

## Chapter 5 Transition Youth

**5.00 Operational Definitions** (Defined words, italicized in blue within the chapter, are per code and best practices.)

- A. **Transition Youth** - are individual's ages 14 – 24 years old who have a disability. In Florida, the Division of Vocational Rehabilitation (VR) begins outreach activities to youth when they turn 14 years of age, so that they and their families are aware of possible services available to help transition from school to a life beyond secondary (Grade 6-12) schooling. A *transition youth* can be a *student with a disability* or a *youth with a disability*.
- B. **Transition Youth Services** - are activities offered by VR to promote movement from school to post-school/youth to adulthood. The services are varied and may include postsecondary education, vocational training, competitive integrated employment (including supported employment), continuing and adult education, and community participation. Transition services must promote or facilitate the achievement of the employment outcome identified in the Individualized Plan for Employment (IPE). [Reference: 34 CFR Section 361.5(c)(55).]
- C. **Student with a Disability** –
1. Is a student [Reference: 34 CFR Section 361.5(c)(51) and Section 614(d)(1)(A) of IDEA]
    - a. at least 14, but not older than 21 years of age, and
    - b. in a secondary, postsecondary, or other recognized educational program that includes:
      - i. individuals who are eligible for, and receiving, special education or related services under part B of IDEA or;
      - ii. an individual with a disability receiving services from a Florida secondary, postsecondary, or other recognized educational program under a *504* plan or for purposes of Section *504* of the Rehabilitation Act, or;
      - iii. an individual who is regarded as having a disability by the secondary, postsecondary, or other recognized educational program, including homeschool and virtual school.
  2. Students with disabilities do not need to apply and be determined eligible for the VR program to receive Pre-ETS.
- D. **Youth with a Disability** –
1. Is at least 14, but not older than 24 years of age [Reference: 34 CFR Section 361.5(c)(58)].
  2. Who may or may not be participating in an educational program but may apply to receive *Transition Youth Services*.
    - a. Note: A *student with a disability* is considered a *youth with a disability* because they are within the age range specified above AND eligible for or receiving educational services; however
    - b. A *youth with a disability* who is outside the age range for a *student with a disability* or is not participating in an educational program is not a *student with a disability*.

E. **Potentially Eligible** – A *Transition youth* must be a student with a disability to access services without officially applying to VR. Only a *student with a disability* may be identified as a *potentially eligible* individual.

A *student with a disability* must:

1. Be enrolled in secondary or postsecondary training or education;
2. Be between the ages of 14-21 years of age; and
3. Have Disability Documentation that may include an Individualized Education Plan (*IEP*), a *504* plan, or other documentation of the disability.

**Note:**

- a. Potentially eligible individuals may only receive Pre-ETS.
- b. No additional VR services may be offered until after they apply, be determined eligible for VR services, be assigned the appropriate category if the State is on an Order of Selection, and have an approved IPE.
- c. Potentially eligible individuals may continue to receive Pre-ETS while waiting for eligibility determination, if application is made.

F. **Pre-employment Transition Services (Pre-ETS)**

1. Pre-Employment Transition Services (*Pre-ETS*) are the earliest set of vocational rehabilitation services that a student can receive. The student must at a minimum meet the *potentially eligible* guidelines set forth in 361.48 (a)(1) meaning all students with disabilities regardless of whether they have applied or been determined eligible for vocational rehabilitation services are provided the following five types of services:
  - a. job exploration counseling;
  - b. workplace readiness training;
  - c. work based learning experiences (WBLE);
  - d. self-advocacy instruction, including peer mentoring; and
  - e. counseling on opportunities for enrollment in postsecondary educational programs, including Comprehensive Transition Programs.
2. *Potentially eligible* individuals can receive *Pre-ETS* services only.
3. Similar services can be provided to those not meeting the *student with a disability* definition, such as *youth with a disability*; however, they are not offered the *Pre-ETS* coursework, counted as *Pre-ETS*, nor paid with *Pre-ETS* budgets (Y codes).

