



**FINAL REPORT OF THE  
VIRGINIA COMMISSION ON YOUTH**

**TO THE GOVERNOR AND  
THE GENERAL ASSEMBLY OF VIRGINIA**

**Study on the Transition Process for  
Students with Disabilities Regarding  
Records and Services at the Age of  
Majority**

**COMMONWEALTH OF VIRGINIA  
RICHMOND  
2022**



# MEMBERS OF THE VIRGINIA COMMISSION ON YOUTH

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Emily M. Brewer, Chair  
Carrie E. Coyner  
Tara A. Durant  
Karrie K. Delaney  
Irene Shin  
Anne Ferrell H. Tata

## **Senate of Virginia**

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Avi D. Hopkins  
Jessica Jones-Healey  
The Honorable Chris Rehak

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## **I. Authority for Study**

Section 30-174 of the *Code of Virginia* establishes the Commission on Youth and directs it to “study and provide recommendations addressing the needs of and services to the Commonwealth’s youth and their families.” This section also directs the Commission to “encourage the development of uniform policies and services to youth across the Commonwealth and provide a forum for continuing review and study of such services.” Section 30-175 of the *Code of Virginia* outlines the powers and duties of the Commission on Youth and directs it to “undertake studies and to gather information and data ... and to formulate and report its recommendations to the General Assembly and the Governor.”

During the Commission on Youth’s 2021 crossover youth study, the study work group discussed the importance of maintaining and transferring records and services that young people receive in the school setting as they reach adulthood. Young adults with emotional or intellectual disabilities often lose access to services when they leave high school and reach eighteen, the age of majority. It is difficult for parents to navigate services and resources without support. The Virginia Commission on Youth approved a recommendation at its October 19, 2021 meeting articulating that the appropriate transfer or handoff of student records and the effective provision of services needs to be explored further.

The Commission then adopted a study plan on the transition process for students with disabilities regarding records and services at the age of majority at its April 19, 2022 meeting. The mandate for the study is stated as follows:

- The Virginia Commission on Youth shall convene an advisory group to review how youth with disabilities are being provided services in the schools, including mental health services, and how they can be better supported as they transition to adulthood. The 2022 study should look at ways that the Community Services Boards can work with the transitioning student, family, and the local education agency.

## **II. Members Appointed to Serve**

The Commission on Youth is a standing legislative commission of the Virginia General Assembly. The Commission has twelve member positions: six Delegates, three Senators, and three citizens appointed by the Governor.

2022 membership of the Virginia Commission on Youth is listed below.

Delegate Emily M. Brewer, Isle of Wight, Chair  
Delegate Carrie E. Coyner, Chesterfield  
Delegate Tara A. Durant, Stafford  
Delegate Karrie K. Delaney, Fairfax

Delegate Irene Shin, Fairfax  
Delegate Anne Ferrell H. Tata, Virginia Beach  
Senator Barbara A. Favola, Arlington, Vice-Chair  
Senator David W. “Dave” Marsden, Fairfax  
Senator David R. Suetterlein, Roanoke County  
Avi D. Hopkins, Chesterfield  
Jessica Jones-Healey, Smithfield  
Christian “Chris” Rehak, Radford

### **III. Executive Summary**

During the Commission on Youth’s 2021 crossover youth study, the study work group discussed the importance of maintaining and transferring records and services that young people receive in the school setting as they reach adulthood. Young adults with emotional or intellectual disabilities often lose access to services when they leave high school and reach eighteen, the age of majority. It is difficult for parents to navigate services and resources without support. The Virginia Commission on Youth approved a recommendation at its October 19, 2021 meeting articulating that the appropriate transfer or handoff of student records and the effective provision of services needs to be explored further.

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- The Virginia Commission on Youth shall convene an advisory group to review how youth with disabilities are being provided services in the schools, including mental health services, and how they can be better supported as they transition to adulthood. The 2022 study should look at ways that the Community Services Boards can work with the transitioning student, family, and the local education agency.

The Virginia Commission on Youth convened an advisory group to review how youth with disabilities are being provided services in the schools, including mental health services, and how they can be better supported as they transition to adulthood to avoid the “cliff” that many parents and guardians experience after their child leaves high school. Members of the advisory group met twice (May 17, 2022 and September 7, 2022) to explore this issue and discuss potential recommendations for improvement.

Draft study findings and recommendations were presented at the Commission’s September 19, 2022 meeting. The Commission received written public comment through October 14, 2022. After receiving public comment at the October 19, 2022 meeting, the Commission on Youth approved the following recommendations:

**Recommendation 1:**

Require that the Department of Behavioral Health and Developmental Services, in coordination with the Department of Education, and representatives from Community Services Boards and local education agencies, develop and disseminate best practice standards to Community Services Boards (CSBs) and local education agencies about how to work with local education agencies, private placement entities, students, and families through the transition process. Additionally, best practices should include information about what special education, service, or accommodation records to transfer at the age of majority and/or high school completion. The Department of Behavioral Health and Developmental Services shall use existing Department of Education guidance in developing best practices.

**Recommendation 2:**

Introduce a budget amendment directing the Department for Aging and Rehabilitative Services to work with the Department of Education, the Department of Behavioral Health and Developmental Services, the Parent Educational Advocacy Training Center (PEATC), Virginia Commonwealth University's Partnership for People with Disabilities, and VCU-RRTC to ensure that online resources are readily available and disseminated to all individuals of transition age and their families. This includes utilization and promotion of PEATC's online training course, Transition University (TU), conducted in coordination with VDOE and PEATC's online transition guide and resource documents on its website.

DARS, DOE, DBHDS, PEATC, Partnership for People with Disabilities, and VCU-RRTC shall explore whether these online resources should be expanded to ensure full coverage of resources for students with disabilities on transition services beyond high school, including transfer requirements, provider and service options, diploma requirements for future career or educational goals, and other helpful information. Assess whether PEATC's online resources, including Transition University and PEATC's transition webpage, should serve as the central hub or a separate website should be developed with the goal of ensuring access to families and promotion of resources and information by DARS and DBHDS without duplicating existing efforts. Review transition resources on other organizational websites including, but not limited to, Partnership for People with Disabilities.

**Recommendation 3:**

Request that the Department for Aging and Rehabilitative Services work with the Virginia Commonwealth University's Partnership for People with Disabilities, VCU-RRTC, and the Parent Educational Advocacy Training Center (PEATC), to develop and disseminate virtual training on transition resources and services for teachers in each high school or

school district.

**Recommendation 4:**

Request the Virginia Information Technologies Agency (VITA) work with agencies who provide services and workplace opportunities to students with disabilities, to identify solutions to barriers in using virtual reality software and other relevant transition content applications for students with disabilities.

**Recommendation 5:**

Request that the Virginia Department for Aging and Rehabilitative Services (DARS) continue to develop internship opportunities for students with disabilities. DARS should work in collaboration with other state agencies and local governments including, but not limited to, the Virginia Departments of Labor and Industry, Education (Career and Technical Education, as well as Special Education), the Blind and Vision Impaired, the Deaf and Hard of Hearing, and Behavioral Health and Developmental Services, as well as the Virginia Chamber of Commerce, local chambers of commerce, businesses, and other relevant organizations to provide internship opportunities for students with disabilities. These opportunities will ensure that each student with a disability has a blueprint for their career and job placement after high school. DARS shall continue to educate internship provider businesses about different types of accommodations that can be accessed for various disabilities. DARS shall take advantage of established programs and increase statewide school participation in programs such as Project Search and other post high school programs.

**Recommendation 6:**

Request that the Secretary of Education, in coordination with the Secretary of Health and Human Resources, Secretary of Labor, and Secretary of Commerce and Trade, investigate the feasibility of developing a comprehensive program to reduce unemployment among adults with disabilities by assisting and supporting businesses to attract, hire, train, and retain adults with disabilities.

**Recommendation 7:**

Introduce a budget amendment to fund a transition coordinator grant program to be administered through the Virginia Department of Education. These coordinators shall be employed by local school divisions and work with other community partners (Local Community Services Boards and other agencies, including private education entities) to assist students with disabilities and their families in preparing for future service needs and employment opportunities. School districts shall apply to the Department of Education to



receive state grant funding for a coordinator position. Grant funding may also be used by local school divisions to offer transition services to students with disabilities through contracted positions, such as job coaches, that are available in the community.

**Recommendation 8:**

Require that all public high schools identify the person responsible for transition planning and coordination at each school. Make such identification of the person responsible for transition planning available to the public.

**Recommendation 9:**

Support the Virginia Department of Education in their use of IDEA funding to develop a state special education transition management position to oversee transition coordinator issues and funding across the state.

**Recommendation 10:**

Request that the Chair of the Virginia Commission on Youth write letters of endorsement for Virginia Commonwealth University's Partnership for People with Disabilities, the disAbility Law Center, the Virginia Board for People with Disabilities, and the Virginia Department for Aging and Rehabilitative Services. The letters will show support for these organizations towards their goal of obtaining grant funding to assist with the advocacy for, and the transition of, students with disabilities to adulthood and independent living.

**Recommendation 11:**

Introduce a language only budget amendment directing the Virginia Department of Education to have the Virginia Intercommunity Transition Council meet at least biannually to help implement its statewide plan for oversight of local practices related to transition planning and services.

The objective of this council shall include streamlining and collaboration, developing a better transition communication network in the Commonwealth, educating all members about what Virginia and local organizations provide for students transitioning to adulthood, identifying any gaps or overlap in services for potential streamlining and problem-solving, identifying best practices for students without family involvement or who are in the custody of a social services agency, and developing an improved transition infrastructure for students with disabilities.

This council shall include, but not be limited to, the Department for Aging and Rehabilitative Services, the Department of Behavioral Health and Developmental Services, Department for the Blind and Vision Impaired, Department for the Deaf and Hard of

Hearing, Department of Social Services, Virginia Community College System, and Virginia Commonwealth University's Partnership for People with Disabilities.

**Recommendation 12:**

Request that the Chair of the Virginia Commission on Youth write a letter of support to the Virginia Board for People with Disabilities for the following recommendation, as amended below in **bold**:

Virginia Department of Education (DOE) **and the Department of Behavioral Health and Developmental Services**, along with the local school divisions, should work with CSBs/BHA within the school divisions' catchment area to designate a staff to act as a lead for school-to-adult life transition and work with the school division's Transition Coordinator to ensure accurate and timely information is distributed to families. CSBs/BHA should utilize existing school-to-adult life transition resources such as PEATC's Transition University for CSB staff training and development.

**Recommendation 13:**

Request that the Chair of the Virginia Commission on Youth write a letter of support to the Virginia Board for People with Disabilities for the following recommendation:

The CSBs/BHA, through their member organization, Virginia Associations of Community Services Boards (VACSB), should consider operating a Community of Practice for School to Adult Transition, to foster learning and identify some of the exemplary practices taking place in several CSBs.

**IV. Study Goals and Objectives**

The goals of the study were to learn about the transition process for students with disabilities in Virginia from parents, students and service providers, explore any gaps in services moving from high school to adult services, discover what each state agency is doing for the transition process, identify challenges or opportunities for improvement, and make recommendations for a smoother transition for students and families.

The study mandate directed the Virginia Commission on youth to do the following:

- The Virginia Commission on Youth shall convene an advisory group to review how youth with disabilities are being provided services in the schools, including mental health services, and how they can be better supported as they transition to adulthood. The 2022 study should look at ways that the Community Services Boards can work with the transitioning student, family, and the local education agency.

## A. IDENTIFIED ISSUES

- Special education in the public schools may be provided through the age of twenty-one as needed, depending on the level of the physical, intellectual, or emotional disability and the available services that will meet the student's needs.
- All students, including students in special education programs, are considered self-sufficient adults at the age of majority (eighteen years old) by law in Virginia and, as such, are no longer required to have parental consent for educational decisions.
- Educators are required by federal and state regulations to inform parents of their student's rights at least one year prior to the student's eighteenth birthday, giving parents time to either petition the court for guardianship, or complete the paperwork to become the "educational representative" for their adult student. This is for students with an IEP.
- When their child with disability turns 18, parents will no longer have access to educational records of their student, including the Individualized Education Program (IEP), goals, academic or other achievements, and history of services.
- While regulations are in place, parents of children with disabilities are often overwhelmed and do not have the approvals in place to access their eighteen-year-old child's education records. Additionally, the knowledge and use of available resources is often not made available to this parent population, making it a confusing time for these parents to navigate. This causes needed services to stop, creating a "cliff effect" for the families.
- House Bill 2380 (Bell, Rob B.) was introduced during the 2015 Virginia General Assembly Session to require school divisions to designate staff to receive training about community services that are available to students with intellectual disability or emotional disturbance upon graduating from, aging out of, or leaving public education, and to provide this information to students and their parents or guardians. Additionally, the bill required the Community Services Boards and Behavioral Health Authorities to provide information about available services and ensure that at least one employee or representative of these organizations participate in the meeting (a warm handoff) between the students and/or parents to discuss the services that are available to the students when they graduate from, age out of, or leave public education. The bill was not passed and was left in House Appropriations.
- Senate Bill 585 (Dunnavant) was introduced during the 2020 Virginia General Assembly Session to require the Department of Education to prepare and update transitional materials that include information about powers of attorney and guardianship to be provided to students and parents during the student's annual IEP meeting for students with an IEP between the ages of 17.5 and 21 years of age. When a petition for guardianship or conservatorship is presented, a guardian ad litem is appointed and must review the IEP and include the results in the court report. The guardian ad litem is required to consider whether a less restrictive option is available for the student, including an advance directive or durable power of attorney. The bill also encourages the student to fully participate in all

decisions as they are able. This bill was approved by the House and Senate and signed by the Governor.

