents about how frustrated, frightened, and disappointed they are with the lack of understanding of the Transition process demonstrated by school systems. I have found this out by offering workshops to parents throughout the state for the past 6 years on Transition and also participating in the Department of Developmental Services focus groups on Transition that were held regionally a few years ago.

According to the National Association of Special Education Teachers, special education professionals working with students 14 and older need to be fully informed of all the competencies involved in transition education. Here are areas recommended by the Association:

- Transition planning as a team effort involving students, families, school personnel, service providers, human service agencies, potential employers, etc...
- Understanding Self-Determination and Self Advocacy and how to help a student develop these skills.
- Understanding and implementing vocational assessments.
- Employment planning and experiences.
- Post-Secondary education.
- Understanding social and sexual Issues during Transition.
- Travel training by helping students learn to use public transportation safely and independently.
- Recreation and Leisure activities.
- Independent Living Skills.
- Assistive technology.
- Residential Placement options.
- Financial and Health issues.
- Legal issues in the transition process.

These topics illustrate some of the unique competencies a transition coordinator must have to “facilitate a child’s movement from school to post-school activities”, as required by federal special education law. [34 CFR 300.43 (a) (1)]. Without special educators appropriately trained, students who exit special education are more likely than not to end up in sheltered workshops or day-habilitation programs rather than in supported or competitive employment and unfortunately not able to live independently.

These competencies are currently not included in the typical special education teacher preparation programs that prepare teachers to work with students with intellectual and/or developmental disabilities.

Hopefully this explains to you the great need for granting a license for Transition Coordinators within the state of Massachusetts.

Respectfully submitted,

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## **Testimony of Shey Jaboin in support of H 159**

My name is Shey Jaboin and I am here to testify in support of H159. My daughter Tara is 15 and has downs syndrome, dyspraxia and scoliosis.

Tara attended the North Shore Consortium before being placed in an integrated class room with same age peers in the public school. She is currently in a separate classroom for students with disabilities in the local middle school. I initially agreed to this placement because her instruction was supposed to focus on communication, social and life skills, and independence, and she was to be integrated with other non disabled students as much as possible. Unfortunately, this has not happened and Tara has regressed. There are several issues surrounding Tara's education and placement, but today I am here to speak with you about transition services.

When Tara turned 14, her school informed me that vocational education MIGHT be appropriate for her. While we have never had a formal transition assessment, her most recent IEP mentioned that she will require life skills and vocational training. She has not received any of these services in a meaningful way.

For a while Tara was in an after school program where she was getting training in social skills, life skill and communication. She spent most of her time with non disabled students and she enjoyed the program. This placement was terminated by the school for financial reasons and they placed her in a life skills classroom and an afterschool program which have proven to be inappropriate. For example, some of the "life skills" they have taught her are identifying body parts, cleaning the table, and brushing her teeth. These are skills she mastered long ago.

Tara's IEP for next year is still being worked out, and I've had no choice but to consult with Disability Law Center because the options offered by the school are inappropriate and do not meet her needs.

Tara is a child with great potential to work and live fairly independently. She loves music, movies and swimming and has been involved with the Special Olympics – winning 2 medals last year. She would benefit greatly from job opportunities in the community where she can learn employment skills and social aspects of the working world. I work continuously with her on social skills and self care. She helps me grocery shop, helps with chores and is fairly independent with self care. I work hard to ensure that Tara is exposed to as much as possible to learn to adapt to her surroundings and be as independent as she can. But I can not do it all by myself.

Legally, students are supposed to receive a transition assessment, goals, and services starting at the age of 14; Tara has not received this. I believe they have not provided it in large part because school personnel lack proper training and expertise.

I have been very involved in my daughter's education, meet with school personnel often and work hard to educate myself to better advocate for her. I have often felt as if the

school does not want to work with me on these issues simply because they don't know how. Without meaningful instruction to gain employment skills, strengthen independence, and encourage social independence, Tara will be left hugely unprepared for life after school.

Please support H159 to help ensure that Tara and other students with disabilities transition successfully to paid jobs, living independently, and further educational opportunities.