G. **Local Education Agency (LEA)**

1. The Local Education Agency (*LEA*), that operates local public primary and secondary schools, is responsible for providing and paying for transition services that are also considered special education or related services and that are necessary for ensuring a free appropriate public education (FAPE) to children with disabilities.
2. Nothing under Title I of the Rehabilitation Act shall be construed as reducing a *LEA's* obligation to provide the above-described services under IDEA [Reference: Section 101(c) of the Rehabilitation Act and 34 CFR Section 361.22(c).]

H. **State Education Agency (SEA)**

Formal governmental level for the state-level government agencies within each U.S. state responsible for providing information, resources, and technical assistance on education matters to schools and residents.

I. **Supplant** – to supersede or replace.

VR Transition Services do not *supplant* transition services authorized under the Individuals with Disabilities Education Act (IDEA) that are delivered through a secondary school or any other entity charged with the delivery of transition services in accordance with the IDEA.

J. **504 Plan** – is a school's written statement of services provided in accordance with Section 504 of the Federal Rehabilitation Act of 1973. Section 504 requires school districts that receive federal funding to provide a "free and appropriate public education" (FAPE) to each qualified *student with a disability* who is in the school district's jurisdiction, regardless of the nature or severity of the disability. Appropriate educational services are designed to meet the individual needs of such students to the same extent as the needs of students without disabilities are met. Pre-Employment Transition Services can be provided to students who are receiving services under a 504 plan in a traditional or non- traditional high school setting. [Reference: 34 CFR Part 104, Subpart D, Sections 104.31–104.39.]

K. **Individualized Education Program (IEP)** - The school's written plan to meet educational goals and objectives for a *student with a disability* is called an Individualized Education Program (*IEP*). The *IEP*, or "Plan", must include a statement of the student's present levels of academic achievement and functional performance. It must also include how the student's disability affects his or her involvement and progress in the general education curriculum, that is, the same curriculum as for students without disabilities. [Reference: 34 CFR Section 300.320.]

L. **Workforce Innovation and Opportunity Act (WIOA)** - is a federal law that became effective in 2014 and reauthorizes and amends the Workforce Investment Act and the Rehabilitation Act of 1973. The law consists of five titles, and Title IV contains the requirements for the Vocational Rehabilitation program. The underlying principle behind Title IV is that too many individuals are leaving high school unprepared for work and independence. With that in mind, *WIOA* prescribes certain service provision requirements discussed below.

### 5.01 VR Requirements

A. VR must offer *Pre-ETS* to all students with disabilities who need them, who are eligible or *potentially eligible* (without the need to make application to the agency) for VR services.

B. VR must consider the unique strengths, resources, priorities, interests and needs of all *transition youth* and ensure every effort to provide information to help them make informed choices. [Reference: VR Counselor Policy Manual, Chapter 4.]

C. VR is required to provide *Pre-ETS* to all individuals who meet the definition of *student with a disability*. The law allows students with undocumented immigration status to receive *Pre-ETS* through

VR. As long as the individual is a *student with a disability* as evidenced by an *IEP* or *504* plan, the student is considered *potentially eligible* and may receive Pre-Employment Transition Services. Individuals who apply for VR services must follow the established policies and procedures including the Non-Discrimination and Residence Requirements in VR Policy Chapter 4, 4.01.

