# PART C, CHAPTER 7:TRANSITION SERVICES FOR STUDENTS AND YOUTH

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| **Policy Number** | **Authority** | **Scope**  | **Effective Date** |
| Part C, Chapter 7 | 34 CFR [§361.48(b)(18)](https://www.ecfr.gov/current/title-34/part-361#p-361.48(b)(18)), [§361.5(c)(55)](https://www.ecfr.gov/current/title-34/part-361#p-361.5(c)(55)), [§361.22](https://www.ecfr.gov/current/title-34/section-361.22), and Labor Code [§352.108](https://statutes.capitol.texas.gov/Docs/LA/htm/LA.352.htm#:~:text=352.108.,programs%20or%20competitive%20integrated%20employment.) | All TWC-VR staff, particularly Transition VR Counselors | 9/3/2024 |

## PURPOSE

In accordance with the authority (Federal and State) listed above, this policy is issued by the Texas Workforce Commission Vocational Rehabilitation Division (TWC-VR). Adherence to these rules and regulations issued under the Rehabilitation Act of 1973, as amended by Title IV of the Workforce Innovation and Opportunity Act (WIOA), supports Texans with disabilities in gaining, maintaining, and advancing in competitive integrated employment (CIE).

Specifically, the purpose of this policy and these procedures is to ensure adherence to the provision of transition services to students and youth with disabilities to promote movement from school to post-school activities.

## DEFINITIONS

Admission, Review, and Dismissal (ARD) Process: Meeting held to develop, review, or revise an Individualized Education Program (IEP). Generally involves a child’s parent or guardian, the child’s teacher, a school administrator, a special education coordinator, a school psychologist, and other professionals as needed.

504 Plan: A way for schools to provide support and accommodations for students with disabilities who do not receive special education services so that they can learn effectively in a regular classroom. The name 504 plan comes from Section 504 of the Rehabilitation Act that provides for nondiscrimination for students with disabilities.

Individualized Education Program (IEP): Plan or program required by the Individuals Disabilities Education Act (IDEA) developed to ensure that a child with an identified disability who is attending an elementary or secondary educational institution receives specialized instruction and related services.

Individualized Plan for Employment (IPE): Outlines the nature and scope of TWC-VR services required to help a customer prepare, gain, maintain, or advance in a specific competitive integrated employment outcome.

Informed Choice: The means by which a customer chooses their rehabilitation path from options based on their needs and circumstances and the TWC-VR rules.

Local Education Agency (LEA): A public board of education or other public authority legally constituted within a State for either administrative control or direction of, or to perform a service function for, public elementary schools or secondary schools in a city, county, township, school district, or other political subdivision of a State, or for a combination of school districts or counties as are recognized in a State as an administrative agency for its public elementary schools or secondary schools.

## POLICY

### General Overview

Transition Services is a term used to describe a set of coordinated services provided by schools and State VR agencies designed to improve post-school outcomes for students and youth with disabilities.

TWC-VR offers transition services to eligible students with disabilities (SWD) (ages14-22) and youth with disabilities (ages 14-24). Transition services aim to prepare students to move from special education and related services or Section 504 accommodations to TWC-VR services and minimize delays in service delivery during the school-to-employment transition. Transition services are provided through a flexible multiyear process tailored to each student's needs. Such services and activities may include postsecondary education, vocational training, competitive integrated employment, supported employment, continuing and adult education, adult services, independent living, or community participation.

Two of the most significant amendments to the Rehabilitation Act of 1973 made by the Workforce Innovation and Opportunity Act (WIOA) were new definitions for the terms "student with a disability" and "youth with a disability." These are shown in the table that follows.

| Student with a Disability | Youth with a Disability  |
| --- | --- |
| Between the ages 14–22Enrolled in school (public, private, home, or postsecondary)Receiving or has received services through special education programs or is considered eligible for Section 504 services | Between the ages 14–24For Supported Employment Services only, have a disability with a level of significance as "most significant disability" (MSD) |
| Can be potentially eligible or eligible for TWC-VR services. | Youth with disabilities, who are MSD, utilize 50% of the Title VI SE funds. |
| Able to receive Pre-Employment Transition Services (Pre-ETS) using Pre-ETS funds (15% reserve) | If a youth also meets the definition of a student with a disability, then they are able to receive Pre-ETS using Pre-ETS funds (15% reserve).  |
| Pre-ETS are not SE services.  | SE Extended services can be provided to a youth for up to four years, or until the youth's 25th birthday, whichever comes first. |

### Construction Clause

Nothing in this policy will be construed to reduce the obligation under the Individuals with Disabilities Education Act (IDEA) of a local educational agency or any other agency to provide or pay for any 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.

