

## Transition Information: Montana

### Timeline

- *By the age of 14:*
  - The transition planning should begin when the student is 14 years old. The transition IEP should be started by the student's 14<sup>th</sup> birthday and should include information regarding the strengths and preferences of the student and the possible paths that the student can take towards a specific long-term goal.
- *By the age of 16:*
  - The Transition IEP should go into effect when the student turns 16 years old.
  - At 16, the student should start using transition services including vocational training, employment opportunities and further instruction for school and employment.
- *Before the age of 17:*
  - The guardianship/conservatorship process should begin. (The age of majority in Montana is 18)
    - The student should be informed of the pending transfer of rights, and a statement of consent should be included in the IEP. The student should spend that year preparing for the transfer.
    - If families and students feel uncomfortable with the transfer of the decision-making abilities to the student, the prospective guardian needs to petition for guardianship at the local probate court.
  - The vocational rehabilitation process should begin at least 2 years prior to high school graduation.
- *Before the age of 18:*
  - The student and their family should be informed of the transfer of rights at the age of majority as early as possible before the student's 18<sup>th</sup> birthday. The student must understand the responsibilities that come with having those rights, or the terms of the new arrangement.
  - Apply for Social Security benefits, Social Security Disability Insurance and Medicaid.
    - If ineligible for Medicaid, look into other health insurance options, as it is likely the individual will no longer be covered by the parents plan after age 19 if not enrolled in college or covered by Medicaid.
  - Add your name to the waiting list for residential placements in the state. Regardless of future residential plans, it is good to be on the waitlist, as these lists can be extremely long, and it is easy to remove your name than it is to add it.
- *At age 18:*
  - Register to vote.
  - Upon an individual's 18<sup>th</sup> birthday, he or she changes from a system of being entitled to certain rights and privileges to a system of eligibility.
  - Male students should register for the draft, no matter the level of functioning.
  - If applicable, individuals should apply to adult agencies for vocational and day programs, as well as for supported living.

## **Starting the Transition Services:**

The transition planning should begin when the student is 14 years old and should go into effect when the student turns 16 years old. This means that the student should start using transition services when they are 16 years including vocational training, employment opportunities and further instruction for school and employment.

*Video on The IEP Process for Secondary Transition from Montana Office of Public Instruction:* [http://opi.mt.gov/streamer/SpecEd/IEP\\_process.html](http://opi.mt.gov/streamer/SpecEd/IEP_process.html)

## **Education:**

The IEP should include prospective course work and any other educational preparation that the student will need in order to achieve his or her post-secondary goals. It should also include what program the student plans on following while in the educational system and the length of time he or she will spend within that program. It is also important to indicate on the IEP if the student plans to go to college and what kind of program he or she will use in college. The IEP must clearly indicate what diploma the student hopes to receive upon graduating high school. Enrollment policies are different in different districts regarding the attendance of 19 year old and older individuals.

In terms of graduation, there are no state requirements for graduation and instead IEP teams usually set the individual's requirements for graduation. Usually, individuals who complete their IEP goals are eligible to receive a high school diploma. The various diplomas that students are eligible for include an honors diploma, a standard high school diploma, or a modified diploma that does not specify the completion of the special education program. In terms of allowances for those requirements, alternate courses can be used to earn the required credits, and extensions can be granted for the student to meet the requirements in a longer period of time. Any other allowances must be addressed in the individual IEPs, including the different coursework or length of extensions the student will receive once he or she decides what diploma to work toward. Montana does not require a state exit exam to be rewarded a standard diploma.

## **Guardianship/Conservatorship:**

The age of majority in Montana is 18 years old, which means that individuals will receive all rights to make life-related decisions on their 18<sup>th</sup> birthday. The student and their family should be informed of this transfer as early as possible before the student's 18<sup>th</sup> birthday. If the individual is thought by his or her family to be incapable of making important decisions, the family can petition for guardianship in a local probate court.