**Testimony In Support Of  
H. 159: An Act to Promote the Successful Transition of Students with Disabilities  
to Post-Secondary Education, Employment, and Independent Living  
June 21, 2011**

Hello, I'm Dr. Arlynn Hoffman. I have been a professor at Lesley University since the mid-1970s. For 15 of those years, I served as the founding director of Threshold, Lesley's non-degree transition program for young adults with multiple disabilities. For the last three decades, the major focus of my scholarship, consulting, and private practice as a licensed psychologist has been working on issues related to the transition of youth with disabilities into a productive and satisfying adult life that is as integrated as possible into the broader mainstream community. One could say transition is my passion.

My current role at Lesley is centered around teacher preparation, I teach and supervise student teachers in special education. Beyond my university work, I have consulted with several school districts on transition-related issues and have served as an expert in more than 25 transition-related legal disputes to assess the readiness of youth with disabilities for entry into adult life. In the preponderance of these cases, the young men and women have not been adequately prepared for employment, community inclusion, or continued learning beyond high school. Sadly, despite the many years that have passed since transition became a clear focus under federal special education law for students on IEPs over age 14, many districts still do not understand their obligation to provide transition services, which can include a range of instruction, related services, experiences in the community, and development of employment, independent living, and daily

living skills. Too many districts simply don't know what they are supposed to do or how they are supposed to do it.

I've observed numerous examples of students not being provided necessary transition planning and services. Some schools fail to individualize ed plans according to students' unique constellation of interests, strengths, and challenges, instead making assumptions that all students with a particular type of disability have identical needs. Some schools plan around existing services rather than around student needs. Some provide vocational training but do nothing to address community integration or continued learning. Some fail to develop transition goals at all or, if they do, fail to make them *measurable*, which inhibits the systematic progress monitoring required under the law. Some provide random lessons that touch on the major transition arenas but do so in a haphazard manner that precludes meaningful progress.

I have observed inefficiencies, low expectations, and lost opportunities to meet students' needs. I've seen a student given a full-time aide who does too much for him, fostering greater dependence and resulting in learned helplessness when what he needed was scaffolding slowly withdrawn as new skills and self-reliance were acquired. I've seen a student placed in a food service job simply because it was near the high school, when his expressed vision for his future was to work with animals, and he had neither an interest in nor an aptitude for restaurant work. We can and must do better for our transition-aged youth.

I do not place the blame for these failures to comply with the law solely on the districts or the educators; in fact, I often witness committed, skilled teachers trying to provide transition services but failing because they lack the requisite training to do so effectively. I am proud of Lesley's excellent reputation for teacher preparation across the board, but even we have not been able to offer the

level of training required for the Transition Specialist role being proposed today. Like our fellow institutions that offer teacher preparation, we find it impossible within our standard special education 5-12 teacher preparation program to address the full range of competencies that are required if one is to meet the transition needs of youth with disabilities. Advanced training is essential to teach the extensive set of complex skills necessary to complete this job effectively.

With a trained professional at the helm of planning and overseeing transition services, districts can develop program models that focus on the full range of transition services and provide the community-based learning that is so important for generalization of skills learned. I believe towns will be able to serve their students appropriately when there are trained personnel in their schools who understand the scope of transition, who have the unique set of skills to meet the individual needs of youth aged 14-21 with disabilities, and who can oversee implementation of transition services. The competencies attached to this new specialist license will ensure that schools have personnel available to provide leadership through this critical and complex process - leaders who will be prepared to promote the successful transition of students with disabilities to employment, independent living, and post-secondary education.

Transition done properly is all about unlocking untapped potential. Together we can make a meaningful difference in the future of youth with disabilities – I hope you share my passion, and report H. 159 out favorably. Thank you.



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**H. 159: An Act to Promote the Successful Transition of Students with Disabilities to Post-Secondary Education, Employment, and Independent Living**  
**Lead Sponsors: Representative Tom Sannicandro, Senator Tolman**

Testimony of Janine A. Solomon, Esq.  
Disability Law Center, Inc.

My name is Janine Solomon. I am an attorney at the Disability Law Center (DLC) in Boston where I have worked for fifteen years. For the past ten years at DLC my practice has focused exclusively on special education law. DLC is a private, non-profit organization, designated by the Governor of the Commonwealth as the Protection and Advocacy Agency for people with disabilities, pursuant to federal legislation. DLC represents individual special education students, is involved in litigation, legislation and policy work in our role as advocates in protecting the rights of children with disabilities. One of DLC's special education priorities is to ensure that students receive appropriate transition goals and services in their Individual Education Programs (IEP). I am submitting this testimony in support of H. 159, An Act to Promote the Successful Transition of Students with Disabilities to Post-Secondary Education, Employment and Independent Living.

