

Understanding the Role of Vocational Rehabilitation in Transition from School to Work



DISABILITY LAW & ADVOCACY CENTER

of Tennessee

Learning Objective

This session is intended to:

- enhance the participants' understanding of the role of Vocational Rehabilitation (VR) in the Transition from School to Work (TSW) process, and
- encourage collaboration with VR to plan and prepare for employment related transition goals of eligible students with disabilities.



Disclaimer

The following information is for training purposes only and is not to be considered legal advice. Federal and state laws, regulations, and procedures may change over time. Persons should consult the statutes, regulations, and an attorney for purposes of compliance on a specific matter.



What is Disability Law & Advocacy Center of Tennessee (DLAC)?

- ▶ Congressionally mandated, legally based disability rights agency that is funded by federal grants
- ▶ Nonprofit agency
- ▶ Authority to provide advocacy services and legal representation to protect the legal rights of people with disabilities and to investigate allegations of abuse and neglect involving persons with disabilities.



Services DLAC Provides

- ▶ Advocacy and legal services that fall within DLAC's priorities and objectives
- ▶ Information and referral to programs and services
- ▶ Trainings and presentations on disability issues
- ▶ DLAC provides services throughout the state with offices located in Memphis, Nashville, and Knoxville



Interagency Agreement

- ▶ Agreement between multiple State Agencies
- ▶ Provides framework for agency collaboration on transition services to youth with disabilities
- ▶ Identifies and defines financial responsibilities of the agencies
- ▶ Facilitates provision and coordination of services for eligible children under the Individuals with Disabilities Education Act (IDEA) including transition age youth.
- ▶ Focus today on coordination of services for transition age youth with disabilities between the Department of Education (DOE) and Vocational Rehabilitation (VR).



Vocational Rehabilitation (VR)

- ▶ Federal and state-funded program
- ▶ Authorized by Title I of the Rehabilitation Act of 1973 as amended
- ▶ Provides services to help individuals with disabilities enter, maintain or return to employment



VR Transition School to Work (TSW) Program

- ▶ Provides VR services to eligible high school students with disabilities who are interested in entering employment, either:
 - immediately after leaving high school or
 - following post-secondary training/education.
- ▶ Goal is a smooth, seamless transition from high school to post-high school employment.



VR Role in Transition Services

- ▶ Provide consultation and technical assistance to the Local Education Agency (LEA)
- ▶ Maintain working relationship with LEA to assist in preparing students for career opportunities
- ▶ Conduct transition planning with the LEA to facilitate the development and completion of the Individualized Education Program (IEP)



VR Role in Transition Services (cont.)

- ▶ Participate in the IEP meeting to the extent possible when requested by the LEA
- ▶ Determine eligibility for VR services
- ▶ Work with eligible students to develop Individualized Plan for Employment (IPE) that is coordinated with the IEP



Who is Eligible for VR Services?

- ▶ Individuals are eligible if they:
 - Have a physical, sensory or mental disability that results in a substantial impediment to employment
 - Can benefit from VR services to reach an employment outcome
 - Require VR services to prepare for, secure, retain or regain employment
 - Intend to achieve an employment objective consistent with their unique strengths, resources, priorities, concerns, abilities, capabilities, interests and informed choice.
- ▶ Continued...



Who is Eligible for VR Services? (cont.)

- ▶ Individuals are presumed eligible if they:
 - Receive Supplemental Security Income (SSI) or Social Security Disability Insurance (SSDI) benefits based on disability or blindness (presumed to meet the above criteria).



Who and When to Refer to VR?

- ▶ Refer any student with a disability who wants to work after leaving high school.
- ▶ Make referral:
 - at least twelve (12) to eighteen (18) months prior to the projected graduation date, or
 - when student begins the junior year.
- ▶ An exception for an earlier referral might be made when a student is at risk of dropping out of school or in other high-risk situations.



Who Can Refer?

- ▶ Anybody may request VR involvement in the transition planning process and may make referral to VR:
 - Students
 - Family members
 - High school teachers
 - Guidance counselors



How Can a Referral be Made?