## **B. STUDY ACTIVITIES**

The Commission on Youth was tasked with carrying out the following study activities, according to the study mandate. Given the authority for study outlined above, VCOY staff completed the study process, which involved the analysis of prior relevant legislation and conducting interviews with individuals representing relevant agencies. The Virginia Commission on Youth completed the following study activities:

- Review and analyze laws, policies, and procedures related to the following items:
  - Federal secondary school transition requirements
  - Virginia Department of Education secondary school transition process
  - Other states secondary school transition process
  - “Warm handoff” approach from local school divisions to Community Services Boards and behavioral health authorities
  - Recordkeeping by local school divisions and potential use by Community Services Boards
  - Rights of Students when they reach the age of majority
  - Family Educational Rights and Privacy Act (FERPA)
  - Health Insurance Portability and Accountability Act (HIPAA)
  - Individuals with Disabilities Education Act (IDEA)
  - Olmstead Act and the Americans with Disabilities Act
  - Individualized Education Program (IEP) and 504 Plans
- Conduct background and literature reviews:
  - Parent ombudsman for special education program in Virginia
  - Virginia Department of Education programs to assist students with transitioning to adulthood and adult services, if relevant (i.e., “I’m Determined” Program)
  - Programs and services at the Virginia Department of Behavioral Health and Developmental Services, including any progress on the supported decision-making agreements
  - Programs and services at the Virginia Department for Aging and Rehabilitative Services and Department for the Blind and Vision Impaired (Pre-Employment Transition Services, or Pre-ETS)
  - Services provided by the Community Services Boards
  - National Center on Secondary Education and Transition (NCSET) resources
  - Guardianship, conservatorship, power of attorney, educational representative requirements
  - Best practices for secondary school transition prior to the age of majority
- Convene an Advisory Group of impacted stakeholders:

- Community Services Boards
- The Office of Children’s Services
- The Office of the Secretary of Education
- Special Education/Exceptional Education Professionals
- Virginia Association of Independent Specialized Education Facilities
- Virginia Council of Administrators of Special Education
- Virginia Department for Aging and Rehabilitative Services
- Virginia Department of Behavioral Health and Developmental Services
- Virginia Department for the Blind and Vision Impaired
- Virginia Department of Education
- Youth and families with transition experience
- Other relevant professionals
- Present findings and recommendations to the Commission on Youth.
- Receive public comment.
- Prepare final report.

## **V. Methodology**

The findings and recommendations of this study are based on a number of distinct activities conducted by the Commission on Youth.

### **A. ADVISORY GROUP**

In order to accomplish the work of this study, the Commission on Youth was directed to form an advisory group to make recommendations on best practices for the sharing, collection, and use of such data and records while respecting the privacy interests of youth and families. The advisory group was chaired by Delegate Emily M. Brewer, with Senator Barbara Favola serving as Vice-Chair. The advisory group met on the following dates:

- May 17, 2022
- September 7, 2022

The advisory group consisted of representatives from the following organizations:

- The ARC of Virginia
- disAbility Law Center of Virginia
- Family and Youth Representatives
- Office of Children’s Services
- Office of the Secretary of Education
- Senate of Virginia
- Virginia Association for Community Services Boards

- Virginia Association of Independent Specialized Education Facilities
- Virginia Commonwealth University, Partnership for People with Disabilities
- Virginia Council of Administrators of Special Education
- Virginia Department for Aging and Rehabilitative Services
- Virginia Department of Behavioral Health and Developmental Services
- Virginia Department of Education, Department of Special Education and Student Services
- Virginia Department for the Blind and Vision Impaired, Services for Children and Youth
- Virginia House of Delegates

A list of the advisory group members can be found under Appendix A at the end of this report. All of these meetings remain accessible to the public in archive form on the Virginia Commission on Youth’s website under the meetings tab (<https://www.vcoy.virginia.gov>).

The first advisory group meeting on May 17, 2022 featured three presentations and included a small group breakout session. Members heard from Delegate Rob Bell about the Community Services Boards, Behavioral Health Authorities, and Local Education Agencies, and the role they could play in providing a smoother handoff. Dr. Samantha Hollins with the Virginia Department of Education’s Department of Special Education and Student Services provided a presentation on the current transition services for students with disabilities. The third presentation was by Heidi Lawyer, representing the Parent Educational Advocacy Training Center (PEATC), with a parent perspective. During the breakout session, members were asked to discuss their major concerns regarding students with Individualized Education Programs (IEPs) who are transitioning out of the school system at age 18-21, and ideas about how the Virginia Commission on Youth could ease this transition process for a “warm handoff” to community service providers.

The second advisory group meeting on September 7, 2022 included presentations from a former student with a disability and her mother, as well as the draft findings and recommendations. The former student is successfully employed part-time as an adult. She described her personal challenges, current job situation, and her accomplishments. Her mother explained the strengths and pitfalls of their transition process experience, highlighting the frustration with public transportation and the strong need to reduce the waiting time for job coaches who work with the young adult at the job site. Advisory group members approved draft findings and recommendations that were a reflection of the research, interviews, and feedback from stakeholders completed by VCOY staff to put forward to the full Commission on Youth.

## **B. RESEARCH AND ANALYSIS**

A variety of research techniques were used that included interviews, tours, webinars, and professional article and web page reviews. A total of nine interviews were conducted with a variety of different organizations to identify current processes and services/programs, any overlap of

services, potential coordination, and opportunities for improvement. Interviews were conducted with a parent of a student with a disability who is transitioning out of high school this year, the Virginia Department of Education - Ombudsman Program and Special Education and Student Services, Department of Behavioral Health and Developmental Services, Department for Aging and Rehabilitative Services, Department for the Blind and Vision Impaired, Virginia Commonwealth University's Partnership for People with Disabilities, Virginia Council of Administrators of Special Education, and Transition Tennessee/Vanderbilt University. Staff also toured the Wilson Workforce and Rehabilitation Center to experience the vocational education program in person.

Staff attended six webinars/webcasts to learn more about transition for students with disabilities:

- VCU's Autism Center for Excellence (Emily Helmboldt), "Essential Components of Effective Transition Plan Best Practices" and "Transition for Youth with Autism from School to Adulthood: Critical Considerations" webcasts;
- Hanover County Public Schools, "IEP Toolkit Modules 5 and 6" and "Critical Decision Points for Families of Children with Disabilities" webinars;
- Council of State Governments, "Addressing the Needs of Youth with Disabilities and Other Intersecting Identities" webinar; and
- "Special Needs Guardianship" webinar (Ryan Platt).

Numerous professional article and web page reviews were completed to round out the information and to inform the interview discussions. These articles included topics on education levels and requirements for employment; high school diploma options; Project SEARCH; I'm Determined; evidence-based practices for post high school success; design for secondary transition planning and learning for students with disabilities; tiered interventions and transition planning for students with disabilities; helping students with Autism Spectrum Disorder to be successful after high school; VDOE web pages on special education, disability laws, and the ombudsman program; best practices for transitioning students with special needs; research from the National Secondary Transition Technical Assistance Center (NSTTAC); and other various web pages on transitioning to adult services for students with disabilities.

## **VI. Background and Analysis**

### **A. DOCUMENTS AND TRANSFER OF RIGHTS AT THE AGE OF MAJORITY**

After high school, students are no longer protected under the Individuals with Disabilities Education Act (IDEA). Individuals will be accommodated only by legal documentation of their disability and are then protected from discrimination under the Americans with Disabilities Act (ADA). Students should have a direct transition plan for enrollment, employment, work-based learning opportunities, or enlistment by the age of majority, so that when the students graduate, all

documentation can proceed to the next involved agency or group. Parent involvement in this transition process is a direct indicator of student success. Statistically, students with uninvolved parents have a lesser chance of success. For students with an Individualized Education Program (IEP), community engagement and transition planning are also direct indicators of student success.

### **Individualized Education Program (IEP)**

Students with diagnosed disabilities learn under the parameters of an Individualized Education Program (IEP) document within the school system. The document is created upon diagnosis of the disability and at the time of the parent's choosing. An IEP spells out learning goals, accommodations, progress, and tracks with the student from the time of placement until receiving a high school diploma, or the maximum age for receiving special education services (ages eighteen to twenty-one). Transition plans are included by age fourteen in the state of Virginia. An IEP is updated at least annually until the student graduates, with parents, case manager, invited teachers, invited counselors, and the student. After the age of majority (eighteen years old in Virginia), the student may take sole responsibility for their IEP and sign the plan at the meetings. Parents may opt to retain rights after age eighteen if needed. Students may be present for IEP meetings at any age, but by age fourteen, students are required to be invited to IEP meetings.

### **504 Document**

Section 504 of the Rehabilitation Act "forbids organizations and employers from excluding or denying individuals with disabilities an equal opportunity to receive program benefits and services." This is the basis for the educational 504 document, colloquially known as a 504. It defines the rights of individuals with disabilities to participate in, and have access to, program accommodations. Students who may not specifically need or be eligible for the services of an IEP, but who may still suffer from emotional disorders and disabilities, can be provided learning accommodations under a 504. Possible accommodations include personal accommodations such as breaks, designated resting places, access to technology and food in a classroom, and stress toys. Most students with a 504 document learn in a general education or advanced classroom.

### **Guardianship**

A guardian is a person appointed by the Court who is responsible for another adult's personal affairs, including making decisions about health, education, support, care, treatment, residence, and safety. The court order for guardianship could remove the rights to vote, marry, make medical decisions, and sign legal documents, such as a deed or a lease. A limited guardianship may designate what decisions the individual can continue to make on her/his own. If the adult student is not able to make decisions on their own, parents must go through the guardianship process at their local clerk of court and petition for guardianship, proving to the judge that their adult child needs the parents to make decisions for them. Once an adult has a court appointed guardian in



place, the adult would not have the legal right to make decisions on their own. Limited guardianship allows for more flexibility if it makes sense for the young adult and family. For example, the young adult might not be able to make independent financial decisions, but may be able to drive a car. Parents should understand the emotional, intellectual, and developmental age of their child at age eighteen. This will help them make a decision about guardianship. According to the *Code of Virginia* § 64.2-2001, a petition for guardianship may be filed no earlier than six months prior to the student turning eighteen. During the guardianship process, a guardian ad litem is the young adult's advocate in court.

Another newer option is to form a supported decision making agreement. This is a way for adults with developmental disabilities living in Virginia to document when they want to receive support with making decisions, how they want to receive support, and who they want to help them. Unlike a guardianship, these agreements can be changed or canceled at any time.

### **Parent Perspective**

Students, parents and families are the most important perspective in this transition process because they are personally involved and living with the consequences every day. Parents interviewed shared that there is often a communication gap, since parents are not familiar with disability terminology used by professionals. This includes confusion about the IEP process and transition options, as well as why transition recommendations are made. It is difficult for a parent to ask productive questions when they are new to the transition process and do not know what adult services and resources are in their community. According to the parents who were interviewed, it is important for the caseworker to ask questions specific to the services available during intake and monitoring phone calls. Instead of asking, "Is there anything else I can assist you with?" ask how the student is doing with daily living and communication skills, ask about the student's interests and how to channel those into employment opportunities down the road, ask what functional skills are successful/still changing for the student (communication, mobility, behavior, social skills, etc.), ask if the parents have thought about an occupational or employment evaluation, and ask other specific questions that can lead to more productive information and resource sharing. Parents are grateful for the work that these professionals do and appreciate any guidance that service providers can give them.

### **Relevant Statistics**

There are a number of noteworthy differences in educational attainment for students served under the Individuals with Disabilities Education Act (IDEA) connected to the different types of disabilities and ethnicities, including the following:

- 89% of students with speech and language impairments earned a regular diploma, while only 44% of the students with multiple disabilities earned a regular diploma.
- 34% of students with intellectual disabilities and 33% of students with multiple disabilities

received an alternative certificate, while only 3% of students with speech or language impairments earned an alternative certificate.

- Drop-out rates were highest for students with emotional disturbances (27%) and lowest for students with deaf-blindness (3%).
- Of students between the ages of 14-21 who left school in 2019-2020 (428,000), 76% graduated with a regular diploma, 13% dropped out, 10% earned an alternative certificate, 1% reached the maximum age of special education services, and less than one-half of 1% died.
- The percentage of students between ages 14-21 (for 2019-2020) who graduated with a regular high school diploma was highest for White students at 79% and lowest for Black and Pacific Islander students at 72%.
- 15% of Asian students and only 4% of American Indian/Alaska Native students received an alternative certificate.
- Drop-out rates were highest for American Indian/Alaska Native students at 20%, while Asian students had the lowest drop-out rate at 6%.<sup>1</sup>

## **B. VIRGINIA STATE AND LOCAL AGENCIES**

### **Virginia Department of Behavioral Health and Developmental Services (DBHDS)**

DBHDS provides many services for individuals with disabilities, including waiver services; Office of Integrated Health; My Life, My Community - Transition to Adulthood; Housing; REACH Program for persons with developmental disabilities in crisis; Employment First Initiative, and Department of Justice settlement agreement consultation. DBHDS educates providers on various transition topics for those who serve this population. DBHDS also has a direct relationship with the Local Community Services Boards (CSBs). This relationship is based on the community services performance contract, provisions of Title 37.2 of the Code of Virginia, state board policies and regulations and other applicable state or federal statutes or regulations. DBHDS contracts with, provides consultation to, funds, monitors, licenses, and regulates CSBs.

### **Local Community Services Boards (CSBs)**

The Local community services boards (CSBs) serve as points of entry for publicly funded services and programs for people in need of mental health services, intellectual and developmental disabilities, and substance use disorders. DBHDS oversees the licensing of the 39 CSBs and one Behavioral Health Authority (BHA) in the Commonwealth. CSBs provide case management and emergency services, and authorize waivers to ensure that an applicant seeking transition services is eligible. They rarely have dedicated transition coordinators. One challenge CSBs face is not

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<sup>1</sup> National Center for Education Statistics. *Students with Disabilities*. May 2022. Retrieved from: <https://nces.ed.gov/programs/coe/indicator/cgg/studetns-with-disabilities>.

having access to IEP documentation from the schools. Being granted access to this documentation at a timely and proper manner would be most helpful to help the young adult transition from school services to adult services that are needed to help meet the individual's unique needs for success in life.

