

Acknowledgments

In order to provide the best transition planning for the young adults in Montana, this guide provides a basic understanding of what is offered to youth through the transition process. The Office of Public Instruction (OPI) Special Education Division has gathered information from other state agencies - Montana Developmental Disabilities Program (DDP), Vocational Rehabilitation and Blind Services (VRBS), Higher Education, Montana Department of Commerce – Housing Division and the Department of Labor and Industry. The OPI would like to thank the Colorado Department of Education and the Colorado Department of Human Services, Division of Vocational Rehabilitation (VR) who allowed us to use their Cooperative Services Handbook for Youth in Transition as our guide. In many instances we used wording directly from their document. We would also like to acknowledge all the wonderful resources and documents that we used from the National Technical Assistance Center on Transition <http://www.transitionta.org/>. Without these agencies and resources, this binder would not have been possible. Finally, we would like to thank all the Montana special educators who contributed materials that are included in this binder.

What Is Transition?

IDEA

According to the Individuals with Disability Education Act (IDEA) of 2004 Regulations 34 CFR 300.43 (a), transition services is a coordinated set of activities for a child with a disability that is designed to be within a results-oriented process that is focused on improving the academic and functional achievement of the child with a disability to facilitate movement from school to post-school activities, including postsecondary education, vocational education, integrated employment (including supported employment), continuing and adult education, adult services, independent living, or community participation.

These activities should be based on the child's needs, taking into account the child's strengths, preferences and interests, and includes instruction, related services, community experiences, the development of employment and other post-school adult living objectives, and, if appropriate, acquisition of daily living skills and provision of functional vocational evaluation.

VRBS

Transition services are defined as a coordinated set of activities for a student or youth with a disability designed with an outcome-oriented process that promotes movement from school to post-school activities that would include postsecondary education, vocational training, integrated employment, continuing and adult education, independent living, etc., under the Rehabilitation Act Amendments of 1998, Title IV of the Workforce Investment Act of 1998 Section 7(73).

DDP

Transition is an expected change in the future for which planning may be necessary. There are several types of transitions that can occur, including, but not limited to: transition into school, transition out of school, transition between services administered through DDP due to age limits and/or eligibility requirements, transition from family-focused services to individual, adult services for teenagers.

Higher Education

Under the Americans with Disabilities Act (ADA), Section 504 of the Rehabilitation Act, and the Montana Human Rights Act, postsecondary schools in Montana are responsible to provide equal educational opportunities to qualified students with disabilities. In other words, vocational and career schools, two- and four-year colleges, and universities, must ensure that its courses, programs, events, and extracurricular activities are accessible to students with disabilities. The school ensures access by providing architectural access, providing auxiliary aids and services, and by modifying policies and procedures. Services may be coordinated through the Disability Services office or Academic Support Services office in the postsecondary school.

Who May Receive Transition Services?

IDEA

Under IDEA, transition services are to be in effect before the child's 16th birthday, or younger if determined appropriate by the IEP team and are to be updated annually. The child must be found eligible for special education and show a need for services.

The eligible disability categories in Montana include Autism, Cognitive Delay, Deaf-Blindness, Deafness, Emotional Disturbance, Hearing Impairment, Orthopedic Impairment, Other Health Impairment, Specific Learning Disability, Speech Language Impairment, Traumatic Brain Injury, and Visual Impairment.

Rehabilitation Act

Under the Rehabilitation Act Amendments of 1998, a youth is eligible to receive vocational rehabilitation services if:

- A. The child has a physical or mental impairment; and
 - The impairment constitutes, or results in, at least one substantial impediment to employment which is consistent with their abilities and capabilities; and
 - The child can benefit in terms of an employment outcome from the provision of vocational rehabilitation services;
 - The child needs substantial vocational rehabilitation services to prepare for, secure, retain or regain employment which is consistent with strengths, resources, priorities, concerns, abilities, capabilities, and interests.
- B. The child is currently receiving and/or is entitled to Social Security Income (SSI) and/or Social Security Disability Income (SSDI) benefits for disability or blindness and they intend to become employed.

In other words, a person must have a disability that interferes with the ability to work or must need vocational rehabilitation services to obtain or maintain employment. Transition services, as defined under the Rehabilitation Act, are provided to all eligible youth with a disability who can benefit from these services. This includes youth within the special education system, as well as youth within the general education system.

