



Vocational Rehabilitation and Special Education Students

MYTH: Students with IEPs must have current assessments (within one year) of referral in order to qualify for vocational rehabilitation services.

FACT: Vocational Rehabilitation considers the most current evaluation information and IEP from the LEA when a student is referred for vocational rehabilitation services in determining eligibility. LEAs would be expected to follow the three year reevaluation process to ensure that the most current information is documented to support IDEA eligibility, the need for continued special education and related services, and current educational needs to assist in the development of an appropriate IEP. LEAs should consider updating assessments in anticipation of transition needs including referral to vocational rehabilitation or documentation for ACT accommodations at the three year reevaluation prior to graduation. However, Vocational Rehabilitation is ultimately responsible for obtaining any additional assessments that would be required to determine eligibility for their programs.

MYTH: LEAs must always reevaluate a student at the request of the Vocational Rehabilitation Counselor and the parent.

FACT: LEAs must consider a request for a reevaluation and respond appropriately with a Notice of Action. IDEA only requires a reevaluation to determine if a student continues to be student with a disability, to develop a present level of educational performance, to determine if the student continues to need special education and related services, and to determine if any additions or modifications to the special education and related services are needed to enable the student to meet the annual goals in the IEP and participate in the general curriculum. If current information exists to make these determinations, no reevaluation is required and a Notice of Action Refused would need to be provided to the parent.

MYTH: Vocational Rehabilitation can only work with students during the second semester of their senior year.

FACT: The IDEA requires a transition plan beginning no later than the IEP in which the student turns age 16. This transition plan must include post-secondary goals for employment, education/training and, if appropriate, independent living with specific transition services to assist the student in meeting these goals. Outside agencies, such as Vocational Rehabilitation, would be expected to be invited to IEP meetings with proper consent in order to develop individualized transition services for students which could begin as early as age 16, depending upon student need. In addition, the Workforce Innovation and Opportunity Act (WIOA) passed in 2014 requires each state's public vocational rehabilitation program to undertake pre-employment transition coordination activities, including working with schools and local workforce development systems to assist in transition activities from school to adult life. The student, Vocational Rehabilitation Counselor, parent and school staff (in other words, the IEP team) should work together to determine the most appropriate time to "open" the vocational rehabilitation case and begin to provide the transition services required.

MYTH: A Release of Information to invite a representative from Vocational Rehabilitation to IEP meetings is required annually.

FACT: Regulation 34 CFR §300.321(b)(3) specifically requires LEAs to invite a representative of any participating agency (such as Vocational Rehabilitation) that is likely to be responsible for providing or paying for transition services to the IEP meeting with parent consent. This consent requirement was included in the Part B regulations to protect the confidentiality of discussions that occur at IEP Team meetings, which other agency representatives would be able to hear as a result of their attendance at such meetings, only because they may be providing or paying for transition services. Because the discussions at each IEP Team meeting are not the same, and confidential information about the child is always shared, OSEP's guidance is that consent of the parent, or of a child with a disability who has reached the age of majority, must be obtained prior to each IEP Team meeting if the LEA proposes to invite a representative of any participating agency that is likely to be responsible for providing or paying for transition services. A model [Outside Agency Authorization to IEP Meeting](#) has been developed and posted on the DESE website to assist LEAs in meeting this compliance requirement.

RESOURCES:

Visit the link below for additional information and excellent resources including a Toolkit and Roadmap regarding Vocational Rehabilitation and special education students:

<http://dese.mo.gov/adult-learning-rehabilitation-services/vocational-rehabilitation/transition-services>

