

## Introduction to Agencies

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

The Workforce Innovation and Opportunity Act of 2014 (WIOA) set VRBS and the rest of our nation's public vocational rehabilitation agencies on a new path. The new path requires VRBS to serve high school students with disabilities much earlier than before with a new set of services called Pre-Employment Transition Services (Pre-ETS). Perhaps the most amazing characteristic of Pre-ETS is its collaboration between high schools and VRBS. The WIOA

wants schools and VRBS to work together to deliver Pre-ETS within the educational setting. The updated changes for VRBS were made because our model of service was one based on serving individuals through a vocational plan. VRBS provides its individualized services directly and through its network of community-based providers. The new WIOA model requires VRBS to step away from its past practices and to network with schools with services that look and feel more like regular high school classes than traditional VRBS case services. VRBS still delivers those case services, but we now emphasize the delivery of Pre-ETS in the school setting. In fact, high school students with disabilities do not have to be a VRBS clients. Pre-ETS are open to all students with disabilities, even those who have no intention of applying to VRBS.

VRBS is currently contracting with school districts to deliver Pre-ETS in high schools. These in-school Pre-ETS services may be supplemented by traditional VRBS case services. At all times, Pre-ETS must be delivered in the spirit of work in the community for livable wages and without the use of subminimum wages.

The WIOA is grounded on the premise that disability is natural and that people with disabilities have a right to make informed choices about their lives. With the new school-VRBS collaborations, we hope to build choices for youth with disabilities that will land them careers that fit their interests and capabilities.

## **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 Developmental Disabilities Program (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.

### **Workforce Innovation and Opportunity Act (WIOA) - VR**

Under the Workforce Innovation and Opportunity Act (WIOA) of 2014, 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 Workforce Innovation and Opportunity 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.

### **Workforce Innovation and Opportunity Act - Department of Labor**

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 no 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:

- Is not attending any school (as defined under state law)
- Be no 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 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 Women 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
  - An individual who is pregnant or parenting
  - An individual with a disability
  - A low-income individual who requires additional assistance to enter or complete an education program or to secure or hold employment

The Workforce Innovation and Opportunity Act 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 WIOA allows for five percent of each youth provider 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**

The Workforce Innovation and Opportunity Act recommended that VRBS serve high school youth with disabilities much earlier than before with a new set of services called Pre-Employment Transition Services (Pre-ETS). The WIOA wants schools and VRBS to work together to deliver Pre-ETS within the educational setting. The change is an updated model for VRBS because our model of service is one based on serving individuals through a vocational plan. VRBS still delivers those case services, but we now emphasize the delivery of Pre-ETS in the school setting. The case services work in conjunction with the school's transition services and are based on individual need. In fact, high school students with disabilities do not have to be VRBS clients. Pre-ETS are open to all students with disabilities, even those who have no intention of applying to VRBS. **Pre-**

**Employment Transition Services are available to student with disabilities ages 14-21 who are in high school, college, or another recognized education program.**

With this in mind, any paid work opportunities for students must be in a competitive and integrated setting. Internships, unpaid work experiences, job shadowing and volunteer experiences must also be in an integrated setting.

Description of the 5 Pre-Employment Transition Services (Pre-ETS):

- Job Exploration Counseling -- explore the world of work, explore interests and abilities, work with a job mentor, investigate careers, etc. Examples for schools: career choice curriculum, mentoring programs, guest speakers, PEP Talk courses, teacher resources (texts, assessments, work books), attendance at career fairs and more
- Work-based learning experiences -- get valuable work experience through paid or unpaid work, volunteer, complete an internship or begin the steps of an apprenticeship. Examples for schools: Wages paid to students for work experiences, internship projects, staff time for work site training, in-school work experiences, curriculum costs, etc.
- Counseling on opportunities for enrollment in post-secondary education -- for those students seeking further education after high school, this may include investigating career paths, referrals to college resources, campus visits among other activities. Examples for schools: program fees for the Movin' On programs, guest speakers from the University System, staff time to assist students with college related paperwork, Provide students with resources to learn about TRIO Student Support Services, TRIO-Upward Bound, and Disability Services for Students
- Work Place Readiness -- these are services to help students get ready for the challenges of work. This may include training in soft skills, customer service, work place communication as well as peer mentoring, independent living skills, accessing transportation and self-advocacy. Examples for schools: soft skills curriculum or courses, work place readiness teaching materials, peer mentoring program, soft skills classes through third parties, local employer panels, bus/transportation training, etc.
- Instruction in Self Advocacy – Students learn to live the life they want. These are services to help students understand more about themselves and how to interact with the world. Examples for schools: courses taught at an Independent Living Center, peer mentoring, self-advocacy, attendance at the Montana Youth Leadership Forum or Montana Youth Transitions Conference, SSI Benefits counseling, financial literacy courses, peer or self-advocacy training materials, staff time for coordinating classes, curriculum purchase and other training opportunities

Competitive/Integrated Employment

VRBS presumes that all individuals with disabilities are capable of competitive and integrated employment. Competitive integrated employment is defined as work paid at the greater of minimum or prevailing wages with commensurate benefits occurring in a typical work setting where the employee with a disability interacts or has the opportunity to interact continuously with co-workers without disabilities and has an opportunity for advancement and job mobility.

## **Workforce Innovation and Opportunity 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, 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 Pre-ETS Specialist or VRBS Counselor may participate in a student's IEP meeting if the parent gives permission to invite them. During the IEP meeting, the Pre-ETS Specialist 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 pre-ETS services. The optimum time for VRBS to begin working with a student with a disability is when the student is eligible for Pre-ETS services (at least 14 years old and enrolled in a secondary education program). If the student applies for VRBS services and is no longer on a waitlist established through Order of Selection, the VRBS counselor will work with the student to develop an employment plan that will outline an employment goal that the student wishes to achieve. This



plan is called an Individualized Plan for Employment (IPE) and for special education students is coordinated with the student's IEP.

For students under Workforce Innovation and Opportunity Act, 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?**

### **VRBS**

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.

Pre-ETS

Pre-ETS are open to all students with disabilities, even those who have no intention of applying to VRBS. Pre-Employment Transition Services are available to students with disabilities ages 14-21 who are in high school, college, or other recognized education program.

Eligibility can be determined through:

- utilizing records that were obtained while determining eligibility for VRBS.
- providing the Pre-ETS Specialist with a copy of an IEP, 504, or any other documentation of a disability
- The completion of a Pre-ETS Student request form that is completed with collaboration from the student, parent (if student is less than 18 years old), school staff, and the Pre-ETS Specialist employed through VRBS.

### **Workforce Innovation and Opportunity Act**

For students under Workforce Innovation and Opportunity 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 for 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?

### IDEA

#### 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.

### VRBS

#### 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 Work Based Learning 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 VRBS 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.

### 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. Individuals with the most significant disabilities will be served first, followed by those with significant disabilities, 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.

### Exiting VR Services

A VRBS participant's case will be exited when services are no longer needed, or an individual has successfully reached their employment goal and no longer requires VRBS services to maintain employment. A VRBS case file can also be exited because an individual 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.