

Introduction to Transition Services

April 19, 2023



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Disability Rights New Jersey

Staff Introduction



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About Disability Rights New Jersey

We are a private non-profit agency funded with private donations and grants from the federal and state government.

As New Jersey's Protection and Advocacy agency, designated by the Governor and incorporated in 1994, it is our mission to preserve the human, civil, and legal rights of persons with disabilities, empowering equality through persistence, awareness and expertise.

Disability Rights New Jersey provides legal assistance to individuals with disabilities in issue areas such as abuse or neglect, discrimination, voting rights, access to services and supports, and employment. In addition to individual representation, Disability Rights has the unique authority under our federal mandate to monitor for and investigate abuse and neglect in any facility that serves people with disabilities.



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TRAILblazers Project



- TRAILblazers Project: Transition - Readiness for Adult and Independent Living
- Students and youth with disabilities aged 14-21*
- Transition services and planning to help them prepare for adult life after high school
 - Transition services can be provided by:
 - Their high school and, at times, other state agencies like the
 - Division of Vocational Rehabilitation, Commission for the Blind and Visually Impaired, Division for Developmental Disabilities, Center for Independent Living,
- Our TRAILblazers project assists youth in understanding, pursuing, and enforcing these rights.

*was extended to age 22 during COVID

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Learning Objectives



- **Introduction to school-based transition services**
- Introduction to Pre-ETS services from the State Vocational Rehabilitation Agencies
- Introduction to Transition Services from the State Vocational Rehabilitation Agencies
- Introduction to transition-related services from other agencies
- Introduction to college tuition sponsorship from State Vocational Rehabilitation Agencies

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Objective 1: Introduction to School-Based Transition Services



- School-based transition services: Legal Definition
- Real world application
- Examples

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Transition Services: Legal Definition



- The Individuals with Disabilities Education Act (IDEA):
- 20 USC § 1401(34); 34 CFR § 300.43: Transition services means
 - a **coordinated set of activities** for a child with a disability that is
 - designed to be within a **results-oriented process**, that is
 - focused on improving the **academic and functional achievement** of the child with a disability to
 - **facilitate the child's movement from school to post-school activities**, including postsecondary education, vocational education, integrated employment (included supported employment), continuing adult education, adult services, independent living, or community participation

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Transition Services: Legal Definition



- 20 USC § 1401(34); 34 CFR § 300.43: Transition services are
 - **based on the individual child's needs**, taking into account the child's
 - **strengths, preferences, and interests** and includes:
 - instruction, related services, community experiences, development of employment and other post-school adult living objectives, and if appropriate, acquisition of daily living skills and provision of a functional vocational evaluation.

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Where is the Transition Plan documented?



The Individualized Education Plan!

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Transition Services: Legal Definition

- Components of an IEP
 - Student information
 - IEP participants
 - Present levels of academic achievement and functional performance
- Statement of transition planning
- Statement of transition services
 - Transfer of rights at age of majority
 - Behavioral intervention plan....

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Transition Services: Legal Definition

- New Jersey Admin Code 6A:14 App. D and section 3.7(e)(11)-(12): IEPs for students age 14+ are to
 - (1) include statement of student's strengths, interests, preferences,

STATEMENT OF TRANSITION PLANNING

Beginning with the IEP of a child for the school year when the student is 14 years of age, to the extent appropriate, describe the long-range educational and career goals for the student based on the student's strengths, interests, and preferences.

Statement of the student's strengths, interests and preferences:
 A description of the student's strengths, interests and preferences, career and educational goals, and current level of achievement, interests and preferences as they relate to learning for school after high school.

Statement of student strengths, interests, and preferences:
 A description of the student's strengths, interests and preferences, career and educational goals, and current level of achievement, interests and preferences as they relate to learning for school after high school.

Statement of student strengths, interests, and preferences:
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NJ Model IEP Form: https://www.nj.gov/education/specialed/psky/iep/ModelIEPForm2019rev0212_FINAL_MA_FinalRevised.pdf

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Transition Services: Legal Definition

- New Jersey Admin Code 6A:14 App. D and section 3.7(e)(11)-(12) IEPs are to
 - (2) identify a course of study and related strategies and/or activities that are
 - (a) consistent with strengths, interests, and preferences,
 - (b) are intended to assist the student in developing or attaining postsecondary goals related to training, education, employment, and if appropriate, independent living

STATEMENT OF TRANSITION PLANNING

Beginning with the IEP of a child for the school year when the student is 14 years of age, to the extent appropriate, describe the long-range educational and career goals for the student based on the student's strengths, interests, and preferences.

