

THE UNIVERSITY OF THE STATE OF NEW YORK  
THE STATE EDUCATION DEPARTMENT  
Vocational and Educational Services for Individuals with Disabilities

PRO-10-01

DATE: January 22, 2010

TO: All VESID VR Staff

SUBJECT: Frequently Asked Questions to the 421.00 Youth in School – Transition Planning and Services Policy

During the fall of 2008 each District Office received training on the revised 421.00 Youth in School Transition and Services Policy. A series of questions were raised during the training. The Frequently Asked Questions (FAQ) are a summation of all questions raised during the District Office training sessions. The answers to the FAQs were developed by the Youth in School policy workgroup that consisted of staff from Operations, Policy, Training and the District Offices and based on existing laws, regulations, related policies and sound counseling practices.

For further questions contact Geraldine Malone Kraushaar by email or by phone at 518-474-6385.

CONTENT: Frequently Asked Questions

EFFECTIVE DATE: Immediately

INQUIRIES: Any questions concerning this memorandum should be addressed to the VR Policy and Partnerships Unit at 518- 474-3946 or Geraldine Malone Kraushaar at 518-474-6385.

REFERENCE: 421.00 Youth in School – Transition Planning and Services Policy

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**421.00 Youth in School Transition Policy  
Frequently Asked Questions  
Fall 2009**

**1. When does VESID funding for youth in school actually begin?**

A. VESID funding for youth in school can begin when vocational rehabilitation (VR) services are required to assist in the determination of VR eligibility or planning for employment. VESID can begin working with the student at least two years prior to school exit from high school.

The Individualized Plan for Employment (IPE) can reflect VESID funded vocational rehabilitation (VR) services if they contribute to the achievement of a post-school employment goal and are coordinated with the student's educational plan. The VESID counselor determines that these services are required to enable the individual to achieve the post-school employment goal and specific VR services are not the program or fiscal responsibility of the school district. (Examples of VR services are driver education, summer employment, job coaching etc.)

**2. VESID VR is responsible for services included in the Individual Education Program (IEP) only when VESID has direct knowledge of those services and has agreed to provide the services to students who are VESID eligible for vocational rehabilitation. Please specify what is meant by direct knowledge in terms of VESID services on the IEP.**

A. Direct knowledge means that the VRC has provided a written statement of agreement to the school after the VRC has determined that student's eligibility for vocational rehabilitation services. If the service is an evaluation to determine eligibility, then the counselor authorizes only that service and an IPE is not developed at that time.

VESID can provide specific VR services that are necessary for the student to achieve a post-school employment outcome.

**3. Do all students classified with a Learning Disability (LD), an Emotional Disturbance (ED) or Other Health Impairment (OHI) qualify for VR services?**

A. It is important to remember that VESID VR eligibility standards are based upon the student's vocational limitations (i.e. impediments to employment) as a result of their impairment, not just the existence of a physical, learning, or mental impairment alone. Therefore, the classification of a learning disability, emotional disturbance or other health impairment by itself, for example, would not be enough to establish eligibility.

The VRC should assess the student's functional limitations in relation to the eligibility criteria : (1) has a physical or mental impairment that (2) constitutes a serious impediment to employment and (3) can benefit from VR services and (4) needs vocational rehabilitation services to maintain, regain or enter into employment

consistent with the consumers employment factors. The VRC should discuss this with student, school personnel and parent as early as possible.

Each of these criteria should be applied in sequence to answer eligibility determination. Not every student with a classification of LD, ED or OHI will be eligible for VESID vocational rehabilitation program.

#### **4. Is a DSM IV diagnosis required for students in transition?**

A. A DSM IV classification of psychiatric conditions is not usually available from the schools. The Individuals with Disabilities Education Act (IDEA) provides definitions of the 13 disability categories, including emotional disturbance. The term includes schizophrenia. The term does not apply to children who are socially maladjusted, unless it is determined that they have an emotional disturbance.