The Protection and Advocacy System for Massachusetts



This bill will help to ensure that students with disabilities receive the essential special education transition planning and services necessary for further education, employment, and independent living mandated by federal law. The federal special education law, the Individuals with Disabilities Education Act (IDEA), requires transition services which are developed through transition planning by the IEP Team. The term “transition services” means a “coordinated set of activities 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 post-secondary education, vocational education, integrated employment (including supported employment), continuing and adult education, adult services, independent living, or community participation.”<sup>1</sup> The IEP Team must include within each IEP “appropriate measurable goals based on age appropriate transition assessments related to training, education, employment, and where appropriate, independent living skills.”<sup>2</sup>

Across the nation there has been increased focus on the need to improve implementation of transition requirements of federal special education law and, improve employment and independent living outcomes for students with disabilities. Massachusetts students and parents have grown increasingly concerned about limited transition planning and services available for youth with disabilities in school districts. When the federal special education law was amended most recently the requirements to address transition planning and services through the IEP process were actually strengthened (at least on paper). However, a recent ground-breaking federal court

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<sup>1</sup> 20 U.S.C. 1401(34).

<sup>2</sup> 34 C.F.R. 300.320(b)

decision illustrates the consequences when educators lack the capacity and expertise to address transition needs of students with disabilities.<sup>3</sup>

The Dracut case was initially brought by the Disability Law Center and later co-counseled with DLA Piper and in collaboration with Massachusetts Advocates for Children. The case was about a young man diagnosed with Asperger's Syndrome, Attention Deficit Hyperactivity Disorder, and an anxiety disorder who had significant pragmatic language deficits (affecting his ability to understand language in context, awareness of non-verbal cues, and participation in reciprocal communication) that negatively impacted his social and functional skills and his potential ability to be successful at work and hold a job. The hearing officer noted, based on expert witness testimony, that if student did not develop appropriate and adequate language pragmatic skills, he would likely to go in and out of higher education, in and out of jobs, be at risk of becoming discouraged and staying at home, and fail to realize his potential to live independently.

The Hearing Officer and the Federal District Court Judge concluded that Dracut had failed to comply with the basic transition procedural requirements of the law such as providing timely transition assessments, planning proper community-based transition services for him or accepting recommendations from highly credentialed experts who had suggested modifications to his IEP based on his disability.

While the Hearing Officer found the Dracut staff to be well-intentioned, he noted that the school personnel did not have the capacity to adequately address the Student's

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<sup>3</sup> In Re: Dracut Public Schools, BSEA #08-5330, 15 MSER 78 (SEA MA 2009), and [Dracut School Committee v. Bureau of Special Educ. Appeals of the Massachusetts Dept. of Elementary and Secondary Educ.](#), --- F.Supp.2d ----, 2010 WL 3504012, D. Mass., September 03, 2010 (NO. CIV.A. 09-10966-PBS).

transition needs. In particular he stressed that because the school personnel lacked the benefit of any appropriate transition assessments or had staff with expertise regarding the transition needs of someone with the Student's educational profile, Dracut was simply unable to sufficiently understand the implications of Student's disabilities on his life after high school. As a result, our client had to litigate to enforce his rights and even to enforce the remedy proposed by the hearing officer because of the lack of capacity with transition expertise at the local school level.

The long term solution is help build capacity, work collaboratively, and to avoid litigation. This bill is an important piece to help school districts implement existing law.

Our experience at DLC is that many school districts are not prepared with how to provide students with appropriate transition planning and services. As a result, students are unprepared for adult independent living and are severely limited in their ability to succeed past high school. One of the barriers schools face in complying with the mandate to provide transition planning and services is the fact that many teachers, through no fault of their own, have not received adequate training regarding the employment and independent living focus necessary for students to succeed. With appropriate transition services and planning, young adults with disabilities are more likely to go onto higher education, be gainfully employed, and more likely to realize their potential to live independently. Failing to provide the appropriate services, lead students to become at significant risk of becoming dependent on welfare and social service systems.

