

DEPARTMENT OF LABOR & INDUSTRY
OFFICE OF VOCATIONAL REHABILITATION
PROGRAM GUIDELINES

- NUMBER:** ***Will be assigned a new number in the 200 series
- SUBJECT:** School to Work Transition
- STATE BOARD APPROVAL DATE:** ***This will be the date of State Board approval
- DISTRIBUTION:** OVR staff
OVR legal counsel
Pennsylvania State Board of Vocational Rehabilitation
Pennsylvania State Rehabilitation Council
Client Assistance Program
Statewide Independent Living Council
Advisory Committee for People who are Deaf & Hard of Hearing
Advisory Committee for the Blind
External stakeholders
- EFFECTIVE DATE:** ***This will be the date of the State Board meeting/approval
- IMPORTANT CHANGES:** Language has been updated to incorporate WIOA amendments to the Rehabilitation Act for Pre-Employment Transition Services, and Act No. 2016-26.
- RESULTING ACTION:** Archive OVR Numbered Memo 13-200.06, *School to Work Transition*, dated January 1, 2014
- AUTHORING AUTHORITY:** Rehabilitation Act of 1973, as amended by title IV of the Workforce Innovation & Opportunity Act (WIOA) of 2014, 29 U.S.C. § 701, *et seq.*, State Vocational Rehabilitation Services Program regulations, 34 CFR § 361.1 *et seq.*, Work Experience for High School Students with Disabilities Act, (P.L. 216, No. 2016-26), 43 P.S. § 683.1 *et seq.*
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Copies of this numbered memorandum are available upon request.

All materials provided, produced and published by OVR will be made available in the appropriate alternative format when necessary and/or upon request.

Table of Contents

- INTRODUCTION 4
- POLICY 4
 - Informed Choice..... 6
- PROCEDURES 6
 - Implementation Guidelines 6
- PRE-EMPLOYMENT TRANSITION SERVICES (Pre-ETS) 6
 - Description 6
 - Potentially Eligible Students 7
 - Definitions of Pre-Employment Transition Services (Pre-ETS)..... 7
 - Coordination Services..... 8
 - Authorized Services 8
 - LEA Responsibility 9
- TRANSITION SERVICES..... 9
- OUTREACH..... 10
 - Bureau of Blindness & Visual Services 11
 - Outreach to Students with Disabilities Who Do Not Have an IEP 11
 - Future Considerations..... 12
- FINANCIAL RESPONSIBILITY 12
 - Local Education Agency (LEA) 12
 - OVR 13
- COLLABORATION 13
 - Collaboration with LEAs 13
 - Goals 14
 - Statewide MOU 14
 - Liaisons 14
 - Services to LEAs..... 14
 - Local Transition Coordinating Councils 15
 - Dispute Resolution..... 15
 - Independent Living 15
- ADVOCACY..... 15
 - Description 15
 - Cross-Training 15
 - Dispute Resolution..... 15

- REFERRALS 16
 - OVR/LEA Collaboration 16
 - Duplication of Evaluations 16
 - Parental Consent and Engagement 16
 - Transition Coordinators 16
 - Pre-ETS Referral Information 16
 - VR Referral Process for Students 17
 - Referral Timeline 18
- INDIVIDUALIZED EDUCATION PROGRAM (IEP) MEETINGS 18
 - Description 18
 - OVR’s Role 18
 - IEP Meeting Attendance 18
 - Parental Approval 18
- VOCATIONAL AND CAREER ASSESSMENTS 18
 - Individualized Transition Plan (ITP) 18
 - Vocational Assessments 19
- PURCHASE OF EQUIPMENT AND OTHER SERVICES 19
 - LEAs’ Responsibilities 20
 - Auxiliary Aids 20
 - Additional Guidance 20
 - Rehabilitation Technology 20
- SUPPORTED EMPLOYMENT (SE) 21
 - SECTION 511 & STUDENTS 21
 - Section 511 of the Rehabilitation Act 21
 - Subminimum Wage refers to: 21
 - Youth must meet the following requirements before they can be paid a subminimum wage: . 22
- DEFINITIONS 22
- ATTACHMENTS 24

INTRODUCTION

The Pennsylvania Office of Vocational Rehabilitation (OVR) is responsible for promoting the employment of individuals with disabilities by providing vocational rehabilitation (VR), job training, and placement services pursuant to the Rehabilitation Act of 1973, as amended most recently by Title IV of the Workforce Innovation and Opportunity Act (WIOA) of 2014. The WIOA amendment to the Rehabilitation Act (Act) places significant emphasis on the provision of services to students and youth with disabilities who are eligible or potentially eligible for OVR services. Additionally, on May 17, 2016, the General Assembly of the Commonwealth of Pennsylvania enacted the Work Experience for High School Students with Disabilities Act, (P.L. 216, No. 2016-26), 43 P.S. § 683.1 *et seq.*, that mandates collaboration with local education and public agencies to ensure that students with disabilities are prepared to enter the workforce after graduation. OVR posts reports related to Act 2016-26 each quarter. Please see Guidance Document 18-400.10, *Central Office Staff Procedures to Publish Act 26 Quarterly Reports* (attached) for additional information.