Montana Workforce Investment Act

For an individual to be eligible, they must be between the ages of 14-21 for in-school youth and 16-24 for out-of-school youth, have a low income, and meet at least one of the following barriers to employment:

For youth who are still enrolled in schools the following eligibility:

(681.220 In-School Youth)

- Must be attending school, including secondary or postsecondary school;
- Be not younger than 14 or older than 21 at the time of enrollment;
- Be of low-income and have one or more of the following:
 - Have a basic skills deficiency
 - Be an English language learner
 - Be an offender
 - Be a homeless individual which may include:
 - runaway youth,
 - youth in foster care or has aged out of the foster care system,
 - youth eligible for assistance under Sec. 477 of the Social Security Act, or
 - youth in an out-of-home placement.
 - Be pregnant or parenting
 - Be an individual with a disability
 - Be an individual who requires additional assistance to enter or complete an education
 - Be in a program to secure and hold employment.

For youth who are no longer enrolled in school the eligibility:

(681.210 Out-of-School Youth)

- Is not attending any school (as defined under state law)
- Be not younger than 16 or older than 24 at the time of enrollment. Because age eligibility is based on age at enrollment, participants may continue to receive services beyond the age of 24 once they are enrolled in the program, and
- One or more of the following:
 - A school dropout
 - A youth who is within the age of compulsory school attendance, but has not attended school for at least the most recent school year calendar quarter. School year calendar quarter is based on how a local school district defines its school year quarters.
 - A recipient of a secondary school diploma or its recognized equivalent who is a low-income individual and is either basic skills deficient or an English language learner
 - An individual who is subject to the juvenile or adult justice system
 - A homeless individual [as defined in sec. 41403(6) of the Violence Against Woman Act of 1994 [42 U.S.C.14043e-2(6)],
 - a homeless child or youth (as defined in sec. 725(2) of the McKinney-Vento Act)

- Homeless Assistance Act [42 U.S.C. 11434a(2)]
- a runaway
- in foster care or has aged out of the foster care system
- a child eligible for assistance under Sec. 477 of the Social Security Act (42 U.S.C. 677), or
- an out-of-home placement
- o An individual who is pregnant or parenting
- o An individual with a disability
- o A low-income individual who requires additional assistance to enter or complete an education program or to secure or hold employment

The Workforce Investment Act (WIOA) requires that at least 50 percent of youth funds be used to serve out-of-school youth. An out-of-school youth is an eligible youth who is a school dropout, or an eligible youth who has received a secondary school diploma or its equivalent, but has basic skills deficiency or is unemployed or underemployed. The WIA allows for five percent of each youth providers participants to be non-economically disadvantaged provided they meet the other eligibility and selective service requirements.

Developmental Disabilities Program

Under the Montana Developmental Disabilities Program (DDP) a representative for the individual must submit documentation to the department's Eligibility Specialist to make a determination of eligibility under intellectual disability, autism, cerebral palsy, epilepsy, and other neurological conditions. The individual must meet the requirements of the department through a psychological evaluation, Vineland II (adaptive assessment) and an Eligibility Determination Form. Formal eligibility for the Developmental Disabilities Program can begin as early as 8 years of age. If eligibility is determined at age 8 it will carry through to adulthood.

Higher Education

Students requiring academic accommodations need to contact the University's or College's Disability Services Office. To qualify for services, the student must have a disability, meet the academic standard/admission criteria with or without reasonable accommodations, and request reasonable accommodations or related services in a timely manner.

What Are The Roles And Responsibilities Of Each System?

Education

The transition Individual Education Plan (IEP) is a "coordinated" set of activities which will prepare the student to successfully move from school to the appropriate post-school settings, such as vocational rehabilitation, adult services, or post-school education. It is based on the student's desired post-school activity which relates to the student's postsecondary goals providing the roadmap for the rest of the IEP. During the planning process, teachers are required to conduct age-appropriate transition assessments, which provides relevant information to address key areas of transition planning and may assist other agencies in providing supports to the student. A student's interest and needs may lead to transition

services in the areas of: Instruction, Employment, Community Experiences, Post-school Adult Living, Related Services, Daily Living Skills, and Functional Vocational Assessment. A course of study is included for all students that have a transition IEP. This course of study gives the student a guide to follow to help the student achieve his/her postsecondary goals.