I urge you to support the passage of this bill. Thank you for your time and consideration of these comments.

## Louise Borke Testimony

06-21-11 TESTIMONY for HB 159: An Act to Promote the Successful Transition of Students with Disabilities to Post Secondary Education, Employment, and Independent Living Lead Sponsor: Representative Tom Sannicandro

My name is Louise Borke and I am a resident of North Andover. I am also the Board Chair of the Massachusetts Down Syndrome Congress. My son, Louis, who you see here, has Down syndrome and will be turning 22 years old this July 8<sup>th</sup>, so we are at the tail end of the transition process. Louis was included in classrooms within the public schools he attended throughout his educational career. Now that he is an adult, he has the same goals and aspirations as his classmates – he wants to work at a good job, have his own place to live, hang out with his friends and get married to his girlfriend in due course.

Louis' experiences have not been typical. He is fortunate, and is now completing a two year transition program, focusing on independent living skills, vocational training, functional academics and social activities. However, Louis must ride a bus for an hour each day to attend an out-of-district program because his home school district does not have the capacity to meet his special education transition needs. I believe that this bill ultimately will increase the capacity of school districts to provide transition planning, assessments, and services within a student's home community. Now, after Louis turns 22, he will have to return to his home community and start to rebuild the connections and supports necessary to achieve and maintain employment with necessary supports provided through DDS and MRC.

The process of getting Louis to this point has been challenging, not because of his cognitive and intellectual disabilities, but because of the lack of support for the complicated and involved process of transitioning him from being a student to becoming a productive, contributing, working, tax-paying adult. I have two other children, who went to college and that process is also complicated and involved, but schools have guidance and college counselors, who are knowledgeable about various colleges and universities, as well as more vocationally oriented options. No educators in the system currently seem trained and available to help students and parents identify and evaluate the different transition programs and service options available or to coordinate with the adult human service agencies, to facilitate provision of transition assessment, planning, and employment services, and to create partnerships with employers and community agencies.

Consequently, the amount of time, energy and work necessary for a parent to figure out what is appropriate for one's child is astronomical. To navigate the confusing maze of transition and adult service agencies was at least a part time, if not a full time job equivalent in terms of the hours I spent working on this project. I researched several dozen programs and agencies and contacted, spoke with and visited over a dozen and a half programs and adult service agencies as part of the process. I had to advocate for a vocational assessment to be conducted during Louis' junior year of high school b/c I felt that waiting until his senior year was too long. As it turned out, most of the transition program options were not appropriate for my son, but I couldn't make that determination until I had spent the time exploring the various alternatives. Then once I had identified an appropriate program or agency I wanted Louis to attend, I had to work with the various educational and social service agencies to arrange the logistics of enrolling and transporting Louis.

I spent my career working in large corporations and doing project management, and I can tell you that managing this process was as daunting as any corporate bureaucratic project management task I've ever undertaken. Most parents of students with disabilities facing this challenge do not have my background, time, or energy, so they are going to find the undertaking even more overwhelming. Imagine trying to navigate this process alone, trying to obtain services promised under federal law by yourself, if your primary language is not English. As Board Chair of the Massachusetts Down Syndrome Congress, I can tell you that there are many young adults with cognitive impairments and developmental disabilities, whose potential to become productive working adults living meaningful lives in their communities is still to be realized. The Commonwealth has made a tremendous investment in these individuals through the education system, which provides them the tools to be successfully included and integrated into society, but unless the transition process is better managed, the benefit of that investment will be unrealized b/c the ball is being dropped right at the finish line.

Just as college counselors have the skills necessary to assist students transition to higher educational institutions, having comparable Transition Coordinators with the necessary knowledge to help families and students determine appropriate transition services will improve outcomes and enable the Commonwealth to realize the benefits from the investments in education and skills that already have been made. Many of these young adults have been included with typical peers throughout their schooling and their typical classmates are their role models. They want the same lives that their friends have. Keeping students like Louis living in their home communities competitively employed and living and working with supports, will result in better outcomes for the individuals, their families, their communities and society as a whole. Knowledgeable, effective transition coordinators can make this dream a reality for everyone.