OVR takes a leadership role in providing quality services to students and youth with disabilities as they transition from school to work or post-secondary education. Commonwealth agencies cooperate and collaborate in the provision of services to students and youth with disabilities in a variety of contexts in the continuum of services these individuals need to successfully transition from school to work. These services include but are not limited to early intervention; Pre-Employment Transition Services (Pre-ETS); education and related services; transition from school to competitive integrated employment; adult, continuing, and post-secondary education; adult services; independent living; and community participation.

POLICY

Utilizing its available resources, OVR will:

- ensure that students and youth with disabilities are provided an opportunity to exercise informed choice throughout the provision of OVR services;
- create a formula for providing Pre-ETS (required, authorized, and coordination);
- provide students with Pre-ETS and transition services under Title IV of the Rehabilitation Act;
- conduct outreach to students with disabilities who may benefit from VR services as early as appropriate during the transition planning process. OVR will work to foster the referral of students with disabilities to VR services at least two years prior to exiting high school;
- coordinate a referral process for students with disabilities in need of Pre-ETS, and students or youth with disabilities interested in applying for VR services. A student

with a disability is an individual with a disability in a secondary, postsecondary, or other recognized education program between the ages of 14 and 21, who is eligible for, and receiving, special education or related services under Part B of the Individuals with Disabilities Education Act (IDEA), 20 U.S.C. § 1400 *et seq.*, or is an individual with a disability, for purposes of section 504 of the Act;

- determine eligibility for individual VR services and develop an Individualized Plan for Employment (IPE) in coordination with the student's or youth's Individualized Education Plan (IEP) or 504 Plan as early as possible, if a student is interested and applies for VR services prior to graduation;
- attend IEP meetings in person or by alternative means, such as videoconferences and conference calls, when invited by local education agencies (LEAs);
- designate staff to be responsible for the oversight of the provision of technical assistance and consultation, and the development of program strategies and procedures applicable for students with disabilities;
- provide technical assistance to the Bureau of Special Education (BSE) and LEAs through formal and informal training, joint problem-solving, and exchange of information on policies and procedures;
- identify a single point of contact (SPOC) for each LEA and other schools (including approved private schools and other specialty schools) who will coordinate transition activities, develop collaborative approaches for student outreach and referral for VR services, facilitate communication with OVR staff, and assist with transition planning that facilitates the completion of a student's IEP and the student's transition from school to post-school employment;
- provide information to BSE on referrals and employment outcomes of students with disabilities by LEA on an annual basis, and additional information as requested and as applicable law allows;
- share information regarding policies, procedures, guidelines, programs and services to improve access to, and availability of, Pre-ETS and transition services;
- provide brochures and materials about the OVR process and services to LEAs for distribution to the students, families, legal guardians, teachers and others;
- conduct outreach to businesses and promote employer participation in work-based learning experiences, such as worksite tours, employer mock interviews, job shadowing, and paid work experiences for students with disabilities;
- advise OVR staff to attend IEP meetings when invited and, with parental consent, provide employment information, technical assistance, case consultation, and information on VR programs and referrals, when needed;
- perform outreach activities that help inform LEAs, students with disabilities, and their families about the VR program, including purpose of program, VR eligibility requirements, referral and application procedures, and the scope of services that may be provided to eligible individuals;

- provide supported employment services to a student in their final six months of high school or earlier as appropriate to secure permanent competitive, integrated employment if it is an identified service in their IPE; and
- utilize the most accessible and up to date technology and methodologies available to maximize student success.

Informed Choice

The Rehabilitation Act, *as amended*, requires that applicants and recipients of OVR services, including students and youth with disabilities, and, as appropriate, their representatives, exercise informed choice throughout the VR process. This includes, but is not limited to, exercising choice in how services are provided, providers, employment outcome, and setting(s) in which services will be provided. OVR staff must inform individuals of their right to exercise informed choice through appropriate modes of communication and provide information on availability of support services to individuals with disabilities who require assistance in exercising informed choice (34 CFR § 361.52).

PROCEDURES

Implementation Guidelines

Initial OVR outreach to students and youth with disabilities and their parents/families/advocates may occur as early as age 14.

OVR-eligible students and youth with disabilities should develop an IPE with OVR prior to acceptance of high school diploma, or upon exiting high school, in accordance with federal guidelines. This will require that a collaborative working relationship between OVR and LEAs be developed and should also include other community agencies likely to be responsible for providing or paying for transition services.

Per OVR Guidance Document 20-400.13, *Identity Verification Requirements for OVR Customers* (see attached), counselors are required to obtain documentation that establishes the identity of the customer, as well as employment authorization if the individual is not a U.S. citizen. Please refer to the guidance document for specific documentation requirements.

PRE-EMPLOYMENT TRANSITION SERVICES (Pre-ETS)

WIOA amends the Rehabilitation Act of 1973 and now requires VR agencies to set aside at least 15% of their federal funds to provide Pre-ETS to students with disabilities who are eligible or potentially eligible for VR services.

Description

Through Pre-ETS, the Rehabilitation Act, as amended by WIOA, expands the types of

services that VR agencies may provide to students with disabilities as they transition from school to post-secondary employment and education. These services are designed to be an early start at job exploration for students with disabilities, and maximize their potential to enter competitive, integrated employment. The increased emphasis on transition to employment in WIOA aligns with IDEA and Act 2016-26.

