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## **MEMORANDUM**

**TO: Exceptional Student Education (ESE) Directors, Student Services Directors, ESE Secondary Transition Coordinators, all Division of Vocational Rehabilitation (VR) and Division of Blind Services (DBS) Staff**

**FROM: Robert Doyle, Director, DBS  
Aleisa McKinlay, Director, VR  
Monica Verra-Tirado, Chief, Bureau of Exceptional Education and Student Services (BEESS)**

**DATE: January 8, 2016**

**SUBJECT: Workforce Innovation and Opportunity Act (WIOA) Procedures**

### **I. PURPOSE**

The Florida Department of Education's (FDOE) BEESS, DBS, and VR share the goal of improving the post-school outcomes of students with disabilities. To this end, we are working together at the state level to implement the requirements of WIOA. State level collaboration is important, but improved outcomes for students can only be realized if similar collaboration also occurs at the local level. This joint memo is being issued to ensure that all parties share a similar understanding of the expectations for school districts and local DBS and VR staff and of the processes and services offered by DBS and VR.

DBS and VR have already begun providing pre-employment transition services (pre-ETS) to assist youth in high school. In the future, students who only need pre-ETS may receive these services without making an application for other agency services. Additional guidance on this process will be provided through a memorandum and/or agreement once final WIOA rules and regulations have been published. For now, pre-ETS services are only available to students with disabilities who apply for agency services. The collaboration between school districts, BEESS, DBS and VR will deliver creative solutions on how to better assist students with disabilities transition into postsecondary training programs, education and employment.

### **II. BACKGROUND**

Florida became an Employment First state by executive order in October 2013, and an interagency agreement was fully executed in May 2014 between BEESS, DBS, VR, and other related agencies. Employment First means that competitive integrated employment is the first and preferred option for all individuals, including those with the most significant disabilities.

This is both a philosophy and policy and may require a shift in our expectations. All individuals involved in the process, including the students themselves, parents, teachers, counselors and administrators, must believe that employment is possible. Additional information on Employment First in Florida is available at [www.employmentfirstfl.org](http://www.employmentfirstfl.org).

WIOA amends the Rehabilitation Act of 1973 and went into effect on July 1, 2015. WIOA requires DBS and VR to make pre-ETS available to all students with disabilities in high school who need transition services. Pre-ETS include the following:

- Career exploration counseling;
- Community-based work experiences;
- Workplace readiness training;
- Postsecondary education counseling; and
- Self-advocacy instruction and peer mentoring.

WIOA shares Employment First's goal of competitive integrated employment as the optimal outcome for people with disabilities. WIOA seeks to have pre-ETS delivered to youth so they are prepared to compete in a 21st century workforce. WIOA also includes additional requirements for individuals seeking to move from the kindergarten through Grade 12 system to sheltered, sub-minimum wage environments. DBS or VR must be involved and pre-ETS services must be provided, to students, through DBS, VR, or the school system, before the individual, or a family member on their behalf, decides to pursue an option that allows a sub-minimum wage. Additional information on WIOA is available at [www.doleta.gov/wioa](http://www.doleta.gov/wioa).

The Individuals with Disabilities Education Act (IDEA) and Rule 6A-6.03028(3)(c)8., Florida Administrative Code, require that representatives from agencies that may be responsible for providing or paying for transition services be invited to individual educational plan (IEP) meetings, with the permission of the parent or student who has reached the age of majority. Services provided under IDEA (Title 20 of the United States Code section 1400 et seq.) should be coordinated with transition services provided under WIOA, section 412(9)(III)(ii), in order to meet the needs of individuals with disabilities. WIOA does not relieve school districts of their responsibilities under IDEA. This memorandum will provide guidance needed by partners to collaboratively identify and serve students with disabilities as they transition from the school system into postsecondary activities. These laws, rules and regulations function collectively to assure students with disabilities receive the services needed to secure employment and become productive members of society.