VRBS

Transition responsibilities were included in the Rehabilitation Act to assure that there are no gaps in services received by students with disabilities as they leave the school setting and/or are ready to begin vocational activities when an employment outcome is the primary focus. To this end, VR is responsible to preform outreach and identification of students with disabilities, and must provide information about the purpose of vocational rehabilitation, eligibility requirements, application procedures, and the scope of vocational rehabilitation services that are available. Transition services provided by VR are individualized, and must lead to an employment outcome. Appropriate services include:

- Consultation and technical assistance as early as possible in the transition process to assist education providers in planning for the transition of a youth from school to post-school activities including vocational rehabilitation,
- Joint planning to facilitate the development and completion of the IEP,
- Determination of eligibility for VR services,
- Identification of the suitable employment outcome,
- Development and approval of an Individual Plan of Employment (IPE) before the student leaves school, and
- Provision of vocational rehabilitation services, as appropriate, to the individual needs of the student.

Montana Workforce Investment Act

The Youth Program is designed to prepare Montana's youth to either enter postsecondary education, training, or employment upon completion of their secondary education. The aging of Montana's workforce is an issue of concern and, therefore, this program can be an instrument toward meeting the future workforce demands.

Youth program elements consist of:

- Tutoring, study skills training and instruction leading to the completion of secondary schooling including dropout prevention strategies;
- Alternative secondary school services;
- Summer employment opportunities directly linked to academic and occupational learning;
- Paid and unpaid work experiences, including internships and job shadowing and pre-apprenticeship programs;
- Occupational skill training;
- Leadership development opportunities;
- Supportive services;
- Adult mentoring for a duration of at least 12 months, that may occur during and after program participation;
- Follow-up services for not less than 12 months after the participant completes the program;

- Comprehensive guidance and counseling, including drug and alcohol counseling and referral to counseling as appropriate to meet the needs of the participant;
- Financial Literacy Education;
- Entrepreneurial skills training;
- Labor market and employment information about in-demand industry sectors or occupations available; and
- Activities that help youth prepare for and transition to postsecondary education and training.

DDP

This question is threefold because DD services can begin even before an individual is school age.

- The individual could have been determined eligible for DD services as a child and be receiving waiver services and currently have an Individual Cost Plan that can be used to transition into adult services. Once an individual is receiving the 0208 Waiver and eligibility was established after age 8, they can continue to receive waiver services for life.
- The individual could have been determined eligible for DD services as early as 8 years of age and could be receiving limited DD non-waiver services through a child provider. If this is the case, at age 16 the individual will be offered DD Targeted Case Management Services.
- The individual can be determined eligible for DD services at age 16 and immediately be assigned a Target Case Manager and be put on the wait list for DD Waiver services.

Higher Education

Most colleges and universities have Disability Services to assist students with disabilities in leveling the playing field by helping the student set up reasonable accommodations to self-advocate to professors. Reasonable accommodations are based on the functional limitations of a student with a disability. These academic adjustments are designed to remove barriers, but do not compromise academic standards. Reasonable accommodations include, but are not limited to: alternative formats; auxiliary aids and services (examples: note taker, reader, scribe, and interpreter); class relocation for physical access; assistive technology; and test modifications.

Colleges and universities may offer services to all students, including advising, tutoring, dining, housing, student health services, library research assistance, student employment, study abroad, and more.

Contact the Disability Service office for further information.

What Does Transition Planning Look Like?

Each student's transition plan will be individualized while meeting the requirements of IDEA, WIOA, the Rehabilitation Act of 1998, and other state and federal regulations that govern youth in transition. Let's begin with the required plans and their purpose that each agency offers to youth.

The planning process starts and the first transition IEP is written prior to the student turning age 16. The IEP team includes a special education case manager, at least one regular education teacher, parent, student, school administrator, and other outside agencies, such as VRBS, DDP, Department of Labor, etc., who may be necessary in post-school planning. The outside agencies that are invited to the IEP meeting will depend on the student's measurable postsecondary goals. Outside agencies that are

providing and/or paying for transition services for a student must be approved by the parent before the representative of the agency can attend an IEP meeting.

When appropriate and feasible, a VRBS counselor may participate in a student's IEP meeting if the parent gives permission to invite them. During the IEP meeting, the VRBS counselor can provide technical assistance to the student in the planning of activities from school to post-school, including vocational rehabilitation. The assistance of Vocational Rehabilitation and the Department of Labor enables a school district to provide additional vocational training to students, such as the chance to participate in job explorations. The optimum time for VRBS to begin working with a student with a disability is when the student is ready to engage in the activities necessary to establish employment goals, develop an employment plan, and participate in vocational services in order to become employed. The time at which this occurs is unique to each individual and does not necessarily correspond to a specific age or a specific event such as graduation. Rather, it should occur at a time when the youth's emphasis shifts from an academic focus to an employment focus and the youth becomes available for vocational planning.