The WIOA amendments to the Rehabilitation Act expanded the population of students with disabilities to include individuals between the ages of 14 and 21, enrolled in high school (secondary), post-secondary training, or any other recognized education program, that have a disability as documented by an IEP or 504 Plan, or otherwise consider themselves a person with a disability. Pre-ETS can be provided to students who are eligible, as well as students who are considered potentially eligible for OVR services. The five *required* activities of Pre-ETS (section 113(b) of the Act and regulation § 361.48(a)(2)), can be provided in a group setting or on an individual basis and may be provided by a combination of OVR staff, community rehabilitation providers, and/or other agencies. Although Pre-ETS may be provided in group settings, such services must be provided under section 113 of the Act and section 361.48(a) of the VR regulations, and not under the “services to groups” authority under section 103(b)(7) and regulation § 361.49(a)(7).

Potentially Eligible Students

The WIOA amendments to the Rehabilitation Act also expand the number of students with disabilities who may receive Pre-ETS. Pre-ETS can now be provided to students who are eligible, as well as students who are considered potentially eligible for VR services, which includes all students with disabilities regardless of whether they have applied or been determined eligible for VR services. “Potentially eligible” applies only in the context of Pre-ETS. This means that students with disabilities who need individualized services beyond the scope of Pre-ETS must apply for, and be determined eligible for, OVR services and develop an approved IPE.

Definitions of Pre-Employment Transition Services (Pre-ETS)

Pre-ETS provide students with disabilities a generalized early start to career exploration and assists in identifying career interests that may be further explored through individualized VR Services. Pre-ETS are provided through a continuum of service options by VR staff and community rehabilitation providers in collaboration with state and local education agencies to students with disabilities who need those services and are eligible or potentially eligible for VR services, as an earlier start to job exploration.

OVR provides Pre-ETS to students with disabilities in Pennsylvania, ages 14-21 (in accordance with PA state transition laws). Pre-ETS help students with disabilities learn about themselves, practice work skills, explore training options, and choose jobs. These

services are offered to students with disabilities who are potentially eligible or already determined eligible for individualized VR services through an assigned vocational counselor. Pre-ETS are meant to supplement, not replace, transition services a student may be receiving through a school or service provider.

The five required Pre-ETS that must be made available to students with disabilities include:

- **Self-Advocacy Instruction** that teaches students with disabilities how to solve problems and manage their life.
- **Workplace Readiness Training** that teaches students with disabilities how to get and keep a job.
- **Job Exploration Counseling** that helps students with disabilities learn about jobs and pick a career.
- **Counseling on opportunities for enrollment in comprehensive transition or postsecondary educational programs at institutions of higher education** that helps students with disabilities decide if college or training after high school is right for them.
- **Work-based Learning** that connects what students with disabilities learn in school to real jobs.

Coordination Services - Pre-employment transition coordination consists of activities that support the provision of Pre-ETS, and may include activities such as:

- attending IEP meetings for students with disabilities, when invited;
- working with the local workforce development boards, one-stop centers, and employers to develop work opportunities for students with disabilities, including internships, summer employment and other employment opportunities available throughout the school year, and apprenticeships;
- working with schools, including those carrying out activities under section 614(d) of the IDEA, to coordinate and ensure the provision of Pre-ETS; or
- when invited, attending person-centered planning meetings for individuals receiving services under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.).

Authorized Services - If funds remain after providing required Pre-ETS to all students with disabilities in the state who may need them within a fiscal year, OVR may provide authorized services to improve the transition of students with disabilities from school to post-secondary education or an employment outcome. This may include:

- implementing effective strategies that increase independent living and inclusion in their communities and competitive integrated workplaces;
- developing and improving strategies for individuals with intellectual and significant disabilities to live independently, participate in postsecondary education

- experiences, and obtain and retain competitive integrated employment;
- providing training to vocational rehabilitation counselors, school transition staff, and others supporting students with disabilities;
- disseminating information on innovative, effective, and efficient approaches to implement Pre-ETS;
- coordinating activities with transition services provided by LEAs under IDEA;
- applying evidence-based findings to improve policy, procedure, practice, and the preparation of personnel;
- developing model transition demonstration projects;
- establishing or supporting multistate or regional partnerships that involve States, local educational agencies, designated State units, developmental disability agencies, private businesses, or others;
- disseminating information and strategies to improve the transition to postsecondary activities of those who are traditionally unserved; and
- other outreach activities as described in the *Outreach* section below.

LEA Responsibility

The WIOA amendments to the Rehabilitation Act do not eliminate the school's responsibility for providing a free and appropriate public education and appropriate transition services required under the IDEA, students as required under the IDEA. Pre-ETS services should never replace programs provided by school districts but should supplement those services being provided by LEAs.

VR services are provided on a continuum, with Pre-ETS being the earliest set of services available to students with disabilities.

Pre-ETS, authorized by section 113 of the Act, as amended by WIOA, and implemented by final regulation § 361.48(a), are designed to help students with disabilities begin to identify career interests that will be further explored through additional VR services, such as transition services.