### **Virginia Department for Aging and Rehabilitative Services (DARS)**

DARS provides numerous services and assistance programs for adults with special needs, focusing on vocational rehabilitation and career counseling through Pre-Employment Transition Services (Pre-ETS). Vocational rehabilitation is made available to two groups of clients: those who are eligible who have an IEP and those who are "potentially eligible" (PE). PE students are those who have a 504 or may have a documented disability but have not applied yet. Assistive technology is helpful if a person with a disability has vision or hearing loss, but also adults with physical limitations may be helped. DARS provides a transition guide with tips for students and parents. DARS administers the Project SEARCH Program and customizes employment for individuals. DARS will conduct vocational evaluations, as well as provide career exploration, guidance and counseling. This agency helps students with job development, shadowing, and placement opportunities. Their staff will conduct on-the-job training and supported employment services (job coaching). DARS provides a post-secondary training and education program called, Postsecondary Education Rehabilitation Transition (PERT) and a Pre-Employment Readiness and Education Program (PREP) to help young adults learn work etiquette, self-advocacy on the job, and social skills needed in the workplace. Community rehabilitation case management services, brain injury services, and independent living and personal assistance services. Due to lack of job coaches, many young adults with disabilities need to wait six months to well over a year for help at a job site. This might be improving though as communities work through their COVID-19 issues.

Federal funding comes into DARS to assist with servicing adults with disabilities, contracting with other departments to meet the needs. Currently DARS services less than 12% of eligible students due to a large client base and limited staffing. Fifteen percent of the state's Vocational Rehabilitation Services Grant must be used for Pre-ETS services with students who have disabilities (training, internship opportunities, work-based learning, etc.) Caseloads are at a maximum now; however, DARS has the capability to serve more students only with additional support staff.

### **Project SEARCH**

Project SEARCH is a one-school-year transition program for students with significant disabilities, administered by DARS. It was started in Chicago and replicated in Virginia. Project SEARCH is business-led with three internships in a host business with the main goal being to have integrated competitive employment. Currently there are 19 active Project SEARCH programs in Virginia and over 1,100 students have been served since the

Program's 2008 inception. Key partners are the host business, the school district, vocational rehabilitation and the supported employment agency.<sup>2</sup>

### **Wilson Workforce and Rehabilitation Center (WWRC)**

The Wilson Workforce and Rehabilitation Center (WWRC) is a subservice of DARS' Division of Rehabilitative Services and is a residential or day program for students ages 18-25 with disabilities who are pursuing vocational goals. Commission on Youth staff toured the Wilson Workforce and Rehabilitation Center to experience the vocational education program in person.

The WWRC provides students with 6-10 day assessments, independent living training, supervised housing (if needed) and job training in Business and Information Technology, Manufacturing and Production, and Services and Trades. Students must apply to be accepted and will receive a degree certification upon completion of their program (typically 1-3 semesters, depending on the program of study). Students have access to vocational evaluation and training, assistive computer technology, behavioral health services, medical rehabilitation, life skills evaluation and training, and many more services. Additional services include Occupational Skills/Vocational Training (OST), the Pre-employment Readiness and Education Program (PREP), Postsecondary Education Rehabilitation Transition (PERT), Educational Support Services (ESS) and Assistive Rehabilitation Technology (ART).

### **Virginia Department of Education (DOE)**

DOE determines learning standards for every subject area. Students must take a Standards of Learning (SOL) test for each grade annually. SOL tests in grades 3-12 and are used for state and federal accountability. Students with disabilities must pass the SOL tests in order to earn a Standard Diploma. Every student should be given equal opportunity to participate in the SOL test per subject. Student eligibility and testing accommodations for SOL tests depend directly on the services a student receives, and the diploma type they are seeking. DOE determines the requirements of educators regarding the records that must be maintained and shared, as well as the services available in the schools. DOE funds two disability support programs through a contract with VCU, the Center of Transition Innovations and the Partnership for People with Disabilities.

DOE provides several written guides on their special education webpages. One is titled, "Transfer of Rights for Students with Disabilities Upon Reaching the Age of Majority in Virginia" (Rev. 11/15). This document is helpful to parents/guardians because it explains the various terms used in special education, describes legal options after age 18 regarding transfer of rights and records,

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<sup>2</sup> Virginia Department for Aging and Rehabilitative Services. *Project SEARCH and Customized Employment, Virginia DARS Transition Services*. Presentation by Martin Kurylowski. Revised 8/10/2022.

the procedure to transfer rights, and provides sample forms. On the DOE website, there are several pages describing transition services, the I'm Determined Project, and academic and career planning resources.

The transition process with the local school/Department of Education includes the following:

1. Complete the IEP annually with the school team, parents (and student age 14+).
2. Include career exploration activities in the IEP at least by middle school.
3. At age 14, the student must be invited to the IEP meetings and a transition plan must be completed indicating the student's career interests and strengths.
4. Students must be exposed to a variety of career options as documented in their IEP.
5. When the student is 17 years old or younger, parents must be made aware of the transition requirements regarding education decisions at age 18. Students who are 18 are considered to be adults in Virginia and deemed capable of making their own education decisions. Parents may opt to pursue legal control of education decisions, or pursue other documentation options through the school, or allow their adult child to make all future education decisions.
6. Parents often expect the transition plan to provide them with a list of adult service resources in the community that meet the current needs of the student. This does not always happen. Also, during transition planning, the parents and students need to be made aware of the pros and cons of each type of diploma for future educational or career pursuits.
7. Students with more severe disabilities may benefit from special education services in the public schools through age 21. At that time, the transition for services will take place. However, at the age of majority, the student's records and education decisions will be the responsibility of the student unless parents/guardians obtain legal authority prior to age 18.
8. There is no requirement to provide Local Community Services Boards, Department for Aging and Rehabilitative Services, Department of Behavioral Health And Developmental Services, Virginia Department for the Blind and Vision Impaired or other agencies with any information/records about these adult students leaving the school system and moving into the community. This often results in a gap of services.

Diploma types in Virginia include the following:

- **Standard Diploma** - Requires only three years of mathematics, lab science, history and social sciences; four years of English; and no foreign language. Most employers accept this diploma, but colleges may not.
- **Advanced Studies (or International Baccalaureate) Diploma** - Requires four years of mathematics, lab science, history and social sciences, and English; three years of a foreign language. Most colleges require this diploma. "Students who earn the advanced studies

diploma are more likely to enroll in college, stay in college, and earn a degree.”<sup>3</sup>

- **Applied Studies Diploma** - For students with disabilities. Requires the completion of an IEP and meeting certain requirements and does not meet the requirements of the Standard or Advanced Studies Diplomas. Colleges will not accept this diploma for admittance unless for a special program for students with disabilities. Some employers will accept this diploma for hiring an individual for introductory jobs.
- **Modified Standard Diploma and the Special Diploma** - For students with disabilities. Colleges will not accept this diploma for admittance unless for a special program for students with disabilities. Some employers will not accept this diploma for hiring an individual for introductory jobs.

### **VDOE - Ombudsman Program**

The ombudsman program is a part of the special education program with the Virginia Department of Education. An ombudsman is a neutral person who advocates for a fair special education process and provides confidential assistance to parents, guardians, advocates, educators and students with disabilities for non-legal issues. The ombudsman provides information and referral pertaining to state and federal special education laws. They help parents and guardians navigate the special education process and provide communication strategies to parents and schools to help problem-solve any disagreements. The ombudsman encourages collaboration and positive communication among all parties involved (parents, schools, administrators, teachers, etc.). When there is a dispute, the ombudsman remains neutral, but provides dispute resolution options and resources for the family (mediation, state complaints and due process hearings). They provide information about referrals to available disability programs and services. Two successful and collaborative programs that DOE sponsors are Project SEARCH and Start on Success. These are successful, cross-agency programs to which the Ombudsman can refer students/families. Start on Success is for students who are in danger of not graduating high school during the transition and includes paid workplace learning, where students are mentored on the job. Project SEARCH is detailed under DARS. The ombudsman monitors and reports to DOE leadership about concerning systemic trends from contact with clients and schools, as well as aids in identifying noncompliance of special education regulations and laws in the schools.

### **“I’m Determined” Project**

I’m Determined is a state project funded by the Virginia Department of Education. It gives

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<sup>3</sup> Virginia Longitudinal Data System. *Why Diploma Types Matter*. Retrieved from: [https://vlds.virginia.gov/media/1032/why\\_diploma\\_types\\_matter\\_06-30-2014.pdf](https://vlds.virginia.gov/media/1032/why_diploma_types_matter_06-30-2014.pdf).

students with disabilities the advocacy skills they need to make better choices and improve their skills. The program provides “...direct instruction, models and opportunities to practice skills associated with self-determined behavior.”<sup>4</sup> The project gently encourages youth with disabilities to take ownership of their life by controlling their course of action and reaching their goals. Competency, Autonomy and Relatedness (CAR) are the three psychological needs that help all people reach high levels of self-determination and a sense of satisfaction. The project is based on students learning how to experience high levels of CAR.

### **Local Schools**

There are 132 school districts in the Commonwealth of Virginia with 2,015 schools. DOE is a state supervised, locally-administered education program. The local schools must identify and locate children who may have a disability, either physically, cognitively, emotionally, or a combination of disabilities. The schools assess the student’s abilities and needs, and then help determine the least restrictive environment for each student with a disability. The schools develop and administer the Individualized Education Program (IEP) for each child with a disability to determine the goals and strategies to meet those goals. The local schools hold the IEP meetings with students, parents/guardians, counselors, classroom teachers, special education teachers, administrators or other relevant staff at least annually and monitor the student’s progress, making revisions to the IEP as needed. Schools will make accommodations for students who have a 504 document.

The local schools begin transition planning early in elementary and middle school, but are required to have a transition plan in the IEP by the time the student is 14 years old. Schools are required to inform parents/guardians about transition options and the age of majority restrictions in writing by the student’s 17th birthday, if not earlier. Schools are responsible to educate the parents/guardians (and students, if appropriate) about post-secondary resources and service options for the student upon departure from the school at age 17-22. School staff should be encouraging students with disabilities to earn the highest level of a high school diploma that they can which increases employment and education opportunities down the road. Students with severe disabilities may not be able to earn a high school diploma and may stay in the public school special education program through age 21.

### **Virginia Commonwealth University - Center on Transition Innovations (VCU-CTI)**

The mission of VCU-CTI is to “provide information, resources, demonstration and research on pathways to employment that support youth with disabilities to gain access to

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<sup>4</sup> I’m Determined Web Page. Retrieved from: <https://imdetermined.org/about>, October 2022.

integrated competitive employment to the fullest extent possible. Through participation in evidence-based employment and work experience models, higher education or postsecondary education training, youth can become integral members of their communities.”<sup>5</sup> VCU-CTI provides evidence-based resources and information, in addition to emerging practices in the field. The results of research studies and demonstration projects conducted in Virginia help shape the ongoing work of CTI. The center provides a resource website, free online courses for Virginia’s middle and high school special educators, fact sheets on transition topics, webcasts from state and national experts in the field, emerging and evidence-based practices, a Facebook page with the latest news about transition, employment resources, and informational videos. Their Start on Success (SOS) Program is a highly structured school-to-work program that increases readiness for college and career success for high school students with disabilities. CTI’s demonstration and research programs are funded by the Virginia Department of Education. Their emphasis is on providing a way for students with disabilities to work in an integrated, competitive environment.

### **Virginia Commonwealth University - Partnership for People with Disabilities (VCU-PPD)**

The Partnership for People with Disabilities at VCU is Virginia’s University Center for Excellence in Developmental Disabilities Education, Research and Service (UCEDD). Every state has at least one UCEDD. VCU-PPD provides technical assistance, research, research dissemination for the higher education setting, support for professionals, and provides training and technical assistance centers for educating teachers and other professionals about working with individuals who have disabilities. Their partners include the disAbility Law Center, U.S. Administration on Developmental Disabilities (UCEDD Admin.) and Virginia Board for People with Disabilities. The Partnership supports people from birth through aging and is supported by soft money from competitive grants. Most of the employees are VCU faculty and staff (95%). VCU-PPD strengths, resources, and needs analysis shows a lack of connectivity among resources. They emphasize the importance of parents who must be prepared, invested, and involved in transition planning.<sup>6</sup> DOE provides funding for this program; however, other sources of funding are secured as well.

### **Transition State Capacity Building Team**

Virginia’s Transition State Capacity Building Team is a current council that is connected to a national technical assistance center on transition. The national center provides assistance to states in building their capacity around transition. Several state agencies provide representatives for this team, including the Virginia Department of Education, Department for Aging and Rehabilitative

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<sup>5</sup> Virginia Commonwealth University’s Center on Transition Innovations About Us Web Page. Retrieved from: <https://centerontransition.org/about/index.html>, September 2022.

<sup>6</sup> Virginia Commission on Youth staff meeting with Virginia Commonwealth University - Partnership for People with Disabilities on June 9, 2022.



Services, Department for the Blind and Vision Impaired, Department of Behavioral Health and Developmental Services, PEATC, VCU's Center on Transition Innovations, VCU's Training and Technical Assistance Centers, and others.

### **Virginia Council of Administrators of Special Education (VCASE)**

VCASE is a professional organization for those who serve students with disabilities. The organization promotes professional leadership through support and instructional best practices, as well as local, state, and national trends to improve the quality and delivery of special education services in Virginia's public schools. VCASE supports having a transition coordinator at each high school, sharing local and state resources with professionals and parents, and having a one-stop website with all resources listed. VCASE believes that implementing a program like Project SEARCH statewide with more funding would allow more students to transition to competitive employment through a productive partnership with DARS, the schools, and hospitals. School divisions need universal and consistent resources and opportunities in order to transition students with disabilities. VCASE is in full support of creating a Standards of Quality (SOQ) for a transition coordinator position in special education so that schools could use 80% of their funds to pay for the position.<sup>7</sup>

### **Virginia Department for the Blind and Vision Impaired (DBVI)**

DBVI is the sister agency to DARS, and it provides services starting at birth. There are currently 2,200 students with 3.5 education coordinators to serve them, which is a huge imbalance. The needs of the deaf and blind are very unique and these students are often unable to obtain services due to the lack of specialized services available. As a result, these students are rarely involved in any vocational rehabilitation programs. There is typically a long delay to find assistance for students who are blind, and parents end up pulling their children from programs before appropriate service providers can be found. Better interagency coordination is needed for individuals who are blind, deaf, or deafblind to be able to use vocational programs, such as "I'm Determined," Career and Technical Education, Project SEARCH, etc.

