

## A Side-by-Side View: Transition Services

### Pre-Employment Transition Services 34 CFR §361.5(c)(42)

#### DEFINITION

**Pre-employment transition services** are the earliest set of services for students with disabilities who are eligible or potentially eligible for Vocational Rehabilitation (VR) services.

These services are designed to be:

- short-term in nature
- based on the student’s needs, and
- help students identify their career interests

### VR Transition Services 34 CFR §361.5(c)(55)

#### DEFINITION

**Transition services** are outcome-oriented services for students or youth with disabilities who have been determined eligible for VR services, and facilitate the movement from the receipt of services from schools to the receipt of services from VR agencies, and/or as appropriate, other State agencies.

#### These services are designed:

- Within an outcome-oriented process that promotes movement from school to post-school activities, including postsecondary education, vocational training, competitive integrated employment, supported employment, continuing and adult education, adult services, independent living, or community participation
- Based upon the individual student’s or youth’s needs, taking into account the student’s or youth’s preferences and interests,

### Individuals With Disabilities Education Act, 20 U.S.C. § 300.43 (2004)

#### DEFINITION

**Part B of the Individuals with Disabilities Education Act (IDEA)** §300.43(a)(1) defines transition services as a coordinated set of activities focused on improving the academic and functional achievement of students. This set of activities are designed within a results-oriented process that promotes movement from school to post-school activities including:

- postsecondary education,
- vocational education,
- competitive integrated employment,
- supported employment,
- continuing and adult education,
- adult services,
- independent living, and
- community participation.

§300.43(a)(1)

The coordinated set of activities described above is centered on the student, taking into account their strengths, interests, and preferences.

### VR Transition Services

#### DEFINITION (Continued)

- To include instruction, community experiences, the development of employment and other post-school adult living objectives, and, if appropriate, acquisition of daily living skills and functional vocational evaluation,
- To promote or facilitate the achievement of the employment outcome identified in the student's or youth's individualized plan for employment (IPE), and
- To include outreach to and engagement of the parents, or, as appropriate, the representative of such a student or youth with a disability.

### Special Education Transition Services

#### DEFINITION (Continued)

Activities include:

- Instruction,
- Related services,
- Community experiences,
- Development of employment and other post-school adult living objectives, and/or
- Daily living skills and functional vocational evaluation when appropriate.

§300.43(a)(2)

**Pre-Employment Transition Services**  
34 CFR §§ 361.48(a) and 34 C.F.R. 361.48(b)(18)

**TARGET POPULATION**

**Pre-employment transition services are only available to students with disabilities.**

As defined in Section 7(37) of the Rehabilitation Act and C.F.R. § 361.5(c)(51), a “**student with a disability**” is an individual with a disability in a secondary, postsecondary, or other recognized education program who falls within the requirements for minimum and maximum age (determined by each state), and is either:

- Eligible for, and receiving, special education or related services under **Part B of the Individuals with Disabilities Education Act**, or
- Is a student who is an individual with a disability, for purposes of **Section 504 of the Rehabilitation Act**

Pre-employment transition services must be made available statewide to all who meet the definition of a “student with a disability” who may need such services and are either:

- **Eligible** for vocational rehabilitation services, or
- **Potentially eligible** for vocational rehabilitation services (i.e., all students with disabilities, including those who have not applied or been determined eligible for vocational rehabilitation services)

**VR Transition Services**  
34 CFR § 361.48(b)(18)

**TARGET POPULATION**

**VR Transition services may be provided to students and youth with disabilities.**

As defined in Section 7(42) of the Rehabilitation Act and C.F.R. § 361.5(c)(58), a “youth with a disability” is an individual with a disability who is not younger than 14 years of age; or older than 24 years of age.

Note there is no requirement that a “youth with a disability” be participating in an educational program, and the age range for a “youth with a disability” is broader than that for a “student with a disability” under the Rehabilitation Act.

VR Transition services are provided to students and youth with disabilities:

- *that have been **determined eligible** for the VR program,*
- *and **in accordance with an approved IPE** [the IPE may include a general goal of competitive integrated employment or a description of the individual's projected post school employment outcome]*

**Individuals With Disabilities Education Act,**  
20 U.S.C. § 300.43 (2004)

**TARGET POPULATION**

**IDEA Transition services are provided to students with disabilities who receive special education services.**

Under IDEA, 34 C.F.R. § 300.101, state and local education agencies must ensure that a free appropriate public education (FAPE) is made available to all eligible children with disabilities between the ages of 3 and 21, inclusive, and consistent with State law. FAPE includes the provision of special education and related services at no cost to the parents as stated.

IDEA Transition services must be addressed beginning with the first IEP in effect when the student turns age 16, or younger, if determined appropriate by the IEP Team, and updated annually. Individual state policies may require transition planning begin earlier, with several beginning transition planning at age 14 and as early as age 12.

