

# **Critical Decision Points for Families of Children with Disabilities**

# Introduction

**Why was this training created?**

# Before we get started

## Important!

In the world of special education,  
information changes ***rapidly!***

Your best source for the most accurate  
and up-to-date information is the  
[Virginia Department of Education's  
website.](#)

<http://doe.virginia.gov/>

# **General Information**

## **General Information for all Families of Children with Disabilities**

# Key number 2: Regular Attendance

A child is considered chronically absent if he/she misses only two days of school per month (18 days in a year). Even one year of chronic absence can cause a child to fall behind academically and decrease a child's chances of graduating from high school.

Visit the [Attendance Works website](http://www.attendanceworks.org) for more information:

[www.attendanceworks.org](http://www.attendanceworks.org)

# Key number 2: Regular Attendance (page 2)

Did you know?

- Beginning in kindergarten, too many absences can cause children to fall behind in school.
- Children can still fall behind if they miss just a day or two days every week.
- That by sixth grade, high absences are one of the three signs that a child may drop out of high school.
- Attendance is an important life skill that will help your child graduate from college and/or keep a job.

# Key number 2: Regular Attendance

(page 3)

Tips for supporting good attendance:

- Set a regular bed time and morning routine.
- Introduce your child to teachers and classmates before school starts to help with the transition.
- If your child seems anxious about going to school, talk to teachers, school counselors, or other parents for advice on how to make her feel comfortable and excited about learning.
- Develop back-up plans for getting your child to school if something comes up.
- Avoid medical appointments and extended trips, if possible, when school is in session.
- Encourage meaningful afterschool activities, including sports and clubs.

# Key number 3: Being engaged in my child's education

If your child receives special education services, you have two important roles:

- Build and maintain a solid working relationship with all school personnel involved with your child so that the IEP team can function at its most effective level.
- Ensure that your child receives FAPE (a free appropriate public education).

The best way to attain these goals for your child is to remain engaged in your child's education through collaborating with your school division. Collaboration is a mutual responsibility between families and school divisions.



# Key number 3: Being engaged in my child's education (page 2)

What does family engagement mean?

Ideally, parents who are engaged may do any of the following:

- Encourage communication with a child
- Support and model enthusiasm for learning
- Assist with study habits
- Actively participate in meetings
- Understand a child's needs
- Understand the Special Education process and parent/child rights
- Advocate for a child's educational needs

# **Key number 3: Being engaged in my child's education** (page 3)

What does collaboration mean?

When two or more parties are involved in a partnership with the purpose of working together toward a common goal, this is collaboration. It is a process which is fostered through all parties learning how to communicate effectively with one another as a means of building trust.

Family engagement leads to better collaboration, which leads to better outcomes for your child!

# Key number 4: Understanding our rights

You have the right to:

- Advocate for your child without fear of retaliation.
- Receive advance notice/invitation of meetings.
- Have meetings at a mutually agreed upon date, time, and location.
- Audio record eligibility, IEP, and manifestation determination meetings.
- Request to video record. (If you are told that you cannot, ask to see the school division's policy on video recording.)
- Discuss your concerns/input.

# Key number 4: Understanding our rights (page 2)

You have the right to:

- Bring and have reviewed any type of documentation.
- Bring other individuals and have them assist you during meetings.
- Receive a copy of a procedural safeguards document once per year and at any time upon request.
- Receive an independent educational evaluation (IEE) when you disagree with the results of a school based evaluation, at no cost to you.

# Key number 4: Understanding our rights (page 3)

## Prior Written Notice

This must be provided to you whenever the school division proposes or refuses any action related to the following:

- Identification
- Evaluation
- Educational Placement
- Provision of FAPE (free appropriate public education)

# Key number 4: Understanding our rights (page 4)

Prior Written Notice must contain these seven elements:

- Description of the action proposed or refused.
- Explanation of the school division's proposal or refusal to take action.
- Description of other options considered and the reasons for their rejection.
- Description of the evaluation, assessment, record, or report used as a basis for the action.
- Description of other relevant factors.
- Statement regarding procedural safeguards protections.
- Sources for assistance.

