

### Introduction

NYSCB works with youth, families and school districts to facilitate the coordination of appropriate transition services for students and youth who are legally blind and transitioning from school to the world of adult responsibilities and work. NYSCB recognizes that these efforts are critical to enable students and youth to achieve maximum success in employment, post-secondary education, independent living, and community participation and is committed to being an active partner in the transition process. Making the transition from school to the adult world requires careful planning and a cooperative effort among families, school staff and community service providers. Planning will help students, youth, their families and school districts design services to maximize the student's years in school to prepare for full inclusion and integration into society, employment, independent living, and economic self-sufficiency. Transition planning is a team process based upon an individual's strengths, preferences, interests and dreams for the future.

The NYSCB VR program serves eligible individuals ages 10 and older by providing an array of services that gives individuals the tools necessary to enable them to make informed decisions about their future goals. The youth and his or her parents work with the VR counselor to set academic and career goals and put a plan in motion to meet those goals. This often includes gaining work experience before graduating from high school, as well as learning self-advocacy and independent living skills that help lead to future success.

Services are provided through the VR program, in accordance with VR policy and procedures.

### Legal Basis/Definitions

Transition services are mandated through two federal laws: The Individuals with Disabilities Education Improvement Act of 2004 (IDEA) and the Rehabilitation Act of 1973, as amended by the Workforce Innovation and Opportunity Act (WIOA).

IDEA is the law providing for the education of students with disabilities. IDEA defines *transition services* as:

*“A coordinated set of activities for a child with a disability, designed within a results-oriented process, that is focused on improving the academic and functional achievement of the child with a disability to facilitate the child's movement from school to post-school activities, including postsecondary education, vocational training, integrated employment (including supported employment), continuing and adult education, adult services, independent living, or community participation. The*

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*coordinated set of activities shall be based upon the individual child's needs, taking into account the child's strengths, preferences and interests, and shall include instruction, community experiences, the development of employment and other post school adult living objectives and, when appropriate, acquisition of daily living skills and functional vocational evaluation."*

The Rehabilitation Act of 1973 prohibits discrimination on the basis of disability and applies to any program that receives federal financial support. The legislation provides a wide range of services for individuals with disabilities.

The Rehabilitation Regulations define *transition* as follows:

*"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 (including supported employment), continuing and adult education, adult services, independent living, or community participation. The coordinated set of activities shall be based upon the individual student's or youth's needs, taking into account the student's or youth's preferences and interests, and shall include 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. It will promote or facilitate the achievement of the employment outcome identified in the student's or youth's individualized plan for employment and will include outreach to and engagement of the parents, or, as appropriate, the representative of such a student or youth with a disability."*

### School Responsibilities in Transition

Schools are required to provide students with disabilities who are eligible for services under IDEA with transition programs and services, including special education and related services, to ensure a free appropriate public education (FAPE) and promote post-school integrated employment, independent living, community integration, and postsecondary education/training.

Students with disabilities who are identified by the Committee on Special Education (CSE) require an Individualized Education Program (IEP). The IEP is a written statement that specifies the special education goals and services that the school must provide to meet the unique needs of a student with a disability.

IDEA requires transition planning to be initiated no later than when the student is 16 years old. In New York State, transition services must be included in a student's IEP beginning with the school year in which the student turns 15, or younger if appropriate. The school district, through its Committee on Special Education, has the legal

responsibility to develop a student's IEP, coordinate transition planning and arrange for transition services.

Students with disabilities who do not have an IEP but require reasonable accommodation while attending school must have a written plan under Section 504 of the Rehabilitation Act of 1973; this is commonly referred to as a 504 plan. School districts are required to provide access to existing programs and services on a basis equal to that provided for students who do not have disabilities. Students in this circumstance may require the development of academic skills, career preparation services, or social skills in preparation for transition to successful adult life. They may need to work with school personnel, NYSCB and other agencies to access appropriate resources, including existing academic and career preparation curricula, and other services. Each public school should have a person who serves as the school's "504 coordinator" and is responsible for coordinating the development, maintenance, and implementation of 504 plans.