The VRBS requires that the employment plan for a VR transition participant (not on a deferred services waiting list) must be developed and approved before the student leaves the school setting. This plan is called an Individual Plan for Employment (IPE) and for special education students must be coordinated with the student's IEP.

For students under Montana's Workforce Investment Act (WIOA), the student could be referred to one of the WIOA youth programs by a case manager/teacher for enrollment. If the student meets requirements and is accepted into the program, the student would receive an Individual Service Strategy (ISS), which is developed to encourage student success with academic and employment opportunities.

If a student is found eligible for Developmental Disability Services at the age of 16, the student can choose to accept adult services and receive an Adult Targeted Case Manager. The Adult Targeted Case Manager will write a Personal Support Plan (PSP) for the youth. The PSP develops outcomes to support the youth in employment, living, educational and social opportunities.

What is the Referral Process for the State Agencies?

Referral to VRBS may be initiated by anyone. Typically, referrals come from the school, an individual, a family member or a community agency. Students referred to VRBS may be participants in special vocational or regular education programs.

Although there are state-level agreements in place, it is encouraged that the local school district and VRBS office develop or review existing working agreements. The working agreements will identify the respective role of each entity and include a process for referring students to VRBS. Typically, a "referral packet" to VRBS will include:

- Referral statement
- Any existing psychological, medical, and specialty evaluations such as adaptive behavior, mobility, speech and language, hearing, etc.
- The most recent IEP
- The 504 plan, if applicable
- School transcripts, if appropriate
- Vocational assessment results, including functional vocational evaluation

- Information regarding a youth’s prevocational and vocational activities through the school, including community experiences and school-to-career activities
- Other available assessments, plans or information as deemed appropriate

Working with the local school district and other agencies that may be involved with a youth, the VRBS counselor will identify and coordinate diagnostic assessments that will be needed to determine eligibility and planning for VRBS services. The process of eligibility determination is greatly enhanced when the VRBS counselor is able to obtain documentation of a student’s disability and adaptive behavior from a school psychologist or other professionally qualified person.

Montana Workforce Investment Act

For students under Montana’s Workforce Investment Act, the student could be referred to one of the WIOA youth programs by a family member, teacher, community agency, etc. They would need to be determined eligible by one of the Youth Service Providers working for the Department of Labor and Industry.

DDP

Formal Eligibility for the Developmental Disabilities Program can begin as early as 8 years of age. If eligibility is determined at age 8, it will carry through to adulthood. If a student has provisional eligibility, formal eligibility must be established at age 8. The youth and their families are assisted with gathering and submitting the information by a case manager through the regional office. For students age 16 and older, information can be submitted to the Eligibility Specialist in their region. The Children Provider Intake person for the region gathers information for children 0 through 15 years of age. Special Education teachers can facilitate the process by contacting the regional office in their county.

The following documents will need to be submitted to the Eligibility Specialist to make a determination of eligibility:

- Psychological Evaluation
 - A current Psychological Evaluation that, for adults, is no more than ten years old.
 - If an applicant is “untestable,” a statement from a psychologist stating as such needs to be provided.
- Vineland II; Maladaptive Behavior Index
 - Survey Interview Form
 - Parent/Caregiver Rating Form
 - Teacher Rating Form
 - Expanded Interview Form
- Page one of the Eligibility Determination Form
 - This form is completed by the department’s Eligibility Specialist

Higher Education

Postsecondary education institutions are obligated to make a reasonable accommodation only to the individuals with disabilities, who request the accommodation. Students should contact the Disability Services office to initiate modifications and services. When students contact the Disability Services office, the students are asked to provide written documentation that describes their disabilities, the disability’s impact on their educational experiences, and their past use of modifications. The Disability

Services office and the student collaborate to address barriers in programs that may limit equal program access.

What Policies and Practice May Affect Transitions?

Free Appropriate Public Education

All IDEA-eligible students enrolled in public schools are entitled to a free appropriate public education (FAPE) that meets state and federal regulations. This means that the parent, guardian, or adult student cannot be charged for the education of the student. However, this entitlement does not follow the student into postsecondary programs or activities.