Furthermore, Pre-ETS are only those services and activities listed in section 113 of the Act, as amended by WIOA, and final regulation § 361.48(a). Pre-ETS are available only to students with disabilities, whereas transition services may be provided to a broader population (i.e., both students and youth with disabilities).

TRANSITION SERVICES

Following the continuum, transition services represent the next set of VR services available to students and youth with disabilities. They are outcome-oriented and promote movement from school to post-school activities, including post-secondary education,

vocational training, and competitive integrated employment. As such, transition services may include job-related services, such as job search and placement assistance, job retention services, follow-up services, and follow along services, based on the needs of the individual.

Individualized transition services under section 103(a) (15) of the Act and final regulation § 361.48(b) are provided to students who have been determined eligible for the VR program and in accordance with an approved IPE.

Transition services may also be provided in group settings to students and youth with disabilities under section 103(b)(7) of the Act, as amended by WIOA, and final regulation § 361.49(a)(7). Although these group services are not individualized, they can still be beneficial for job exploration, and can include such things as presentations from employers in the community and group mentoring activities.

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

- (i) Designed within an outcome-oriented process that promotes movement from school to post-school activities, including post-secondary education, vocational training, competitive integrated employment, supported employment, continuing and adult education, adult services, independent living, or community participation;
- (ii) Based upon the individual student's or youth's needs, taking into account the student's or youth's preferences and interests;
- (iii) That includes 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;
- (iv) That promotes or facilitates the achievement of the employment outcome identified in the student's or youth's IPE; and
- (v) That includes outreach to and engagement of the parents, or, as appropriate, the representative of such a student or youth with a disability. (Authority: Sections 12(c) and 103(a)(15) and (b)(7) of the Rehabilitation Act of 1973, *as amended*; 29 U.S.C. 709(c) and 723(a)(15).

OUTREACH

OVR outreach activities focus on providing information about VR to school staff, students, families, community professionals, and others interested in Pre-ETS and transition services, including students and families of diverse backgrounds. Outreach to these students should occur as early as possible during the transition planning process and must

include, at a minimum, a description of the following:

- VR program purpose;
- eligibility requirements;
- application procedures;
- scope of services that may be provided to eligible students; and
- Pre-ETS that may be provided to potentially eligible or eligible students.

OVR will provide information to BSE and LEAs regarding OVR services that will be disseminated to students and their families. BSE will ensure that LEAs highlight the information and outreach activities provided by OVR and make such information and activities available to all students with disabilities and families of students with disabilities. OVR staff may conduct outreach in the following manner such as:

- providing VR brochures and business cards to the school;
- presenting at the first open house, family information nights, or orientation held at the school;
- conducting regularly scheduled school visits;
- participating in transition and job fairs at the school;
- attending IEP meetings, when invited; and
- speaking about Pre-ETS and VR services at school staff meetings, teacher in-service trainings, student/family group meetings, or interagency meetings.

OVR will work with LEAs to ensure referrals of students with disabilities to the VR program at the beginning of the school year. Referral for Pre-ETS should begin at age 14 for all students with disabilities who may need them. Although OVR does not impose an age limit on when a student can apply for VR transition services, they encourage students to do so at least two years prior to graduation or school exit. Beginning services at least two years prior to graduation or school exit should allow enough time for determining eligibility, identifying OVR service needs, referring students to community services, and developing the approved IPE prior to the student's exit from school.

Bureau of Blindness & Visual Services

OVR representatives will facilitate collaboration between BBVS and BVRS for cases when students and youth with disabilities become of transition age and ensure that students and youth with blindness or a visual impairment are informed of BBVS Specialized Services for Children, Pre-ETS, and transition services.

Outreach to Students with Disabilities Who Do Not Have an IEP

In order to identify students and youth with disabilities who may not be served in public schools under an IEP or 504 Plan, OVR will continue its collaborative relationships with the Pennsylvania Department of Education (PDE) through its memoranda of understanding

(MOUs) and interagency agreements (IAAs). This includes students and youth with disabilities covered under PDE's regulations in 22 Pa. Code Chapter 15 (see attached). Outreach will be conducted to identify students and youth with disabilities who are underserved through other community partners, such as, but not limited to:

- Intermediate Units (IUs);
- career and technology centers;
- approved private schools;
- charter and cyber schools;
- home school organizations;
- student assistance programs;
- summer competitive, integrated employment programs;
- Workforce Development Boards;
- Parent-Teacher Associations, etc.;
- juvenile justice system;
- foster youth organizations;
- homeless shelters/programs; and
- medical facilities.

Future Considerations

OVR will continue to form new relationships with agencies serving students and youth and will develop guidelines for these services as needed and appropriate.

FINANCIAL RESPONSIBILITY

Local Education Agency (LEA)

LEAs include public school districts, charter schools (including cyber schools), intermediate units, career and technology centers, home schools, and approved private schools. LEAs are responsible for the provision of necessary goods and services for students and youth with disabilities to access a free and appropriate public education, including the provision of transition services that promote movement from school to post-school activities as outlined in the IEP. Students with disabilities who may not be entitled to special education services under IDEA, *as amended*, are entitled to related aids and services under Section 504 of the Rehabilitation Act, *as amended*. LEAs are also responsible, under the Americans with Disabilities Act (ADA), 42 U.S.C. § 12101 *et seq.*, to ensure that their facilities, resources, and technology are accessible to the public.