## Pre-Employment Transition Services

### TARGET POPULATION (Continued)

A student with a disability who is potentially eligible and received **at least one** of the five required pre-employment transition services **prior to** eligibility determination may continue to receive pre-employment transition services while they are in the process of applying for VR services or if they have been placed on a wait list, if the State VR agency is in an Order of Selection (OOS).

Once a student with a disability has been determined eligible, and is able to be served, they may continue to receive pre-employment transition services, but these services must be provided in accordance with an approved IPE (34 C.F.R. § 361.48(b)(18)).

## VR Transition Services

### TARGET POPULATION (Continued)

A student or a youth with a disability who has applied for VR services, been determined eligible and is on a waiting list (assigned to a priority category not currently being served if the State VR Agency is under an Order of Selection (OOS)) **cannot** receive individualized VR transition services until the priority category to which they are assigned is opened and the transition services have been identified on the IPE.

A student with a disability who has been determined eligible for the VR program, and is not on a waiting list for services, may receive any VR services, including pre-employment transition services, necessary to assist them in achieving their employment outcome, so long as those services are identified on their IPE (34 C.F.R. § 361.48(b)(18)).

## Individuals With Disabilities Education Act

### TARGET POPULATION (Continued)

34 C.F.R. § 300.102 The provision of IDEA Transition services included in the student's IEP, continues until the student graduates with a regular high school diploma or reaches maximum age requirements for FAPE under IDEA and as defined by the state. The IEP Team determines the transition services and whether a student with a disability remains eligible for and entitled to special education services within the requirements of IDEA and the state.

**Pre-Employment Transition Services  
34 CFR §§ 361.48(a) and 361.48(b)(18)**

**NATURE, SCOPE AND PURPOSE OF SERVICES**

**Designed to be an early start at job exploration for students with disabilities.**

- Services provided or arranged by the VR agency should be based on an individual’s need, and should enrich, not delay, transition planning, application to the VR program, and the continuum of vocational rehabilitation services necessary for movement from school to postsecondary education or to an employment outcome.
- Increases opportunities for students with disabilities to practice and improve workplace readiness skills, through work-based learning experiences in a competitive, integrated work setting.
- Increases opportunities for students with disabilities to explore post-secondary training options, leading to more industry recognized credentials, and meaningful post-secondary employment.
- May begin once a student requests or is recommended for one or more of the five required pre-employment transition services, and is determined by VR to be a student with a disability in need of such services.
- Pre-employment transition services must be provided or arranged in collaboration with local education agencies (LEAs).

**VR Transition Services  
34 CFR § 361.48(b)(18)**

**NATURE, SCOPE AND PURPOSE OF SERVICES**

**Outcome-oriented services that promote movement from school to post-school activities, including postsecondary education, vocational training, and an employment outcome in competitive integrated employment or supported employment, including customized employment.**

- Provides for further development and pursuit of career interests with post-secondary education, vocational training, job search, job placement, job retention, job follow-up and job follow-along services.

If eligible students with disabilities need VR transition services that are not within the scope of pre-employment transition services, VR agencies may still provide these services in accordance with an approved IPE. However, these additional VR transition services may only be paid with other VR funds that were not reserved under Section 110(d) (1) of the Rehabilitation Act and 34 CFR 361.65(a) (3)(i).

**Individuals With Disabilities Education Act,  
20 U.S.C. § 300.43 (2004)**

**NATURE, SCOPE AND PURPOSE OF SERVICES**

**IDEA transition services are wide ranging and designed to help the student build skills and knowledge needed to achieve their post-school goals. Each student with a disability must receive FAPE in the least restrictive environment (LRE) and, to the maximum extent appropriate, must be educated with students who do not have disabilities. The provision of LRE applies to transition services, including career development and employment experiences (OSERS, A Transition Guide, 2020).**

Once a student meets the age requirements or individual need, as determined by the IEP team to include transition planning in their IEP, the focus of the IEP becomes the design and delivery of transition services that support the student’s move from school to post school activities, including postsecondary education and training, employment, and independent living.

**Individuals With Disabilities Education Act,  
20 U.S.C. § 300.43 (2004)**

**NATURE, SCOPE AND PURPOSE OF SERVICES  
(Continued)**

Transition planning is considered an integral part of the IEP must include:

- Measurable postsecondary goals based upon age-appropriate transition assessments related to training, education, employment, and independent living skills (when appropriate);
- Transition services designed to support the student in achieving these postsecondary goals;
- A multi-year 'course of study' that includes both the classes and activities necessary for the student to achieve their identified post-school goals.