Student Participation and Self-Determination

According to IDEA Federal Regulations 2004, starting at the first transition IEP, schools must invite the child to the IEP meeting to consider postsecondary goals and transition services needed to assist the student in reaching his/her post-school plans. If the student chooses not to attend the meeting, the school will meet with the student prior to the IEP meeting to ensure the student's input is considered. Studies show that active participation as early as elementary school will better prepare students for decision making and transition planning as they become young adults.

Vocational Rehabilitation and Blind Services

Informed Choice

Throughout his or her involvement with VRBS, an individual is provided opportunities and assistance to exercise informed choice. Individuals are encouraged to consider a variety of alternatives as these relate to assessment, determination of a vocational goal, development of a vocational plan, selection of services and service providers, and determination of successful case closure. Individuals are encouraged to make and implement their own informed choices.

Comparable Benefits, Individual Contribution and Least Cost

Comparable benefits available under any other program must be used to pay for VRBS services, unless the benefits will interfere with or delay services to an individual who is at extreme medical risk.

Some VRBS services consider the economic need of the individual with a disability and his or her family unit. Parents are considered part of a youth's family unit if they are claiming the youth as a dependent for income tax purposes. Based on the determination of economic need, the available monthly resources of the family unit must be applied to a youth's vocational rehabilitation program.

The exception to this requirement occurs if a youth is receiving SSI or SSDI or in the provision of Pre-Employment Services. If this is the case, a youth's economic need is not considered in the development and implementation of the IPE.

Unpaid Community-Based Employment Experiences

The U.S. Department of Labor has very specific guidelines for students and adults who are receiving vocational experiences in businesses without pay. Whenever an employment relationship exists, an employer will be held responsible to fully comply with all applicable sections of the Fair Labor Standards Act (FLSA). This means that the employer is required to compensate the individual unless all of the following criteria for a non-employment relationship are met. These guidelines prevent students and vocational rehabilitation customers from being used as “free labor” and/or displacing other workers. Unpaid community-based work experiences can be very beneficial to a person’s vocational development and are allowed for vocational exploration, assessment and training. These requirements can help DVR counselors and individuals with disabilities structure assessments and training programs with employers who do not wish to consider the participant to be an employee:

- The community-based placement is documented and clearly defined on the individual’s IEP, vocational rehabilitation assessment and/or IPE.
- The individual does not displace or reduce the hours of an existing employee.
- The individual will be under direct supervision by either a school representative, a vocational rehabilitation service provider, or an employee of the business.
- The activities of the individual do not result in an immediate advantage to the business or the advantage is clearly offset by the burden of training and supervision.
- The individual is working for training purposes and does not expect, or is not entitled to, a position after completion of the experience.
- The individual voluntarily participates in the training with the understanding that no wages or benefits will be available for this vocational experience.
- The total hours of the experience will, as a general rule, not exceed:
 - 5 hours for vocational exploration per job experience (career awareness, job shadowing, job site evaluation)
 - 90 hours for vocational assessment per job experience (situational assessments)
 - 120 hours for vocational training per job experience (work adjustment training, job skill training, job coaching)

Order of Selection

When VRBS cannot serve all eligible individuals due to lack of resources, all people who apply and are found eligible for VRBS services will be placed into one of the following priority categories: 1) individuals with most significant disabilities; 2) individuals with significant disabilities; or, 3) all other individuals. When it is impossible to serve all individuals, eligible persons will be served according to their priority categorization and date of application. Those who are most significantly disabled will be served first, followed by those who are significantly disabled, and then by all others. Those individuals who are impacted by order of selection will be provided with information and referral services that may assist them until VRBS can.

Client Rights and Responsibilities

A participant of VRBS services has certain rights and responsibilities. For example, a participant can appeal any decision at any time, and can contact the Client Assistance Program (CAP) for assistance with the appeals, and for advocacy services. A responsibility of all VRBS participants is to be active in developing and following their IPE. There are other rights and responsibilities that a youth should be aware of. These will be explained to the youth and his or her family by a VRBS counselor.

Case Closure

A VRBS participant's case will be closed at some point in time. The VRBS services are not ongoing, lifetime services. Ideally, a case will be closed when a student is successfully rehabilitated (meaning employed or "status 26" in VRBS terminology) or when the individual, the VRBS counselor, and others working with the individual agree that he or she has reached their employment goal and no longer requires VRBS services to maintain employment. A VRBS case file can also be closed because someone is ineligible for VRBS services, or for other reasons such as refusing services or failure to cooperate. In the event further VRBS services are needed to assist a person with maintaining employment, that person's case may be reopened under post-employment services.