Consistent with applicable state and federal laws and delineated in a statewide MOU (see attached), students with disabilities are entitled to the following:

- special education and related services which are necessary for the student/youth to receive a free, appropriate public education; and
- medically necessary services covered by Title XIX of the Social Security Act

(Medicaid), including those services provided by an LEA through Project ACCESS if student/youth is enrolled in the Commonwealth's Medical Assistance Program. An LEA may or may not fund such services through the PA school-based ACCESS program.

NOTE: LEA participation in the PA School-Based ACCESS Program is elective. Not all LEAs participate in this program; therefore, this may not always be a source of reimbursement for medically necessary services. Notwithstanding whether an LEA participates in PA School-Based ACCESS, Medicaid-enrolled students and youth are **entitled** to medically necessary services covered by PA's Medicaid State Plan.

Students and youth with disabilities may be eligible, but not otherwise entitled under state and federal laws, to other services, including but not limited to: mental health and intellectual disabilities services; VR services; competitive, integrated employment and training services; drug and alcohol services; and other health-related services.

OVR

OVR is responsible for the development of an IPE for all eligible students and youth with disabilities that promotes or facilitates the accomplishment of short-term, intermediate and long-term VR goals and objectives. OVR may provide or fund Pre-ETS for potentially eligible and eligible students with disabilities. These services may take place in the school environment or in the community.

COLLABORATION

Collaboration with LEAs

OVR will collaborate with LEAs and other community-based agencies to improve the successful movement from school to work for students and youth with disabilities. OVR representatives will work with LEAs to develop strong, consistent relationships with LEAs so the OVR representative's knowledge and expertise can be of benefit to students and youth with disabilities, even before students/youth are formally referred to OVR.

Transition services including Pre-ETS offered by OVR will supplement, but will not supplant, IDEA transition services delivered through a secondary school or any other entity charged with the delivery of transition services in accordance with IDEA. The LEA 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 to children with disabilities. Nothing under Title I of the Rehabilitation Act shall be construed as reducing an LEA's obligation to provide the above-described services under IDEA (see section 101(c) of the Rehabilitation Act and §361.22(c) of the VR regulations).

VR transition services facilitate the transition from school to post-secondary life, such as

achievement of an employment outcome in competitive, integrated employment. Pre-ETS are part of the continuum of services that VR can provide to students with disabilities.

Goals

The goals of collaborative transition planning include:

- planning for Pre-ETS for students with disabilities;
- facilitation of self-advocacy and self-determination for transitioning with disabilities;
- seamless coordination of programs and supports as students with disabilities transition from entitlement to eligibility systems;
- sharing information and data between the LEA and OVR;
- ongoing coordination of state and local teams to explore options for students and youth with disabilities to become working, independent members of the community;
- education of school staff, parents/families, advocates, students and youth with disabilities, and others about OVR;
- provision of cross-agency training for VR staff in transition policies and procedures;
- the development of a plan for referral of students and youth with disabilities to appropriate agencies; and,
- professional cooperation so that instruction as outlined in a student's IEP is consistent with the student's vocational goal on the IPE.

Statewide MOU

A statewide MOU among the Pennsylvania Departments of Labor & Industry and Education was developed in accordance with IDEA, the Rehabilitation Act, and other applicable state and federal laws.

Liaisons

OVR will designate a liaison to PDE and provide statewide coordination and technical assistance for transition from school to work. An OVR representative maintains contact as needed with personnel in area schools, alternative educational sites, and community resources to ensure early identification of students and youth who may require VR services. These students and youth may or may not be receiving special education services.

Services to LEAs

OVR representatives will be available to LEAs to:

- consult on vocational issues for students and youth with disabilities;
- provide training on the Rehabilitation Act of 1973, *as amended*, as well as the ADA;
- participate in programs designed to provide information and training to parents/families/advocates and students and youth with disabilities; and
- meet with students/parents/families/advocates and educational staff.

Local Transition Coordinating Councils

Local Transition Coordinating Councils (LTCCs) play an instrumental role in helping students and youth successfully transition from school to adult life. With cross-stakeholder representation, many LTCCs meet several times a year to share information and resources, as well as identify potential supports and services that may be available for transitioning students and youth. As available, OVR district office staff will participate in these councils where they are established.

Dispute Resolution

Where there are disagreements about agency responsibilities or the scope of services to be provided, local agencies should refer to the *Dispute Resolution Agreement* as outlined in the statewide MOU.

Independent Living

Collaborative transition planning should also provide for ways to facilitate a student/youth with a disability's ability to live independently. Centers for Independent Living (CILs) can also serve as a resource for students and youth with disabilities as they explore living independently. Referral of students and youth with disabilities to CILs and other special interest and advocacy organizations should be considered, depending on each student/youth's unique needs, interests and circumstances.

ADVOCACY

Description

Agencies involved in providing transition services have an obligation to advocate for students and youth with disabilities and promote consumer empowerment.

