A Review of Critical Issues in Transition Team's Decision-Making and the Importance of Ethical Leadership

by Kevin P. Brady, Ph.D., Suzanne Kucharczyk, Ed.D., Peggy Schaefer Whitby, Ph.D., Elaine Terrell, Ph.D., and Krystle E. Merry, M.S.

Abstract

This paper presents a review of legislation and court cases that have resulted in the present guidelines and criteria for transition services for students with special education needs. These include effective transition to post-secondary learning, career, and/or independent living. Transition planning is viewed from the lens of the Shapiro and Stefkovitch (2016) model of ethics in leadership.

Introduction

Issues associated with secondary transition education and services for youth with disabilities are receiving increased attention given the importance of supporting high school students with disabilities as they transition to adulthood and consider multiple options after high school, including postsecondary education, employment, and independent living (Gothberg et al., 2018). Research findings from the National Longitudinal Transition Study-2 (NLTS2) revealed that students with disabilities lagged behind their student peers without disabilities in many critical postschool outcomes (Newman et al., 2009; Wagner et al., 2014). Effective transition planning for students with disabilities is necessary to promote positive postschool outcomes (Test et al., 2009). This paper explores the need for school leaders to adopt more ethical leadership practices and apply them to the complex issues associated with transition team decision-making.

School leaders are largely held responsible for school-level compliance with special education policies and procedures (Lashley & Boscardin, 2003). School leaders prepared in special education leadership have detailed knowledge of special education laws and understanding of research-based special education best practices (Scheef & Mahfouz, 2020). While existing research revealed that special education is the most litigated area in education, it also showed that school leaders often lacked the legal literacy and leadership preparation necessary to ensure students with disabilities are prepared for life after high school (Katsiyannis et al., 2016; Decker & Brady, 2015). Lawsuits involving the transition of students with disabilities increased steadily since the 2004 reauthorization of the Individuals with Disabilities Education Act (IDEA) (Yell, 2018; Petcu, 2014). While school leaders can more readily ac-quire special education legal knowledge, it is equally important that school leaders develop the ethical dispositions necessary to address and manage complex issues facing students with disabilities, including transition planning and services (Lashley & Boscardin, 2003).

Special education legal compliance may provide sufficient condition for addressing today's complex decision-making situations and ethical leadership is the necessary condition for best serving the interests of students with disabilities. Today's school leaders need to incorporate more ethical leadership styles that facilitate effective working relationships based on mutual trust, shared responsibility, collaboration, and teamwork (Tschannen-Moran, 2014). Secondary transition team decision-making is a complex educational decision-making process that would benefit school leaders using ethical leadership practices. Several critical issues in transition team decision making for special education students should be examined to better serve the needs of these students.

Transition Services and the Law

The most recent 2004 reauthorization of the IDEA (20 U.S.C. §1400 *et seq.*) addressed the importance of student transition planning and its critical role in preparing students with disabilities for life after high school. Specifically, the IDEA states:

> the purpose of the IDEA is to ensure that all children with disabilities have available to them a free appropriate public education (FAPE) that emphasizes special education and related services designed to meet their unique needs and prepare them for further education, employment, and independent living (20 USC 1400, § 601 [d][1][A]).

Under the current IDEA, the individualized education plan (IEP) of each student with a disability must address transition planning no later than when the student turns 16, or younger, if deemed appropriate by the IEP team or required by the state. The student's IEP team must include the following components documenting transition services, including (a) appropriate measurable postsecondary goals

based on age-appropriate transition assessments related to training, education, employment, and where appropriate, independent living skills; and (b) the transition services (including courses of study) needed to assist the student with a disability in reaching those goals (Office of Special Education and Rehabilitative Services [OSERS], 2020, p. 1). Relatedly, a crucial part of the IEP for students with disabilities is the individualized transition plan (ITP), which uses assessment data and input from the student and family detailing potential options regarding future education, employment, and independent living beyond the student's high school years.

In addition to the IDEA, there are several notable federal laws school leaders need to be aware of when considering potential transition options for students with disabilities, especially trade, vocational, and technical-related jobs that can lead to future and steady employment.