- D. VR is responsible for following Section 511 guidelines to ensure individuals 24 or younger (Youth) are informed of all employment options. VR must provide direction and establish statewide consistency when a Youth, 24 years or younger, makes an informed choice not to pursue competitive integrated employment (CIE) and wishes to pursue subminimum wage employment. [Reference: Field Services Operational Procedure (FSOP) Section 511, Youth Seeking Subminimum Wage and Counselor Policy Manual, Chapter 17.]
- E. To participate in any Transition services, *Pre-ETS* or other VR services, parental consent, if applicable, must be obtained pursuant to the state law regarding confidentiality, as well as policies of the educational programs. [Reference: VR Counselor Policy Manual, Chapter 2 and 6A-25.004(1)(c) and (d).] Parents or guardians shall be included in the vocational rehabilitation process only if the individual with a disability is a minor (less than eighteen [18] years old), unless otherwise documented in case file.
- F. In order to obtain or release confidential information, including to educational agencies, VR shall use the release and waiver forms as referenced in the VR Counselor Policy Manual, Chapter 2.
- G. Notice of Decisions and Appeals Procedures will follow standards established in the VR Counselor Policy Manual, Chapter 3.
- H. Case transfers will follow standards established in the VR Counselor Policy Manual, Chapter 1 [Reference: FSOP Casework Process 2 Out of Area Case Transfer Process.]

## **5.02 VR Transition Services in Coordination with Educational Agencies**

- A. The reauthorization of the Rehabilitation Act in 1998 and in 2014 places responsibility on VR to form working relationships with, and provide technical assistance and consultation to, the State Education Agency (*SEA*) in order to develop long-term rehabilitation goals and to facilitate the transition of students with disabilities from secondary schools to VR. Collaboration includes:
  - 1. providing transition services, including *Pre-ETS* for students with disabilities, and
  - 2. creating joint informational memos, informing all parties of *WIOA* updates and subsequent actions of those updates.
- B. Coordination with postsecondary educational agencies is optional but encouraged, upon request and informed consent of the individual.

### 5.03 Referrals

- A. Any agency, organization, individual (including self-referral) or the One-Stop delivery system, may refer an individual to VR for Transition, *Pre-ETS* and/or other agency services.
- B. A secondary or postsecondary school may refer *transition youth* who are *potentially eligible* students with disabilities for *Pre-ETS*. The preferred method is through the STAR portal. The referring agent shall provide the local VR office with the required documentation.
- C. The *Pre-ETS* Referral and the VR Referral forms are both available for use, but neither is required for referral. The *Pre-ETS* Referral form may be provided by the secondary or postsecondary school that the student attends. The VR Referral form is located on the VR website at [www.rehabworks.org](http://www.rehabworks.org).
- D. Each referred individual must be seen or contacted by VR within three (3) business days of the referral's receipt by utilizing **an initial appointment letter (VCMT003)**, e-mail or documentation in a case note of telephone contact. [Reference: Counselor Policy Manual, Chapter 4.]

### 5.04 Application

- A. A *youth with a disability*, that is not also a student with a disability, must make formal application to receive VR services. If they are not in a formal educational program they are not considered a *student with a disability* or *potentially eligible*.
- B. VR will provide information regarding available alternatives, including the option to apply for VR services should a *potentially eligible* individual request services that are not *Pre-ETS*. Upon request, VR will assist the student and/or the student's representative to complete a VR referral/application during the initial appointment or earlier, as appropriate.
- C. Should a *student with a disability* apply for VR services and be determined ineligible they are no longer considered to be *potentially eligible* and no longer qualify to receive *Pre-ETS*. The student may reapply for services if their circumstances change.
- D. If VR is under an Order of Selection, access to *Pre-ETS* for a *student with a disability* placed in a closed category [Reference: VR Counselor Policy Manual, Chapter 7] is based on the following:
  - 1. If the student received *Pre-ETS* from VR prior to being determined eligible for VR services, and is placed on a wait list when VR is under an Order of Selection, that student may continue to access and receive *Pre-ETS* services while waiting to be processed.
  - 2. If the student did not receive *Pre-ETS* from VR prior to being determined eligible for VR services, and is placed on a wait list while VR is under an Order of Selection, that student will not be allowed access to receive *Pre-ETS* from VR while waiting to be processed.
  - 3. Students that are in a closed category while VR is under an Order of Selection may participate in Services to Groups when such services are available. [Reference: VR Counselor Policy manual, Chapter 11.]

4. Students that are unable to begin or otherwise participate in *Pre-ETS* through VR must be provided information by VR regarding any other known comparable services or benefits that would provide such services.