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Transition Defined: break it down



- **Goal:** Jon Smith will attend a four-year college after high school
- **Goal:** Jon Smith will identify 3 colleges he is interested in and review their websites to learn about the application process, office of disabilities, and academic programming. He will work with guidance counselor to complete all 3 applications **by the end of the year.**

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Transition Defined: break it down



- **Goal:** Jon Smith will secure transportation to his summer internship
- **Goal:** Jon Smith will identify the closest train and bus routes from his home to his internship **by April**. He will download Uber and save the number of 2 taxi companies in his phone **as a back up by April**. **DVRS will provide route training during the semester** with the goal of Jon traveling independently by summer.

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Transition Defined: break it down



- **Goal:** Jon Smith will move into his own apartment after graduation
- **Goal:** Does this need to be a series of smaller goals – how will he pay rent? Does he know how to travel independently? Does he know how to manage money?

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Introduction to the State Vocational Rehabilitation Agencies

- DVRS: Division of Vocational Rehabilitation Services
- CBVI: Commission for the Blind and Visually Impaired

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What Are Transition Services

IDEA (School)	Pre-Employment Transition Services (VR Agency/School)	VR Transition Services (VR Agency)
<ul style="list-style-type: none"> • Postsecondary education • Vocational education • Structured Learning Experience • Competitive integrated employment • Supported employment • Continuing and adult education • Independent living • Community participation 	<ul style="list-style-type: none"> • Job exploration counseling • Work-based learning experiences • Counseling on post-secondary opportunities • Workplace readiness training • Instruction in self-advocacy 	<ul style="list-style-type: none"> • Job coaching • Job accommodations • Transportation • College and vocational training • Physical and mental restoration services • Assistive technology

1. National Technical Assistance Center on Transition. A Side-by-Side View: Transition Services

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Legal Definition of Access to Pre-ETS Services

- Pre-employment transition services must be made available Statewide to all students with disabilities, regardless of whether the student has applied or been determined eligible for vocational rehabilitation services.

34 CFR § 361.48

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Pre-Employment Transition Services

Activities designed to help prepare students with disabilities for the world of work

- Job exploration counseling
- Work-based learning experiences
- Counseling on post-secondary opportunities
- Workplace readiness training
- Instruction in self-advocacy



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Pre-Employment Transition Services

Model IEP: explicitly mentions Pre-ETS

PRE-EMPLOYMENT TRANSITION SERVICES	Record Previous Disability the services were provided by:			
	Does the student currently meet this service?	School	A Division of Rehabilitation Services (DORS)	An Employer or Vocally Integrated Center (VIC)
1. Job exploration counseling	Y Yes N No			
2. Work-based learning experiences	Y Yes N No			
3. Counseling about opportunities for enrollment in programs of postsecondary education	Y Yes N No			
4. Workplace readiness training to identify social skills and expectations from work	Y Yes N No			
5. Instruction in self-advocacy	Y Yes N No			

If any of these services are determined to be currently needed, the school should consult with DORS or CVI to determine who will be responsible for arranging and providing such needed services.

Revised August 2022

A school district must consider whether a student would benefit from Pre-ETS services, and note their recommendation on the IEP. The model IEP has a specific section that covers whether a student would benefit from any of the five services as part of the transition plan

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Accessing - Pre-Employment Transition Services

DVRS – Complete online Pre-ETS referral form
<https://nj.gov/labor/career-services/special-services/individuals-with-disabilities/index.shtml>

CBVI – Parents of students who are blind, deaf-blind or visually impaired may contact their child’s CBVI teacher for a referral or contact one of CBVI’s regional offices
<https://www.state.nj.us/humanservices/cbvi/facilities/>

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Individualized VR Transition Services

If a student needs a service that goes beyond the scope of pre-employment transition services, the student can apply for VR services

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Rehabilitation Act of 1973

The Rehabilitation Act of 1973, as Amended (Rehab Act) prohibits discrimination on the basis of disability in:

- Programs conducted by Federal agencies (Sec. 501).
- The employment practices of Federal contractors (Sec. 503).
- Programs receiving Federal financial assistance (Sec. 504).

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Workforce Innovation and Opportunity Act

The Workforce Innovation and Opportunity Act (WIOA) permits state VR agencies “to encourage eligible individuals to pursue advance training in the fields of science, technology, engineering, or mathematics (including computer science), law, medicine, or business.” 34 CFR 361.48(b)(6).