#### Required Documentation for Students with an IEP

The student's IEP must include measurable post-secondary goals based upon age-appropriate transition assessments beginning the school year the student turns age 15, or younger if determined appropriate. The post-secondary goals should be related to training, education, employment, and, where appropriate, independent living skills. The IEP, which must be updated at least annually, also documents a student's transition needs, annual goals and transition services necessary to assist the student in achieving his/her post-secondary goals. The IEP must also include a statement of the responsibilities of the district and when applicable, participating agencies, such as NYSCB, for the provision of transition services.

Age-appropriate transition assessments completed by school district personnel help the student learn more about his/her interests, strengths and areas of need. This process also assists the CSE in identifying student strengths and needs and the services necessary to assist the student in accomplishing his/her goals. Age-appropriate assessment results may also identify community supports or linkages that may be beneficial for the student.

#### Student Exit Summary

IDEA 2004 created a new requirement for schools that should help students with disabilities make a smoother transition to post-school employment or education/training and independent living. Schools must now provide a "Summary of Performance", called the Student Exit Summary in New York State, prior to school exit for a student whose eligibility for special education services terminates due to graduation from secondary school with a regular diploma or due to exceeding the age eligibility for a free

appropriate public education (FAPE) under state law. This summary must include information on the student's academic achievement and functional performance and include recommendations on how to assist the student in meeting postsecondary goals.

Congress intended for this summary to provide specific, meaningful and understandable information to the student, the student's family, and any agency, including postsecondary schools, which may provide services to the student upon transition. Schools are not required to conduct any new assessments or evaluations to provide the summary. Prior to leaving school, the student exit summary will be prepared and discussed with the student. The goal is for the student to use the student exit summary as a tool when talking to potential employers and adult services providers. **VR counselors may request a copy of the student exit summary from the student for planning purposes.**

### Coordinating School District and NYSCB Services

School districts have the primary planning, programmatic and financial responsibilities for the provision of transition services, including special education and related services. Financial and programmatic responsibility for services, other than those which are mandated for school districts by federal or state law or regulation, may be shared by other agencies (including NYSCB) that have responsibilities for transition under the Rehabilitation Act or other statutory provisions. NYSCB's responsibilities may include technical consultation to schools (for example, providing information regarding assistive technology) and preparing students for permanent employment. NYSCB staff should use their knowledge and experience to assist the CSE in identifying appropriate services to prepare students to participate in pre-employment transition services, transition services and other VR services to achieve postsecondary, employment and community living outcomes. While the following services may be provided by NYSCB, the provision of these services should not supplant the school's responsibilities.

As a participant in the school's transition planning process, NYSCB should

1. contribute knowledge of rehabilitation services and outcomes;
2. identify the need for involvement by other state agencies, adult service programs, independent living centers, and community-based services whose resources can assist youth who are legally blind, their families, and education personnel during the transition planning and service delivery process; and
3. provide information to assist in the selection of vocational goals that are consistent with labor market needs and integrated community living opportunities, including information about
  - a. work-site accommodations,

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- b. employer expectations,
- c. labor trends and occupational outlooks,
- d. job entry qualifications,
- e. job placement analysis,
- f. work opportunities, and
- g. other vocationally-related issues.

The VR counselor may participate in the youth's CSE meeting. Parent consent, or consent of the youth if age 18 and older, is required before the CSE may invite outside service providers, such as the VR counselor, to the student's CSE meeting. If the VR counselor cannot attend in person, other alternatives may be used to include them in the meeting, such as video and telephone conferences. As an active CSE meeting participant, the counselor can provide specific information to the CSE about the NYSCB services available to the student. If appropriate, these services will be included in the IEP.

The Joint Agreement Between the NYSED Office of Special Education and NYSCB provides additional information regarding the overview of purpose, objectives and joint responsibilities of each party in the provision of transition services for youth who are legally blind.

### Transition Services Available through NYSCB

Transition services at NYSCB are provided by both children's consultants and transition counselors. Children can be transferred from the state-funded Children's Program to the federally funded Vocational Rehabilitation Program at age 10. The transferred child will continue to work with their children's consultant until at least age 14 when they can be transferred to a transition counselor if they are ready for vocational rehabilitation. Both children's consultants and transition counselors are vocational rehabilitation counselors who specialize in assisting children, students and youth who are legally blind.