All referrals to VESID should include specific information about the student's disability, impairment and/or classification. This referral material must have detailed information about the student's functional capacities and limitations. For student's classified with an emotional disturbance, it is critical to include information about their sensory-perceptual, physical, cognitive-intellectual, social/emotional, behavioral and vocational functioning. If a DSM-IV diagnosis is available from a treatment provider, this information should also be included, along with information about the student's involvement with treatment.

#### **5. If the school is unwilling to do an updated psychological for students transitioning to postsecondary institutions or other adult service providers such as OMRDD, how does a VR district office obtain updated psychological reports to help the student reach their IPE goal?**

A. If the VR counselor is involved two years prior to the student's school exit, they can be instrumental in helping the student and his/her parent advocate to the CSE for an updated psychological that would help the student with the transition process. The CSE would have to recommend that such an examination is needed in order for the school to provide it. If this does not occur, the VR counselor can obtain assessment for eligibility or goal planning.

#### **6. The policy states "The IPE should be developed, to the extent possible, during the annual review of the transition component of the Individual Education Plan (IEP). The IPE needs to reflect transition services. " Does this mean VESID counselors will be attending annual reviews?**

A. Not necessarily. In some instances the VRC will attend the annual review. However, the VRC can contribute to the transition planning by communicating with school- based staff so that students, parents and school district staff can avail themselves of the VESID counselors' expertise. It is up to the CSE to invite the VRC, but the counselor can provide information in writing, by phone, email, etc.

**7. How is the Youth in School Transition policy being disseminated to schools? Will training be provided to key school staff?**

A. The Policy is listed on the VESID VR Internet website. Representatives from each of the Transition Coordination Sites (TCS) and the Office of Special Education Quality Assurance (SEQA) unit attended training at some of the VR District Offices. Through collaboration with the VESID Office of Special Education we provided additional training to the Transition Coordination Sites and some of the Special Education Quality Assurance (SEQA) staff. We encourage each District Office, either through the District Office Manager, or the designated Transition team, to communicate the VR policies to the schools as we work through the transition process.

**8. Are transition plans required for 504 students?**

A. No. Schools are required by federal law to have a transition plan only for those students who have a disability classification and an IEP.

The Youth in School policy elaborates on the different requirements for students who do not have an IEP.

**9. If a student with an IEP dropped out of school and then receives a GED can that student still return to school until 21 if the student could benefit?**

A. Yes. A student can remain in school until the end of the school year in which he/she turns 21 or until he/she receives a regular high school diploma (whichever comes first.) A GED or an IEP diploma is not considered a regular high school diploma and therefore the student is entitled to return to school.

**10. A student with an IEP drops out of school and then returns to school and wants a particular service or program. Should we consider the schools as a similar benefit?**

A. The school is only responsible for providing the academic program. It is not required to provide any other vocational, technical or skills training. Therefore, comparable benefits would not apply.

**11. How do VR counselors authorize work-study services to providers according to current policy when it is not part of UCS or SE contracts?**

A. A VR counselor could use the UCS work experience 1, 2 or 3. Although it is not called "work study", it is the service that could be provided to meet the needs of the student.

**12. When is a parental signature required for release of information?**

A. For students under age 18, confidentiality release forms are required to be signed by the parent or legal guardian prior to sharing student-specific information. Students age 18 or over are responsible for signing, unless a guardian has been appointed because of the severity of disability.

**13. Assessments done by schools have different criteria than assessments done by adult services. What are assessments referred to on page 6 of policy?**

A. Refer to the policy section “Using Other Existing Information from Schools for Eligibility and Planning” as listed on page 6 of the Youth in School policy. While the school provides assessments primarily to assist the student with their educational/academic performance, these assessments may be useful to VR for determining eligibility or developing a VR plan for services. Assessments for in-school youth may be purchased by VESID only when existing assessments are insufficient to determine VESID eligibility or to develop the Individualized Plan for Employment (IPE) for VESID services.