**Pre-Employment Transition Services**

34 CFR §361.5(c)(42) and 34 CFR §361.48(a)(2)

**DESCRIPTION OF ACTIVITIES/SERVICES**

The five required pre-employment transition service activities may be provided either in a group setting or on an individual basis, and include:

1. **Job exploration counseling;**
2. **Work-based learning experiences**, which may include in-school or after school opportunities, or experience outside the traditional school setting (including internships), that is provided in an integrated environment in the community to the maximum extent possible;
3. **Counseling** on opportunities for enrollment in comprehensive transition or postsecondary educational programs at institutions of higher education;
4. **Workplace readiness training** to develop social skills and independent living; and
5. **Instruction in self-advocacy** (including instruction in person-centered planning), which may include peer mentoring (including peer mentoring from individuals with disabilities working in competitive integrated employment).

**VR may not limit or expand these five required pre-employment transition services.**

**VR Transition Services**

34 CFR §361.5(c)(55) and 34 CFR §361.48(b)

**DESCRIPTION OF ACTIVITIES/SERVICES**

The full array of individualized VR services may be provided to an eligible student or youth with a disability in need of such services so long as they are included on an approved IPE to assist in preparing for, securing, retaining, advancing in or regaining an employment outcome that is consistent with the individual's unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice.

Any allowable VR service can be provided as a VR transition service under an IPE.

The individualized VR transition services provided will depend on the student's or youth's individual needs and **include, but are not limited to:**

- *An assessment for determining eligibility and VR needs by qualified personnel, including, if appropriate, an assessment by personnel skilled in rehabilitation technology;*
- *Counseling and guidance, including information and support services to assist an individual in exercising informed choice consistent with the provisions of section 102(d) of the Rehabilitation Act;*

**Individuals With Disabilities Education Act, 20 U.S.C. § 300.43 (2004)**

**DESCRIPTION OF ACTIVITIES/SERVICES**

Transition services provided through IDEA §300.43 are designed to meet individual student needs and skill development necessary to meet their postsecondary goals and may include the following areas:

**Instruction**

The student is provided instruction in the skills necessary to achieve their identified post-school goals This instruction may occur in the school and/or community settings.

**Related Services**

The student may require support from various adult services to achieve his or her post-school goals. Examples include an evaluation for assistive technology, a disability resource center at an institution of higher education, or meetings with a mental health counselor.

**Community Experiences**

Community experiences take place in integrated community settings and are designed to provide opportunities for career exploration, development of workplace skills and experiences that provide students information about postsecondary education and training.

## VR Transition Services

### DESCRIPTION OF ACTIVITIES/SERVICES (Cont.)

- Referral and other services to secure needed services from other agencies through agreements developed, if such services are not available under the VR program;
- Job-related services, including job search and placement assistance, job retention services, follow-up services, and follow-along services;
- Transition services for students with disabilities, that facilitate the transition from school to postsecondary life, such as achievement of an employment outcome in competitive integrated employment, or pre-employment transition services for students;
- Supported employment services for individuals with the most significant disabilities; and
- Services to the family of an individual with a disability necessary to assist the individual to achieve an employment outcome.

## Individuals With Disabilities Education Act

### DESCRIPTION OF ACTIVITIES/SERVICES (Cont.)

#### **Development of Employment and Other Post-School Adult Living Objectives**

Employment objectives are designed to help students develop work related behaviors, career exploration, skill training and experience paid work. Adult living objectives include things such as registering to vote, renting a home, acquiring transportation, accessing medical services, applying for college, and benefits planning.

#### **Daily Living Skills**

Development of these skills will allow the student to live as independently as possible or desired. This includes the development of skills in self-determination/advocacy that develop a student's ability to make choices about where they live, learn, play, and work in their community.

*IDEA (2004) requires that outside agency partners, such as Vocational Rehabilitation, Intellectual Disabilities/Developmental Disabilities, representatives from postsecondary education, or mental health providers, be invited to IEP team meetings as appropriate. This helps ensure that the students' needs, preferences, and interests remain at the forefront of transition planning. The local education agency must obtain permission from parents (or from the student directly, if at the age of majority) for outside agencies to attend.*



**Pre-Employment Transition Services**  
34 CFR § 361.65(a)(3)

**RESERVATION OF FUNDS**

**At least 15 percent** of the Federal allotment must be reserved to provide or arrange for the provision of pre-employment transition services for students with disabilities (Sections 110(d)(1) and 113(a) of the Rehabilitation Act).

Pre-employment transition services are the only activities that a State VR agency may pay for with the minimum 15 percent reserve funds under Section 110(d)(1) of the Rehabilitation Act.

**VR Transition Services**  
34 CFR § 361.48(b)

**RESERVATION OF FUNDS**

**There is no reservation of funds requirement for transition services as outlined under (§361.48(b)).**

**Individuals With Disabilities Education Act,**  
20 U.S.C. § 300.43 (2004)

**RESERVATION OF FUNDS**

**§300.43 of IDEA (2004) does not list a reservation of funds requirement.**



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