

## **TRANSITION AND PRE-EMPLOYMENT TRANSITION SERVICES**

### **I. Definitions**

A **student with a disability** is an individual with a disability in a secondary, post-secondary, or other recognized education program who is between the ages of 14 – 21, is eligible for, and receiving, special education or related services under Part B of the Individuals with Disabilities Education Act (IDEA), is an individual with a disability under Section 504 of the Rehabilitation Act, or students with disabilities including but not limited to: physical, sensory, intellectual, mental health, and communication.

A **youth with a disability** is any individual with a disability who is between the ages of 14 – 24, regardless of education status.

**Transition services** means a coordinated set of activities for a student or youth with a disability:

- Designed within an outcome-oriented process that promotes movement from school to post-school activities, including postsecondary education, vocational training, competitive integrated employment, supported employment, continuing and adult education, adult services, independent living, or community participation;
- Based upon the individual student's or youth's needs, taking into account the student's or youth's preferences and interests;
- Including instruction, community experiences, the development of employment and other post-school adult living objectives, and, if appropriate, acquisition of daily living skills and functional vocational evaluation;
- Including promoting or facilitating the achievement of the employment outcome identified in the student's or youth's individualized plan for employment; and
- Including outreach to and engagement of the parents, or, as appropriate, the representative of such a student or youth with a disability.

### **II. Pre-Employment Transition Services (Pre-ETS)**

Pre-ETS are provided to students with disabilities in order to:

- Further develop an awareness of career and education opportunities
- Gain the general skills needed for employment success in any field
- Gain the skills needed to effectively advocate for themselves as they prepare to exit secondary education and enter the workforce or other post-school activities

Services shall be provided to students with disabilities, regardless of whether the student has applied or been determined eligible for vocational rehabilitation services. These services are:

1. **Job Exploration Counseling** - career counseling designed to assist students explore career options, develop motivation for employment, and understand the role of high school and post-secondary education;
2. **Work-Based Learning Experiences** - use the workplace or realistic work situations to provide students with the knowledge and skill that will help them connect school to future career opportunities. These experiences augment the learning process and can include both in-school and after school opportunities, as well as experiences outside the traditional school setting such as internships;
3. **Counseling on Post-Secondary Education** - counseling and guidance on a variety of post-secondary education and training opportunities including community colleges, colleges, and universities; career pathway related workshops/training programs; trade/technical schools; military; and post-secondary programs at community colleges, colleges, and universities for students with intellectual and developmental disabilities;
4. **Workplace Readiness Training** - provided to develop the skills and behaviors that are necessary in any job, including specific social or interpersonal skills and independent living skills that are required for employment success; and
5. **Instruction in Self-Advocacy** - supports a student's ability to effectively communicate, negotiate, and/or assert his or her own interests and/or desires, including the development of the skills necessary for self-determination.

Auxiliary aids (qualified interpreters, acquisition of assistive technology, braille materials etc.) and services needed by a student with a disability to access or participate in Pre-ETS would constitute allowable Pre-ETS expenditures and, therefore, may be paid with the funds reserved for that purpose.

### **III. Coordination With Education**

Vocational Rehabilitation (VR) has coordinated with officials of the Department of Public Instruction (DPI) around development and application of policies and practices with regard to the planning and provision of Pre-ETS and transition services to students and youth with disabilities. VR and DPI shall maintain a state-level formal Memorandum of Understanding related to the planning and provision of transition services. This agreement includes the roles and responsibilities of each agency including:

- financial responsibilities;
- provisions for determining state lead agencies and qualified personnel responsible for transition services; and
- procedures for outreach to and identification of students and youth with disabilities.

VR staff shall use the MOU as a guide for the delivery of transition services in collaboration with local education providers.

Every supervisor and rehabilitation counselor have responsibility to liaison with the local school districts, cultivate relationships, and provide education and information to partners. VR maintains specific staff to function as liaisons with each school in the state. VR staff will develop and coordinate a set schedule (day of the week or month) with school personnel for appointments and meeting with students at the school.

#### **IV. Consultation/Technical Assistance**

VR will provide consultation and technical assistance to education agencies in planning for the transition of students and youth with disabilities from school to post-school activities, including vocational rehabilitation services.

DPI, VR and Local Education Agencies (LEA) will share the following responsibilities:

- Provide consultation and technical assistance to local VR and LEA either in person or through alternative means, such as conference calls and video conferences;
- Utilize a common message when sharing information to local VR offices and LEA;
- Encourage LEA and VR staff to collaborate through their local Transition Community of Practice in planning and implementing efforts that are focused on the transition of students with disabilities;
- Identify and disseminate information about transition services, employment services, effective practices, training, and funding strategies that create positive employment outcomes for individuals, partners, families, agency staff, and public and private stakeholders;
- DPI and VR leadership are to inform each other and the local LEA and VR staff about policies or procedural changes that may impact transition services; and
- Provide technical assistance to identify potentially eligible and VR eligible students.