# **Critical point 1: Will an IEP or a 504 Plan be more appropriate for my child?**

504 Plan: eligibility based on the Rehabilitation Act of 1973

- Individual must have a mental or physical impairment that substantially limits a major life activity (learning, reading, walking, eating, concentrating, etc.)
- 504 Plan may include accommodations and special education services.

# **Critical point 1: Will an IEP or a 504 Plan be more appropriate for my child?**

(page 2)

IEP: eligibility based on the fourteen categories of eligibility identified under the IDEA (Individuals with Disabilities Education Act

- Child's impairment must have an educational impact and require specialized instruction in order for her to qualify. If a child qualifies for both a 504 Plan and an IEP, services would all be included in the IEP and only one plan would be provided.
- IEP provides special education services.



# **Critical point 1: Will an IEP or a 504 Plan be more appropriate for my child?** (page 3)

When to consider:

At your child's initial eligibility meeting or at subsequent meetings, should a change need to be made.

# **Critical point 1: Will an IEP or a 504 Plan be more appropriate for my child?** (page 4)

Questions to ask the school:

- What impairment or disability was considered when determining whether my child was eligible for accommodations or services?
- Are there additional areas of need that should be considered for my child? If there are additional areas of suspected need, what additional testing will be needed to determine if my child needs services in those areas?
- What information (progress reports) will I receive from the school to assist me in understanding if my child is making appropriate progress?
- When will another meeting be held to review my child's progress and to update the 504 Plan or IEP? How can I request that a meeting be held if I have concerns about my child's progress in meeting her educational goals?

# **Critical point 5: I disagree with an Eligibility Team/IEP Team Decision. How should I proceed?**

Dispute Resolution Options Available through the Virginia Department of Education

- Mediation: can assist parents and school staff when they are in negotiations
- Due Process: uses an administrative hearing process before a hearing officer to resolve disagreements over any matter under FAPE, including disciplinary matters
- Complaints: generally expressions of some disagreement with a procedure or process regarding special education programs, procedures, or services

# **Critical point 5: I disagree with an Eligibility Team/IEP Team Decision. How should I proceed? (page 2)**

When to consider:

Immediately once a disagreement occurs and cannot be resolved at the local level

# **Critical point 5: I disagree with an Eligibility Team/IEP Team Decision.**

## **How should I proceed?** (page 3)

Questions to ask the school:

- What are my rights regarding dispute resolution?
- How can we settle this disagreement so that my child's needs and best interests are being met?
- If the IEP team cannot resolve this disagreement, what is my next course of action?

# **Important Information about Early Childhood**

# Key number 1: Supporting continual learning and development

## Thinking about School Readiness

- Language
- Phonological awareness
- Mathematics
- Science
- History/social science
- Motor development
- Social development

# **Key number 1: Supporting continual learning and development** (page 2)

## Making the Transition from Early Childhood Special Education (ECSE) to Kindergarten

- Discuss the transition with your child's IEP team.
- Share your child's strengths and interests with the team.
- Plan to get to know your child's new teacher.
- Ask about a school or classroom visit to assist your child with this transition.



# **Critical point 2: Will my preschool-aged child receive an IEP or an ISP?**

## Similarity Between an IEP and an ISP

An ISP must be developed, reviewed, and revised consistent with the requirements related to the IEP Team with parent participation.

## Difference Between an IEP and an ISP

An ISP typically provides limited special education and related services to the child. For an example, a child with an ISP may be eligible to receive speech therapy every other week. An IEP, on the other hand, is to provide FAPE and may provide more comprehensive educational services for the child.

## **Critical point 2: Will my preschool-aged child receive an IEP or an ISP?** (page 2)

Two primary factors determine whether a child is eligible for an IEP or an ISP:

1. Consider the type of early childhood program your child is attending. If the program is considered a preschool and has a curriculum that includes developmental activities, it may meet the definition of a private elementary school. Child care centers typically provide care and do not have curriculums that focus of early education; therefore, they would not qualify as private schools.

# **Critical point 2: Will my preschool-aged child receive an IEP or an ISP?**

(page 3)

Two primary factors determine whether a child is eligible for an IEP or an ISP:

2. Consider the location of the early childhood programs and whether the program is in the same city or county where you, the parents, reside. If it is determined to be a private school and it is outside your city or county of residence, your child may receive an ISP instead of an IEP.