Cross-Training

OVR, LEAs and other community agencies need to be involved in ongoing cross-training on topics such as:

- appeal procedures;
- due process procedures;
- protections offered by Client Assistance Programs (CAPs);
- services offered by Disability Rights PA (DRPA);
- services offered by Centers for Independent Living (CILs); and
- other pertinent procedural/legal safeguards set up to protect students and youth with disabilities' rights.

Dispute Resolution

Where there are disagreements about the agency responsibilities or the scope of services

to be provided, local agencies should refer to the MOU.

REFERRALS

OVR/LEA Collaboration

OVR representatives will collaborate with LEAs to identify students and youth with disabilities who may benefit from OVR services. OVR representatives have specific roles and responsibilities to actively engage students and youth with disabilities, their parents/families, advocates, and the LEA, in the transition process. Logistical considerations (e.g., meeting space, consistent scheduling, use of the internet, printers, etc.) will dictate OVR contact with the students with disabilities. An OVR representative will discuss with the LEA whether the logistical concerns mentioned above are able to be provided to increase and improve the amount of services OVR is able to provide.

Duplication of Evaluations

OVR will use all the available information provided by the LEA to prevent duplication of evaluations. Please refer to OVR Numbered Memorandum 20-200.01, *Essential Procedures for the Vocational Rehabilitation Program* for more information.

Parental Consent and Engagement

Regarding OVR services, students with disabilities under the age of 18 require the consent of a parent/legal guardian to participate in services. Securing parental consent and continued parent engagement is important when working with transition age students and youth. OVR representatives will make every attempt to ensure that parents/advocates are informed about OVR, its mission, the services available, and OVR's eligibility requirements.

Transition Coordinators

Each LEA has a designated Transition Coordinator who can be used as a contact person. The Transition Coordinator is designated locally based upon each LEA's organizational structure. Each year, OVR Central Office will provide an updated list of designated liaisons for inclusion in the [PA Secondary Transition Directory](#).

Pre-ETS Referral Information

If a student with a disability does not want to open a VR case at this time, they are considered potentially eligible and may participate in Pre-ETS only. Potentially eligible students can be referred through the following methods:

- Students may refer themselves to their local district office by mail or other electronic means.
- A group of students may be referred by school staff by collaborating with their local district office SPOC to obtain and provide a signed and completed Pre-ETS Referral Form for each student.

The following information is required for every student receiving Pre-ETS:

- first and last name;
- date of birth;
- current grade level;
- county of residence;
- school district of residence;
- type of educational disability programming (IEP, 504 Plan, self-disclosure of disability);
- documentation confirming the presence of a disability;
- ethnicity; and
- race.

If it is determined that a student or youth requires individualized OVR services to be successful in employment and an OVR case is opened, the student/youth's referral from the LEA should include the following documentation, as applicable:

- the individual's impairment/disability;
- the most recent psychological evaluation;
- a vocational evaluation;
- an assistive technology (AT) evaluation;
- academic records;
- a description of current accommodations/support/AT;
- any work study experience reports;
- the preferred communication method;
- the most recent behavioral modification plan;
- any medical information that will be of benefit to the OVR representative and the student/youth when making vocational decisions; and
- the student's current IEP Transition Plan section.

VR Referral Process for Students

Students may apply for VR services in person with a VR counselor, through the OVR online pre-application, a paper pre-application, or other means. OVR representatives will develop a referral process with the LEAs within their geographic area. For these students, or any student with a disability who has an open VR case, referral for Pre-ETS may be made through their assigned OVR counselor.

Per OVR Guidance Document 20-400.13, *Identity Verification Requirements for OVR Customers* (attached), counselors are required to obtain documentation that establishes the identity of the customer, as well as employment authorization if the individual is not a U.S. citizen. Please refer to the Guidance Document for specific documentation

requirements.

Referral Timeline

The optimal time for OVR to open a case is when the student/youth is ready and available to engage in the activities necessary to establish a competitive, integrated employment goal. These activities include the development of an IPE and participation in vocational services to become employed. The time at which this occurs is unique to each individual.

INDIVIDUALIZED EDUCATION PROGRAM (IEP) MEETINGS

Description

As outlined in Act 2016-26, OVR will provide information for the development of IEPs for high school students with disabilities.

OVR's Role

OVR can assist the students and youth with a disability transition from school to competitive, integrated employment, or from school to post-secondary training/education that leads to competitive, integrated employment. The transition goal of the student with a disability should always remain the priority of the IEP process. It is OVR's role to provide appropriate and necessary information to the student and parent/advocate to ensure the IEP is developed with effective transition foremost in mind.

IEP Meeting Attendance

When possible, OVR staff will attend IEP meetings in person or by alternative means, such as videoconferences and conference calls, when invited by the LEA. If they cannot participate in the IEP meeting, OVR counselors can provide information, vocational planning and guidance, and transition-specific materials to the IEP team. OVR representatives will provide LEAs with current information in accessible format. This will enable educational staff to provide accurate, general information about OVR to students/youth with disabilities and families/advocates during IEP meetings.

Parental Approval

An IEP is not complete unless and until the parent signs both the IEP and a *Notice of Recommended Education Placement/Prior Written Notice* (NOREP/PWN). A NOREP/PWN indicates whether the parent/advocate agrees with the IEP. If the parent/advocate disagrees, then an appeals process ensues.