### **III. INFORMATION SHARING AND AWARENESS**

#### ***School Districts***

Schools will share information on available agency services using agency-approved brochures, fact sheets and/or referral to the agency's website ([www.dbs.myflorida.com](http://www.dbs.myflorida.com) or [www.RehabWorks.org](http://www.RehabWorks.org)) when a student attains age 14 or begins transition planning, whichever occurs first. DBS/VR representatives are available to jointly deliver an overview of their programs serving youth with disabilities to all school personnel, as part of the days set aside for professional development prior to the beginning of the school year.

#### ***DBS and VR***

Agencies will provide available materials and resources to schools to use in informing students and their families of agency services and supports, at no cost. Agency staff will participate in local and state interagency councils or committees and collaboratively develop formalized processes, resources and supports for students and families. Agency staff will participate in training and school events, when invited, to promote awareness of services. Agencies will also encourage the participation of BEESS program specialists and local educators in agency sponsored training to increase DBS/VR understanding of school district services and supports, including any unmet needs for assisting students with disabilities transition to postsecondary education and employment.

#### **IV. IDENTIFICATION AND REFERRAL OF STUDENTS WITH DISABILITIES**

##### *School Districts*

Schools will refer to DBS and/or VR students with disabilities who will need pre-ETS or other agency services. Schools must obtain permissions as required under IDEA and applicable State Board of Education regulations to make such referrals. A list of agency services may be found in section VI of this document (Services for Students with Disabilities). A referral may include an invitation to participate in planning meetings, and specifically, the transition IEP. Students with disabilities may have been identified by the school district through:

- A Section 504 plan;
- An IEP; or
- Other means (e.g., engagement in the Multiagency Network for Students with Emotional/Behavioral Disabilities [SEDNET], following a strict medical regimen, etc.).

Though schools are expected to help coordinate services for all students with disabilities, the IEP meetings offer structured opportunities to engage partners. To ensure the greatest level of participation possible, school district staff should send agency invitations at least four weeks prior to scheduling an IEP meeting. Districts should attempt to schedule several students needing agency services on the same day to make best use of the agency representative's time. Scheduling should be confirmed with agency staff and plans put in place for instances when agency staff are unable to attend in person. If agency representatives fail to respond to an invitation, school districts may use the attached agency contact list to obtain technical assistance from the agency's local transition liaison.

##### *DBS and VR*

Representatives will respond to invitations to participate in planning meetings and/or referrals for DBS/VR services within three days of receiving the request. Agency staff will diligently attempt to attend in person. During the first meeting with the student and/or responsible party, agency representatives will attend the IEP meeting and communicate the agency's program purpose, eligibility requirements, applications procedures and the scope of services that may be provided to eligible students. If agency staff cannot attend a meeting at the school site, they may participate by telephone, conference call, or email, or provide written input for the school to use in documenting agency participation.

Agency staff assigned to each school shall make contact with the school district's transition coordinator, ESE director, or designee at the beginning of the school year to coordinate

schedules which make the best use of the time allotted for IEP planning, when invited to attend. Anyone may refer a person for DBS/VR services.

## **V. ELIGIBILITY, EXISTING RECORDS, AND EVALUATIONS**

### School Districts

Students with disabilities may be determined eligible for services under either IDEA or Section 504 of the Rehabilitation Act. Both guarantee students with disabilities access to a free and appropriate public education (FAPE), but there are differences in the criteria used to determine eligibility and the definition of FAPE.

For a student to receive ESE services under IDEA, the student's educational performance must be adversely affected by the disability, and he or she must be in need of special education services. Section 504 is not limited to specific disability categories and does not require evidence that the disability adversely affects the student's educational performance. To be eligible for an accommodation plan under Section 504, the student must "have a physical or mental impairment which substantially limits one or more major life activities." Major life activities include caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working. Students ineligible for services provided under IDEA may be eligible for accommodations under Section 504.