### 5.05 Eligibility

- A. *Transition Youth* must meet the same eligibility criteria as any other individual applying for VR services [Reference: VR Counselor Policy Manual, Chapter 6.]
- B. *Pre-ETS* may be delivered continuously to a potentially eligible student after formal VR application and throughout eligibility determination.
- C. An individual is considered to be a *student with a disability* up until their 22nd birthday while they are in school.

### 5.06 Accommodations

- A. A *student with a disability* (*potentially eligible* and eligible customers) may be provided Auxiliary Aids and/or Services in order to access or participate in pre-employment transition services.
- B. If any *student with a disability* requires an auxiliary aid or service to access or participate in any of the pre-employment transition services, VR must pay for such costs if no other public entity (e.g. schools) is required to provide such aids or services.
- C. Aids and services include interpreter services, reader services, screen reader software or video based telecommunication products [Reference: Section 103(a)(10) of the Rehabilitation Act and 34 CFR 361.48(b)(10) and (11).]
- D. If application is made for VR services, individuals will receive appropriate accommodations as determined according to the VR Counselor Policy Manual and associated procedures.

### 5.07 Individualized Plan for Employment (IPE) for Transition Youth

- A. A *Transition youth*, who is not a *student with a disability*, must have an IPE developed as standard practice for any VR customer.
- B. When application is made, an IPE for a *student with a disability* should be developed for a student as soon as possible in the transition process.
- C. During Financial Participation Determination, when estimating the financial extent of their participation in the costs of VR services, *Pre-ETS* are considered exempt services. [Reference: VR Counselor Policy Manual, Chapter 9.]

- D. A student with a disability, with an approved IPE, may be referred for placement services, including Supported Employment, during their senior year up to five (5) months prior to exiting from secondary school, as a best practice.
1. To ensure a seamless transition from secondary school to employment VR staff should be careful about initiating services that may deter a student from finishing school, or introducing services that may reduce the individuals' attention in meeting their academic requirements.
  2. Ensure that the student has received enough career exploration services, before committing to a final employment outcome.
  3. To participate in placement services the student with a disability must meet the following criteria:
    - a. is no longer participating in *Pre-ETS* but has received at least one *Pre-ETS* service before having a placement referral; and
    - b. is graduating without a deferral and/or is exiting from secondary school; and
    - c. has a vocational goal on the IPE or IPE amendment that is the focus of placement services; and
    - d. is not pursuing or planning to pursue postsecondary education or training.

#### 5.08 Transition Services

- A. VR must provide *Pre-ETS* within a reasonable period of time, not to exceed 90 days after the date that VR receives an individual's consent or, for a minor, a parent's or legal guardian's consent, to receive services; unless unforeseen circumstances beyond the control of the division prevent the division from providing services within the 90-day timeframe and the division and the individual or, for a minor, a parent or legal guardian agrees that an extension of time is warranted [Reference: Florida Statute (F.S.) 413.301(2)].
- B. *Pre-ETS* may be delivered to a *student with a disability* whenever and wherever the student is available to participate as long as VR is not *supplanting* school services.
- C. *Pre-ETS* may also be delivered to a *student with a disability* in a group or class setting when it is the natural environment for receipt of such services.
- D. Purchases for *Pre-ETS* or other transition services shall align with VR standard procedural practices. [Reference: VR Counselor Policy Manual 9, and FSOP Budget 2: Authorizations.]

#### 5.09 Closures

- A. Case Closure for a *potentially eligible* individual (or a *student with a disability*) must meet the same requirements as found in Chapter 18 (Closures). Closure reasons also include when the individual is:
1. no longer participating in *Pre-ETS* and requests the case to be closed;
  2. reaching his/her 22<sup>nd</sup> birthday;
  3. to graduate without deferral of diploma or when obtaining a high school equivalency diploma; or
  4. exiting secondary or postsecondary education and no longer meets the definition of a *student with a disability*.