### **Virginia Community Colleges**

Community colleges may not discriminate against applicants with disabilities; however, colleges are not required to provide the same type of support as was provided in public K-12 schools. Students with disabilities are no longer protected under IDEA, but are protected under the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act. Colleges usually have disability counselors and reasonable accommodations must be made for students with disabilities upon request. Some of Virginia's Community Colleges have programs that cater to students with developmental disabilities, such as Inclusive Learning Enabled Action Program

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<sup>7</sup> Virginia Commission on Youth staff meeting with VCASE, June 13, 2022.

(ILEAP) at Mountain Gateway Community College and PAVE at Reynolds Community College.

ILEAP is a program for individuals with intellectual and developmental disabilities who live near Mountain Gateway Community College. ILEAP provides a comprehensive transition postsecondary program, and combines independent living skills with occupational experience. Students in ILEAP earn up to 27 credit hours with general population students. The program helps students transition to paid employment.

The Program for Adults in Vocational Education (PAVE) at Reynolds Community College is a two year vocational training program in Richmond and surrounding areas. This program serves students with intellectual, physical and learning disabilities, and mental health disorders. Industry certifications may be earned in food services, health care and child care. PAVE enriches academic abilities with customized curriculum and all-encompassing support. Unpaid internships are provided after completion of professional and social skills training to give the student all-important work experience to help win a future job.

## **C. OTHER STATES AND BEST PRACTICES**

### **Transition Tennessee**

Transition Tennessee is Tennessee's website for helping students with disabilities transition to competitive employment and independence. The state of Tennessee contracts with Vanderbilt University to develop, maintain, update and host this site (12-14 staff, \$2 million every 5 years). The website provides transition resources for students and families, as well as professionals. It was implemented in 2015, originated from "TennesseeWorks," and was educator side focused. The name was changed to Transition Tennessee and the student side was added. The website was marketed through word-of-mouth; presentations and in-person training across the state; through the National Technical Assistance Center on Transition (NTACT); and by creating partnerships with school districts to spread the word. There are currently 10,000 users that include professionals, students, and family members. The website has online courses, assessment tools and curricula databases, Pre-Employment and Training Services sequencing guide, recorded virtual trainings, and resource listings.

### **New York**

New York is doing some good work in special education transition. They support a youth advisory panel made up of 10-15 high school students who are receiving special education services through an IEP. Members serve for 2 years, even if they leave high school in the middle of their term. The members of the youth panel discuss policy issues regarding the education process for students with disabilities, provide recommendations for future policy considerations, share concerns, and advise the New York State Department of Education staff from their first-hand perspective on their ideas

to improve the special education experience for better student outcomes. Participation gives these youth valuable experience in advocacy and leadership.

## **Pennsylvania**

Pennsylvania has a good variety of resources on their website. The website includes career videos, a section on the interagency working group on youth program, and transition planning demonstration videos and checklists. Career videos give the students a taste of the job and shows them what the job involves. The interagency working group on youth program provides assistance and supports for youth transitioning out of foster care, juvenile detention facilities, runaways, students who have dropped out of school, and youth with disabilities. The transition planning demonstration videos show students what to expect in their last IEP meeting, and how to plan for the transition.

## **Best Practices**

The National Center on Secondary Education and Transition (NCSET), provided best practices in the early 2000's. The Center existed from 2000-2008, but is no longer funded by the U.S. Department of Education's Office of Special Education Programs. The website is operational; however, the information on the website is not current. The Center's role was to provide coordinated national resources, offer technical assistance, and disseminate information related to secondary education and transition for youth with disabilities in order to create opportunities for youth to achieve successful futures.

Other sources that provide best practices include the National Secondary Transition Technical Assistance Center and the George Lucas Educational Foundation. Relevant best practices summarized from these sources include the following:

- Develop a rigorous and relevant job exploration curriculum to expose students to a variety of career pathways in high school.
- Start transition planning early in elementary or middle school.
- Learn about the student's interests and abilities to align these interests with courses they can take in high school, or with internship opportunities.
- Inform parents/guardians about the age of majority in Virginia and what that means for making education decisions for their child after 18.
- Provide a summary of performance before the end of high school that includes academic achievement; functional performance; supports needed; education, career and vocational goals; and next steps.
- Have all state and local resources listed in one place to help families determine their next steps for their child.
- Educate parents/guardians about being proactive and contacting local resources and service providers for postsecondary continuing care.

- Support and fund state and local agencies that serve students with disabilities with letters of support and dedicated funding.
- Convene relevant representatives from state agencies/other professionals to discuss and develop collaborative agreements to identify resources and reduce duplication of services, or expand to meet the needs of the population.
- Take full advantage of technology and vocational exploration services (internships) to assist students in finding their passion for future employment and career options.
- Teach professionals how to ask better questions and to relay information in layman’s terms for parents/guardians.
- Connect students to real-life learning opportunities.
- Provide support groups or mentors for parents/guardians.
- Provide dedicated transition assistance and counseling for each student with a disability.
- Take full advantage of federal funding to develop a top-notch, standard transition program that can be replicated in each school or community.
- Provide funding for job coaches to do on-the-job training with the adult youth who have disabilities.

## **D. RELEVANT LAWS AND REGULATIONS**

This following section details the relevant federal and state laws and regulations that deal with transition at the age of majority.

### **Transfer of Rights to Students Who Reach the Age of Majority, 8 VAC 20-81-180**

Sections A-D are summarized as follows:

- A. All rights accorded to the parent(s) under the ACT transfer to the student upon the age of majority (age 18), including those students who are incarcerated in an adult or juvenile federal, state, regional, or local correctional institution (34 CFR 300.520).
- B. The local school shall notify the parents and the student about educational rights and the procedures.
- C. A student who is 18 is presumed to be a competent “adult,” and thus all rights under the Act shall transfer to the adult student, unless the adult student is declared legally incompetent, or falls under a few other circumstances.
- D. If the school receives written notification that the student cannot provide informed consent, the school shall designate the parent(s) (or spouse, if married) of the adult student to act as their educational representative.

### **Family Educational Rights and Privacy Act (FERPA)**

Educational records are controlled by the Family Educational Rights and Privacy Act (FERPA).

FERPA ensures that information in a child’s educational record may not be disclosed without the prior signed consent of the student’s parents.<sup>8</sup> Some exceptions do exist, including access by other school officials, appropriate persons in connection with an emergency, officials of other schools when a student is transferring schools, and appropriate persons when the release of information is needed to comply with a judicial order or subpoena. In these situations, FERPA prohibits further disclosure of records by the receiving entity unless signed consent is obtained. FERPA was amended in 2013 by the *Uninterrupted Scholars Act* to allow disclosure of a student's education records without parental consent to a caseworker or other representative of a state or local child welfare agency authorized to access a student's case plan “when such agency or organization is legally responsible, in accordance with state or tribal law, for the care and protection of the student.” This applies to situations where a young person is in foster care.<sup>9</sup>

### **Individuals with Disabilities Education Act (IDEA)**

The Individuals with Disabilities Education Act (IDEA) outlines the parameters by which students with disabilities are entitled to “free appropriate public education” and are accommodated according to their individual needs. The public is required to educate all individuals freely and compulsorily in a way that is fair. The four purposes of IDEA, which ensure outcomes, are “equality of opportunity, full participation, independent living, and economic self-sufficiency.” Virginia addresses the concept of free appropriate public education in regulations at 8 VAC 20-81-100.

### **Workforce Innovation and Opportunity Act (WIOA)**

The Workforce Innovation and Opportunity Act is legislation designed to produce best possible outcomes in employment opportunities for those individuals who may encounter specific and significant barriers to being hired into high-quality jobs and careers. The act helps employers to not only hire but retain these individuals. Job seekers are also given increased opportunities for employment, education, training, and support services to succeed. In Virginia, the administration of the WIOA falls under the Secretary of Labor and the Virginia Community College System.

### **Americans with Disabilities Act**

The Americans with Disabilities Act (ADA) became law in 1990 and prohibits discrimination in the hiring and employment process for individuals with disabilities. Discrimination is prohibited in all areas of public life, specifically those relating to employment and including transportation, interview processes, education, training, and the hiring and selection process.

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<sup>8</sup> Family Educational Rights and Privacy Act, 20 U.S.C. §1232g (2011).

<sup>9</sup> Id.

## E. ANALYSIS

Virginia is already doing some great things in transitioning youth with disabilities to adulthood. The main concerns include the lack of collaboration between state agencies; the lack of a central repository of information for students, parents/guardians, and families; and the need for funding for more staff to assist with the transition process. Options discussed above from other states, such as New York's youth panel to focus on the student perspective, and Pennsylvania's videos for careers and transition preparation, might be avenues Virginia wants to explore.

Interviews conducted during this study found that parents, students, and professionals want a system with a more cohesive and organized method of communication to share community resources and service providers. This can be achieved by starting a special education transition advisory group with all relevant agencies represented, and parents and youth when appropriate, that meets quarterly or bi-annually to share what services each agency provides and ways to collaborate and streamline. Parents, students, and professionals would benefit from an intuitive website with all state and local resources listed, a search feature, and a way to keep the information updated. Parents need to be told about their options if they need to keep making educational and other decisions for their child with a disability after they turn eighteen years old. Students need to know what their diploma options mean and how their course selection impacts their future college and career choices. The existing resources and expertise already available across agencies and partners can lead to improvement, but it will take a team approach. No single agency alone can make things better.

Key points highlighted from the interviews and research include the following:

1. In Virginia, 174,638 students have identified disabilities (14% of K-12 students).
2. PK-12 students with disabilities are protected under the Individuals with Disabilities Education Act (IDEA).
3. Individualized Education Programs (IEPs) are updated annually for each child with a documented disability.
4. 504 documents are completed for students who are not eligible for an IEP, but who need accommodations for schoolwork.
5. Virginia law requires transition planning for career and employment to start no later than age fourteen, and it must be included in the IEP.
6. Once a child reaches the age of majority in Virginia, parents/guardians no longer have access to educational records unless legal or written documentation is completed in advance.
7. Public schools are required to provide transition information to parents/guardians of special education students at least one year prior to the student's eighteenth birthday (the age of majority in Virginia). Parents/guardians may choose to pursue legal or written documentation to maintain control or involvement in the adult child's educational decisions.

8. Special education students may continue in the public schools up to age twenty-two if the student's needs dictate this service.
9. Parents and middle and high school students with disabilities need to be informed about the types of high school diplomas that colleges, career training programs, or employers require so they can make informed decisions about their academic path in high school.
10. Best practice standards about transitioning students with disabilities are not disseminated between the schools and service providers or local Community Services Boards.
11. There is currently no comprehensive data system with students' records and transition-related information that links across agencies and service providers to streamline information sharing.
12. A comprehensive "one-stop shop" resource for families and students who have disabilities does not exist. A website listing local and state resources is needed to help educate families and students on the services that are available. Information is often confusing and overwhelming for parents coming from so many different sources.
13. There is a lack of communication between agencies and service providers about the transition process, as well as between service providers and parents/students about services that are available.
14. Not every high school has a dedicated transition coordinator for students with special needs. Additionally, there is no central transition coordination administrator at VDOE.
15. Classroom teachers are typically not aware of services available in the community for students with special needs who are transitioning to adulthood.
16. After high school, students are no longer protected under the Individuals with Disabilities Education Act (IDEA). Individuals with disabilities will be accommodated only by legal documentation of their disability and are then protected from discrimination under the Americans with Disabilities Act (ADA).
17. Students with disabilities face high levels of difficulty in job placement, enrollment, and other life areas due to underpreparedness or unclear information.
18. Students should have a direct transition plan for enrollment, employment, work-based learning opportunities, or enlistment by the age of majority so that upon graduation, all documentation can proceed to the next involved agency or group.
19. Statistically, parent involvement in this transition process is a direct indicator of student success in adulthood.
20. For students with an IEP, community engagement and transition planning are also direct indicators of student success in adulthood.
21. House Bill 2380 (2015 General Assembly Session) proposed that school divisions designate staff to receive training on community services available for their students with disabilities and to provide this information to the parents/guardians and students. This Bill was not passed.
22. Senate Bill 585 (2020 General Assembly Session) passed and required VDOE to prepare and update transitional materials to include information about powers of attorney and

guardianship for students ages seventeen-and-a-half to twenty-one years of age and their parents during the annual IEP meeting.

23. There are numerous state services for adults with disabilities; however, some challenges exist, including duplication of services across agencies, gaps in needed services, lack of funding to meet all of the needs, strict funding requirements that limit coordination, lack of coordination, lack of sufficient staff to provide services, parents/guardians and students not knowing how to apply for assistance, and lack of shared data.

These key points were incorporated into eight findings and recommendations that were agreed upon by the advisory group. These findings and recommendations were presented to the Commission members on September 21, 2022 as draft recommendations. Draft findings and recommendations were presented at the Commission’s September 19, 2022 meeting. The Commission received written public comment through October 14, 2022. After receiving public comment at the October 19, 2022 meeting, the Commission on Youth adopted the recommendations listed in the next section.

## **VII. Findings and Recommendations**

After presenting findings and recommendations at the Virginia Commission on Youth’s October 19, 2022 meeting and receipt of public comments by October 14, 2022, the Commission approved and adopted the following findings and recommendations:

### **FINDING 1:**

Many families are not aware that once a student with a disability turns eighteen years old, that student’s special education service records may not be shared with the parents and will not be transferred to a Local Community Services Board for continued services. The eighteen year old student is the only one who can legally gain access to these records, unless an agreement designates another person to have access. Continuing after a student transitions, and in order to build on previous progress made, future service providers often need to access relevant parts of the whole record to continue to meet the needs of the adult with disabilities.

The Virginia Department of Education has a detailed guidance document on working with students during transition, “Transfer of Rights for Students with Disabilities Upon Reaching the Age of Majority in Virginia.” The Department of Behavioral Health and Developmental Services does not currently have such guidance.