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Division of Vocational Rehabilitation Services (DVRS)

- The Rehabilitation Act, as amended by Title IV of the Workforce Innovation and Opportunity Act (WIOA), is the legal basis and authorization for the state vocational rehabilitation program
 - VR services are intended to help eligible students with disabilities prepare for and obtain employment that is based on the persons abilities, interests and personal choice. 34 C.F.R. 361.46
 - “Informing each applicant and eligible individual...through appropriate modes of communication, about the availability of and opportunities to exercise informed choice, including the availability of support services for individuals with cognitive or other disabilities who require assistance in exercising informed choice throughout the vocational rehabilitation process.” 34 C.F.R. 361.52

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Division of Vocational Rehabilitation Services (DVRS)



- Eligibility criteria
 - Have a physical, mental, emotional, or learning disability that is a real barrier to getting and keeping a job,
 - The student needs VR services to prepare for employment
 - Be able to benefit from VR services
- Services available through DVRS
 - Job coaching
 - Job accommodations
 - Transportation
 - College and vocational training
 - Physical and mental restoration services
 - Assistive technology
 - Other goods and services determined necessary for the individual with a disability to achieve an employment outcome. 34 C.F.R. § 361.48(b)(21)

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Commission for the Blind and Visually Impaired (CBVI)



- New Jersey Designated Agency to help those who are Visually Impaired or Legally Blind
- **VISUALLY IMPAIRED** means that with the best correction an individual's vision is 20/70 or less in the better eye. (The person sees at 20 feet what a person without a vision impairment sees at 70 feet.)
- **LEGALLY BLIND** means that with the best correction an individual's vision is 20/200 or less in the better eye. (The person sees at 20 feet what a person without a visual impairment sees at 200 feet.) Also, an individual is considered legally blind if he or she has a restricted visual field limitation of 20 degrees or less. (The person sees 20 degrees of all the objects in their field of vision when a person without a vision impairment would see 180 degrees.)
- CBVI works with the School Districts to help transition visually impaired and legally blind school aged children ages 14-21

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Individualized VR transition services



- Application for VR services (may apply at age 14)
- Determination of Eligibility (requires comprehensive assessment)
- Development - Individualized Plan for Employment (IPE)
- Provision of VR services



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Eligibility for VR Transition Services



- To be eligible for individualized VR transition services, a student must meet the following criteria:
- “Have a physical or mental impairment that constitutes or results in a substantial impediment to employment; and
- Require VR services to prepare for, secure, retain, advance in, or regain employment.”

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Applying for Individualized VR Services



DVRS - Students with disabilities
<https://www.nj.gov/labor/career-services/special-services/individuals-with-disabilities/>

CBVI - Students who are blind, deaf-blind, or visually impaired
 - Request application from student’s NJCBVI Transition Counselor

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Eligibility for VR Services



DVRS

Individuals with physical, mental, cognitive, or other forms of disability who have a substantial impediment to employment may be eligible for DVRS services.

CBVI

Individuals who are blind, visually-impaired or deaf-blind Individuals who have a visual impairment and who need services to work may be eligible for CBVI VR services.

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Presumption of Eligibility – SSI and SSDI Recipients

- Presumed to have a physical or mental impairment which is a substantial impediment to employment; and
- Presumed to need vocational rehabilitation services to prepare for, secure, retain, advance in or regain employment; and
- An individual who receives SSI or SSDI is considered to have a “significant disability” as defined by 34 CFR 361.5(c)(29).



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Provision of VR Services to Eligible Individuals

Individualized - consistent with the individual's unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice. 34 C.F.R. 361.48(b).

Informed choice - individuals must be able to exercise informed choice throughout the VR process – including in the selection of their employment goal. 34 C.F.R. 361.52.



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Individualized Plan for Employment (IPE)

- The IPE is an important document that defines the services the VR agency agrees to provide the eligible individual. The IPE is not a contract, but it has significant weight if disagreements occur.
- The IPE must be reviewed at least annually and, if necessary, amended if there are significant changes to the employment goal, the VR services to be provided or service providers.
- Changes to the IPE do not take effect until agreed to by the individual and the VR counselor.



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Basic Components of the IPE



- Employment Goal - *chosen by the individual.*
- VR services to be provided to achieve the employment goal, including appropriate AT and personal assistance services.
- VR transition services for eligible students or youth with disabilities.
- Timeline for when services start and for achieving the employment goal.
- Entity providing the VR services - *chosen by the individual.*
- Any costs the individual is responsible to contribute to VR services.

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Why the Employment Goal is Important!