All children transferring from children's services and applicants new to NYSCB must complete an application for vocational rehabilitation services and provide documentation of eligibility for services. Eligibility will need to be established within 60 days from the date of application. An Individualized Plan for Employment (IPE) will be jointly developed by the counselor and the youth, based on the youth's interests and objectives. The IPE should be developed within 90 days of eligibility determination. If NYSCB and the eligible individual decide that an extension to develop the IPE is needed, an agreed upon date for completion will be identified and documented in the case record. For students with disabilities who receive special education and related services under IDEA, the IPE must be developed and approved (i.e., agreed to and

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signed by the student, or the student's representative, and the VR agency counselor) within 90 days from eligibility determination and no later than the time each VR-eligible student leaves the school setting. Youth may receive a wide range of vocational rehabilitation services depending on individual needs to achieve the planned

employment outcome identified on the IPE. See Chapter 6.00, Individualized Plan for Employment, for additional information.

Examples of VR services provided by NYSCB:

- Evaluations/assessments
- Vocational rehabilitation planning and counseling
- Independent living skills development training (orientation and mobility, daily living skills)
- Assistive technology assessments, for post-secondary or vocational needs
- Socialization skills services to develop social skills and enhance self-confidence
- Support services while completing training
- Low vision services
- Pre-employment transition services that include: job exploration counseling, counseling on enrollment opportunities in comprehensive transition or postsecondary education programs, work-based learning experiences, workplace readiness training and instruction in self-advocacy

The VR Counselor does the following:

1. Provides counseling, support and guidance to students, youth, parents, and schools to promote effective transition planning and services, including pre-employment transition services and other VR services
2. Networks with schools and community resources to develop and maintain referral sources to identify and reach students and youth who are legally blind
3. Assists eligible individuals with developing an Individualized Plan for Employment (IPE)
4. Plans and coordinates skill development and confidence building activities for participants that may include socialization skills programs and work experience programs
5. Acts as a consultant to NYSCB agency staff regarding transition issues

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6. Assists students and youth in obtaining technology evaluations, recommended adaptive equipment and training in the use of equipment for post-secondary education and/or long-term employment
7. Attends relevant community transition meetings
8. Contacts appropriate representatives of other organizations (with appropriate releases from families) to encourage interagency cooperation

### Coordinating the IPE with the IEP

The coordination of the IPE with the IEP must be an integral part of the counselor's planning for pre-employment transition services, transition services and other VR services. Developing an IPE that coordinates closely with the IEP provides continuity of service delivery for those students who will need vocational rehabilitation services. With parental consent and consent of the student if age 18 and older, counselors should request a copy of the student's latest IEP and enter it into the electronic case file.

Collaboration in assessing student progress and participation in planning with the student, family and school should result in consensus about desired outcomes, goals and services that must be reflected in both planning documents. Information required on the IPE will be written to be consistent with the content of the IEP, including vocational goals, educational and rehabilitation objectives and services, projected dates and responsibilities for participation in the transition process.

### Student Employment

VR counselors encourage and support as appropriate, the student's participation in any of the Work-based learning (WBL) activities offered through schools. These experiences focus on assisting students in developing broad, transferable skills for postsecondary education and the workplace.

NYSCB recognizes the value of employment during high school and can provide summer and after school employment opportunities including work experience training for students with disabilities.

Counselors should also coordinate summer employment opportunities for students with existing programs funded by other sources. See Section 10.04, Work Experience Training, for additional information.

### Job Coaching

NYSCB will provide job coaching in conjunction with a work experience or summer job outside the school's responsibility. Consideration should be given to whether job coaching is required to enable the student to benefit from the work experience; it should **not** be provided routinely. (See Section 10.07, Job Coaching, for additional information about job coaching, including rates.)

### Child Labor Laws

In New York State, anyone under 18 (minors) must show an employment certificate before they begin work. Many people call these "working papers."

### Minors 13 Years of Age

In the State of New York, minors may not begin working in formal paid employment until the age of 14. Work experiences for 10-13-year-old students should be limited to volunteer activities or job shadowing. Students ages 10-13 may participate in pre-vocational programming provided by community partners that focuses on career exploration and often includes social skills/recreation activities.

### Minors 14 and 15 years of Age

Working papers serve as an official employment certificate. There are some restrictions about the number of hours students or youth may work, the times they may work, and the type of work they are allowed to do:

- When school is not in session, students and youth may not work more than 8 hours a day and 40 hours in one week.
- When school is in session, students and youth may not work more than 3 hours a day on school days or a total of 18 hours a week, outside of school hours.
- During the school year, students and youth may work between 7 a.m. and 7 p.m. only.
- In the summer (June 21st through Labor Day) youth may work from 7 a.m. to 9 p.m.