**Recommendation 1:** Require that the Department of Behavioral Health and Developmental Services, in coordination with the Department of Education, and representatives from Community Services Boards and local education agencies, develop and disseminate best practice standards to Community Services Boards (CSBs) and local education agencies about how to work with local education agencies, private placement



entities, students, and families through the transition process. Additionally, best practices should include information about what special education, service, or accommodation records to transfer at the age of majority and/or high school completion. The Department of Behavioral Health and Developmental Services shall use existing Department of Education guidance in developing best practices.

**FINDING 2:**

Information on the transition process and opportunities available for students with disabilities for their families and professionals alike are overwhelming and confusing. There are similar services available from different organizations with slight variations in delivery and practice. Families and students may not be able to find the information they need to make a fully informed decision to meet the future needs of the adult student. Early on in the planning process, (late middle school or early high school) more awareness is needed by classroom teachers, counselors, and special education teachers on the work-world need for a specific type of diploma for various colleges and careers, and/or knowledge of the state and local resources available beyond high school, in order to relay this information to students and families.

**Recommendation 2:** Introduce a budget amendment directing the Department for Aging and Rehabilitative Services to work with the Department of Education, the Department of Behavioral Health and Developmental Services, the Parent Educational Advocacy Training Center (PEATC), Virginia Commonwealth University's Partnership for People with Disabilities, and VCU-RRTC to ensure that online resources are readily available and disseminated to all individuals of transition age and their families. This includes utilization and promotion of PEATC's online training course, Transition University (TU), conducted in coordination with VDOE and PEATC's online transition guide and resource documents on its website.

DARS, DOE, DBHDS, PEATC, Partnership for People with Disabilities, and VCU-RRTC shall explore whether these online resources should be expanded to ensure full coverage of resources for students with disabilities on transition services beyond high school, including transfer requirements, provider and service options, diploma requirements for future career or educational goals, and other helpful information. Assess whether PEATC's online resources, including Transition University and PEATC's transition webpage should serve as the central hub or a separate website should be developed with the goal of ensuring access to families and promotion of resources and information by DARS and DBHDS without duplicating existing efforts. Review transition resources on other organizational websites including, but not limited to, Partnership for People with Disabilities.

**Recommendation 3:** Request that the Department for Aging and Rehabilitative Services work with the Virginia Commonwealth University's Partnership for People with

Disabilities, VCU-RRTC, and the Parent Educational Advocacy Training Center (PEATC), to develop and disseminate virtual training on transition resources and services for teachers in each high school or school district.

**FINDING 3:**

Students with disabilities are often unintentionally excluded from participating in vocational rehabilitation (VR) or internship programs because of the lack of knowledge about needed adjustments or accommodations, or the potential of liability for a particular job. This is a potential barrier to employment. Virtual reality software would allow students with disabilities to explore a wider variety of career options. The Virginia Information Technologies Agency (VITA) policies regarding the use of virtual reality technology do not allow for its use in the vocational rehabilitation setting.

Currently, the Virginia Department of Education uses state funds to provide virtual job shadowing and AZTEC software for industry credentialing. These funds are used specifically for students with autism.

**Recommendation 4:** Request the Virginia Information Technologies Agency (VITA) work with agencies who provide services and workplace opportunities to students with disabilities, to identify solutions to barriers in using virtual reality software and other relevant transition content applications for students with disabilities.

**FINDING 4:**

Local businesses with internship programs are hesitant to work with students with disabilities. Employers are not knowledgeable about how to accommodate or manage these young students who may have different strengths and challenges. Additionally, employers are not aware of local resources or available tools that would help a transitioning student to be successful in the job. Programs such as Project Search and Start on Success have an 80% employment success rate, and they should be used as role models for schools that do not have internship programs for students with disabilities.

**Recommendation 5:** Request that the Virginia Department for Aging and Rehabilitative Services (DARS) continue to develop internship opportunities for students with disabilities. DARS should work in collaboration with other state agencies and local governments including, but not limited to, the Virginia Departments of Labor and Industry, Education (Career and Technical Education, as well as Special Education), the Blind and Vision Impaired, the Deaf and Hard of Hearing, and Behavioral Health and Developmental Services, as well as the Virginia Chamber of Commerce, local chambers of commerce, businesses, and other relevant organizations to provide internship opportunities for students with disabilities. These opportunities will ensure that each student with a disability

has a blueprint for their career and job placement after high school. DARS shall continue to educate internship provider businesses about different types of accommodations that can be accessed for various disabilities. DARS shall take advantage of established programs and increase statewide school participation in programs such as Project Search and other post high school programs.

**Recommendation 6:** Request that the Secretary of Education, in coordination with the Secretary of Health and Human Resources, Secretary of Labor, and Secretary of Commerce and Trade, investigate the feasibility of developing a comprehensive program to reduce unemployment among adults with disabilities by assisting and supporting businesses to attract, hire, train, and retain adults with disabilities.

**FINDING 5:**

Funding is needed to assist with the transition of students with disabilities to their highest level of independent living. Schools do not have enough transition coordinators to assist students who are moving out of the school system to find needed services for independent living.

Transition Coordinators work closely with state agencies, service providers, and case managers to bridge the gap for students and families between the high level of services provided to students in secondary school and the services available after aging out of high school. This gap is often referred to as “the cliff.”

**Recommendation 7:** Introduce a budget amendment to fund a transition coordinator grant program to be administered through the Virginia Department of Education. These coordinators shall be employed by local school divisions and work with other community partners (Local Community Services Boards and other agencies, including private education entities) to assist students with disabilities and their families in preparing for future service needs and employment opportunities. School districts shall apply to the Department of Education to receive state grant funding for a coordinator position. Grant funding may also be used by local school divisions to offer transition services to students with disabilities through contracted positions, such as job coaches, that are available in the community.

**Recommendation 8:** Require that all public high schools identify the person responsible for transition planning and coordination at each school. Make such identification of the person responsible for transition planning available to the public.

**Recommendation 9:** Support the Virginia Department of Education in their use of IDEA funding to develop a state special education transition management position to oversee transition coordinator issues and funding across the state.

**FINDING 6:**

The Virginia Board for People with Disabilities serves as the Developmental Disabilities (DD) Council for Virginia and works to help people with developmental disabilities meet their service needs for independence in a respectful and dignified manner. The Virginia Commonwealth University's Partnership for People with Disabilities offers education, health, early childhood, and community living training programs for both providers and people with disabilities themselves. The disAbility Law Center works with individuals in the community to address abuse, neglect, and discrimination of people with disabilities by providing legal services with grant funds. These DD council organizations do not have the staff to directly manage the transition process but are aligned with assisting in this effort and have the expertise to provide guidance for professionals, as well as student and family education and awareness. These organizations serve a strategic role in assisting students with disabilities, their families, and professionals to help with the transition from high school to independent living and self-sufficiency. Grant funds are used to support their services.

**Recommendation 10:** Request that the Chair of the Virginia Commission on Youth write letters of endorsement for Virginia Commonwealth University's Partnership for People with Disabilities, the disAbility Law Center, the Virginia Board for People with Disabilities, and the Department for Aging and Rehabilitative Services. The letters will show support for these organizations towards their goal of obtaining grant funding to assist with the advocacy for, and the transition of, students with disabilities to adulthood and independent living.

**FINDING 7:**

Services provided by a given organization are not necessarily known across agencies and providers. There is a strong need for better collaboration of services to assist transitioning students with disabilities to adulthood. This lack of organization encourages duplication, poor communication with families, and unused services and benefits for individuals. The Virginia Intercommunity Transition Council, under the Virginia Department of Education, convenes many of the organizations with the goal of promoting successful transition outcomes for youth by providing leadership and innovation in employment, education, and community support systems. The role of this organization could be more widely felt.

In addition, in 2020, the Joint Legislative and Audit Commission (JLARC) recommended that the Virginia Department of Education develop a robust statewide plan for improving transition planning for students with disabilities. JLARC's report raised this as an issue of oversight that the Department could address. The Department of Education is currently developing a statewide plan and will provide its report by December 1, 2022.

**Recommendation 11:** Introduce a language only budget amendment directing the Virginia Department of Education to have the Virginia Intercommunity Transition Council meet at least biannually to help implement its statewide plan for oversight of local practices related to transition planning and services.

The objective of this council shall include streamlining and collaboration, developing a better transition communication network in the Commonwealth, educating all members about what Virginia and local organizations provide for students transitioning to adulthood, identifying any gaps or overlap in services for potential streamlining and problem-solving, identifying best practices for students without family involvement or who are in the custody of a social services agency, and developing an improved transition infrastructure for students with disabilities.

This council shall include, but not be limited to, the Department for Aging and Rehabilitative Services, the Department of Behavioral Health and Developmental Services, Department for the Blind and Vision Impaired, Department for the Deaf and Hard of Hearing, Department of Social Services, Virginia Community College System, and Virginia Commonwealth University's Partnership for People with Disabilities.

**FINDING 8:**

The Virginia Board for People with Disabilities published a number of recommendations in their *2022 Assessment of Access to Information for People with Disabilities and their Family Members*. A couple of their recommendations addressed school to adult transition. Request that the Chair of the Virginia Commission on Youth write a letter of support to the Virginia Board for People with Disabilities for the following recommendations, as amended below in **bold**.

**Recommendation 12:** Virginia Department of Education (DOE) **and the Department of Behavioral Health and Developmental Services**, along with the local school divisions, should work with CSBs/BHA within the school divisions' catchment area to designate a staff to act as a lead for school-to-adult life transition and work with the school division's Transition Coordinator to ensure accurate and timely information is distributed to families. CSBs/BHA should utilize existing school-to-adult life transition resources such as PEATC's Transition University for CSB staff training and development.

**Recommendation 13:** The CSBs/BHA, through their member organization, Virginia Associations of Community Services Boards (VACSB), should consider operating a Community of Practice for School to Adult Transition, to foster learning and identify some of the exemplary practices taking place in several CSBs.

## **VIII. Acknowledgments**

The Virginia Commission on Youth extends appreciation to the members of the advisory group and those who were interviewed for their assistance on this study.

Also, a special thank you to those who presented at an advisory group meeting.

- Delegate Rob B. Bell, Virginia House of Delegates
- Dr. Samantha Hollins, Ph.D., Virginia Department of Education, Special Education and Student Services
- Heidi Lawyer, PEATC and parent
- Kathy and Hannah Roberts, parent and student, respectively

The Commission on Youth would also like to thank Mike Asip, VCASE, for additional support to the Advisory Group and for providing VCASE member survey results.

## Transition Process for Students with Disabilities Regarding Records and Services at the Age of Majority

### Advisory Group

The Honorable Emily Brewer, Delegate, Chair  
Virginia House of Delegates

The Honorable Barbara Favola, Senator, Vice-  
Chair, Senate of Virginia

The Honorable Tara Durant, Delegate  
Virginia House of Delegates

The Honorable David Suetterlein, Senator  
Senate of Virginia

The Honorable Anne Ferrell Tata, Delegate  
Virginia House of Delegates

Chris Cadwallader, Board Member  
The ARC of Virginia

Lynn Clayton-Prince, Ph.D., President  
Virginia Council of Administrators of Special  
Education

Parthenia (Parthy) Dinora, Ph.D.,  
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Partnership for People with Disabilities,  
Virginia Commonwealth University

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Virginia Association of Independent Specialized  
Education Facilities

Jennifer Faison, Executive Director  
Virginia Association for Community Services  
Boards

Catherine Harrison, Director of the Division of  
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Virginia Department for Aging and  
Rehabilitative Services

Samantha Hollins, Ph.D.,  
Assistant Superintendent  
Department of Special Education and Student  
Services, Virginia Department of Education

Matt Luther, Regional Transition Specialist  
Virginia Department for Aging and  
Rehabilitative Services, The Wilson Workforce  
and Rehabilitation Center

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Virginia Department for the Blind and Vision  
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Office of Children's Services

Hannah Roberts, Student Representative  
Virginia Student with Transition Experience

Kathy Roberts, Parent Representative  
Virginia Parent with Transition Experience

McKenzie Snow, Deputy Secretary  
The Office of the Secretary of Education

Shelesha Taylor, Disability Rights Advocate  
disAbility Law Center of Virginia

#### Commission on Youth Staff:

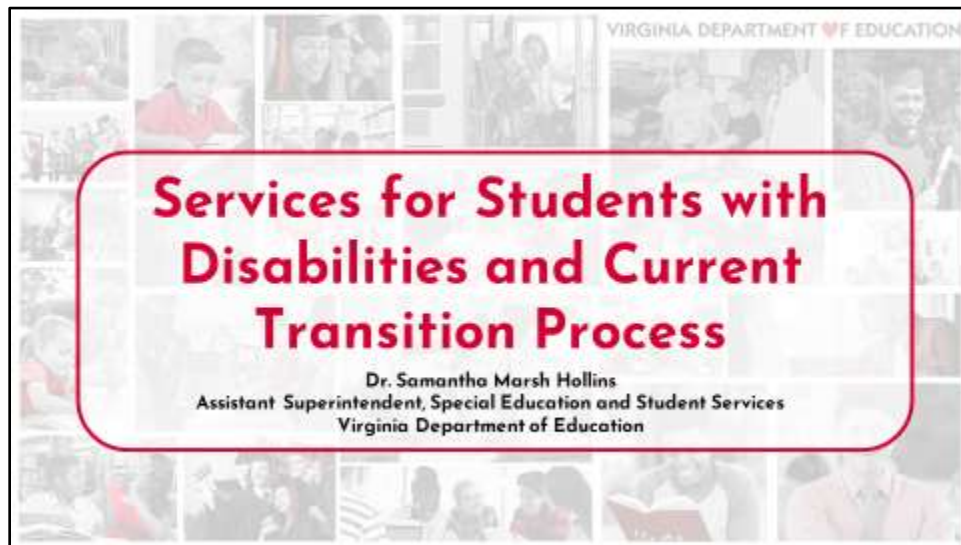
Amy Atkinson  
Sarah Castle  
Will Egen  
Kathy Gillikin