- ▶ Contact the VR Counselor who is assigned to work with your school
- ▶ Visit the VR website at www.state.tn.us/humanserv/rehab/vrs.html to locate VR offices by county. You may contact a VR office in person, by mail, or telephone
- ▶ Continued...



How Can a Referral be Made? (cont.)

- ▶ You may contact a VR Regional Office:
 - Region 1 – Johnson City 423-434-6934
 - Region 2 – Knoxville 865-594-6060
 - Region 3 – Chattanooga 423-634-6700
 - Region 4 – Cookeville 931-526-9783
 - Region 5 – Nashville 615-741-1606
 - Region 6 – Columbia 931-380-2563
 - Region 7 – Jackson 731-423-5620
 - Region 8 – Camden 731-584-2147
 - Region 9 – Memphis 901-528-5284



What Happens After Referral to VR?

- ▶ VR Counselor will conduct an intake interview
- ▶ VR Counselor will determine eligibility using the following types of information:
 - Medical evaluations,
 - Psychological evaluations,
 - Vocational evaluations,
 - School records / IEP, and
 - Other diagnostic information secured by VR to determine the nature and extent of the disability.



Evaluations

- ▶ LEA should provide to VR the most current copies of records needed to establish eligibility.
- ▶ If information provided by LEA is not sufficient for VR to document disability, VR secures other medical, psychological or vocational information to be used in making an eligibility/ineligibility determination.



Timeline for Eligibility Determination

- ▶ VR is required to make a determination of eligibility for services within 60 days from the date of application.
- ▶ This timeline can be extended:
 - (i) if unforeseen/exceptional circumstances delay determination and both client and counselor agree to the extension in writing, or
 - (ii) if VR believes the individual is ineligible due to the severity of the disability and needs additional time to conduct trial work experiences or extended evaluations before making a final eligibility/ineligibility decision.
- ▶ Upon eligibility/ineligibility determination, VR Counselor will send letter to student



Ineligibility Determination

- ▶ Not all IDEA eligible students will be eligible for VR services.
- ▶ Students not eligible for VR services will be given information and referrals by VR to help them find services through other entities or agencies.



Order of Selection – Overview

- ▶ Due to limited resources, Tennessee operates under a legally-mandated Order of Selection and currently can serve only individuals with significant disabilities.
- ▶ Criteria VR must consider to determine significant disability:
 - Individual must have a severe physical or mental disability that causes serious functional limitations; and
 - Individual's vocational rehabilitation must require:
 - Multiple services; and
 - 6 months or more to complete services (from date that services are initiated).



Priority Category Determination

- ▶ VR will determine priority category within 90 days following eligibility determination in most cases.
- ▶ Employment Needs Assessment
 - information collection and client evaluation process
 - individualized process



Functional Capacity Limitations

- ▶ To be classified as Priority Category 1 or 2, the only categories currently receiving continuous VR services, documentation must show that the individual's disability impacts one or more of the following functional limitations:
 - ▶ Mobility
 - ▶ Communication
 - ▶ Self-Care
 - ▶ Self-Direction
 - ▶ Interpersonal Skills
 - ▶ Work Tolerance
 - ▶ Work Skills
 - ▶ Cognitive Skills
 - ▶ Motor Skills



Order of Selection – Priority Categories

- ▶ Priority Categories:

- Priority Category 1 – Eligible individuals who have one or more severe physical or mental impairments that severely limits two or more functional capacities affecting the ability to work
- Priority Category 2 – Eligible individuals who have a severe physical or mental impairment that seriously limits one or more functional capacities affecting the ability to work
 - Recipients of SSI/SSDI benefits based on disability or blindness are presumed to be at least Priority Category 2.

- Continued...



Order of Selection – Priority Categories

- ▶ Priority Categories:

- ▶ Priority Category 3 – Eligible individuals who do not have a severe mental or physical impairment or serious limits to any functional capacities and whose vocational rehabilitation is expected to require multiple services

- ▶ Priority Category 4 – Eligible individuals who do not have a severe mental or physical impairment or serious limits to any functional capacities and who cannot be classified into a higher priority category.

- ▶ Continued...



Congratulations!