- The employment goal is *chosen by the individual* consistent with the individual's unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice. 34 C.F.R. 361.48(b).
- The employment goal defines the services on the IPE. The VR agency will NOT fund higher education and advanced training UNLESS the training is required to achieve the employment goal.
- Example: An eligible individual who has the ability and wants to be a teacher, will need VR financial sponsorship for a bachelor's degree. An individual who has the ability and wants to be a pharmacist, will need VR financial sponsorship for a professional degree.

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Referral Process for VR Services



DVRS
<https://www.nj.gov/labor/career-services/special-services/individuals-with-disabilities>

DVRS Referral Form
<https://forms.office.com/pages/responsepage.aspx?id=0cN2UAI4n0uzauCkG9ZCpzVnFpBuuFNArhLYruJEYsRUjM0FOTFk1UTNV0VIEOTBZT000T5HWkI5TCQIQCN0PWcu>

CBVI – Call (877) 685-8878 or (973) 648-3333

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Case example

Jane is age 17 and diagnosed with a specific learning disability. Jane has been receiving pre-employment transition services (pre-ETS) from the Division of Vocational Rehabilitation Services (DVRs) since she was age 14, including *Job Exploration Counseling, Instruction in Self-Advocacy* and *Workplace Readiness Training*. Jane wants to train to be a medical assistant when she graduates high school.

Jane wants to participate in a Structured Learning Experience (SLE) in her senior year organized by her school. The school have told Jane that they can arrange the SLE in a physician's office but cannot arrange or fund transportation to the office because she is the only student travelling to this worksite. Jane's parents applied for individualized DVRs transition services, and Jane was determined eligible for DVRs services.

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What Are Transition Services

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<ul style="list-style-type: none"> • Postsecondary education • Vocational education • Structured Learning Experience • Competitive integrated employment • Supported employment • Continuing and adult education • Independent living • Community participation 	<ul style="list-style-type: none"> • Job exploration counseling • Work-based learning experiences • Counseling on post-secondary opportunities • Workplace readiness training • Instruction in self-advocacy 	<ul style="list-style-type: none"> • Job coaching • Job accommodations • Transportation • College and vocational training • Physical and mental restoration services • Assistive technology

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Case Narrative – Questions?

- What is the school's responsibility to pay for the transportation?
 - The school does not have a responsibility to pay for transportation services to and from a SLE or internship
- Can Jane's parents ask DVRs to arrange and pay for transportation to the SLE worksite?
 - YES! Jane should apply for full VR sponsorship and would be able to receive transportation services through the IPE that is generated for her.
- How should the IEP and IPE process work to help Jane get the services she needs?
 - The school personnel should be inviting DVRs to Jane's IEP meeting to discuss the services that will be provided by the School District and by DVRs. The final plan should be memorialized in both an IEP and an IPE for Jane, setting forth the responsibilities of both agencies.

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Division of Developmental Disabilities (DDD)

- DDD: services are available to individuals who are:
 - Age 18 if the individual has graduated from high school and does not have a continuing educational entitlement under the IDEA.
 - Age 21 if they are in school until age 21
 - Eligible for or are enrolled in Medicaid
 - A U.S. citizen and resident of NJ, and
 - Meet the functional criteria for a developmental disability: chronic physical and/or intellectual disability began before age 22 which is expected to be lifelong and substantially limits the person in 3 of the following life activities: self-care, learning, mobility, communication, self-direction, economic self-sufficiency, ability to live independently

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DDD: services provided generally
<https://www.nj.gov/humanservices/ddd/assets/documents/quick-guide-for-families-english.pdf>

Assistive Technology	Environmental Modifications	Physical Therapy
Behavioral Supports	Goods and Services	Respite
Cognitive Rehabilitation	Individual Supports	Speech, Language, and Hearing Therapy
Community-Based Supports	Interpreter Services	Support Coordination
Community Inclusion Services	Natural Supports Training	Support Brokerage
Community Transition Services (from institutional setting to less restrictive)	Occupational Therapy	Transportation
Day Habilitation	Personal Emergency Response System	Vehicle Modifications

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DDD: transition related services?

Service	Defined
Career planning	Employment planning to help an individual get and keep a job
Prevocational training	Learning and work experiences that help an individual learn about jobs that they may be interested in, and learn skills to become more employable
Supported employment - individual	Assists an individual to get and/or keep a job in the general workforce at or above minimum wage
Supported employment – small group	Training activities in business, industry, and community settings for a group of 2-8 individuals

If DVRS/CBVI services are not available or the individual is not eligible for DVRS/CBVI, DDD can provide the above services. The services may include things like developing job skills, writing a resume, completing job applications, interviewing, getting to work, and having support staff available during the day

<https://www.nj.gov/humanservices/ddd/individuals/employment/>

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DDD: transition related services?