## **Critical point 2: Will my preschool-aged child receive an IEP or an ISP? (page 4)**

When to consider:

When you are making decisions regarding your child's daycare/preschool placement

## **Critical point 2: Will my preschool-aged child receive an IEP or an ISP? (page 5)**

Questions to ask the school:

- What are the services that my child would be receiving with an IEP versus services that my child would be receiving with an ISP?
- How often would my child be receiving these services with an IEP versus an ISP?
- What would the benefits be to my child of having an IEP versus an ISP?
- If my child has an ISP and I am not satisfied, can I change schools in order to have an IEP implemented?

# Self-Determination

# Key number 5: Promoting my child's independence and self-determination

What is self-determination?

Self-determination refers to a combination of skills, knowledge, and beliefs that enable a person to engage in goal-directed, self-regulated, autonomous behavior. An understanding of one's strengths and limitations, together with a belief of oneself as capable and effective are essential to self-determination. When acting on the basis of these skills and attitudes, individuals have greater ability to take control of their lives and assume the role of successful adults in our society (Field, Miller and Wehmeyer, 1998).

# Key number 5: Promoting my child's independence and self-determination

(page 2)

How can you help your child to become self-determined?

- Eventually, all students with IEPs are expected to become IEP team members. Allow your child to become part of this process even when he is very young.
- Work with him so that he becomes comfortable discussing his strengths, interests, preferences, and needs with the team. The participation will help him to gain confidence, as well as the understanding that he has a right to be heard.



# Key number 5: Promoting my Child's independence and self-determination (page 3)

A tool that can help: [I'm Determined](http://www.imdetermined.org)  
([www.imdetermined.org](http://www.imdetermined.org))

- One Pager
- Goal Setting and Attainment
- The Good Day Plan

# **Critical point 7: How will we discuss disability with our child, including the transfer rights at eighteen?**

## Tips for discussing disability with your child

- Be open – This helps your child to understand that having a disability is neither shameful nor embarrassing.
- Name the disability – Maybe your child is a person with autism. Help her to understand that it's just a part of who she is. Maybe she is a sister, a friend, a soccer player, a dancer, and a person with autism. It's part of who she is, but not the whole package.
- Provide information – knowledge is power! Respond to her questions in age appropriate ways. Also, it may be helpful to help her come up with answers that others may have about her disability.

## **Critical point 7: How will we discuss disability with our child, including the transfer rights at eighteen? (page 2)**

Information regarding transfer of rights

- At age 18, education rights transfer to your child. It will be important to begin discussing this well before his 18<sup>th</sup> birthday.
- The IEP team must include a statement in your child's IEP at least one year before he turns 18 that you and your child have been advised that the rights will transfer.
- If your child will not be able to handle this automatic transfer, you will need to take steps to continue to be involved.

## **Critical point 7: How will we discuss disability with our child, including the transfer rights at eighteen?** (page 3)

Information regarding [transfer of rights](#)

For more information regarding transfer of rights, please see this link:

[http://www.doe.virginia.gov/special\\_ed/regulations/statetransfer\\_rights\\_students\\_disabilities.pdf](http://www.doe.virginia.gov/special_ed/regulations/statetransfer_rights_students_disabilities.pdf)

**Critical point 7: How will we discuss disability with our child, including the transfer rights at eighteen?** (page 4)

When to consider:

As soon as your child is found eligible for special education services.

# **Critical point 7: How will we discuss disability with our child, including the transfer rights at eighteen?** (page 5)

Questions to ask the school:

- How can I begin explaining my child's disability and its potential impacts to her?
- How can my child participate in the development of her IEP to the maximum extent?
- Can my child effectively exercise her right to make educational decisions when she turns 18 and whom should I consult for advice in this area if I feel that I still need to be involved in educational decision-making on behalf of my adult child?

# **Critical point 7: How will we discuss disability with our child, including the transfer rights at eighteen?** (page 6)

Questions to ask the school: (cont.)

- Will I be able to attend IEP meetings after my child's 18<sup>th</sup> birthday?
- Will I be able to assist my child in making informed decisions or serve as my child's advocate after her 18<sup>th</sup> birthday?

