

## **421.00 Youth in School – Transition Planning and Services Policy**

(Rev. 8/2008)

See corresponding related memo: PRO-10-01 Questions and Answers (January 22, 2010)

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### **Description**

Transition from school to work requires a variety of supports and collaborative efforts among education and workforce programs. No one institution or organization can provide the full range of services that may be required to serve youth with disabilities. However, collaboration and coordinated efforts among education and workforce programs, including vocational rehabilitation, is essential in assisting students with disabilities to make the transition from school to employment.

The Rehabilitation Act, as amended, commits the state vocational rehabilitation programs to be involved in the transition planning process as early as possible. The inclusion of transition services in the Rehabilitation Act is not intended to shift the responsibility of service delivery from school districts to vocational rehabilitation during the transition years. Schools will continue to be responsible for providing transition planning and services.

The Office of Adult Career and Continuing Education Services-Vocational Rehabilitation (ACCES-VR) involvement with secondary students with disabilities improves the opportunities for successful employment outcomes. ACCES-VR's role is to assist the student in transition to obtain an employment outcome in the most integrated employment setting.

## **The Role of the Vocational Rehabilitation Counselor**

Two years prior to expected school exit, the ACCES vocational rehabilitation (VR) counselor will work to identify and foster the referral of in-school youth with disabilities likely to be eligible for ACCES-VR services. The role of the ACCES-VR counselor is to assist students with disabilities to obtain an employment outcome in the most integrated employment setting consistent with the individual's unique employment factors: strengths, resources, priorities, concerns, abilities, capabilities, career interests and informed choice.

As the student moves from school to post school life, there should be no gap in services between the education and the vocational rehabilitation systems. While local school districts are responsible for providing education and transition services to students with disabilities who are still in the secondary school system, the ACCES-VR counselor can provide transition services that involve planning and preparing for the student's future employment. The ACCES-VR counselor, together with the student and the student's family, and working to obtain information from the school district, coordinates the appropriate vocational rehabilitation services for students with disabilities.

As an active participant in the transition planning process, the ACCES-VR counselor will:

1. Inform students, parents and school staff about ACCES vocational rehabilitation policy and procedures as they relate to transition planning and rehabilitation services and outcomes;
2. Work with the school district to appropriately identify students who may benefit from VR services;
3. Determine eligibility for ACCES vocational rehabilitation services;
4. Counsel transitioning students and their parents about vocational and career planning and employment outcomes related to the individualized education program (IEP) by reviewing existing school records related to student;
5. Advise students, parents and school staff during the transition planning and service delivery process regarding current labor market information; community resources, including community-based services, the need for involvement by other state agencies, adult service programs, and independent living centers;
6. Contribute to the transition planning by communicating with school-based staff so that students, parents and school district staff can avail themselves of the ACCES-VR counselors' expertise;
7. Develop the Individualized Plan for Employment (IPE) prior to school exit and within 90 days of eligibility determination;
8. Provide transition services if they are beyond the scope of special education and within the scope of VR services; and
9. Provide employment related services.

## **Students with Disabilities**

Eligibility for ACCES-VR services may include:

- students with disabilities who have an individualized education program (IEP),
- students with a 504 plan under Section 504 of the Rehabilitation Act, or

- students who would be considered individuals with disabilities under the Rehabilitation Act.

## **Students with an IEP**

The Individual with Disabilities Education Act (IDEA) is the law providing for the education of students with disabilities (Regulations of the Commissioner of Education) In accordance with IDEA, students with disabilities who are identified by the Committee on Special Education (CSE) require an IEP. The IEP is a written statement that specifies the special education goals and services that the school must provide to meet the unique educational needs of a student with a disability.

For students with an IEP, the school district is responsible for providing special education programs and services, including transition services, until the student either receives a Regents or local diploma or the end of the school year in which the student reaches age 21, whichever comes first.

The school district through its CSE has the legal responsibility to coordinate transition planning and arrange for transition services. (Students with IEPs must be provided transition programs and services beginning not later than the school year in which the student turns age 15.) The IEP includes postsecondary goals and transition programs and services and is updated annually.

The CSE is responsible to invite the student, his or her parents or guardians, and if appropriate, representatives of participating agencies when transition is being discussed and decisions made about transition services. The CSE may invite State agencies such as ACCES-VR, the Commission for the Blind and Visually Handicapped (CBVH), the Office of Mental Retardation and Developmental Disabilities (OMRDD), and the Office of Mental Health (OMH) that also are likely to be involved in providing transition services. Prior to this meeting school districts must obtain written consent from the parent/guardian, or student if 18 years or older, before inviting any participating agency to attend the CSE meeting.

If a student drops out of school or receives an IEP diploma or a High School Equivalency Diploma, then that student is entitled to attend school until he/she has earned a regular (Regents or local) high school diploma or until the end of the school year of such student's 21st birthday, whichever is earlier. Youth who have dropped out of school and do not wish to return to school can apply for and receive vocational rehabilitation services if they meet eligibility requirements. During the initial interview, the vocational rehabilitation counselor should inform the individual of his/her right to return to school if he/she so wishes, but cannot require the student to do so.