Schools will use the agency's signed and dated release of information to assist DBS/VR with eligibility determination. Records released for transition planning may include psycho-educational, medical records, academic, vocational reports or other identified information

### DBS

Students with a visual disability must be determined eligible for DBS Transition services. The agency will use existing records provided by the school district and other organizations, to the extent possible, to determine eligibility for DBS Transition services and assist with transition planning. If additional evaluation is required for eligibility, it will be provided at no cost to the student or family. In order to determine eligibility, DBS requires:

- A documented visual disability diagnosis that interferes with preparing for, obtaining or keeping employment;
- A demonstrated need for DBS Transition services in order to prepare for or obtain employment; and
- Verification of Supplemental Security Income (SSI) or Social Security Disability Insurance (SSDI), based on the student's disability, if applicable.

### VR

Students with disabilities must be determined eligible for VR services. The agency will use existing records provided by the school district and other organizations, to the extent possible, to determine eligibility for VR services and assist with transition planning. If additional evaluation is required for eligibility, it will be provided at no cost to the student or family. VR will share evaluations with school districts to support transition IEP services. In order to determine eligibility, VR requires:

- A documented disability diagnosis that interferes with preparing for, obtaining or keeping employment;
- A demonstrated need for VR services in order to prepare for or obtain employment; and
- Verification of SSI or SSDI, based on the student's disability, if applicable.

## **VI. SERVICES FOR STUDENTS WITH DISABILITIES**

The agencies and school district will collaborate to ensure the student's individualized plan for employment (IPE) is coordinated with the student's IEP. Both documents should be consistent in how they support the student's vocational goal and measurable postsecondary goals for education and employment by the time the student exits school. Vocational goals for students with disabilities who do not have IEPs should be consistent with the student's academic track, strengths, abilities and interests.

### School Districts

Students eligible under IDEA for an IEP receive special education services, which include specially designed instruction, such as adapting the content, methodology or delivery of instruction to ensure the student access to the general curriculum. For example, students in regular class placements may receive special education services through weekly support in a learning lab or through co-teaching. Special education services may include the following:

- Specialized job coaching;
- Behavioral contracting;
- Strategy instruction in written expression;
- Social skills training;
- Instruction in reading braille;
- Monitoring behavior;
- Supported employment;
- On-the-job (OTJ) training; and
- Community-based instruction.

Students may also be eligible for related services, which include the following:

- Speech/language pathology and audiology services;
- Interpreting services;
- Physical and occupational therapy;
- Recreation, including therapeutic recreation;
- Early identification and assessment of disabling conditions;
- Counseling services, including rehabilitation counseling;
- Orientation and mobility services;
- Medical or Psychological services for diagnostic or evaluation purposes;
- School health and social work services;
- Parent counseling and training; and

- Transportation services and specialized equipment.

Both students with IEPs and Section 504 plans may receive accommodations, which may include:

- **Presentation accommodations**, such as accessible instructional materials, including text-to-speech software, digital books, large print books;
- **Response accommodations**, including the use of math manipulatives, layout adjustments to work sheets, assistive technology;
- **Setting accommodations**, such as changes to the physical setting, grouping arrangements, behavioral expectations and classroom management procedures;
- **Scheduling accommodations**, including extended deadlines, breaks and schedule adjustments; and
- **Testing accommodations**, including accommodations on statewide standardized tests, should be as similar as possible to those the student receives in the classroom.

Not all classroom accommodations are permitted on statewide standardized tests. Students with IEPs who meet specific requirements may also receive a waiver of statewide standardized test results.