Once the families petition for guardianship at a local court, there will be a hearing process where a judge will award guardianship or conservatorship or limited guardianship to someone based on the severity of the individual's disability. The terms of the guardianship will be specified by the judge during the hearing and are also dependent on the capabilities of the individual. For the hearing, the individual must be legally determined to be incapacitated and incapable of making decisions about his or her own welfare, and that determination must be proven as evidence in court. Attorneys should be appointed for both sides and this process should be completed before the disabled individual turns 18 years old. There is also the option of having a testamentary guardianship which requires a similar process.

It is important to realize that this guardianship can be terminated at any point if the court feels that the guardian is not working in the person's best interests, or if guardianship is deemed no longer necessary.

*Guardianship legal information:* <http://courts.mt.gov/library/topic/guardian>

*To find a local court:* <http://courts.mt.gov/locator>

## **Vocational Rehabilitation:**

Montana's Department of Public Health and Human Services offers three programs to assist eligible individuals with disabilities: (1) Vocational Rehabilitation Program (2) Blind and Low Vision Services, and (3) Independent Living. In terms of vocational rehabilitation, they provide services in assessment, career counseling, job coaching and placement and rehabilitation or assistive technology. The independent living services help to teach students self-determination and advocacy so that people with disabilities feel comfortable living on their own. There are four main centers for independent living services and many others for vocational rehabilitation.

To find an office and contact a local VR counselor to check for eligibility or begin the assessment, visit <http://dphhs.mt.gov/detd/vocrehab/mvrofficesbycounty.aspx>.

## **Social Security:**

Benefits should be applied for before the student's 18<sup>th</sup> birthday and then be re-evaluated after the student's 18<sup>th</sup> birthday. It is also important that the office be contacted well in advance before the student's 18<sup>th</sup> birthday to understand that eligibility and application process.

Applicants may apply online or by contacting Social Security directly. Local Social Security offices can be found using SSA's office locator or by calling 800-772-1213.

- *Social Security Administration:* [www.socialsecurity.gov](http://www.socialsecurity.gov)
- *Social Security Benefit Application:* [www.socialsecurity.gov/disabilityonline](http://www.socialsecurity.gov/disabilityonline)

- *Social Security Benefits for People with Disabilities:* [www.ssa.gov/disability](http://www.ssa.gov/disability)
- *Social Security Office Locator:* <https://secure.ssa.gov/ICON/main.jsp>

## **Housing Resources:**

Montana Public Housing Agency Contact Information:

[www.hud.gov/offices/pih/pha/contacts/states/mt.cfm](http://www.hud.gov/offices/pih/pha/contacts/states/mt.cfm)

US Department of Housing and Urban Development: HUD in Montana

<http://portal.hud.gov/portal/page/portal/HUD/states/montana>

Disability.gov Guide to Housing:

[www.disability.gov/resource/disability-govs-guide-housing](http://www.disability.gov/resource/disability-govs-guide-housing)

## Montana Resources

### **Montana Division of Special Education**

Office of Public Instruction

(406) 444-3095

[www.opi.mt.gov/Programs/SpecialEd](http://www.opi.mt.gov/Programs/SpecialEd)

### **Montana Autism Education Project:**

[www.opi.mt.gov/users/dougdoty](http://www.opi.mt.gov/users/dougdoty)

### **Secondary Transition Information:**

[www.opi.mt.gov/Programs/SpecialEd/Index.html#gpm1\\_13](http://www.opi.mt.gov/Programs/SpecialEd/Index.html#gpm1_13)

### **Montana Vocational Rehabilitation Programs**

Department of Public Health and Human Services

1-877-296-1197 (toll-free consumer line)

(406) 444-2590

[vrinfo@mt.gov](mailto:vrinfo@mt.gov)

<http://dphhs.mt.gov/detd/vocrehab>

### **Montana Developmental Services Division**

Department of Public Health and Human Services

(406) 444-4545

<http://dphhs.mt.gov/dsd/ddp>