### Additional Policy Considerations

* Comparable Services and Benefits: TWC-VR must not expend funds on transition services unless the VR Counselor and the customer have made maximum efforts to secure assistance from other sources to pay for the services.

This does not apply to the five required Pre-Employment Transition Services.

* Customer Participation in the Cost of Services: A customer's eligibility for TWC-VR services does not depend on the customer's income or liquid assets; however, if the customer's net income or liquid assets exceed the Basic Living Requirements (BLR), the customer must participate in the cost of services unless an exception is granted.
* Recipients of Social Security Disability Benefits: Recipients of Supplemental Security Income (SSI) or Social Security Disability Insurance (SSDI), due to the customer's disability, are exempt from the requirement to participate in the cost of TWC-VR services regardless of income.
* Exceptions to Policy: When necessary to meet the VR needs of a customer, TWC-VR staff members may request exceptions to policies and procedures through their chain of management up to the Deputy Division Director of Field Services Delivery, or designee. However, exceptions to policies and procedures based on Federal and State laws, statutes, and rules or regulations are not allowable.

## PROCEDURES

### Roles of the Transition Services Team

Transition services are student-centered. Success relies on collaboration between the members of the transition team and other support systems. SWD will soon be adults who need jobs, homes, friends and family, and community involvement. Transition services are facilitated by a VR Counselor who coordinates resources so that an independent life and vocational goals can be achieved. The earlier the planning begins, the sooner supports and services can be coordinated to help the student achieve their educational and employment goals.

The key members of the Transition Services Team are as follows:

* Student (Transition Services Customer): The responsibility of the student is to actively participate in transition planning and services in order to decide on their postsecondary goals consistent with their unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice.

Working with the other members of the team will help the student explore and develop the steps to achieve their goals.

* Transition VR Counselor: TWC-VR has Transition VR Counselors (TVRC), qualified VR Counselors who work a specialty caseload of transition SWD. SWD may be working with a TVRC or a general VR Counselor.

Through individualized supports and VR counseling and guidance, the TVRA responsibilities include, but are not limited to, the following—

* + Facilitating work-based learning opportunities and coordinating employability skill development activities;
	+ Providing information, guidance, and counseling to transition students, parents, and schools;
	+ Developing Individualized Plans for Employment (IPE) and promoting the use of Pre-ETS;
	+ Managing case flow, networking with school and community resources, and arranging consultant services from various VR resources;
	+ Assisting students in accessing additional resources, such as career development programs and support services, and supporting their transition to postsecondary education or employment; and
	+ Facilitating interagency cooperation by contacting representatives from other organizations and attending relevant meetings, both in-person and virtually.

These integrated responsibilities ensure effective support for students with disabilities as they transition to adulthood and the workforce.

A student attending the [Texas School for the Blind and Visually Impaired](https://www.tsbvi.edu/) (TSBVI) can be served by the TVRC located in the student's home community. The TVRC in the Austin region is available as a courtesy counselor on an as-needed basis.

* Family Involvement: Family involvement in the transition process can significantly enhance both successful transition services and a successful outcome. Each family has a unique set of values and cultural influences that affect their concerns, opinions, and requests.

When family support is available, the family's role in the transition team is to—

* + Support the student by incorporating rehabilitation training and expectations at home;
	+ Help the student identify and describe the student's and family's needs;
	+ Express expectations for services;
	+ Encourage the student to act as primary coordinator for all services; and
	+ Help the student become an effective self-advocate.
* Local Education Agency: The role of the LEA is to provide a free and appropriate public education (FAPE) for students with disabilities who are receiving special education and related services or Section 504 accommodations as required under the Individuals with Disabilities Education Act (IDEA) or Section 504 of the Rehabilitation Act, respectively.