VOCATIONAL AND CAREER ASSESSMENTS

Individualized Transition Plan (ITP)

As part of a student's IEP, it is the LEA's responsibility to develop an ITP by the IEP year that the youth turns age 14 or onset of disability, if later. The ITP must include an

appropriate, measurable post-secondary goal(s) that covers education or training, competitive integrated employment, and, as needed, independent living based upon age-appropriate assessment. This plan includes transition activities, services and courses that focus on improving academic and functional achievement that will reasonably enable the student to meet his/her post-secondary goals. This plan must also include evidence that agencies likely to provide transition services are invited, with parent/advocate consent, to attend the IEP meeting. At minimum, this plan must be updated annually.

Vocational Assessments

It is not always necessary to obtain a formal vocational assessment on a student or youth who is making decisions about a career. Intensive vocational counseling using resources such as vocational computer software packages is often an effective way to assist students and youth with disabilities as they select a vocational goal and make vocational choices.

Vocational assessments are often a usual and customary part of the transition component of the IEP and therefore, if necessary, should ideally be part of the IEP. If the IEP team, including the parent/advocate, determines this is not necessary for the implementation of the IEP, OVR may consider providing a formal vocational assessment. OVR should not pay for assessments or vocational evaluations if the purpose is to determine the content of a student's IEP, 504 Plan or another aspect of secondary education. OVR can pay for appropriate assessments to determine OVR eligibility and the content of an IPE. Ideally, these assessments for purposes of providing OVR services should be completed in the summer before the final year of secondary education.

PURCHASE OF EQUIPMENT AND OTHER SERVICES

If a student with a disability requires an auxiliary aid or service to access or participate in any Pre-ETS, OVR will pay for such costs if no other public entity is required to provide such aid or service. Should a student need more individualized services (e.g., job coaching, orientation and mobility training, travel expenses, uniforms or AT), he or she would need to apply and be determined eligible for VR services and develop and have an approved IPE (regulation § 361.48(a)).

OVR's funding for assessment for auxiliary aids and services are exempt from comparable benefit and the Financial Needs Test (FNT).

When AT goods or services are needed for educational purposes, it will be the financial responsibility of the LEA. However, prior to exit from high school, OVR will determine needs and comparable benefits for AT for post-secondary education and employment purposes for the individual as identified on the IPE.

LEAs' Responsibilities

Specially designed instruction, equipment and related services that allow access to a free and appropriate public education are not the responsibility of OVR. Students with disabilities who are served under special education are receiving specially designed instruction and related services from an LEA as outlined in an IEP.

Auxiliary Aids

OVR must ensure that no qualified individual with a disability is excluded from participation in or denied the benefits of services, programs, or activities on the basis of the individual's disability (section 12132 of the ADA and section 504(a) of the Rehabilitation Act). Therefore, OVR may pay for any auxiliary aids and services needed by any student with a sensory or communicative disorder who needs those services to access Pre-ETS, regardless of whether the student has applied or been determined eligible for the VR program.

Pre-ETS funds may **not** be used to modify a potentially eligible student's personal equipment or devices, or to provide personal equipment or devices.

Auxiliary aids and services ensure equal access to information, materials, services, and activities available to students with disabilities participating in Pre-ETS. As such, expenditures incurred for the purchase or acquisition of auxiliary aids and services may be purchased with Pre-ETS funds.

Additional Guidance

To schedule Communication Access Real-time Translation (CART) and/or interpreter services for potentially eligible students participating in Pre-ETS, please see Numbered Memo 20-400.16, *Staff Guidance for Setting up CART and Interpreter Services for Potentially Eligible Students for Pre-ETS* Guidance Document (attached) for more information.

Rehabilitation Technology

It is reasonable that an eligible student with a disability, especially a student with a significant disability, could need rehabilitation technology to benefit from Pre-ETS, particularly those involving work based learning under Act section 113(b)(2) and 34 CFR 361.48(a)(2)(ii), workplace readiness training under Act section 113(b)(4) and 34 CFR 361.48(a)(2)(iv), and self-advocacy training under Act section 113(b)(5) and 34 CFR 361.48(a)(2)(v).

In situations where, without the rehabilitation technology, the eligible student with a disability might not be able to participate in the Pre-ETS activity, the rehabilitation

technology falls within the nature, scope, and purpose of Pre-ETS under section 113(b) of the Rehabilitation Act and regulation 34 CFR 361.48(a)(2) and, thus, is allocable to those services. However, OVR must ensure that the costs incurred for the rehabilitation technology are needed by the eligible student with a disability to participate in Pre-ETS, as opposed to other VR services the eligible student might be participating in simultaneously.

Please see OVR Numbered Memorandum 12-200.09, *Placement Equipment Purchase Procedures* for additional guidance.

SUPPORTED EMPLOYMENT (SE)

Any supported employment (SE) service provided while a student is enrolled in secondary education that are related to an educational goal and included on the IEP are the responsibility of the LEA. When SE is included in an IPE to be provided to a student in secondary education and is focused on permanent, competitive integrated employment (generally six months prior to exit from high school or earlier if appropriate), OVR may consider purchasing the service.

