

## Transition Information: North Dakota

### **Timeline**

- *By the age of 15:*
  - The transition planning should begin, and the transition part of the IEP should begin to be developed.
  - Information should be gathered as to what coursework might be necessary for the individual to achieve his or her post-secondary goals, based on his or her skills and interests.
  - A transition team should be formed.
- *By the age of 16:*
  - By the age of 16, the IEP should include information regarding community participation, extracurricular activities, detailed post-secondary goals and also any agency participation that is specific to the transition process.
  - By the age of 16, students should be involved in the creation of their transition IEPs and should be invited to the annual IEP meetings to review goals and state their preferences and interests
- *Before the age of 17:*
  - The guardianship/conservatorship process should begin. (The age of majority in North Dakota 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:*
  - 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 Process:**

The transition portion of the IEP will go into effect when the student turns 16 years old. This means that the transition IEP must begin to be developed when the student is 15 years old or at an earlier age. The student's IEP must include a statement of needed transition services and post-secondary goals that will indicate the completion of the IEP goals. The IEP should also include external agencies participating in the process, activities related to instruction, training of the individual in educational and vocational areas, as well as information regarding the student's future pertaining to the ideas of independent living, post-secondary education and employment.

A transition team should be formed with the student's family, their teachers, their therapists and representatives from other agencies that will be involved in the transition process. The student should be involved in their own IEP meetings and should be invited annually to the meetings to review their annual goals and see the progress they are making throughout the transition process. The IEP should include information regarding the post-secondary goals, the individual's present levels of academic and functional performance, the expected levels of academic and functional performance once they complete all their IEP goals, future courses of study, a coordinated set of strategies and activities needed to assist the student in achieving their post-secondary goals, and a summary of performance. There are specific forms and letters that must be included in the IEP during the various stages of the transition process.

## **Education:**

The IEP should include prospective coursework that the student will receive. It should include any training and instruction for specific skills that are necessary for the vocational opportunities that the student is hoping to have in the future. The IEP should also include information regarding the graduation options for the student and their plans for attaining the necessary requirements for the program that they are using to graduate from high school. It should also indicate whether the student is planning on going to a college or some institution of higher education. For that plan, it is important to include in the transition plan when the student will be taking their standardized tests and also when they are planning on completing their applications and fulfilling their requirements.

Students in North Dakota have a right to FAPE until they graduate from high school or until they turn 21 years old. This means that once the student turns 21 years old they are no longer eligible for getting a standard high school diploma or continuing through any public education program in North Dakota.

Pertaining to graduation, the state of North Dakota does provide minimum requirements for graduation, but LEAs are allowed to add to those requirements. The

only state-mandated diploma option is for the student to receive a standard high school diploma, which is only possible if the student completes the state graduation requirements. There are certain allowances that are made for students with disabilities. These allowances include: alternate courses to earn the required course credits and lowered performance criteria. Any other allowances must be addressed in the IEP and must be approved. North Dakota has no state exit exam to receive the standard high school diploma.

## **Guardianship:**

The age of majority in North Dakota is 18 years old. This means that at that age, the student will receive all rights from their original guardians (usually their parents) to make their own decisions about their welfare. The student and their families should be informed by their school district about this transfer and a form of informed consent and understanding must be included in the student's IEP by the student's 17<sup>th</sup> birthday. The student must understand and be reminded of the responsibilities that come with making his or her own decisions, including the consequences of decisions related to finance, health and also education.

However, if the student feels uncomfortable assuming that kind of responsibility, or if the student's guardians feel that the student is too incapacitated and cannot make these kinds of decisions, then it is important to begin the guardianship process by the student's 17<sup>th</sup> birthday, and to indicate that the student will have a guardian in their IEP. This requires that a petition be filed with a district court claiming that the person is incapacitated and therefore, unable to make decisions in his or her best interests. Once medical professionals certify that the student is incapable of making important decisions due to disability, the judge or jury will choose either the person who filed the petition, or someone that the court feels is the best person to care for the disabled individual, to be the individual's guardian.

The court will specify the guardianship terms, and also has the power to decide if at any point the guardianship can be terminated. The guardian is legally responsible for many aspects of the person's life and can be reprimanded in a court for not appropriately performing his or her duties. There are also less restrictive ways of guardianships than full guardianship, which can often be a lengthy and expensive process. These other forms are: emergency/temporary guardianship, foreign guardianship (to be a guardian for outside of the state), the guardian ad litem (an attorney appointed by the court to represent the best interests of the person), a guardian of the estate or person, a limited guardian (whose rights are specified by the judge), a pre-need guardian (a guardian that is appointed before the full guardian is appointed) and also a successor guardian (a guardian to take responsibility when the former guardian is no longer capable of performing his or her duties).

*North Dakota Guardianship: Standards of Practice for Adults*  
[www.ndcourts.com/court/guardiansp.pdf](http://www.ndcourts.com/court/guardiansp.pdf)

## **Vocational Rehabilitation:**

This Vocational Rehabilitation Department assists individuals with disabilities to achieve competitive employment and greater independence through rehabilitative services. DVR is an employment focused program that helps eligible students with disabilities either obtain or maintain employment that is within one's capabilities. The department's main purpose is to assist students upon graduation from high school or a General Equivalency Degree program. DVR services might begin during the junior or senior year of high school in order to facilitate a smooth transition to post-secondary education or employment.

Visit [www.nd.gov/dhs/dvr/about/regional-contact.html](http://www.nd.gov/dhs/dvr/about/regional-contact.html) to find the nearest location.

## **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:**

North Dakota Public Housing Agency Contact Information:  
[www.hud.gov/offices/pih/pha/contacts/states/nd.cfm](http://www.hud.gov/offices/pih/pha/contacts/states/nd.cfm)

US Department of Housing and Urban Development: HUD in North Dakota  
[http://portal.hud.gov/portal/page/portal/HUD/states/north\\_dakota](http://portal.hud.gov/portal/page/portal/HUD/states/north_dakota)

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

# North Dakota Resources

## **North Dakota Special Education**

Department of Public Instruction

(701) 328-2277

[www.nd.gov/dpi/Educators/SpecialEducation/](http://www.nd.gov/dpi/Educators/SpecialEducation/)

*Secondary Transition:*

[www.nd.gov/dpi/Educators/SpecialEducation/SecondaryTransition](http://www.nd.gov/dpi/Educators/SpecialEducation/SecondaryTransition)

## **North Dakota Division of Vocational Rehabilitation**

(701) 328-8950

(800) 755-2745 (In ND)

[www.nd.gov/dhs/dvr](http://www.nd.gov/dhs/dvr)

*Student Services:* [www.nd.gov/dhs/dvr/individual/student.html](http://www.nd.gov/dhs/dvr/individual/student.html)

## **North Dakota Department of Career and Technical Education**

(701) 328-3180

[cte@nd.gov](mailto:cte@nd.gov)

[www.nd.gov/cte](http://www.nd.gov/cte)

## **Developmental Disabilities Services**

North Dakota Department of Human Services

[www.nd.gov/dhs/services/disabilities/dd.html](http://www.nd.gov/dhs/services/disabilities/dd.html)