• Other Helpful links:

- DDD timeline checklist for students exiting school and turning 21: <https://www.nj.gov/humanservices/ddd/assets/documents/individuals/grades-timeline.pdf>
- Housing assistance: <https://www.nj.gov/humanservices/ddd/individuals/housing/>

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Other Agencies?

- Centers for Independent Living (CIL)
 - Provide information and referral, peer counseling, skills training, advocacy based on individual needs
 - <https://www.state.nj.us/humanservices/dds/resources/cntrindlivindex.html>
- NJ Travel Independence Program
 - One-on-one travel instruction, group travel instruction, transit seminars, classroom curriculum for high school students in transition programs
 - <https://vtc.rutgers.edu/njtip/>

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How do these agencies work together?

- DVRS is supposed to have a liaison for every school district
- School is supposed to invite reps from other agencies who may be responsible for paying for a transition service to the IEP meeting. This could include DVRS/CBVI,DDD, CILs
- Does this always happen? No

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Requesting College Sponsorship

- Once client has been found eligible for services
 - Request an IPE meeting to discuss the client's occupational goal
 - DVRS/CBVI have 90 days after determination of eligibility is made to create an IPE for the client.
- Client will need an employment goal that would require additional training, i.e., an undergraduate degree, a certificate, or graduate degree.

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Paying for Higher Education – Financial Needs Test



- Generally, VR agencies are NOT required by federal law to have a financial needs test; however, many do.
- A financial needs test will determine how much an individual may have to contribute toward their VR services.
- Federal regulations refer to such tests as the individual's participation in the cost of VR services.

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Paying for Higher Education – Financial Needs Test



- DVRS and CBVI use financial needs tests to determine if an individual needs to contribute to the cost of their VR services.
- DVRS considers parental income in the financial needs test for individuals under 22 years.
- DVRS does not consider parental income in the financial needs test for individuals 22 years of age or older on January 1 of the year services are scheduled, only personal income, or spouse's income.

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Paying for Higher Education – Financial Needs Test



Any financial needs test adopted by a VR agency must:

- Be reasonable.
- Be based on in the individual's financial need, taking into account disability related expenses paid for by the individual, and
- Not so high so as to effectively deny a necessary service.

34 CFR 361.54(b)(2)(iv).

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Financial Participation Form: D-17

Division of Vocational Rehabilitation Services (DVRS)
Financial Participation Form

Name _____ SSI _____ Family Size _____

Income: Please fill in income from all sources on lines below. (For clients not 22 years of age on January 1st of the year of the service and living with their parents, parents' income must also be reported.)

Family Gross Income: (If a monthly check is received, divide by 4.3 to get weekly amount)	Weekly Amt.
1. Gross weekly pay of client (before deductions)	_____
2. Husband/wife gross weekly pay	_____
3. Parents gross weekly pay	_____
4. Unemployment /Temporary Disability/Workers Comp (circle income source)	_____
5. Social Security Disability and/or SSI (circle income source)	_____
6. Retirement Income and/or VA Pension or Benefits	_____
7. Welfare - TANF or GA (circle one)	_____
8. Rent or Other Property Income	_____
9. Interest and/or Dividends	_____
10. Alimony and/or Child Support	_____
11. Other Income - please specify _____	_____

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Financial Needs Test - SSI/SSDI Recipients

- SSI/SSDI clients are EXEMPT from and NOT subject to a financial needs test. 34 CFR 361.54(b)(3)(ii).
- SSI/SSDI clients are also NOT required to financially contribute for their VR services. 34 CFR 361.54(b)(3)(ii).

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Paying for Higher Education – Comparable Benefits

- Comparable benefits – are services or benefits provided, in whole or in part, by another public agency, health insurance, or as an employee benefit. e.g., Pell grants, Medicaid.
- VR agencies are required to check whether other funding sources are available to provide “comparable benefits” (i.e., services) prior to funding a specific service.
- The comparable benefits must be presently available to the VR client.

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What are NOT Comparable Benefits?



For Purposes of Higher Education these are NOT comparable benefits:

- Awards and Scholarships based on merit, and
- Student Loans

34 CFR 361.5(c)(8)(ii).

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QUESTIONS?



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Contact Us for More Information:





We are located at:
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Trenton, New Jersey 08608

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