# Long-Term Goals



# Key number 6: Keeping long-term goals in mind early in a child's educational career

Things to think about:

- Begin setting long term goals for your child when she is young. And remember – it's okay to dream big!
- You'll be doing most long term goal setting for your child when she is very young (with her input). As she gets older, however, she will begin to take over her own goal setting.
- Think about things like diploma options (more on this later), college apprenticeships, post-secondary job training programs.

# **Key number 6: Keeping long-term goals in mind early in a child's educational career** (page 2)

Things to think about:

- Keep up to date on programs that are available through agencies such as The Department for Aging and Rehabilitative Services and The Wilson Workforce and Rehabilitation Center (WWRC), among others.
- Help your child to plan for a career; not just a job.

# **Key number 9: Understanding modification of curriculum versus accommodations**

The words “accommodations” and “modification” sound similar. In special education, **THEY ARE NOT!**

# **Key number 9: Understanding modification of curriculum versus accommodations** (page 2)

Accommodations provide adaptations for a child with a disability without setting different expectations. Accommodations help support access to the general curriculum. *They do not change what is taught, change the strategies used, or change how instruction is delivered to children.* Children can receive accommodations and be fully prepared for and able to earn a standard or advanced studies diploma.

## **Key number 9: Understanding modification of curriculum versus accommodations (page 3)**

Modifications require that children with disabilities perform objectives that are different from those of the rest of the class. The content or task may be reduced in depth and complexity.

**Remember, if your child is on a modified curriculum, he is very unlikely to be able to obtain a Standard or an Advanced Studies diploma, limiting his post-secondary and employment options.**

# Critical point 4: Where will my child's IEP be implemented?

A few important points about your child's placement:

- Decisions about your child's placement are made by the IEP Team (and you are a vital part of that team).
- When determining placement, the IEP Team must consider the Least Restrictive Environment (LRE) and a variety of placement options that will provide your child an appropriate educational program.

# Critical point 4: Where will my child's IEP be implemented?

(page 2)

## LRE – Continuum of Placements

From least restrictive to most restrictive

- General education classes
- Special education classes
- Special education schools (private/residential)
- Home-based instruction
- Homebound instruction when instruction is made available to children who are confined for periods that would prevent normal school attendance.
- Instruction in hospitals and institutions, including state facilities

# **Critical point 4: Where will my child's IEP be implemented?**

(page 3)

Important to note:

In order for your child to graduate with a standard or advanced standard diploma, your child must be provided access to the general curriculum. Your child should be taught and assessed based on the Standards of Learning regardless of the setting in which your child receives educational services. Your child may receive supports and accommodations to access the curriculum and content standards.



# **Critical point 4: Where will my child's IEP be implemented?**

(page 4)

When to consider:

At first and each subsequent IEP meeting

# **Critical point 4: Where will my child's IEP be implemented?**

(page 5)

Questions to ask the school:

- Is my child being educated in the least restrictive environment? What factors have been considered with respect to this placement decision and can it be reconsidered as needed?
- Is my child receiving access to the general curriculum and how?
- Is my child participating in the general curriculum and taking SOL assessments? If not, why not?

# **Critical point 4: Where will my child's IEP be implemented?** (page 4)

Questions to ask the school: (cont.)

- What accommodations will be listed in my child's IEP for him and how will they be delivered in the classroom and, if appropriate, during state assessments?
- Can these accommodations be carried into the general education setting? If not, why not? Are there other accommodations that can be used in the general education setting?
- Is my child's curriculum being modified and how will this impact his diploma options upon graduation?

# Critical point 4: Where will my child's IEP be implemented? (page 5)

More questions to ask the school:

- Will my child be able to meet the requirements of a Standard or Advanced Studies Diploma in his current placement?
- If my child is being pulled out of the classroom for certain services, will that affect his ability to access the general curriculum and can that impact be minimized?
- If this is a placement that focuses on addressing the behavioral needs of my child, will my child be able to return to her home school? If so, when? How will we plan an effective transition so that my child can be successful when he returns?