- ▶ When VR determines that a student with a disability is eligible for VR services and is in Priority Category 1 or 2, an Individualized Plan for Employment (IPE) is developed to include:
 - Specific employment outcome
 - Description of VR employment services to be provided
 - Timeline for initiation of services and achievement of outcome
 - Vendors and methods to procure services
- Continued...



Congratulations! (cont.)

- ▶ IPE is developed to include:
 - Criteria to evaluate progress
 - Terms and conditions of the IPE
 - If a student is still receiving IEP services, the IPE must be coordinated with the IEP in terms of goals, objectives and services.

The IPE must be developed, signed and approved at the latest by the time the student leaves school.

The IPE must be reviewed annually.



What Services Must VR Provide?

- ▶ Based on individual needs of student and involve a coordinated, results-oriented set of activities leading to an employment outcome identified on the IPE
- ▶ The determining factor is whether the services are necessary for the individual to prepare for, secure, retain, or regain an employment outcome that is consistent with his/her strengths, resources, priorities, concerns, abilities, capabilities, interests and informed choice.

The student must intend to pursue employment.



Transition Services Provided by VR

- ▶ VR services that promote a seamless transition to post-secondary employment might include:
 - Employment-related counseling and guidance
 - Career exploration
 - Job readiness
 - Vocational assessment
 - Personal and work adjustment
 - On-the-job training
 - Post-secondary education
 - Integrated employment (including supported employment)



Financial Need Criteria

- ▶ VR is not an entitlement program
- ▶ Tennessee utilizes a financial needs test – requires financial disclosure by client and by family, if client is a dependent
- ▶ SSI/SSDI recipients automatically meet financial need criteria



Financial Need Criteria

- ▶ Examples of services exempt from financial need criteria:
 - Diagnostic services used for assessment
 - Vocational rehabilitation counseling and guidance
 - Job placement; supported employment
 - Auxiliary aids or services (interpreter, reader, orientation and mobility) required for participation in a rehabilitation service

- ▶ Examples of services subject to financial need criteria:
 - Tuition for post-secondary education; books; training supplies
 - Transportation and maintenance (e.g., meals, housing)
 - Personal or physical restoration devices (e.g. hearing aid, wheelchair)
 - Occupational tools and equipment



TIPS for Students to Enhance the TSW Process

- ▶ Initiate referral to VR no later than 12 to 18 months prior to projected date of graduation
- ▶ Be sure student and/or school provides the following to VR (at time of referral or during intake session):
 - copy of complete school records
 - copy of most recent IEP
 - proof of guardianship/conservatorship
 - contact information for medical providers
- ▶ Attend all evaluations as scheduled by VR Counselor
- ▶ Continued...



TIPS (cont.)

- ▶ Identify appropriate employment objective
 - career exploration / job research
 - job shadowing
 - work based learning
- ▶ Stay in contact with VR Counselor
 - return phone calls
 - read and respond to mail and e-mail
- ▶ If plan to attend post-secondary education/training, complete & submit Free Application for Federal Student Aid (FAFSA) forms at www.fafsa.ed.gov by end of January of senior year of high school



What if the Student Doesn't Agree With the VR Counselor's Decision?

Student has the right to appeal:

- ▶ The student or appropriate representative must contact VR counselor or supervisor within 30 calendar days of the date of the notice of any unfavorable decision and request:
 - Informal Administrative Review by a VR supervisor;
 - Mediation conducted by an impartial mediator; or
 - Fair Hearing conducted by an impartial hearing officer
- ▶ The DLAC Client Assistance Program (CAP) can assist with resolving issues



CAP Services

- ▶ Answer clients' questions about VR services and policies
- ▶ Explain appeal rights if clients disagree with VR decisions
- ▶ Provide advocacy or legal assistance with clients' appeals or VR decisions when appropriate
- ▶ Help resolve misunderstandings between clients and their VR counselors
- ▶ Explain client rights under Title I of the Americans with Disabilities Act (ADA), or the Rehabilitation Act



Contact DLAC:

- ▶ Website: www.DLACTN.org
- ▶ Phone: 1-800-342-1660
- ▶ TTY: 1-888-852-2852
- ▶ E-mail: GetHelp@DLACTN.org