**Transition Process for Students with Disabilities  
Regarding Records and Services at the Age of Majority**

**Interview/Tour Schedule**

February 10, 2022	Parent of a student with a disability who is transitioning out of high school this school year
February 23, 2022	Virginia Department of Education - Ombudsman Program
June 1, 2022	Virginia Department of Behavioral Health and Developmental Services (DBHDS)
June 2, 2022	Virginia Department for Aging and Rehabilitative Services (DARS)
June 10, 2022	Virginia Commonwealth University's Partnership for People with Disabilities (VCU-PPD)
June 13, 2022	Virginia Council of Administrators of Special Education (VCASE)
June 14, 2022	Virginia Department for the Blind and Vision Impaired
June 21, 2022	Transition Tennessee/Vanderbilt University
September 2, 2022	Tour of Wilson Workforce and Rehabilitation Center
August 22, 2022	Virginia Department of Education - Special Education and Student Services






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## Services for Students with Disabilities and Current Transition Process

Dr. Samantha Marsh Hollins  
Assistant Superintendent, Special Education and Student Services  
Virginia Department of Education



VIRGINIA DEPARTMENT OF EDUCATION

### Virginia Board of Education Priorities and Goals:

- **Priority 1:** Provide high-quality, effective learning environments for all students
- **Priority 2:** Advance policies that increase the number of candidates entering the teaching profession and encourage and support the recruitment, development, and retention of well-prepared and skilled teachers and school leaders
- **Priority 3:** Ensure successful implementation of the *Profile of a Virginia Graduate* and the accountability system for school quality as embodied in the revisions to the *Standards of Accreditation*

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VIRGINIA IS FOR LEARNERS

## Students with Disabilities

- 174,638 students with disabilities (2020 December 1 Child Count) approximately 13.9% of the 1,251,970 total students in Virginia
- 95,215 of those students are in grades 6-12
- "Begin with the end in mind," is the heart of transition planning
  - *Individuals with Disabilities Education Act (IDEA PL 101-476)* included transition components in the legislation with the goal of preparing students with disabilities to access the supports and services they need to become as independent as possible.
- Local school divisions, beginning no later than the first Individualized Education Program (IEP) to be in effect when the student is 14, should consider diploma options and course of study to encourage post-school success with appropriate transition assessments, services, and activities

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## Services and Supports for Students

- Academic and Career Plans
- Transition Planning and Goals
  - VDOE Resources for Individualized Education Programs (IEP) and development of appropriate transition goals and high-quality transition plans
- Secondary Transition Services
- Critical Decision Points Training and Support for Families
- Interagency participation on IEP Teams
- Impact of the pandemic on students with disabilities
  - Availability of transition services, supports, and educational opportunities
  - 2021 General Assembly Special Session legislation on extension of services for select students with disabilities scheduled to graduate in 2021

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## VDOE Leadership and Support

- **Transition Demonstration Projects and Support to local school divisions**
  - Project SEARCH
  - Start on Success
  - Post-High Programs
  - Regional Communities of Practices in Transition
  - I'm Determined, MOVE, and Inclusion Project
  - Virtual Job Shadow
  - Collaboration with Career and Technical Education (CTE)
- **Partnering with Institutes of Higher Education**
  - Training and Technical Assistance Centers (TTAC)
  - Center on Transition Innovations at Virginia Commonwealth University
- **Collaborator on the National Level**
  - National Technical Assistance Center on Transition (NTACT)

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## Statewide Systemic Improvement Plan

Virginia will focus on improving the graduation rate for students with disabilities identified with a Specific Learning Disability (SLD), Other Health Impairment (OHI), Emotional Disability (ED), and/or Intellectual Disability (ID) by reducing the non-graduating rate with a regular high school diploma by ten percent from the previous year.

**Data Driven Focus: Academics, Discipline, Attendance**

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VIRGINIA DEPARTMENT OF EDUCATION

### Theory of Action

The Virginia Department of Education Division of Special Education and Student Services' Mission: To provide children with disabilities with the knowledge and skills they need to live, learn, work and participate in communities of their choice with the maximum amount of independence as possible.

The State-Identified Measurable Result: Virginia will focus on improving the graduation rate for students with disabilities identified with a Specific Learning Disability (SLD), Other Health Impairment (OHI), Emotional Disability (ED), and/or Intellectual Disability (ID) by reducing the non-graduating rate with a regular high school diploma by 10 percent from the previous year.

Data-driven Areas of Focus	SEA	LEAs	Teachers	Student Results
<p><b>Academics</b></p> <p>The Virginia Department of Education will provide local divisions best practice instructional strategies and resources, and fiscal supports designed to improve performance on the mathematics and English reading SOL assessments.</p>	<p>If the state does the following to support school divisions:</p> <p>The Virginia Department of Education will provide local divisions best practice instructional strategies and resources, and fiscal supports designed to improve performance on the mathematics and English reading SOL assessments.</p>	<p>and if school divisions do the following to support students with disabilities:</p> <p>Local division staff will utilize VDOE best practice instructional strategies, resources, and fiscal supports designed to improve performance on the mathematics and English reading SOL assessments.</p>	<p>And if teachers implement in the following:</p> <p>If teachers consistently best practice instructional strategies and resources designed to improve performance on the mathematics and English reading SOL tests and modify instruction to better meet the needs of diverse learners then:</p>	<p>Then the results for Virginia students will be that:</p> <p>More students with disabilities will pass mathematics and English reading SOL assessments, as a result, increasing their chances of graduating with a standard or advanced diploma.</p>
<p><b>Discipline</b></p> <p>The Virginia Department of Education will provide local divisions best practice strategies, resources, and fiscal supports designed to reduce the number of disciplinary infractions for students with disabilities.</p>	<p>The Virginia Department of Education will provide local divisions best practice strategies, resources, and fiscal supports designed to reduce the number of disciplinary infractions for students with disabilities.</p>	<p>Local division staff will utilize VDOE best practice strategies, resources, and fiscal support designed to reduce the number of disciplinary infractions for students with disabilities.</p>	<p>If teachers consistently best practice strategies and resources designed to reduce the number of disciplinary infractions for students with disabilities then:</p>	<p>Fewer students with disabilities will be referred for disciplinary infractions, as a result improving the likelihood they will graduate with an advanced studies or standard diploma.</p>
<p><b>Attendance</b></p> <p>The Virginia Department of Education will provide local divisions best practice strategies, resources, and fiscal supports to address chronic absenteeism for students with disabilities.</p>	<p>The Virginia Department of Education will provide local divisions best practice strategies, resources, and fiscal supports to address chronic absenteeism for students with disabilities.</p>	<p>Local division staff will utilize VDOE best practice strategies, resources, and fiscal supports to address chronic absenteeism for students with disabilities.</p>	<p>If teachers consistently best practice strategies and resources designed to address chronic absenteeism for students with disabilities then:</p>	<p>Fewer students with disabilities will be referred for chronic absenteeism, as a result improving the likelihood they will graduate with an advanced studies or standard diploma.</p>



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# Virginia's SIMR Progress

Table 1. FFY 2013 - FFY 2019 Graduation Rate Targets and Results

FFY	2013	2014	2015	2016	2017	2018	2019
Target $\geq$	Baseline	$\geq 59.4\%$	$\geq 62.1\%$	$\geq 60.4\%$	$\geq 67.3\%$	$\geq 74.4\%$	$\geq 75.7\%$
Result	54.9%	57.9%	56.0%	63.7%	71.6%	73.0%	74.7%

Figure 1. FFY 2013 - FFY 2019 Graduation Rate Targets and Results Graph



**Next Steps**


## Virginia General Assembly

- Joint Legislative Audit and Review Commission, K-12 Special Education in Virginia, December 14, 2020
  - Chapter 5, Post-Secondary Transition Planning
  - Recommendation 9: VDOE to develop and maintain a robust statewide plan for improving ongoing oversight of local practices related to transition planning and services and technical assistance and guidance provided for post-secondary transition planning and services.
    - Plan due December 1, 2022
- 2021 General Assembly Session
  - HB2299 and SB1288



## Importance of Collaboration

- Cross agency collaboration
  - Timely communication and decision making
  - Understanding of roles and responsibilities
  - Timing, precision, and coordination of services and supports
- Support of adult services to transition to post-secondary education, job training, competitive employment, military service
- Focus on the individual and their post-school support and success







COMMONWEALTH OF VIRGINIA  
**Commission on Youth**



## **Transition Process for Students with Disabilities Regarding Records and Services at the Age of Majority**

Amy M. Atkinson  
September 21, 2022

### **VCOY Study Mandate**



- **At its April 19, 2022 meeting, the Virginia Commission on Youth adopted the following study mandate:**

The Virginia Commission on Youth shall convene an advisory group to review how youth with disabilities are being provided services in the schools, including mental health services, and how they can be better supported as they transition to adulthood. The 2022 study should look at ways that the Community Services Boards can work with the transitioning student and family and the local education agency.
- **An Advisory Group was formed.**

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## Transition Process Advisory Group Members



- The Arc of Virginia
- Community Services Boards
- The Office of Children's Services
- The Office of the Secretary of Education
- Partnership for People with Disabilities, VCU
- Special Education/Exceptional Education Professionals
- Virginia Association of Independent Specialized Education Facilities
- Virginia Council of Administrators of Special Education
- Virginia Department for Aging and Rehabilitative Services
- Virginia Department of Behavioral Health and Developmental Services
- Virginia Department for the Blind and Vision Impaired
- Virginia Department of Education
- Youth and families with transition experience
- Commission on Youth members

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## Transition Process Advisory Group



- **Chaired by Delegate Emily Brewer; Vice Chaired by Senator Barbara Favola**
- **The Transition Advisory Group met:**
  - May 17, 2022
  - September 7, 2022
- **Advisory Group activities included:**
  - Overview from Delegate Rob Bell from previous legislation
  - Presentation from the Virginia Department of Education
  - Presentation from parent and PEATC, community member
  - Roundtable discussion of barriers and solutions
  - Presentation from a young adult with a disability and her mom
  - Reviewed and adopted draft recommendations to be presented to the Commission on Youth

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## Transition Process Advisory Group



- **Staff conducted interviews with the following:**
  - Parents of students with disabilities and students
  - Department of Behavioral Health and Developmental Services
  - Department for Aging and Rehabilitative Services
  - VCU's Partnership for People with Disabilities
  - Virginia Council of Administrators of Special Education
  - Department for the Blind and Vision Impaired
  - Transition Tennessee
  - Virginia Department of Education
- **Site Visit**
  - Wilson Workforce and Rehabilitation Center

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## Study Results Overview



- National Statistics on Special Education
- Special Education in Virginia - VDOE
- Prior Legislation
- VCOY Study Mandate & Advisory Group
- Current Virginia Services and Other Resources
- Transition Tennessee
- Parent Interviews - Needs for Families
- Best Practices
- Findings and Recommendations

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## National Statistics on Students Served Under the Individuals with Disabilities Education Act (IDEA)




- Of students between the ages of 14-21 who left school in 2019-2020 (428,000), **76% graduated with a regular diploma**, 13% dropped out, 10% earned an alternative certificate, 1% reached the maximum age of special education services, and less than one-half of 1% died.
- The percentage of students between ages 14-21 (for 2019-2020) who graduated with a regular high school diploma was **highest for white students at 79%** and **lowest for Black and Pacific Islander students at 72%**.
- **15% of Asian students and only 4% of American Indian/Alaska Native students received an alternative certificate.**
- **Drop-out rates were highest for American Indian/Alaska Native students at 20%**, while **Asian students had the lowest drop-out rate at 4%**.

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## National Statistics on Students Served Under the IDEA, Cont'd.



- Students ages 14-21 during the 2019 - 2020 school year differed in their outcomes depending upon disability type.
- 89% of students with speech and language impairments earned a regular diploma, while only **44% of the students with multiple disabilities earned a regular diploma.** 
- 34% of students with intellectual disabilities and **33% of students with multiple disabilities received an alternative certificate**, while only 3% of students with speech or language impairments earned an alternative certificate.
- **Drop-out rates were highest for students with emotional disturbances (27%)** and lowest for students with deaf-blindness (3%).

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## Special Education in Virginia - Virginia Department of Education (DOE)



- **174,638 students have disabilities** in Virginia (~14% of all students in Virginia K-12).
- **95,215 students have disabilities in grades 6-12.**
- Students with disabilities are protected under the federal Individuals with Disabilities Education Act (IDEA PL 101-476).
- Individualized Education Programs (IEPs) are completed for each child with a documented disability.
- 504 documents are completed for students who need special accommodations but are not eligible for an IEP.
- VDOE provides guidance and resources to local school divisions.
- Transition planning in IEP meetings starts no later than age 14.
- JLARC recommended VDOE to develop and maintain a robust statewide plan to improve transition services, due December 1, 2022.

VDOE Presentation to the Governor's Commission on Youth Services, June 17, 2022

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## DOE Special Education - Individualized Education Program (IEP)



- Students with **diagnosed disabilities learn under the parameters of an IEP (Individualized Education Program)** document within the school system.
- An IEP spells out **learning goals, accommodations, progress, and tracks with the student** from the time of placement until receiving a high school diploma, or the maximum age for receiving special education services (ages 18-21). **Transition plans are included by age 14.**
- An **IEP is updated at least annually** with parents (up until age 18), case manager, invited teachers, invited counselors, and the student.
- **After the age of majority (18 years old in Virginia), the student may take sole responsibility for their IEP** and sign the plan at the meetings. Parents may opt to retain rights after age 18 if needed.
- Students may be present for IEP meetings at any age, but by age 14, students are required to be invited to IEP meetings.



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## DOE Special Education - Age of Majority



- Virginia law requires **transition planning for career and employment to start no later than the age of 14.**
- **One year prior to age 18** (the age of majority under Virginia law), **schools must inform students and families that educational records may no longer be shared with the parents/guardians once the student reaches age 18,** unless other documentation is provided.
- Some adult students are capable of making their own educational decisions once they reach the age of majority.
- Students with more severe disabilities may remain in public schools through 21 years of age to receive services, and may need someone else to make educational decisions.
- **Parents/guardians who need to participate in educational decisions of their students at age 18 and beyond must take action at least the year BEFORE the 18th birthday.**

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## DOE Special Education - Age of Majority Cont'd.