**14. Why aren’t level 2 and 3 career assessments required?**

A. Schools have legal mandates under IDEA and are required to provide certain information and assessment. As emphasized during the policy training there are only two types of transition related documents that schools are required to develop for students with an IEP- Level I Assessment and the Student Exit Summary (also known as the summary of performance or SOP). It is up to the CSE and school to determine whether a student receives a level 2 or 3 career assessment.

**15. How does a counselor determine whether a student has an emotional disturbance (E.D.) or functional limitations vs. just being 19 years old?**

A. The VRC uses existing information or obtains an updated assessment to substantiate the presence of impairment, the impediment to employment and an assessment of the employment factors. The VRC uses their professional judgment and expertise to determine eligibility.

**16. Can VESID provide supported employment, while in school?**

A. There is no definitive answer to this question. If a student is in school and the work study program is offered as an academic component, the school district is responsible. Typically the school is responsible for the education of the student during the school day - if there is work-based learning, there should be an academic component and it should be pursuant to the IEP. The qualifications of the job coach have to meet certain requirements (i.e., equitable to a Teaching Assistant, not an Aide) and there has to be supervision, even if indirect, of the work experience to assure its consistency with the IEP.

We do not want to discourage VR from providing career development services to students in school because VR brings a higher level of understanding to the process of career development that schools don't necessarily have. At the same time schools can provide this service as an educational component. Ideally, this should be a collaborative decision between the school and VR, determined student by student.

Some District offices try to collaborate by providing VESID funded programs during the summer and school funded during the academic year. In other cases, VESID VR provides funding during the year but the school district provides the transportation to program.

The answer to this question also lies in what time the student is dismissed from school. If the student is in a half day school program and in the last year of school, supported employment is appropriate. If the student is in school all day, supported employment services become much tougher to plan.

For example, in Queens, there are two collaborative training programs with Queens School for Career Development (District 75 School) and AHRC-Queens. Some students in the senior year are selected to receive training in food service or janitorial fields. AHRC and the NYC Department of Education provide the training, and AHRC provides job coaching, while the students are in school. When they graduate, AHRC provides job placement services, and follow along. The services are funded under SEP or Work Readiness, depending on whether the students meet the OMRDD criteria.

**17. Do the VR counselors need to consider the child labor laws when working with youth?**

A. Yes. The NYS Department of Labor provides this information at:  
[www.labor.state.ny.us](http://www.labor.state.ny.us)

In the search box type: Laws governing the employment of minors. This link will provide a summary of the New York State Labor Law relating to the employment of minors.

**18. We heard from a representative of the NYS Department of Labor that NYS labor laws state that students under age 18 cannot work during school hours. How does this impact transition planning?**

A. This may have been a misunderstanding. The New York State Education Department has approved Work-based learning (WBL). WBL is the “umbrella” name used to identify activities which collaboratively engage employers and schools in providing structured learning experiences for students. These experiences focus on assisting students develop broad, transferable skills for postsecondary education and the workplace. Students enrolled in work-based learning programs come under a variety of federal, state, and local laws and regulations. Since these laws and regulations are subject to change, the school’s coordinator of WBL must keep abreast of new

developments. Information concerning or restrictions related to minors is available in a publication entitled Laws Governing the Employment of Minors, published by the NYS Department of Labor (NYSDOL). This information is available on the NYSDOL website at: <http://www.labor.state.ny.us/>

Also, you may access the information guide about NYSED approved Work-Based Learning Programs at <http://emsc.nysed.gov/cte/wbl/docs/CompleteWBLManual.doc>

**19. How can Independent Living Centers (ILCs) get involved with the transition process?**

A. ILCs can help individual students, families and school personnel facilitate person centered planning that focuses post-secondary life on living, learning and working in the most integrated settings by maximizing use of community resources, understanding and using reasonable accommodations and using benefits and work related incentives.

**20. Does each District Office have to use a VES 21 at the beginning of the transition process?**

A. Yes. Some District Offices use the transmittal referral sheet as an application form. This is fine as long as we get a signature. However for obtaining or releasing general information, the VES-21: Waiver for Release of Information must be used. Please refer to VESID policy 102.00 Confidentiality Policy and Procedures for additional information.