## **Students with 504 Plans**

Students with disabilities who do not have an IEP but require reasonable accommodation while attending school must have a written plan under Section 504 of the Rehabilitation Act of 1973; this is commonly referred to as a 504 plan. School

districts are required to provide access to existing programs and services on an equal basis with those provided for students who do not have disabilities. Each public school should have a person who serves as the school's "504 coordinator." This person should coordinate the development, maintenance, and implementation of 504 plans.

A student with a 504 plan is not entitled to transition services from the school, although such a student may be eligible for ACCES-VR services depending on the nature of the disability and its resultant functional limitations. ACCES-VR and the school should work together to develop procedures for outreach to students with a 504 plan.

## **Other Students**

There are students with disabilities in schools who are neither identified by the CSE nor have a 504 plan but may be eligible for ACCES-VR services by definition of disability under the Rehabilitation Act. ACCES-VR counselors should work with the school district to identify school staff (usually the school counselors or nursing staff) for identification and appropriate referrals of those students meeting ACCES-VR eligibility criteria.

## **Required Documentation for Students with an IEP**

### **Level I Career Assessment**

Level 1 Career Assessment for Students with Disabilities : A Manual

New York State regulations indicate that students age 12 and those referred to special education for the first time that are age 12 and over, shall receive an assessment that includes a review of school records and teacher assessments, and parent and student interviews to determine vocational skills, aptitudes and interests. This assessment, referred to as a Level I Assessment, does not require any specialized testing or career evaluation instruments, but does have specific elements that must be addressed to meet the regulatory requirements. This assessment must be updated annually. Although not required for all students, Level II Career Assessment and Level III Career Assessment may also be available from the school depending upon the student's individual needs. State regulations require that schools complete a Level I Assessment for all students with an IEP. Level I Assessment identifies the starting point for the CSE to begin exploring career options with the student.

### **Student Exit Summary**

Student Exit Summary Sample Form

Schools are also required to provide a student with a disability with a summary of the student's academic achievement and functional performance, which must include recommendations on how to assist the student in meeting his or her postsecondary goals. This summary must be provided prior to school exit for a student whose eligibility for special education services terminates due to graduation from secondary school with a regular diploma or due to exceeding the age eligibility for a free appropriate public

education (FAPE) under State Law. This includes students exiting school with Regents, local, and IEP Diplomas. It is also recommended that students exiting with High School Equivalency Diplomas be provided with this summary.

## **Using Other Existing Information from Schools for Eligibility and Planning**

The Level I Career Assessment and the Student Exit Summary represent a minimum documentation available to students with an IEP. Existing school records and assessment information are often available from the schools that can be used by the ACCES-VR counselor to assist in eligibility determination and/or vocational service planning. Assessments are the programmatic and financial responsibility of the school district when needed by the school to determine the student's educational program and services, including transition services. Although many schools may do so, schools are not required to provide updated assessments (such as a psychological assessment) to determine eligibility for adult services.

Besides the Level I Career Assessment and the Student Exit summary, the following information is most often available in the student's school records and may be requested by the ACCES-VR counselor to assist with determination of eligibility or/and vocational service planning:

- IEP, 504 plan or documentation of disability;
- Psychological Assessments;
- Employability Profile;
- Transcripts;
- Functional and adaptive assessments;
- Language proficiency reports;
- The most current student medical and health screening reports;
- Reports from related service providers (e.g. occupational therapy, speech therapy, physical therapy, and social work);
- Supports, accommodations, environmental modifications, and compensatory strategies that have been beneficial in supporting student success;
- Assistive technology devices and assistive services that have been helpful to the student;
- Community agencies and adult service providers to whom the student may already be connected, noting the status of those connections (e.g. application completed, eligibility established, acceptance into a program etc.);
- Strength Based Assessments;
- The New York State Career Plan; and
- The Career and Technical Education (CTE) Skills Achievement.

Assessments for in-school youth may be purchased by ACCES-VR when assessments are not available to provide adequate information needed by the counselor to determine ACCES-VR eligibility or to develop the Individualized Plan for Employment (IPE) for ACCES-VR services.

## **Confidentiality Release Information**

For students under age 18, confidentiality release forms are required to be signed by the parent or legal guardian prior to sharing student-specific information. Students age 18 or over are responsible for signing the confidentiality release form unless a legal guardian has been appointed.

## **Recommended Procedures for School District Referrals**

Two years prior to expected school exit, the ACCES-VR counselor works with schools to facilitate the student referral to ACCES-VR. Parents and students can directly apply for services from ACCES-VR without a referral from the school. If the student is 18 or older and has no legal guardian, the student can make this decision independently.

To begin working with school referrals, the ACCES-VR counselor needs to obtain the confidentiality release forms and request from the school the available school records that are needed to determine eligibility for ACCES-VR services.

Counselors should specifically request the student information from the school needed to facilitate the student's participation in ACCES-VR services.