#### **V. Outreach**

VR will initiate outreach to students and youth with disabilities to identify those who need transition services. Eligibility for VR services typically is determined two years prior to the student's exit from secondary education. Eligibility may be determined prior to this typical timeline based on the need and expressed interest of the student. School districts shall be provided with contact information for the local VR office.

VR will inform education staff, students, youth, and, as appropriate, families and authorized representatives regarding:

1. A description of the purpose of the vocational rehabilitation program;
2. Information regarding VR eligibility requirements;
3. Information regarding application procedures; and

4. Information about the scope of services that may be available to students and youth with disabilities.

IDEA mandates that local education agencies invite adult agency representatives, such as VR counselors, to mandated student-related meetings. These meetings are held for special education students at least annually. When VR staff is invited by a school district to attend a student meeting such as an Individualized Education Plan (IEP) meeting, the staff should consider how his or her involvement could be beneficial with regard to consultation, technical assistance, referral to VR, and the planning and coordination of service provision.

There may be times when a VR staff is not able to attend scheduled student-related meetings. Options for involvement beyond the physical presence of VR staff at the meeting could include the sharing of informational sheets and brochures, telephone conferencing, or other creative mechanisms developed at the local level.

In addition to student-related meetings, other opportunities to interact with educators, students, and families exist for VR participation. These may include parent nights, education staff meetings, school based agency events, career fairs, and others. Attendance at these events fosters and advances collaboration with education. Many regions within North Dakota have a local Community of Practice. It is expected that one or more VR staff participate on these local teams and one representative from each of the local teams (not necessarily VR staff) reports back to the State Community of Practice.

## **VI. Point of Referral and Application**

Local VR and education staff shall identify a consistent system for referrals to VR. Typically, students should be referred two years before exiting school. Referrals should be a collaborative effort between education and VR, and should not be limited to just those students in special education. Earlier referrals for students with more profound disabilities may be considered.

Students with disabilities may access Pre-ETS prior to applying to VR and prior to VR eligibility determination. This type of service may begin when a student requests it, or if the student has been recommended to receive one or more Pre-ETS, and has shown documentation of a disability, and has a release of information to VR signed by the student and the parent or guardian as needed. The school must provide VR with a copy of the release of information and the data collection tool (SFN 680) which references a disability and is signed by a school representative. The student may choose to apply to VR in order to determine if he or she is eligible for a more comprehensive scope of vocational rehabilitation services.

If a youth is considering withdrawing from high school, encourage the individual to stay in school and obtain a high school diploma. If a student decides to withdraw from school, VR staff shall encourage him or her to obtain a GED. Whenever possible, VR shall work with the high school staff to plan and support collaborative services that will

lead to completion of an appropriate course of study and a successful employment outcome.

Open communication between VR and education staff, the youth, and his or her family members will help to ensure a comprehensive and collaborative approach to transition services that fully address the youth's needs, which may also require coordination with services available from other community organizations.

## **VII. School Records**

Education professionals have a wealth of information about a student's impairment and functional limitations, written from an academic perspective, which holds relevance when considering vocational functional limitations for VR eligibility and developing the Individualized Plan for Employment (IPE).

VR staff, with a signed release of information provided by the student, youth, parent, or guardian, shall obtain all appropriate school records including medical, psychological, vocational, educational, recreational and other informational records relating to the student's or youth's disability, impediments to employment and rehabilitation needs. Whenever possible, and prior to the purchase of additional assessment, educational records shall be utilized by the VR counselor.

Signatures on education records are unlikely. In place of actual signatures, the VR counselor shall accept documents which contain the names and credentials of the special education team members who participated in IEP meetings or who administered educational assessments. These records from educators responsible for the public education of students with disabilities shall be considered to be records from qualified personnel.

For VR eligibility and IPE development, types of information requested from a local education partner on potentially eligible students **may** include:

- Individualized Education Plan (IEP)
- Summary of Performance (SOP)
  - Supporting assessment summaries and scores
  - Assistive Technology (AT) record
  - Transition-focused assessment
  - Work experience information
  - Sample resume
  - Interest inventories
  - Psychological assessments
  - Therapists records including but not limited to: Occupational, Physical, Speech, and Health (Nurse)
  - All Pre-ETS provided

## **VIII. Education Designations**

Referrals to VR from school systems are typically students who receive services under IDEA and therefore have a categorical special education disability designation. These designations align with corresponding federal terms, requirements, and terminology used in the field. An eligibility criterion for each designation is determined by members of a multidisciplinary education team of qualified personnel with appropriate professional credentials. Education officials responsible for the public education of students with disabilities are considered by VR to be qualified personnel.