The LEA—

* + Co-advocates with the student and the family to plan and provide educational services to meet individualized educational objectives, which are documented on an IEP;
	+ Works in partnership with the student, the student's family, and other community resources to coordinate services within the community; and
	+ Provides ongoing information to the student and the family about the adolescent's educational development.
* 18+ Programs: When the need is established, some students may stay beyond the initial four-year high school period to receive extra instruction in vocational skills, independent living, and, in some cases, programs like Project SEARCH. These programs are commonly referred to as 18+ programs.

Students participating in 18+ programs have completed their academic requirements to graduate but are still working toward IEP goals established by the Admission, Review, and Dismissal (ARD) Committee. Services in 18+ continue until the student has met their goals and is exited by the ARD committee, chooses to no longer continue, or ages out. Students retain eligibility for these services through the year in which they turn 21. As long as the student is still 21 on September 1, they will be eligible to receive services through that school year.

### LEA Transition Services Process

* Students Receiving Special Education Services: In Texas, special education services are planned through the ARD process or the IEP. The ARD committee plans for and completes the IEP. The committee often consists of the transition student, parents, teachers, other special education staff, and school administration, but members can vary. Transition services provided by TWC-VR are coordinated with the transition services provided by the LEA during the ARD.

TWC-VR plays an important role in planning transition services as an integral partner in the IEP process.

In working with LEA staff and families throughout the IEP process, the TVRC—

* + Attends ARD meetings, as invited;
	+ Provides information on TWC-VR, including the services available;
	+ Helps the transition student obtain the maximum benefit from educational services by supporting their IEP;
	+ Coordinates services that align with the student's IEP; and
	+ Provides services to facilitate a smooth transition to postsecondary education and work environments.

TWC-VR and the Texas Education Agency (TEA) have a Memorandum of Understanding (MOU) in place to help create a framework for schools and TWC-VR in Texas to work together.

* Students Receiving Section 504 Services: The TVRC may also work with students who receive services under Section 504 of the Rehabilitation Act instead of an IEP. Section 504 requires schools that receive Federal funding to provide reasonable accommodations to enable students with disabilities to fully participate in the services and programs offered under the general curriculum.

Transition students receiving services under Section 504 do not have an IEP and do not have ARD meetings. They receive accommodations but no curriculum modifications. Their services are documented on a Section 504 plan. Students on a Section 504 plan who otherwise meet the definition of a student with a disability are eligible for Pre-ETS.

* Students Enrolled in Private School or Homeschool Settings: The TVRC may also work with students who are participating in private school or homeschool settings, which are considered recognized education programs. These students may not have special education services available to them in the same way publicly enrolled students do.

TWC-VR does not provide special education services or secondary education services, which are the responsibility of the LEA. If a private or homeschooled student needs a service that would normally be the responsibility of the LEA, TWC-VR may consider the need for that service based on the customer's individual circumstances and determine on a case-by-case basis whether the service is consistent with the student's rehabilitation needs in the IPE.

Questions about these situations may be submitted to a member of the State Office Transition Team or by email to the VR Pre-ETS mailbox at vr.pre-ets@twc.texas.gov.

* Transition Services Procedures: The VR Counselor must also—
	+ Obtain a copy of the most recent IEP or Section 504 plan to help with transition-planning activities;
	+ Document in RHW whether the student has an IEP or Section 504 plan; and
	+ Complete the IPE before the eligible student leaves the school setting and no more than 90 days from the time that the student's eligibility for TWC-VR services is determined.

When an IEP or Section 504 plan is not available, the VR Counselor must document that in a case note. This may occur when a student is not receiving services in one of these programs while in public school, has not yet started the process, or is enrolled in an educational setting that does not formally provide them (e.g., homeschool, private school);

* TWC-VR IPE: IPE services must—
	+ Be vocational in nature; and
	+ Support and lead to achievement of the employment goal identified in the IPE, which specifically for students and youth may be a description of the projected post-school employment outcome;
	+ Not be the responsibility of the school district under IDEA or Section 504 of the Rehabilitation Act; and
	+ Must not be readily available from the school district.
	+ Be based on current information regarding the student's knowledge, skills, interests, and preferences;
	+ Set timelines with projected beginning and ending dates for all activities leading toward achieving the student's goals; and
	+ Identify a network of support, such as family, friends, agencies, and community resources, that can help the student achieve the desired goals.