- **Students who are not capable of making their own decisions at age 18 will need their parents/guardians to do one of the following about 1 year prior:**
  - request to be a **court-appointed guardian** to make educational decisions at guardianship hearings with a judge;
  - **declare the student legally incompetent or legally incapacitated** and the parent or other competent adult becomes the educational representative;
  - **certify that the adult student is unable to provide informed consent** and **identify an educational representative;** or
  - have the **adult student designate in writing a competent adult** to make educational decisions through a power of attorney, signed by the student in front of a Notary Public.



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## DOE Special Education - Post High School



- After high school, students are no longer protected under the IDEA (Individuals with Disabilities Education Act). The individuals will be accommodated only by legal documentation of their disability and are then protected from discrimination under the Americans with Disabilities Act (ADA).
- **Students should have a direct transition plan** for enrollment, employment, work-based learning opportunities, or enlistment by the age of majority, so that when the student graduates, all documentation can proceed to the next involved agency or group.
- **Parent involvement in this transition process is a direct indicator of student success.** Statistically, students with uninvolved parents have a lesser chance of success.
- For students with an IEP, **community engagement and transition planning** are also **direct indicators of student success.**

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## DOE Special Education - Transition Gaps



- **Students with disabilities face high levels of difficulty in job placement,** enrollment, and other life areas due to underpreparedness or unclear information.
- **Information is often confusing and overwhelming.** Even schools and highly educated parents are unsure in which direction they should point a student, or which path is best.
- **School systems and post secondary agencies are not always in communication,** creating what is often referred to as “the cliff” effect.
- **“The cliff” occurs when a student with a disability** is very well-provided for within high school, but exits the school system and **services are suddenly no longer available.**
- This can be because of **lack of transition planning, lack of parent involvement, or lack of comprehensive information.**

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## Prior Legislation - House Bill 2380



### House Bill 2380 (Rob Bell, 2015 Virginia General Assembly Session)



- Proposed that school divisions designate staff to receive training about community services available for students with intellectual disability or emotional disturbance upon graduating from, aging out of, or leaving public education, and to provide this information to students and their parents/guardians.
- The Bill **required the community services boards and behavioral health authorities to provide information about available services and ensure that at least one employee or representative of these organizations participate in the meeting** (a warm handoff) with the schools and students/parents to provide options when students graduate from, age out of, or leave public education.
- The Bill was **NOT passed** and was left in House Appropriations.

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## Prior Legislation - Senate Bill 585



### Senate Bill 585 (Siobhan Dunnavant, 2020 General Assembly Session)

- Proposed that the **Department of Education prepare and update transitional materials** to include information **about powers of attorney and guardianship** for students ages 17.5-21 years of age and their parents during the student's annual IEP meeting.
- When a **petition for guardianship/conservatorship** is presented, a Guardian Ad Litem is appointed to review the IEP and include the results in the court report. **The Guardian Ad Litem must consider if a less restrictive option is available**, including an advance directive or durable power of attorney.
- The Bill encouraged the student to participate in all decisions as able, and **was approved by the House and Senate, and signed by the Governor.**

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## Current Virginia Services and Other Resources



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Virginia Department of Behavioral Health and Developmental Services



### **DBHDS provides the following for individuals with disabilities:**

- Waiver Services
- Office of Integrated Health
- My Life, My Community - Transition to Adulthood
- Housing
- REACH Program for individuals with developmental disabilities who have crisis needs.
- Employment First Initiative
- Provider Development
- Department of Justice Settlement Agreement Consultation

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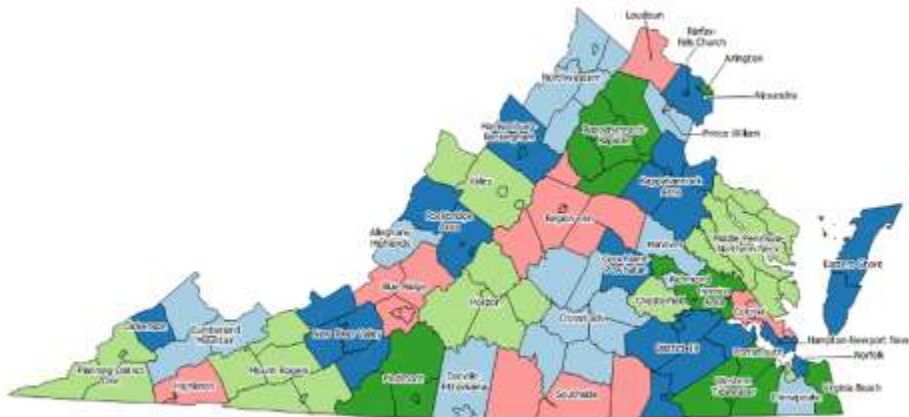
## Local Community Services Boards (CSBs)



- **“Community Services Boards” or CSBs are local points of entry for publicly funded services and programs** for assistance with mental health, intellectual and developmental disabilities, and substance use disorders. The Virginia Department of Behavioral Health and Developmental Services oversees the licensing of the 39 CSBs and one Behavioral Health Authority (BHA) in the Commonwealth.
- **CSBs provide case management and emergency services, and authorize waivers** to ensure that an applicant seeking transition services is eligible. **Rarely do they have dedicated Transition Coordinators.**
- **IEP documentation needs to be shared with CSBs well before a student needs services** (typically needing services at ages 18-21). Determining the documentation that needs to be shared can be difficult.

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## Local Community Services Boards (CSBs)



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- **All DARS services focus on Vocational Rehabilitation and Career Counseling, through Pre-ETS (Pre-Employment Transition Services)**
- **Vocational Rehabilitation (VR) is made available to two groups of clients:** those who are **eligible (have an IEP)**, and those who are **“potentially eligible” (PE)**.
- **“PE” students are those who qualify for a 504** or may have a known disability but have not yet applied.
- Currently, **DARS is servicing less than 12% of eligible students** due to a large client base and limited staffing.
- **15% of state’s VR Services Grant must be used for Pre-ETS services for students with disabilities** (training, internship opportunities, work-based learning, etc.).
- **DARS has the capability to service more students only with additional support staff**, as the caseload is at a maximum now.

Communications Meeting with DARS, June 1, 2022

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**DARS programs/services include** the following:

- Assistive Technology
- Transition Guide with tips for students and parents
- **Project SEARCH and Customized Employment**
- Vocational Evaluation, Career Exploration, Guidance, Counseling
- Job Development, Shadowing, and Placement
- On-the-Job Training and Supported Employment (job coaching)
- **Postsecondary Education Rehabilitation Transition (PERT)/** Postsecondary Training and Education
- **Pre-Employment Readiness and Education Program (PREP)**
- Community Rehabilitation Case Management Services
- Brain Injury Services
- Independent Living and Personal Assistance Services



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**Project SEARCH** - 1 school-year transition program for students with significant disabilities.

- Started in Chicago; replicated in Virginia
- Business-led with 3 internships in a host business
- Main goal: **Integrated competitive employment**
- 19 active Project SEARCH programs in Virginia
- 1100+ Students since 2008 start
- Key Partners:
  - Host Business
  - School District
  - Vocational Rehabilitation
  - Supported Employment Agency

"Project SEARCH and Customized Employment: Virginia DARS Transition Services," presentation by Martha Kuylenstierna, Transition and Education Services Coordinator revised 8/16/20.



## Wilson Workforce and Rehabilitation Center



- The **Wilson Workforce and Rehabilitation Center (WWRC)** is a **subservice of DARS' Division of Rehabilitative Services** and is a **residential or day program** for students ages 18-25 with disabilities who are pursuing vocational goals.
- The WWRC **provides students with 6-10 day assessments, independent living training, supervised housing (if needed) and job training** in Business and Information Technology, Manufacturing and Production, and Services and Trades.
- Students **must apply** to be accepted and will **receive a degree certification** upon completion of their program (typically 1-3 semesters, depending on the program of study).
- Students have access to **vocational evaluation and training, assistive computer technology**, behavioral health services, medical rehabilitation, life skills evaluation and training, and many more services.

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## WWRC Cont'd.



### Vocational Services include:



- Vocational Evaluation
- Occupational Skills/Vocational Training (OST)
- Pre-employment Readiness and Education Program (PREP)
- Postsecondary Education Rehabilitation Transition (PERT)
- Educational Support Services (ESS)
- Assistive Rehabilitation Technology (ART)

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## Virginia Department of Education (DOE)



- The Virginia Department of Education (DOE) **determines learning standards for every subject area**. Students must take a Standards of Learning (SOL) test for each grade annually. SOL tests in grades 3-12 are used for federal and state accountability.
- **Students with disabilities must pass the SOL tests to be given a standard diploma**. Every student should be given equal opportunity to participate in the SOL tests per subject.
- Student **eligibility and testing accommodations for SOL tests** depend directly on the services a student receives, and the diploma type they are seeking.
- **DOE determines requirements of educators regarding records that must be maintained/shared and services available in schools**.
- Funds two disability support programs through VCU: **Center on Transition Innovations and Partnership for People with Disabilities**.

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## Local Schools - Role in Special Education



- **Identify and locate children who may have a disability** (physically, cognitively, emotionally or a combination); **assess their abilities and needs**.
- **Help determine the least restrictive environment for each student with a disability**.
- **Develop and administer the Individualized Education Program (IEP)** to determine goals for each student and strategies to meet those goals; **hold IEP team meetings with student and parents/guardians at least annually; monitor IEP progress and make changes**.
- **Make accommodations for students with a 504 plan**.

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## Local Schools - Role in Special Education Cont'd.



- **Begin Transition Planning early** (elementary and middle school), but **required to have a Transition Plan (IEP) in place by age 14.**
- **Inform parents/guardians of transition options and age of majority restrictions in writing** by the student's **age of 17 or earlier.**
- **Educate parents/guardians** on postsecondary resource and service options for their child.
- **Encourage students** with disabilities to earn a high school diploma.
- **For students with disabilities** who may not be able to earn a high school diploma, **teach them up until age 22.**

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## Virginia Commonwealth University - Center on Transition Innovations (VCU CTI)



- Mission: **"Provide information, resources, demonstration and research on pathways to employment** that support youth with disabilities to gain access to **integrated, competitive employment** to the fullest extent possible."
- VCU-CTI provides **evidence-based resources** and information along with **emerging practices in the field.** The results of research studies and demonstration projects conducted in Virginia help shape the ongoing work of CTI.
- Provides a **resource website, FREE online courses** for Virginia's middle and high school special educators, **fact sheets on transition** topics, **webcasts** from state and national experts in the field, **emerging and evidence-based practices, Facebook page** with the latest news about transition, **employment resources, and informational videos.**
- **Start on Success (SOS) Program - highly structured school-to-work program;** increases readiness for college and career success for HS students with disabilities.

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## Virginia Commonwealth University - Partnership for People with Disabilities



- Virginia's only **University Center for Excellence in Developmental Disabilities' Education, Research and Service (UCEDD)**.
- Provides technical assistance, research, research dissemination for the higher education setting, support for professionals, provides Training and Technical Assistance Centers.
- PPD's Partners:
  - disAbility Law Center
  - US Administration on Developmental Disabilities (UCEDD Admin.)
  - Virginia Board for People with Disabilities
- Supports people from **birth through aging**.
- Exists **on soft money**, competing for grants.
- **95% of employees are VCU faculty and staff**.
- Landscape Analysis shows a **lack of connectivity between resources**.
- Parents are the "glue" and must be involved in the planning, invested and prepared.

Continuum of Care with VCU, June 9, 2010

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## Virginia Council of Administrators of Special Education (VCASE)



- A professional organization for those who serve students with disabilities that promotes professional leadership through support and instructional best practices, as well as local, state and national trends to improve the quality and delivery of special education services in Virginia's public schools.
- See a **need for Transition Coordinators at each high school (funding)**, a need for local and state resources to be shared with professionals and parents, and a one-stop website.
- **Project SEARCH** modeled a great partnership among **DARS**, the **school**, and the **hospital** to transition students to competitive employment (regulated services, but under-resourced).
- **Need universal/consistent resources and opportunities** for all school divisions.
- **Need a Standards of Quality position (teacher or transition coordinator)**

Continuum of Care with VCASE, June 11, 2010

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- **“Sister” agency to DARS** and provides services **starting at birth**.
- Currently, there are **2200 students with 3.5 education coordinators** to serve them.
- The **needs of the deaf and blind are highly unique** and often these students are unable to obtain services due to the **lack of specialized services available**.
- The delay to find assistance for students who are blind may be long, and **parents will pull their children from programs before appropriate service providers can be found**.
- Need better interagency coordination for individuals who are blind, vision impaired and deafblind (to be able to use “I’m Determined”, “Child Find”, Career and Technical Education, etc.).



- **Community Colleges may not discriminate** against applicants/students with disabilities; however, colleges are not required to provide the same type of support as was provided in public K-12 schools.
- **Students are no longer protected under the IDEA** but are protected under the **Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act**.
- Colleges typically have **disability counselors**, and **reasonable accommodations must be made for students** with disabilities upon request.
- Some colleges have programs that cater to students with developmental disabilities, such as **ILEAP** at Mountain Gateway Community College and **PAVE** at Reynolds Community College.





- **Mountain Gateway Community College (MGCC) - Inclusive Learning Enabled Action Program (ILEAP)** for individuals with intellectual and developmental disabilities.
  - Comprehensive Transition Postsecondary Program
  - Combines independent living skills with occupational experience
  - ILEAP students earn up to 27 credit hours with general population students
  - Helps ILEAP students transition to paid employment



**Service Area(s):** Alleghany County, Bath County, Botetourt County, Buena Vista City, Covington City, Lexington City, Rockbridge County



- **Reynolds Community College - Program for Adults in Vocational Education (PAVE)**
  - 2-year vocational training program
  - Serves students with intellectual, physical and learning disabilities and mental health disorders
  - Industry certifications are offered in Food Services, Health Care and Child Care
  - Enriches academic abilities with customized curriculum and all-encompassing support
  - Provides unpaid internships after completion of professional and social skills training

**Service Area(s):** City of Richmond, and Counties of Goochland, Hanover, Henrico, Louisa, and Powhatan





## Additional Research

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### Transition Tennessee



- **"Transition Tennessee"** is Tennessee's website for helping students with disabilities transition to competitive employment and independence.
- **State contracts with Vanderbilt University** to develop, maintain, update, and host this site (12-14 staff, \$2M per 5 years).
- **Provides transition resources** for students and families, as well as professionals.
- **Began in 2015** as "TennesseeWorks."
- Started with the educator side; it took **about 1 year to get up and running**. Now includes the student side.
- **Marketed this tool through word-of-mouth, presentations, in-person trainings across the state**, and NTACT; created partnerships with school districts to spread the word. Currently have 10K users (professionals, students, family members).
- Includes **online courses, assessment tools and curricula databases, Pre-Employment and Training Services sequencing guide, recorded virtual trainings, and resource listings**.