The Strengthening Career and Technical Education for the 21st Century Act (Perkins V)

The Strengthening Career and Technical Education for the 21st Century Act, or Perkins V is the most recent iteration of the federal Perkins Act authorizing federal funds to support new and existing Career Technical Education (CTE) programs in high schools and postsecondary schools nationwide. Currently, the federal law requires that states develop evaluations of local school systems to determine specific needs and employment gaps for special populations, including individuals with disabilities. While current research addressing the effectiveness of CTE programs for students with disabilities is limited, federal law does allow school districts to include a CTE as a transition service on a student's IEP (Harvey et al., 2019).

The Workforce Innovation and Opportunity Act

The 2014 Workforce Innovation and Opportunity Act (WIOA) was developed to support education and training to address gaps in the key skills for the workforce, especially for underserved populations. WIOA covers any student with a disability under either the IDEA or Section 504 of the Rehabilitation Act of 1973 and provides funding for pre-employment services for students with disabilities. Comparable to The Strengthening Career and Technical Education for the 21st Century Act, the WIOA is based on an analysis of individual state-level employment gaps and coordinated training programs directed at addressing specific job skills. The most recent national study of 2017 performance data based on WIOA-funded programs revealed that of the 51,935 persons with disabilities that participated in the federal program, 52.1% found employment (WIOA, 2017).

Increasing Litigation Involving Transition of Students with Disabilities

During the past five years, there have been a growing number of legal cases involving transition plans decided in the favor of students with disabilities and their families (Prince et al., 2020). In many of these cases, the court awarded compensatory education or monetary awards to the student, including the reimbursement of significant attorney fees. In *Gibson v. Forest Hill School District* (2016), for example, a child with a cognitive disability and seizure disorder was not making adequate academic and functional progress in her non-vocational school program. The student's parents claimed that her IEP goals did not properly prepare her for postsecondary employment. Ultimately, the court in the *Gibson* case ruled in favor of the student's parents ordering the school district to pay 590 hours of transition-related services and $300,000 in attorney's fees. In the court's ruling, they emphasized that the school district structured poor transition-related meetings and relationships with the family and made scheduling difficult for the student to attend the transition meetings. **Table 1** lists four federal-level cases decided during the years 2016-2018. Secondary transition was the central issue in these cases and the court ruled in favor of the student and family (Price et al., 2020).

Ethical Dilemmas in the Transition Process

Research indicates that many school leaders are not appropriately prepared in the knowledge, skills, and especially ethical dispositions to effectively assist students with disabilities transition to life after high school (DiPaola et al., 2004; Lashley & Boscardin, 2003). Shapiro and Stefkovich (2016) developed a conceptual framework that actively promotes ethical decision-making for school leaders as they encounter complex decision-making situations. In this framework, four approaches to ethical decision-making are discussed, including the importance of school leaders considering issues related to individual rights and law (*ethic of justice*); sensitizing school leaders to inequities across socioeconomic class, race, gender, as well as other areas of difference (*ethic of critique*); challenging school leaders to address critical values of effective leadership, such as loyalty and trust (*ethic of care*), and considering "moral aspects unique to the profession" allowing school leaders to be more aware of their own personal and professional codes of ethics (*ethic of the profession*) (Shapiro & Stefkovitch, 2016, p. 19). **Figure 1** illustrates Shapiro and Stefkovich's (2016) conceptual framework and its application of ethical decision-making to school leaders.

The transition process is a time of great potential for students with disabilities as well their families. The Taxonomy for Transition 2.0 (Kohler et al., 2016) is a tool to help support IEP teams, including school leaders, in ensuring that attention is paid to special education practices and policies which have been shown to predict positive outcomes in the areas of education, employment, and independent living for youth with disabilities. The Taxonomy for Transition 2.0 tool organizes these practices and predictors across five categories: a) student development, b) student-focused planning, c) family engagement, d) program structures, and e) interagency collaboration. Each of these five categories include ethical decision points for teams to consider in the student transition planning processes, which if mishandled,