The twelve educational disability designations determined and used by the public secondary education system are:

- Hearing impairment, including deafness
- Intellectual Disability (ID)
- Speech or language impairment
- Visual impairment, including blindness
- Multiple disabilities
- Deaf-blindness
- Autism Spectrum Disorder (ASD)
- Orthopedic impairment
- Other Health Impaired (OHI)
- Traumatic Brain Injury (TBI)
- Serious Emotional Disability (ED)
- Specific Learning Disability (SLD)

Section 504 is a part of the Rehabilitation Act of 1973 that prohibits discrimination based upon disability. Students with a Section 504 plan may also be referred for Pre-ETS and VR.

Students not receiving services under IDEA or Section 504 may also be appropriate for referral to VR and for Pre-ETS. Students with disabilities who are not recipients of special education services could be referred from related education providers including school administrators, counselors, therapists, nurses, general education teachers, and others. These may be students with a disability that do not present a barrier in the academic environment, but may present impediments to employment.

## **IX. IEP/IPE Planning and Coordination**

Typically, students will need a Transition Assessment Individualized Plan for Employment (TA IPE) as they participate in career exploration and other assessments needed to assist them in identifying their long term goal. If the student has an employment goal that is agreed upon by the VR counselor, the regular IPE may be developed. Either type of IPE needs to be developed within 90 days from eligibility determination, but the regular IPE must be developed prior to the student exiting school.

VR staff, in cooperation with education staff, shall participate in the planning process that is designed to facilitate the development and completion of the IEP. The VR

counselor shall review and consider a student's IEP during the development of the VR IPE. Services reflected on the IEP may or may not need to be included in the VR IPE depending upon the employment goal and individual situation of each student, but can serve as a vital starting point when providing Pre-ETS or transition services.

Once either type of IPE is developed and approved, there will be two active plans for the client, the IPE and the IEP, each reflecting coordinated goals and a range of services for a period of time. Collaborating with education staff to align the two plans can contribute in a positive manner for the student to gain basic workplace skills, knowledge of specific occupational skills, and an understanding of different industries in order to make an informed choice.

## **X. Coordination Regarding Subminimum Wage**

Section 511 of the Workforce Innovation and Opportunity Act (WIOA) is intended to place limits on the payment of subminimum wage to individuals with disabilities, using special wage certificates under Section 14(c) of the Fair Labor Standards Act (FLSA). Prior to obtaining employment compensated at subminimum wage, youth 24 years old or younger must participate in certain services and provide verification of having completed these services to their prospective employer.

### **Section 511 – Requirements for Youth**

- Receipt, as applicable, of Pre-ETS under the VR program or transition services under IDEA
- Application for VR services that results in a determination of ineligibility and;
- Receipt of career counseling and information and referral services.

For each youth with a disability pursuing subminimum wage employment, VR will accept the youth's application and ensure the youth has completed transition services, including Pre-ETS. The VR counselor will engage in the vocational rehabilitation process with each applicant.

Prior to seeking subminimum wage employment, a youth will either be determined ineligible for VR services due to the severity of his or her disability, or be determined eligible and be unsuccessful when provided with appropriate supports, in obtaining a competitive integrated employment outcome. This includes supported employment or customized employment, after the provision of services under an IPE for a reasonable period of time. The determination of a reasonable period of time will vary for each youth based on the individual's disability and vocational needs, including supported employment, and the anticipated length of time to achieve the employment outcome identified on the IPE.

At the time of closure for either of these reasons, VR will provide career counseling, along with information and referral services to other programs that offer employment-related services and supports designed to enable the youth to explore, discover, experience, and attain competitive integrated employment, and facilitate informed

choice and decision-making by the youth, or authorized representative as appropriate. If a youth refuses to participate in any of the required activities, VR will ensure the youth understands he or she would not be legally able to pursue subminimum wage employment. VR will provide the youth or authorized representative with documentation of the refusal and keep a copy for the VR file. This documentation must be provided to the youth within ten days.

All case management activities and services provided to youth seeking subminimum wage employment follow the confidentiality laws established by Family Educational Rights and Privacy Act (FERPA) and be documented and maintained in the youth's service record with VR. In addition, VR will provide the youth with documentation of all required activities, within 45 days of the VR case closure. If additional time is needed due to extenuating circumstances beyond VR's control, the documentation shall be provided within 90 days.