Refer to the Department of Labor's website [www.labor.ny.gov/youth](http://www.labor.ny.gov/youth) for additional information regarding youth and work.

How Work Experiences Affect SSI

The Student Earned Income Exclusion for SSI states that a blind or disabled child, who is a student regularly attending school, college, or university, or a course of vocational or technical training, may have limited earnings that are not counted against his or her Supplemental Security Income (SSI benefits). The maximum amount of the income exclusion applicable to a student who is legally blind are subject to change annually. The work experiences that NYSCB youth participate in during the summer are generally limited to 20 hours per week (or sometimes 25 hours) and students are paid minimum wage. Refer to [www.ssa.gov](http://www.ssa.gov) for current earning information and information on additional options that may be available through SSA.

Generally, the student and youth who work in the summer work programs do not come close to earning enough to impact their SSI. There are also Blind Work Expenses (BWE's) such as transportation that can be deducted from the earnings if the student or youth earn enough to get closer to the maximum allowable income. If families have concerns about the effect work may have on their child's benefits, they should be referred to an approved benefits advisor.

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

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### Pre-Employment Transition Services (Pre-ETS)

Pre-ETS services are available statewide to all students who are legally blind who are eligible or potentially eligible for VR services and in need of pre-employment transition services.

Pre-ETS services focus on building the skills needed to obtain competitive integrated employment. These services are designed to provide students with information, support and experiences that facilitate the exploration of their vocational interests, strengths and abilities. Students will have the opportunity to participate in any of the five required activities.

1. Job exploration counseling
2. Work-based learning experiences
3. Counseling on opportunities for enrollment in comprehensive transition or post-secondary educational programs at institutions of higher education
4. Instruction in self-advocacy; which may include peer mentoring
5. Workplace readiness training to develop social skills and independent living

### Student with a Disability

Pre-employment transition services are services for students who are enrolled in an educational program and are between the ages of 14 to 21 (up to the 22<sup>nd</sup> birthday). Educational programs include the following:

- Secondary education programs
- Non-traditional or alternative secondary education programs, including home schooling
- Post-secondary education programs
- Other recognized educational programs, such as those offered through the juvenile justice system

### Pre-ETS for Potentially Eligible Students

Students who are potentially eligible for NYSCB services will have the opportunity to participate in Pre-ETS services if they are between the ages of 14 and 21 (up to 22<sup>nd</sup> birthday), are enrolled in an educational setting and have not been determined eligible or ineligible for VR services. Potentially eligible students are only able to receive Pre-ETS services. If additional individualized VR services are needed to support the student's participation in the Pre-ETS service or the student requires additional VR support that is only available through an IPE, then an application for services will need

to be completed and eligibility determined. Referrals for pre-employment transition services can be made starting at age 14 for students enrolled in an educational program.

Information for potentially eligible students should include the following:

1. Student's name
2. Social Security number (if available)
3. Unique identifier (if available)
4. Date of birth
5. Race (if in elementary or secondary education)
6. Ethnicity (if in elementary or secondary education)
7. Student with a disability (indicate if the student has a 504 plan or an IEP)
8. Start date of pre-ETS services
9. The pre-ETS services provided

#### Youth with a Disability (Transition/VR Services)

Federal regulations make a distinction between “student with a disability” and “youth with a disability.” Youth with a disability are between the ages of 14 and 24 (up to the 25<sup>th</sup> birthday) who may or may not be enrolled in an educational setting. A student with a disability may also meet the definition of a youth due to the youth age range; however, a youth may not meet the definition of a “student” if the individual is beyond the age range of a student and not enrolled in an educational program.

#### Transition Services

NYSCB provides individualized VR and transition services to eligible youth regardless of enrollment in an educational program. Services will be provided based on the individualized needs of the student or youth in accordance with the identified goal on the IPE.

**Criteria for Referral to NYSCB VR Services**

With parent consent, or consent of the youth if age 18 and older, school districts are encouraged to make a formal referral for a student or youth to NYSCB any time the student or youth is thought to have a severe visual impairment, the student or youth requires additional services to meet the post-secondary goals in the IEP that are not otherwise available through mandated district based or funded programs, or the student or youth needs services provided by VR agencies.