# **Critical point 6: What options should we begin discussing and implementing with respect to overall transition planning, including pre-employment transition services?**

Some points to consider:

- At age 14, your child's IEP Team must begin transition planning.
- You will want to discuss opportunities such as work internships, benefits planning, and independent living goals.
- With the passing of the Workforce Innovations and Opportunity Act (WIOA), Virginia's vocational rehabilitation agencies (The Department for Aging and Rehabilitation Services and the Department for Blind and Vision Impaired) are required to offer Pre-Employment Transition Services, often called Pre-ETS

**Critical point 6: What options should we begin discussing and implementing with respect to overall transition planning, including pre-employment transition services? (page 2)**

The following are Pre-ETS services:

- Job exploration counseling – includes job shadowing and activities that assist in exploring career interests and abilities, as well as investigating careers.
- Counseling on opportunities for enrolling in comprehensive transition or postsecondary education – includes investigating career paths, as well as referrals to college resources, campus visits, and financial aid processes.

## **Critical point 6: What options should we begin discussing and implementing with respect to overall transition planning, including pre-employment transition services? (page 3)**

The following are Pre-ETS services:

- Work-based learning experiences - includes informational interviews, job shadowing/mentoring, employer presentations, job fairs, and work-site tours.
- Workplace readiness training – includes the development of soft skills, such as work place communication, independent living skills, and accessing transportation
- Instruction in self advocacy – includes training on rights and responsibilities, requesting accommodations on the job, and participating in youth leadership activities in the community

**Critical point 6: What options should we begin discussing and implementing with respect to overall transition planning, including pre-employment transition services? (page 4)**

**Important!**

**In order for your child to receive Pre-ETS services, it will be necessary for you to provide written consent for the rehabilitation agency to know your child's name and confidential information included in school records. This information includes the IEP, past testing, and other pertinent information.**



## **Critical point 6: What options should we begin discussing and implementing with respect to overall transition planning, including pre-employment transition services? (page 5)**

For more information:

- On WIOA- [Workforce Innovation Technical Assistance Center www.wintac.org](http://www.wintac.org)
- On [DARS office locations](https://www.vadars.org/offices.aspx):
- On [DBVI office locations](https://www.vdbvi.org/apps/dbviloc/Offices.aspx):

**Critical point 6: What options should we begin discussing and implementing with respect to overall transition planning, including pre-employment transition services? (page 6)**

When to consider:

When the child reaches the age of fourteen

## **Critical point 6: What options should we begin discussing and implementing with respect to overall transition planning, including pre-employment transition services? (page 7)**

### Questions to ask the school

- How do I access transition planning services?
- What are the key steps we should be following as a team to assist with my child's successful transition from high school to post-secondary goals?
- Is my child's transition plan part of the IEP or it is a separate plan?
- What should be included in my child's transition plan?

## **Critical point 6: What options should we begin discussing and implementing with respect to overall transition planning, including pre-employment transition services? (page 8)**

### Questions to ask the school

- What if my child changes his mind about what he wants to do?
- What are the Pre-ETS services and opportunities that are available to my child?
- Will my child be pulled out of class or will these activities take place after school or on weekends/during summers?
- Are services offered to groups or to individuals?

# Assessment and Diploma Options

# **Key number 7: Understanding assessment options and their relationship to diplomas and long-term goals**

Important to know:

A child's IEP must specify the child's participation in the state accountability system as follows:

- Participation in the Standards of Learning (SOL) test with no accommodations
- Participation in the SOL test with accommodations
- Participation in the Virginia Alternate Assessment Program (VAAP)

# **Key number 7: Understanding assessment options and their relationship to diplomas and long-term goals (page 2)**

## **Important to know:**

### **What is the VAAP?**

The VAAP evaluates the performance of children with significant cognitive disabilities who are working on aligned Standards of Learning, which are based on the Standards of Learning, but have been reduced in complexity and depth.

**Key number 7: Understanding assessment options and their relationship to diplomas and long-term goals (page 3)**

Important to know: (cont.)