Table 1

Legal Cases (2016 to 2018) With Secondary Transition as Central Issue

Legal case	Disability	Central transition issue	Decision/award(s)
Gibson v. Forest Hills Local School District (2016)	Multiple disabilities	Conducting timely transition assessment, considering student's preferences and needs, student invitation to IEP meeting	Parent(s)/student 425 hrs. of transition-related serves, $327,641 in attorney fees
Hill v. District of Columbia (2016)	SLD	Including parent in IEP meeting, age-appropriate transition assessment, authorizing IEP in a timely manner, IEP implementation, providing transition services	Parent(s)/student 178 hrs. of compensatory education, placement in a private vocational school
Somberg v. Utica Community Schools (2017)	ASD	Establishing measurable goals and postsecondary preparation	Parent(s)/student 1,200 hrs. of private tutoring, 1 year of postsecondary transition services, costs associated with compensatory education
S.G.W. v. Eugene School District (2017)	ASD and ED	Inadequate individualized transition plan	Parent(s)/student 175 hrs. of compensatory Education

Note: SLD=specific learning disability; IEE=independent educational evaluation; ASD=autism spectrum disorder; ED=emotional disturbance; ADHD=attention deficit hyperactivity disorder.

may undermine student outcomes, legal compliance, and professional ethics.

These five categories contain illustrations that explored opportunities for ethical decision-making embedded throughout the transition process. The *student development* component addresses the use of assessments, consideration of instructional contexts, individualization of student supports, and attention to skill development in the areas of a) academics, b) life, social and emotional skills, and c) employment and occupational skills. An example of ethical considerations specific to assessment include ensuring that assessments are available to all students across areas of interest, strength, and need (*ethic of justice*), that assessments are culturally and linguistically responsive (*ethic of critique*), and that assessments align with the future priorities of youth and their families (*ethic of care*).

The Taxonomy for Transition 2.0 highlights student-focused planning and meaningful student engagement in the transition process. Too often student involvement is cursory and does not result in goals aligned with the interests and future goals of the student and the family (Harrison et al., 2017).

Figure 1

Shapiro and Stefkovitch's (2016) Model of Ethical Decision-Making for School Leaders
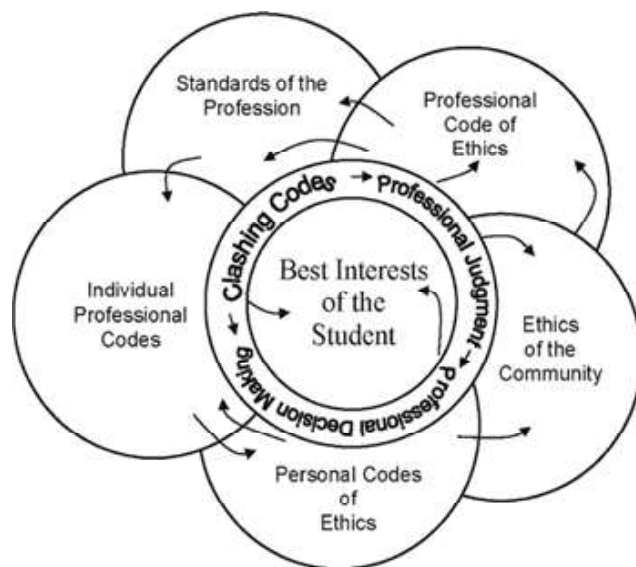
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Ensuring a student-focused process to transition planning necessitates those goals are analyzed to ensure they are aligned with student and family priorities (*ethic of care*), aligned with resources (*ethic of justice*), and do not reflect the needs and power of stakeholders that are inconsistent with those of students and their families (*ethic of critique*).

Family engagement is an accurate predictor of student success beyond high school (Hirano et al., 2018). The Taxonomy for Transition 2.0 considers three areas of focus in relationships with families, including involvement, empowerment, and preparation. Family preparation includes ensuring that family members are aware of their rights related to the IDEA and specific to the transition planning process (*ethic of justice*). Family involvement requires that families have access to non-family member interpreters as needed and that their cultural backgrounds are considered valid and valuable (*ethic of critique*). Family empowerment considers the need for local community connections and access to support networks knowledgeable in effective transition (*ethic of care*).