Students who receive transition services are usually in a career exploration stage of development while they are still in secondary school. VR counseling and guidance, along with specific exploration activities and other Pre-ETS activities, is expected as part of the IPE. Multiple IPE amendments may be necessary as the student's rehabilitation needs and employment goals change.

### Coordination with Education Officials

When working with transition students, coordination with schools is an essential part of planning. The TVRC must provide to the student, parent, and school personnel information that describes the—

* Purpose of the VR program;
* Application processes for TWC-VR services;
* Eligibility criteria for TWC-VR services; and
* Scope of services that may be provided to eligible customers.

Specifically, the TVRC must ensure that families and students with disabilities are informed about their options and opportunities to choose methods and providers for delivery of all needed assessments, as well as decisions related to developing a plan of services. This leads to a foundation of information from which families and students can make informed choices about a coordinated plan of services for students to successfully transition to postsecondary activities and employment outcomes.

### Child Labor Laws

When making decisions about work-based learning activities that include work experience services, child labor laws must be observed.

* Minors 14 and 15 Years of Age: There is no special work permit required for this age range, but there are restrictions on—
	+ Number of hours that 14- and 15-year-olds may work;
	+ Times that they may work; and
	+ Type of work that they may do.

For example—

* + When school is not in session, minors may not work more than eight hours a day and 40 hours a week;
	+ When school is in session, minors may not work more than three hours a day on school days or 18 hours a week outside of school hours;
	+ During the school year, minors may work from 7 a.m. to 7 p.m. only; and
	+ In the summer (June 1 through Labor Day), minors may work from 7 a.m. to 9 p.m.

Limitations are placed on the work that 14- and 15-year-olds may do when they work in retail, food service, and gasoline service establishments.

* Minors 16 and 17 Years of Age: There are no child labor law restrictions on the number of hours and times that 16- and 17-year-olds may work.

However, there are restrictions on working in occupations declared hazardous by the US Department of Labor.

For more detailed information on child labor laws, refer to [Texas Child Labor Laws](https://www.twc.texas.gov/jobseekers/texas-child-labor-law).

### Assistive Technology

The LEA must provide assistive technology services and assistive devices to meet the educational needs of secondary school students. The student may use the equipment at home to complete homework assignments and school projects.

In accordance with IDEA requirements, if the student's ARD committee determines that an SWD needs home access to telecommunications, sensory devices, or other technological aids to meet the requirements of a FAPE, the LEA must provide the devices for home use in order to implement the student's IEP.

When a SWD is enrolled in postsecondary training services, the TVRC may purchase the assistive technology services and devices only if the items are needed for their postsecondary education or long-term employment.

### Dual Credit Courses

Dual credit courses offer secondary students at select high schools the opportunity to participate in postsecondary coursework while enrolled in high school. These students can earn up to 60 college credit hours. The list of approved high schools can be found on the [Texas Education Agency (TEA)](https://tea.texas.gov/ECHS/) website.

Comparable services and benefits must be considered before dual credit coursework is purchased by TWC-VR, including benefits that may be available through the school.

Because secondary students are concurrently postsecondary training, it is allowable for these students to carry less than a full-time course load.

## APPROVALS & CONSULTATIONS

TWC-VR staff must follow the following approvals and consultations:

* *VR Supervisor approval is required when utilizing WorkQuest in lieu of a Workforce Development Board (Board) for the wage services for youth with disabilities when they are available.*
* *VR Supervisor approval is NOT required when the Board does not provide wage services.*

**REVIEW**

The Policy Planning and Statewide Initiatives Team, or designee, is responsible for reviewing this policy and these procedures and will update the Document History log if necessary.

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| **Date** | **Type** | **Change Description** |
| 9/3/2024 | New | VRSM Policy and Procedure Rewrite |