In certain situations, LEAs may provide community-based activities, including work experiences, Community Based Work Assessments (CBWAs) or other SE activities to students with disabilities. These experiences are designed to evaluate a student's potential to participate in specific job training, allow a student to explore different occupations, and/or secure employment prior to exiting secondary school.

SECTION 511 & STUDENTS

Section 511 of the Rehabilitation Act, as amended by WIOA, sets forth requirements that OVR, state and LEAs must satisfy to ensure that individuals with disabilities, especially youth with disabilities, have a meaningful opportunity to prepare for, obtain, maintain, advance in, or regain competitive integrated employment, including supported or customized employment. By having to apply for OVR services and receive career counseling, youth have that opportunity to explore employment options prior to exposure to "sheltered employment." This helps promote competitive, integrated employment as a first choice and stems the flow of youth directly from secondary education to sheltered settings. This also reminds individuals that they have choices when it comes to work and that OVR is available to help with community employment.

Subminimum Wage refers to:

- sheltered workshops; and
- pre-vocational services (pre-voc) in any setting where a person is paid below minimum wage.

Youth must meet the following requirements before they can be paid a subminimum wage:

- receive transition services through IDEA and/or Pre-ETS from OVR;
- complete application for OVR services and been found ineligible or closed unsuccessful; and
- receive career counseling services.

DEFINITIONS

Auxiliary Aids

Services or devices that enable persons with impaired sensory, manual, or speaking skills to have an equal opportunity to participate in, and enjoy the benefits of, programs or activities conducted by the agency.

Comparable Benefits

A service or benefit a customer is in need of which they are eligible to obtain from a source other than OVR. These are services and benefits, including accommodations and auxiliary aids and services, that are:

- provided or paid for, in whole or in part, by other federal, state, or local public agencies, by health insurance, or by employee benefits;
- available to the individual at the time needed to ensure the progress of the individual toward achieving the employment outcome in the individual's IPE; and
- commensurate to the services that the individual would otherwise receive from OVR.

For the purposes of this definition, comparable services and benefits do not include awards and scholarships based on merit.

The following services are exempt from the need to rule out comparable benefits:

- assessments for determining eligibility and VR needs;
- counseling and guidance provided by OVR staff, including information and support services to assist an individual in exercising informed choice;
- referral and other services to secure needed services from other agencies;
- job-related services provided by OVR staff, including job search and placement assistance, job retention services, follow-up services, and follow-along services; and
- rehabilitation technology, including telecommunications, sensory, and other technological aids and devices; and
- post-employment services, consisting of the services listed under the bullet points directly above.

The following are services for which comparable benefits **must** be explored:

- physical and mental restoration services;
- maintenance;
- transportation in connection with the provision of any VR services;
- interpreter services, including sign language, oral and tactile interpreter services provided by qualified personnel;
- reader services, rehabilitation teaching services, and orientation and mobility services for individuals who are blind; and
- personal assistance services.

Exit Date

A student’s exit date is the is the date that a student completes educational requirements and exits secondary school and may or may not be based upon the awarding of a diploma.

Graduation

Graduation is the awarding of a diploma or academic degree.

Potentially Eligible

Potentially eligible refers to students with disabilities who are enrolled in secondary school with an IEP or 504 Plan, or identify themselves as a student with a disability, or are enrolled in post-secondary training and identify themselves as an individual with a disability who have not yet applied for VR services or been determined eligible.

Pre-Employment Transition Services (Pre-ETS)

These services are designed to be an early start at job exploration for students with disabilities necessary for movement from school to post-school activities that will maximize their potential to enter competitive integrated employment. They are intended to help students with disabilities learn about themselves, practice work skills, explore training options, and choose jobs.

Rehabilitation Technology

A device, software, or equipment that is used to decrease or improve barriers confronted by individuals with disabilities in employment. It does not include the modification of vehicles.

Student with a Disability

An individual with a disability in a secondary, post-secondary, or other recognized education program who is not younger than 14 years of age or older than 21 years of age, and is eligible for and receiving special education services, or who is a student with a disability for the purposes of Section 504 (34 CFR 361.5(c)(51)).

Transition Services

As defined in the federal regulations for the Rehabilitation Act, *as amended* (34 CFR 361.5(c)(55)), transition services are a coordinated set of activities for a student or youth with a disability that is designed within an outcome-oriented process that promotes movement from school to post-school activities, including post-secondary education, vocational training, competitive integrated employment, supported employment, continuing and adult education, adult services, independent living, or community participation.

Youth with a Disability

An individual with a disability who is not younger than 14 years of age or older than 24 years of age (34 CFR 361.5(c)(58)).

ATTACHMENTS

[18-400.10, Central Office Staff Procedures to Publish Act 26 Quarterly Reports Guidance Document](#)

[20-400.13, Identity Verification Requirements for OVR Customers Guidance Document](#)

[20-400.16, Staff Guidance for Setting Up CART and Interpreter Services for Potentially Eligible Students for Pre-ETS Guidance Document](#)

[The Work Experience for High School Students with Disabilities Act, Act 2016-26, 43 P.S. § 683.1 et seq.](#)

[Statewide MOU among PA Depts. of Education, Human Services, Labor & Industry and Health](#)