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## Parent Interviews - Needs for Families



- There is often a **communication gap** since parents are not familiar with disability nomenclature used by professionals. This includes **confusion about the IEP process and transition options**, as well as **why** transition recommendations are being made.
- **Parents don't know enough about the transition process or what resources are available** so don't know what questions to ask the case worker or counselor.
- During the case worker calls or intake calls, **case workers should ask questions specific to the services available** so that parents can respond with challenges they have. Instead of asking, "Is there anything else I can assist you with?" ask:
  - How is your child doing with daily living and communication skills?
  - What interests does your child have, and can we channel these into employment down the road (e.g., he's nonverbal but loves to sort items)?
  - What functional skills are successful/still challenging for your child (communication, mobility, behavior, social skills, daily living, etc.)?
  - Have you thought about an occupational or employment evaluation?

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## Best Practices - Adapted from National Secondary Transition Technical Assistance Center (NSTTAC) and George Lucas Educational Foundation



- **Develop a rigorous and relevant job exploration curriculum; expose students to a variety of career pathways** in high school.
- **Start transition planning early**— middle school, if not elementary school (required by age 14 years old in Virginia).
- **Find out student's interests and abilities; align with courses.**
- **Inform parents/guardians about age of majority** and no longer being able to share education records without written authority.
- **Provide summary of performance before the end of high school** that includes academic achievement; functional performance; supports needed; education, career and vocational goals; and next steps.
- **Have all state and local resources/services listed in one place** to ease the search by families and professionals.
- **Educate parents/guardians about being proactive** and contacting local resources and services **for postsecondary continuing care.**

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- **Support state and local agencies that serve students with disabilities** with letters of support and funding, if possible.
- **Convene relevant representatives from state agencies/others to discuss and develop collaborative agreements** to identify resources and reduce duplication of services, or expand to meet needs.
- **Take full advantage of technology and vocational exploration services (internships)** to assist students in finding their passion for future employment and career options.
- **Teach professionals how to ask better questions and to relay information in layman's terms** for parents.
- **Connect students to real-life learning opportunities.**
- **Provide support groups or mentors** for parents/guardians.
- **Provide dedicated transition assistance and counseling** for each student with a disability.
- **Take advantage of all federal funding** to develop a top-notch, standard transition program that can be replicated in each school or community.

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## **Transition Process for Students with Disabilities**

### **Findings and Recommendations**

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## Findings and Recommendations



**Finding 1:** Many families are not aware that once a student with a disability turns 18 years old, that student's special education service records may not be shared with the parents and will not be transferred to a local Community Services Board for continued services. The 18 year old student is the only one who can legally gain access to these records, unless an agreement designates another person to have access. Continuing after a student transitions, and in order to build on previous progress made, future service providers often need to access relevant parts of the whole record to continue to meet the needs of the adult with different abilities.

The Virginia Department of Education has detailed guidance document on working with students during transition, "Transfer of Rights for Students with Disabilities Upon Reaching the Age of Majority in Virginia." The Department of Behavioral Health and Developmental Services does not currently have such guidance.

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## Findings and Recommendations



### Recommendation 1:

Require that the Department of Behavioral Health and Developmental Services, in coordination with the Department of Education, develop and disseminate best practice standards to Community Services Boards (CSBs) and local education agencies about how to work with local education agencies, students, and families through the transition process. Additionally, best practices should include information about what special education, service, or accommodation records to transfer at the age of majority and/or high school completion. The Department of Behavioral Health and Developmental Services shall use existing Department of Education Guidance in developing best practices.

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## Findings and Recommendations



**Finding 2:** Information on the transition process and opportunities available for students with disabilities for their families and professionals alike is overwhelming and confusing. There are similar services available from different organizations with slight variations in delivery and practice. Families and students may not be able to find the information they need to make a fully informed decision to meet the future needs of the adult student. Early on in the planning process, (late middle school or early high school) more awareness is needed by classroom teachers, counselors, and special education teachers on the work-world need for a specific type of diploma for various colleges and careers, and/or knowledge of the state and local resources available beyond high school, in order to relay this information to students and families.

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## Findings and Recommendations



Recommendation 2:

Introduce a budget amendment directing the Department for Aging and Rehabilitative Services to work with the Department of Education, the Department of Behavioral Health and Developmental Services, the Parent Educational Advocacy Training Center (PEATC), Virginia Commonwealth University's Partnership for People with Disabilities, and Center on Transition Innovations (CTI) to ensure that online resources are readily available and disseminated to all individuals of transition age and their families. This includes utilization and promotion of PEATC's online training course, Transition University (TU) conducted in coordination with VDOE and PEATC's online transition guide and resource documents on its website.

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## Findings and Recommendations



### Recommendation 2 Cont'd.

DARS, DOE, DBHDS, PEATC, Partnership for People with Disabilities, and CTI shall explore whether these online resources should be expanded to ensure full coverage of resources for students with disabilities on transition services beyond high school, including, transfer requirements, provider and service options, diploma requirements for future career or educational goals, and other helpful information. Assess whether PEATC's online resources, including Transition University and PEATC's transition webpage should serve as the central hub or a separate website should be developed with the goal of ensuring access to families and promotion of resources and information by DARS and DBHDS without duplicating existing efforts. Review transition resources on other organizational websites including, but not limited to, Partnership for People with Disabilities.

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## Findings and Recommendations



### Recommendation 3:

Request that the Department for Aging and Rehabilitative Services work with the Virginia Commonwealth University's Partnership for People with Disabilities, and the Parent Educational Advocacy Training Center (PEATC), to develop and disseminate virtual training on transition resources and services for teachers in each high school or school district.

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## Findings and Recommendations



**Finding 3:** Students with disabilities are often unintentionally excluded from participating in vocational rehabilitation (VR) or internship programs because of the lack of knowledge about needed adjustments or accommodations, or the high degree of liability for a particular job. This is a potential barrier to employment. Virtual reality software would allow students with disabilities to explore a wider variety of career options. The Virginia Information Technologies Agency (VITA) policies regarding the use of virtual reality technology do not allow for its use in the vocational rehabilitation setting.

Currently, the Virginia Department of Education uses state funds to provide virtual job shadowing and AZTEC software, for industry credentialing. These funds are used specifically for students with autism.

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## Findings and Recommendations



Recommendation 4:

Request the Virginia Information Technologies Agency (VITA) work with agencies that provide services and workplace opportunities to students with disabilities, to identify solutions to barriers in using virtual reality software and other relevant transition content applications for students with disabilities.

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## Findings and Recommendations



**Finding 4:** Local businesses with internship programs are hesitant to work with students with disabilities. Employers are not knowledgeable about how to accommodate or manage these young students who may have different strengths and challenges. Additionally, employers are not aware of local resources or available tools that would help a transitioning student to be successful in the job. Programs such as Project Search and Start on Success have an 80% employment success rate, and they should be used as role models for schools that do not have internship programs for students with disabilities.

Recommendation 5:

Request that the Virginia Department for Aging and Rehabilitative Services (DARS) continue to develop internship opportunities for students with disabilities. DARS should work in collaboration with other state agencies and local governments including, but not

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## Findings and Recommendations



Recommendation 5 Cont'd.- limited to, the Virginia Departments of Labor and Industry, Education (Career and Technical Education, as well as Special Education), the Blind and Vision Impaired, the Deaf and Hard of Hearing, and Behavioral Health and Developmental Services, as well as the Virginia Chamber of Commerce, local chambers of commerce, businesses and other relevant organizations to provide internship opportunities for students with disabilities. These opportunities will ensure that each student with a disability has a blueprint for their career and job placement after high school. DARS shall continue to educate internship provider businesses about different types of accommodations that can be accessed for various disabilities. DARS shall take advantage of established programs and increase statewide school participation in programs such as Project Search and other post high school programs.

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## Findings and Recommendations



Recommendation 6: Request that the Secretary of Education, in coordination with the Secretary of Health and Human Resources, Secretary of Labor, and Secretary of Commerce and Trade, investigate the feasibility of developing a comprehensive program to reduce unemployment among adults with disabilities by assisting and supporting businesses to attract, hire, train, and retain adults with disabilities.

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## Findings and Recommendations



**Finding 5:** Funding is needed to assist with the transition of students with disabilities to their highest level of independent living. Schools do not have enough transition coordinators to assist students who are moving out of the school system to find needed services for independent living.

Transition Coordinators work closely with state agencies, service providers, and case managers to bridge the gap for students and families between the high level of services provided to students in secondary school and the services available after aging out of high school. This gap is often referred to as “the cliff.”

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## Findings and Recommendations



Recommendation 7: Introduce a budget amendment to fund a transition coordinator grant program to be administered through the Virginia Department of Education. These coordinators shall be employed by local school divisions and work with other community partners (local Community Services Boards and other agencies) to assist students with disabilities and their families in preparing for future service needs and employment opportunities. School districts shall apply to the Department of Education to receive state grant funding for a coordinator position.

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## Findings and Recommendations



Recommendation 8:

Require that all public high schools identify the person responsible for transition planning and coordination at each school. Make such identification of the person responsible for transition planning available to the public.

Recommendation 9:

Support the Virginia Department of Education in their use of IDEA funding to develop a state special education transition management position to oversee transition coordinator issues and funding across the state.

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## Findings and Recommendations



**Finding 6:** The Virginia Board for People with Disabilities serves as the Developmental Disabilities (DD) Council for Virginia and works to help people with developmental disabilities meet their service needs for independence in a respectful and dignified manner. The Virginia Commonwealth University's Partnership for People with Disabilities offers education, health, early childhood, and community living training programs for both providers and people with disabilities themselves. The disAbility Law Center works with individuals in the community to address abuse, neglect, and discrimination of people with disabilities by providing legal services with grant funds. These DD council organizations do not have the staff to directly manage the transition process but are aligned with assisting in this effort and have the

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## Findings and Recommendations



**Finding 6 Cont'd.** - expertise to provide guidance for professionals, as well as student and family education and awareness. These organizations serve a strategic role in assisting students with disabilities, their families and professionals to help with the transition from high school to independent living and self-sufficiency. Grant funds are used to support their services.

Recommendation 10:

Request that the Chair of the Virginia Commission on Youth write letters of endorsement for Virginia Commonwealth University's Partnership for People with Disabilities, the disAbility Law Center, the Virginia Board for People with Disabilities, and the Department for Aging and Rehabilitative Services. The letters will show support for these organizations towards their goal of obtaining grant funding to assist with the advocacy for, and the transition of, students with disabilities to adulthood and independent living.

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## Findings and Recommendations



**Finding 7:** Services provided by a given organization are not necessarily known across agencies and providers. There is a strong need for better collaboration of services to assist transitioning students with disabilities to adulthood. This lack of organization encourages duplication, poor communication with families, and unused services and benefits for individuals. The Virginia Intercommunity Transition Council, under the Virginia Department of Education, convenes many of the organizations with the goal of promoting successful transition outcomes for youth by providing leadership and innovation in employment, education, and community support systems. The role of this organization could be more widely felt.

In addition, in 2020, the Joint Legislative and Audit Commission (JLARC) recommended that the Virginia Department of Education

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## Findings and Recommendations



**Finding 7 Cont'd.** - develop a robust statewide plan for improving transition planning for students with disabilities. JLARC's report raised this as an issue of oversight that the Department could address. The Department of Education is currently developing a statewide plan and will provide its report by December 1, 2022.

**Recommendation 11:** Introduce a language only budget amendment directing the Virginia Department of Education to have the Virginia Intercommunity Transition Council meet at least biannually to help implement its statewide plan for oversight of local practices related to transition planning and services.

The objective of this council shall include streamlining and collaboration, developing a better transition communication

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## Findings and Recommendations



### Recommendation 11 Cont'd.

network in the Commonwealth, educating all members about what Virginia and local organizations provide for students transitioning to adulthood, identifying any gaps or overlap in services for potential streamlining and problem-solving, and developing an improved transition infrastructure for students with different abilities.

This council shall include, but not be limited to, the Department for Aging and Rehabilitative Services, the Department of Behavioral Health and Developmental Services, Department for the Blind and Vision Impaired, Department for the Deaf and Hard of Hearing, Department of Social Services, Virginia Community College System, and Virginia Commonwealth University's Partnership for People with Disabilities.

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## Findings and Recommendations



**Additional Finding:** The Virginia Board for People with Disabilities published a number of recommendations in their *2022 Assessment of Access to Information for People with Disabilities and their Family Members*. A couple of their recommendations addressed school-to-adult transition.

Request that the Chair of the Virginia Commission on Youth write a letter of support to the Virginia Board for People with Disabilities for the following recommendations, as amended below in **bold**:

Recommendation: Virginia Department of Education (DOE) **and the Department of Behavioral Health and Developmental Services**, along with the local school divisions, should work with CSBs/BHA within the school division's catchment area to designate a staff to act

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## Findings and Recommendations



**Additional Recommendation Cont'd.** - as a lead for school-to-adult life transition and work with the school division's Transition Coordinator to ensure that accurate and timely information is distributed to families. CSBs/BHA should utilize existing school-to-adult life transition resources such as PEATC's Transition University for CSB staff training and development.

Recommendation: The CSBs/BHA, through their member organization, Virginia Associations of Community Services Boards (VACSB), should consider operating a Community of Practice for School-to-Adult Transition, to foster learning and identify some of the exemplary practices taking place in several CSBs.

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## Public Comment

Written public comment must be  
received by 5:00 p.m.  
on October 14, 2022.

Submission instructions are available  
online (<http://vcoy.virginia.gov>)

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