While each of the components of the Taxonomy for Transition 2.0 requires buy-in and engagement by school leaders, the program structures are most directly linked with the day-to-day responsibilities of school leaders. These structures include a) program characteristics, b) program evaluation, c) strategic planning, d) policies and procedures, e) resource development and allocation, and f) school climate. School leaders concerned with these structures need to ensure that their school's policies and procedures promote the use of evidence-based practices for transition and align resources (e.g., staffing, and professional development) with these practices (*ethic of justice*). Further, school leaders evaluate programs and student outcomes to identify and address gaps in access to effective practices, especially for students and families who have been historically underserved and under-resourced (*ethic of critique*). Attention to school climate ensures school leaders promote an environment that is safe and nurturing, responsive to culturally diverse families and students, and communicates high expectations across teachers and other school professionals (*ethic of care*).

Finally, the *interagency collaboration* component highlights the importance of relationships beyond the school during transition planning by attention to a collaborative delivery of transition services. School leaders should minimize barriers to the access of adult-service providers (*ethic of justice*). Through collaborative service delivery, school leaders create opportunities for relationship building with other community resources and service providers and link these with families and youth with disabilities (*ethic of care*). School leaders need to reflect a collaborative, interdisciplinary approach with students and their families to share vital information and minimize power-dynamics (*ethic of critique*) which may negatively impact relationships necessary for the effective provision of student transition services.

The Taxonomy for Transition 2.0 planning tool can guide transition teams, including school leaders in using evidence-based practices and developing high quality transition plans. School leaders can increase the chances for successful transition programs by considering the facilitators as well as barriers for ethical decision-making when complex dilemmas arise.

The Ethical Decision-Making Process in Transition

Professionals working in special education face ethical dilemmas daily and often these ethical and moral dilemmas go unresolved (Fiedler & Van Haren, 2009). The barriers with group ethical decision-making are related to a) the discrepancy between individual and group perspectives on what is best for students (Frick & Faircloth, 2007; Murry, 2005); b) lack of education on how to advocate and collaborate with others when ethical dilemmas arise, (Gartin & Murdick, 2000); c) a fear of reprisal or discomfort with others who may not agree (Murry 2005); and, d) time taken away from a focus on teaching (Murry, 2005).

For school leaders supporting special education services, the individual needs of each student with a disability should be at the core of all decisions (Frick & Fairchild, 2007). Some school leaders realize that the interest of the student and the collective interest of the school environment can pose an ethical conflict. To address this conflict, school leaders need to rely on special educators to advocate for students, listen to special educators and other service providers, problem solve with IEP transition teams, and trust that the planning for the individual interests of a student with disabilities will benefit the group as a whole (Stefkovich, 2006). Unfortunately, this type of discussion is often fueled by conflict rather than collaboration.

Using Ethical Decision-Making to Support Transition Beyond Legal Compliance

Effective transition planning for students with disabilities continues to be a concern for school leaders as many of these students struggle to find suitable employment, accessible post-secondary educational opportunities, and find the level of independent living they had hoped for after high school (West, 2009). A better understanding of the predictors for effective transition to positive adult outcomes addressed by the Taxonomy of Transition prepare school leaders to recognize the four areas impacted by ethical decision-making (e.g., ethic of care, critique, justice, and the professionalism) across student development, planning, family engagement, program structures, systems, and interagency collaboration.

In order to be prepared to provide quality ethical leadership for transition teams, today's school leaders should: a) reflect on the internal and external pressures to use legal compliance as the beginning and end point of the issue; b) recognize the importance of effective transition planning on the individual outcomes of students and the wider

school community; c) use the Taxonomy for Transition 2.0 tool to guide support for transition teams; d) conduct a school-level self-assessment of the implementation of the components of the Taxonomy for Transition 2.0 tool; and e) use a consistent process for ethical decision-making as these dilemmas arise. School leaders who understand ethical leadership practices, the necessary components of effective secondary transition, and have strategies such as the Taxonomy for Transition 2.0 can better support secondary transition teams as well as the students and families that rely on them.

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Kevin P. Brady, Ph.D., Suzanne Kucharczyk, Ed.D., and Peggy Schaefer Whitby. Ph.D., are faculty in Curriculum and Instruction.

Elaine Terrell, Ph.D., is an instructional designer, and Krystle E. Merry, M.S., is a doctoral student and both Leaders for Transition Scholar.

All authors are from University of Arkansas at Fayetteville.