When referring a student to ACCES-VR, it is recommended that the school district through its building principal:

1. Designates a liaison to ACCES-VR to ensure a consistent point of contact within the school;
2. Understands ACCES-VR's eligibility requirements and the purpose of ACCES-VR services and makes referrals based on student needs;
3. Obtains consent for release of information from the parent, legal guardian or from the student, if the student is 18 or older and a legal guardian has not been designated;
4. Transmits referral information including a referral transmittal sheet or letter that explains the purpose for the referral and selected documents that describe the student's disability, needs, preferences, interests, and skills (e.g., interpersonal, work, academic, independent living) which are relevant to vocational rehabilitation and achieving employment. Preferred information includes descriptions of the students' current abilities, work-related capacities and limitations, functional limitations and service needs.

## **Eligibility**

The ACCES-VR counselor will determine eligibility and coordinate vocational rehabilitation service planning under the IPE. This should be coordinated with the IEP through which in-school transition services are provided. This will enable students eligible for vocational rehabilitation to transition smoothly to post school training and/or employment. It builds on the transition process initiated during the secondary education program. The employment goal and services indicated on ACCES-VR's IPE should take

into consideration the post secondary goals and services as indicated on the IEP and be consistent with current labor market information.

Students must meet the eligibility criteria for vocational rehabilitation services. ACCES-VR counselors, in accordance with ACCES-VR's eligibility policy, will determine if the school documentation and reports are sufficient to determine whether there is the existence of a physical or mental impairment, whether the impairment is significant enough to impede the student's employability, whether VR services are needed to prepare the student for employment and whether the student desires to have an employment outcome.

If available school records do not contain sufficient information for a counselor to determine eligibility, the counselor may purchase further assessments as may be needed. It is inappropriate to reject a student referral based on not having the type of evaluative report that the counselor wishes to review in making an eligibility determination.

It is important to remember that ACCES-VR's eligibility criteria are based upon the student's substantial impediment to employment as a result of their physical or mental impairment, not just the existence of a physical or mental impairment alone. Therefore, the diagnosis of a learning disability, emotional disability or attention deficit disorder by itself, for example, may not be enough to establish eligibility.

ACCES-VR's determination of eligibility is not a guarantee of the provision of a specific service or of ACCES-VR's financial support. ACCES-VR services are provided on an individual basis that reflects an assessment of the unique vocational needs, school and community resources, comparable benefits, student and or parental informed choice, and current labor market information. The ACCES-VR counselor facilitates the development of the IPE by engaging the eligible student through the individualized vocational rehabilitation process to identify the suitable employment goal and clarify the steps and services needed to reach that goal.

### **Individualized Plan for Employment**

For students with disabilities who are determined eligible for vocational rehabilitation services, IPEs must be developed prior to their exiting the secondary program.

Students, like other VR consumers, may need assessment services prior to identifying an employment goal and determining the specific vocational rehabilitation services in an IPE. In these circumstances, the counselor will document the specific assessment activities and/or services that will be conducted to develop the IPE and how this will affect the timeframe for IPE development.

The IPE should be developed, to the extent possible, during the annual review of the transition component of the IEP. The IPE needs to reflect transition services. Although the school district is programmatically and financially responsible until the student

leaves school, ACCES-VR can provide those specific VR services that are necessary for the student to achieve a post-school employment outcome.

ACCES-VR staff must take the following steps:

1. Review school information/reports to determine if there is transition information contained in the student's IEP, such as assessment information, employment goal, or a description of vocationally-related services. If appropriate, this information should be included in the IPE. Contact the school liaison if the information regarding transition programs and services is incomplete to determine if necessary information is available.
2. Develop the IPE, to the extent possible, in conjunction with the annual review of the transition component of the IEP.
3. A no-cost IPE needs to be developed to reflect transition services even if the school district is programmatically and financially responsible. The effort to coordinate the IPE with the IEP should be described in the IPE Development Case Note.
4. The IPE can reflect ACCES-VR funded services if they will contribute to the achievement of a post-school employment goal and are coordinated with the student's educational plan. The counselor determines that these services are required to enable the individual to achieve the post-school employment goal and that those specific VR services are not the program or fiscal responsibility of the school district.
5. The results of the planning by ACCES-VR should be made available to the school liaison (with signed release of information from student or parent, as required). This coordination will help to ensure that the student's IEP will contain school services that will contribute to the success of the student's plan.

## **Reference**

Rehabilitation Act: Sec. 101 and Sec. 102

Federal Regulations: §361.22; §361.42; §361.45; §361.46

Other Related Policies:

- 100.00 Consumer Involvement
- 102.00 Confidentiality
- 202.00 Eligibility for Services
- 204.00 Assessment
- 206.00 IPE
- 208.00 Comparable Benefits
- 421.00 Youth in School - Transition Planning and Services
- 1380.00 Work Study Programs with Employers in the Community Policy
- 1380.10 Work Study Programs at Rehabilitation Facilities Policy