Children with disabilities who participate in the SOL assessments with or without accommodations and earn the verified credit may receive the **Standard or Advanced Studies Diploma.**



**Key number 7: Understanding assessment options and their relationship to diplomas and long-term goals (page 4)**

Important to know:

Children who participate in the VAAP **will not be able to obtain a Standard or Advanced Studies Diploma!** He may receive an **Applied Studies Diploma.**

*Participation in the VAAP should only be considered after the SOL participation has been discussed and all possible accommodations have been fully examined.*

**Key number 7: Understanding assessment options and their relationship to diplomas and long-term goals (page 5)**

Important to know:

***An Applied Studies Diploma is not equivalent to a Standard Diploma, and it may not qualify a child for post-secondary opportunities for which a regular high school diploma is required, such as higher education, financial aid, and some employment opportunities.***

# Key number 8: Understanding diploma options and their relationship to post-secondary goals

Important to know:

Think of your child's time in school as an educational journey and the career as the final destination on that journey. If the career is your destination, then the **diploma** is the vehicle that will get you to your destination. You don't want to plan a trip and then realize you don't have the necessary transportation to get there!

**Think of long-term goals early and often.**

# Critical point 3: What diploma will help out child move towards his post-secondary goals?

## Diploma Options:

The **Advanced Studies Diploma** requires children to have 26 credits and nine verified credits. Children are responsible for completing three years of a foreign language and Algebra II or above for this diploma. **This is the best diploma for children wishing to attend a four-year college.**

# Critical point 3: What diploma will help out child move towards his post-secondary goals? (page 2)

## Diploma Options

The **Standard Diploma** requires children to have 22 credits and six verified credits. Although children can attend a four-year college with this diploma, **it is more suitable for children wishing to attend a community college or enter into a career after graduation.**

# Critical point 3: What diploma will help out child move towards his post-secondary goals? (page 3)

## Diploma Options

The **Applied Studies Diploma** is only available to children identified as having a disability who complete the requirements of their IEPs, but do not meet the requirements for the diplomas above.

***An Applied Studies Diploma is not equivalent to a Standard Diploma, and it may not qualify a child for post-secondary opportunities for which a regular high school diploma is required, such as higher education, financial aid, and some employment opportunities!***

## **Critical point 3: What diploma will help out child move towards his post-secondary goals? (page 4)**

Important to know:

### **What is a verified credit?**

A verified credit is awarded when a child successfully completes a course and achieves a passing score on the associated SOL test, or a substitute assessment approved by the VBOE.

## **Critical point 3: What diploma will help out child move towards his post-secondary goals? (page 5)**

Important to know:

The diploma requirements described here are for children that graduate through 2021-2022. New requirements take effect for first-time ninth grade children in 2018-2019 and **will reduce the verified credit requirement to five for each diploma.**



## **Critical point 3: What diploma will help out child move towards his post-secondary goals? (page 6)**

When to consider:

In elementary school. It is important to begin thinking about your child's diploma options as soon as she enters school and to continue to consider throughout the educational career. Although you can change your mind on what diploma to earn, you will want to explore all options to maintain the goal of achieving the highest diploma as possible. Depending on your child's disability, you may feel that she might not be able to obtain a Standard or an Advanced Studies Diploma or go to college. However, having strong expectations in the early years will help your child obtain her greatest potential. High expectations by both parents and school staff are critical to future success.

## **Critical point 3: What diploma will help out child move towards his post-secondary goals? (page 7)**

When to consider:

Middle school is also an important time because the transition plan and academic and career plan are living, working documents that keep you on the path to meeting your goals and should be updated and maintained to ensure you reach your desired destination. Remember, however, that middle school is likely too late to switch from an Applied Studies Diploma to a Standard or an Advanced Studies Diploma. It will not be too late to move in the other direction, should you determine that to be appropriate.

## **Critical point 3: What diploma will help out child move towards his post-secondary goals? (page 8)**

Questions to ask the school:

- How do the decisions that we're making in elementary school about my child's participation in state assessments relate to the diploma options that will be available to her?
- What are the key factors I should consider in making decisions about diploma options?
- When is the latest point at which I will be able to change my mind about my child's diploma option?

## **Critical point 3: What diploma will help out child move towards his post-secondary goals? (page 9)**

Questions to ask the school:

- How can credit accommodations help my child earn a Standard or an Advanced Studies Diploma?
- What courses can my child take in middle school that will count for high school credit?
- If my child does not do well on the middle school course that counts for high school credit, what procedure can I follow to make sure the grade doesn't appear on the high school transcript?
- What is an industry certification and is my child required to earn one?

# Questions?

# Contact Information

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