### DBS

The pre-ETS program consists of a group of services that are provided by DBS and local partners on an individualized/group basis for students eligible to receive services under an IEP. Services are determined based on each individual client's needs. Types of services that may be provided include:

- **Assessments**, including comprehensive evaluations in orientation and mobility, adaptive daily living skills, assistive technology, low vision needs, functional assessments, vocational evaluation, and job readiness;
- **Information and referral**, providing specific information to an individual or group which aids them in securing assistance and collateral services that they are entitled to and from which they may benefit;
- **Assistive devices**, training an individual or group to use adaptive devices and technology for communications, daily living needs including computer, keyboarding, access software, screen readers, note takers, closed circuit televisions, accessible cell phones and other devices;
- **Counseling services**, providing counseling to address psychological and social issues related to vision loss;
- **Job readiness**, including resume preparation, interview training, appropriate hygiene and grooming training, accessing transportation, time management training, and simulated job tasks to enable the individual to adjust to work or participate in a work experience;
- **Job coaching**, providing on-site instruction to enable a participant to perform the assigned job related activities; and
- **Additional training**, including training not listed elsewhere such as, home and personal management.

## VR

Youth being served by the VR Transition Youth program will engage in career exploration and counseling. Youth will have the opportunity to participate in sponsored work readiness training and inclusive work experiences. VR services may also include:

- **Assessments**, including comprehensive vocational, job-site analysis, and medical and psychological evaluations;
- **Counseling**, providing career guidance, exploration and postsecondary options;
- **Work readiness training**, including resume and application preparation, interview training, personal interactions, appropriate attire, and grooming skills;
- **Work-based learning experience**, including OTJ training and job coaching;
- **Training and education**, providing various opportunities for youth after they have completed high school;
- **Accommodations**, including job-site assessment, flexible schedules and other supports;
- **Assistive services and devices**, including interpreter services, adaptive computers, software and applications;
- **Time-limited medical and/or psychological treatment**, including treatment needed to engage in work or participate in training or education to prepare for work; and
- **Placement**, including supported or customized employment and self-employment.

VR does not supplant, but supplements services that would be offered by the school districts as part of IDEA requirements. Certain transition youth programs are coordinated with school districts, including:

- **High School High Tech**, a drop-out prevention program focused on exposure to science, technology, engineering and math (STEM) careers;
- **Project SEARCH**, an immersive unpaid internship program coupling vocationally driven education and applied hands-on instruction conducted entirely at the site of a host business;
- **Third-party cooperative arrangements**, a community-based work experience program using one-on-one instruction and job coaching from employment specialists to instill the skills required for students that will need ongoing supports to maintain employment; and
- **Postsecondary education (PSE) programs**, a program that provides students with disabilities age-appropriate opportunities for learning, employment preparation, recreational activities, social interactions and the development of natural supports, while offering an authentic college experience.

VR can also assist students with disabilities transitioning from high school into postsecondary training, postsecondary education, and employment. **Training and education** services may include, e.g.:

- Industry recognized certificate programs and OJT;
- Career and technical training, college, or university assistance, which may include career counseling and guidance, and financial support;
- Programs like Supported Employment, for those students with the most significant disabilities;

- Regular employment services to assist students in identifying and securing employment; and
- Addressing other barriers to employment, such as the need for medical or mental restoration services and assistive technology.

This memorandum is offered jointly by FDOE's BEESS, DBS and VR. It is intended to offer clear guidance to common questions that may exist for local school districts and agencies regarding how each is expected to effectively collaborate to support the transition of students with disabilities from school to postsecondary training, education and employment under WIOA. Should you have any additional questions or need clarification regarding the information found in this memorandum, please contact:

**BEESS:** Judy White, secondary transition specialist, at [Judith.White@fldoe.org](mailto:Judith.White@fldoe.org) or by phone at 850-245-0475;

**DBS:** Brian Michaels, transition program consultant, at [Brian.Michaels@dbs.fldoe.org](mailto:Brian.Michaels@dbs.fldoe.org) or by phone at 407-245-0700 or toll free at 800-757-7190; or

**VR:** Sheila Ward, transition administrator, at [Sheila.Ward@vr.fldoe.org](mailto:Sheila.Ward@vr.fldoe.org) or by phone at 850-245-3347 and toll free at 800-451-4327.

Attachments:

VR Transition Liaison Contact List