**Referral Information**

Preferred documentation includes descriptions of the youth's current abilities, work-related limitations and service needs in functional terms. Examples include, but are not limited to

- documentation of legal blindness;
- the most current IEP or 504 plan;
- student medical and health screening reports including the most current ophthalmological, psychological, psychiatric reports, or other specialist's disability assessment, if available and relevant;
- reports from related services (e.g., rehabilitation teaching, orientation and mobility, occupational therapy, social work);
- reports indicating special equipment or other accommodations needed (e.g., communication needs, modes of reading and writing, proficiency in braille and visual functioning aids);
- indicators of academic achievement, such as transcripts, grades, academic achievement testing; and
- age-appropriate transition assessments.

Counselors may request and obtain additional school records if further information is required for eligibility determination or planning purposes. Written consent of the parent, or consent of the student if age 18 and older, must be obtained before any documentation is shared.

## TRANSFER FROM NYSCB CHILDREN'S SERVICES TO NYSCB ADULT SERVICES

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### Family Preparation

To prepare the family for the transition from children's services to VR services and begin planning for the future, the children's consultant should meet with the child and family during the child's 9th year and discuss that the child will be referred to the VR Program at the appropriate age. The discussion with the family should take place during each annual plan review until the transfer occurs and should be documented in the child's case record.

### Transfer Guidelines

All children who are expected to graduate by age 18 and who clearly have vocational potential can be referred to the vocational rehabilitation program for VR services during the year after the child's 10<sup>th</sup> birthday. The children's consultant will discuss the case transfer with the child and his/her parent(s) or legal guardian before transferring the case to the Vocational Rehabilitation Program.

Children's consultants will complete an *Indicators of Employability Transition Assessment* form for all children who remain on their caseloads after the child has turned 14. The form was developed to evaluate whether students and youth with multiple disabilities can benefit from VR services. The form should be completed by the children's consultant with input from the child, the child's teachers and parents. The completed form should be submitted to the children's consultant's supervisor for review and signature.

Transfer to the VR counselor can be delayed until the youth turns 18 if the child requires additional time to develop vocational potential and the children's consultant is **unsure** of their ability to benefit from VR services. Referrals can take place any time between the child's 14<sup>th</sup> and 18<sup>th</sup> years. Referrals for pre-employment transition services can be made starting at age 14 for students enrolled in an educational program. Children's consultants should complete the "Indicators of Employability Transition Assessment" each year for these youth and review the outcome with their supervisor to determine the child's progress/vocational potential.

Children who have habilitation needs only as indicated on the initial "Indicators of Employability Youth Questionnaire" form should remain open with the children's consultant until age 21. Linkages with the Office for People with Developmental Disabilities (OPWDD) should be in place before the child leaves school. The "Indicators of Employability Youth Questionnaire" form should be completed no less than every three years for these students, until their case is closed at age 21. The IOE Youth

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Questionnaire provides information and documentation supporting the reasons for remaining open under children's services.

### Referral/Transfer Meeting for youth ages 14 and above

As part of the transfer to the VR Program, the children's consultant will schedule a meeting with the senior counselor and/or the vocational rehabilitation counselor expected to be working with the student or youth, if known. The meeting may also include other rehabilitation professionals who are familiar with the child and family. The children's consultant should be prepared to provide a description of the child's disability and its impact on the child's functioning, a social summary, education information, relevant work experience, if any, and a summary of daily living skills. If possible, a date for transfer from the children's consultant to the vocational rehabilitation counselor should be established at the meeting.

### Procedures for Transfer

Once a counselor has been assigned, the children's consultant should follow this procedure if they are still under children's services:

- a. Make an entry in the case record summarizing the referral meeting, indicating the response of the child and family, and status change.
- b. Close the case using the Progress Report, indicating the reason for closure;
- c. Obtain signed Application for Services form.
- d. Inform the child's Teacher of the Visually Impaired of the transfer of NYSCB management responsibilities to the specified rehabilitation counselor.
- e. Assign the case record to the senior counselor or counselor, if known.

If the student or youth is receiving VR services from the children's consultant, the counselor will need to update the primary counselor in the case record.

The children's consultant should remain available for consultation upon request.