



## VIRGINIA COMMISSION ON YOUTH

### Meeting Minutes

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

#### Virginia Commission on Youth

May 17, 2022, 1:00 – 3:00 p.m.

Pocahontas Building, Speaker's Conference Room

#### Attending:

Delegate Emily Brewer, Senator Barbara Favola, Senator David Suetterlein, Delegate Anne Ferrell Tata, Ashley Wright, Mike Asip, Seb Prohn, Bill Elwood, Jennifer Faison, Samantha Hollins, Matt Luther, Caren Phipps, Anna Antell, John Cimino, Dawn Traver

#### Staff Attending:

Amy Atkinson, Will Egen, Kathy Gillikin

#### I. Welcome and Introductions

*Delegate Emily Brewer, Chair  
Virginia House of Delegates*

Delegate Brewer welcomed members of the Advisory Group and asked Advisory Group members to introduce themselves around the table. Members introduced themselves.

Delegate Brewer introduced Delegate Rob Bell who will address the first topic on the agenda. He will talk about some of the issues that came out of the 2015 session and his thoughts about the transition process.

#### II. Community Service Boards/ Behavioral Health Authorities and Local Education Agencies Smooth Handoff Proposal

*Delegate Rob Bell, Virginia House of Delegates*

Delegate Bell is hoping that the expertise in the room can come up with a solution for the transition process. He explained his personal connection with this transition issue as the father of a special needs child. His son has been through a variety of special needs services at a variety of special needs schools. All the work that has been done with each child, whether it's speech, mental health, developmental or other services that are

needed to serve each child, are delivered by and through the school process. In the course of the student's tenure in school, each special education student has a thick, "6 inch file"—a massive file of Individualized Education Programs (IEPs) that has invaluable information, such as what strategies have worked or not worked, medications that have been beneficial or not, as well as therapies tried and endorsed, or not.

Some students have family support and advocates who help transition the special needs student to adult programs and services; however, other students do not have family support and those records could be lost.

Once a student reaches the age of majority (18 years old) the records may only be accessed by the student, who may or may not have the ability to request the records. In discussions with the Community Services Boards (CSBs), it was discovered that the CSBs don't have access to the 6-inch file of what has worked and not worked. Federal law may prevent detailed collaboration. Schools could engage with the services for adults and, to the extent possible, the information would transfer with the students at age 18 from school to the CSBs. Delegate Bell hopes that all the students would be able to transfer this information when they turn age 18; otherwise, it seems like a huge waste of effort to start from scratch for these transitioning students.

Delegate Brewer thanked Delegate Bell for his personal insight into this issue since he has lived it and experience is the best training tool. She then introduced Dr. Samantha Hollins from the Virginia Department of Education to provide some information on the school system's role in special education and the transition process.

### **III. Services for Students with Disabilities and Current Transition Process**

*Samantha Hollins, Ph.D., Assistant Superintendent, Department of Special Education and Student Services, Division of School Quality, Instruction and Performance, Virginia Department of Education*

As a past special education teacher, this topic is near and dear to Dr. Hollins's heart. She explained that her goal is to provide an overview of the transition process and more information about educational services and supports that the Virginia Department of Education oversees in the local school divisions. So much information, expertise, and knowledge is garnered over the years for special education students that is valuable in planning for the next stage of life after high school. The priority for Special Education and Student Services is to support students with disabilities and to provide them with the knowledge and skills to live, learn, work, and participate in the community of their choice with the maximum amount of independence as possible.

After their pre-K through high school career, VDOE focuses on what awaits students. Transition plans start in the earliest years to have the maximum success possible after school. VDOE is currently serving 1.2 million students and of that number, 175,000 are

students with disabilities. Beginning with the end in mind is essential for transition planning. Transition planning is a component of federal and state law.

Individualized Education Programs (IEPs) include transition plans starting at age 14 to include diploma options, courses of study to encourage post-school success (education, employment, independent living) with appropriate transition assessments, services and activities. This transition plan is built over time with assessments completed to guide the plan and interests.

The goal at VDOE is to build division-level capacity at 132 local school divisions in the Commonwealth to ensure that staff are adequately knowledgeable and supported to bring the information to the IEP team table and conduct the meetings in a way that is helpful to the students. VDOE is focused on systems of support. Virginia is experiencing a crisis in retention and recruitment of teachers, especially special education teachers who have been in a chronic shortage for over 10 years. There is language within federal statute that enables VDOE to invite interagency partners to the table, such as local offices of the Department of Aging and Rehabilitative Services (DARS), Community Service Boards (CSBs), and the Department of Behavioral Health and Developmental Services (DBHDS) to share information and resources with parents. Due to turnover with staff in the local school divisions, collaborating with these partners and sharing resources with parents is not always done consistently, effectively, and regularly, but VDOE is working on this.

Senator Favola asked if the state provides school systems with ongoing support for the transition planning. Dr. Hollins stated that VDOE does provide ongoing support and monitoring to enforce the transition planning requirement in local school divisions.

Senator Favola asked if the local governments have to put up a match to draw down that money. Dr. Hollins explained that no local match is needed. The funding that is used to support special education is predominantly IDEA federal flow-through money that comes directly from VDOE on a per pupil basis to local school divisions but there are also state and local funds that are used for that purpose.

Senator Favola wanted to understand the funding streams. Dr. Hollins stated that local funds are used to meet the needs of their population. Dr. Hollins explained that for Special Education funding across the Commonwealth, the bulk of the funds come from local school divisions and state funding that has not been updated in decades.

Delegate Brewer thanked Dr. Hollins for her presentation.

This presentation can be accessed on the Commission's webpage under the meetings tab.

#### **IV. A Parent's Perspective**

*Heidi Lawyer, Resource Development, Parent Educational Advocacy Training Center (PEATC)*

Ms. Lawyer explained that she brings two perspectives: one as a parent and one as a professional working with parents every day. Her son was diagnosed with autism at the age of 3. He now is an adult and has been at his job for nearly ten years. However, it's been a very long journey. He understands things, but has very little conversational speech and sometimes has behavioral challenges that need to be addressed in the workplace.

Ms. Lawyer's son had good and bad experiences in the schools. Her son went through the transition planning 15 years ago and in some ways the process was easier. Ms. Lawyer explained that she continues to hear about many of the same challenges from parents. When her son was moved into high school, the transition coordinator could see her son's potential and reinforced the high expectations that he would have a future, and that made all the difference. Her son completed transition assessments that showed he was interested in and skilled for office work. He had 3 community-based office internships during high school, a Developmental Disability (DD) Waiver with the Arc of Virginia, and applied for vocational rehabilitation. Students who have internships during high school are much more likely to find jobs after high school. Ms. Lawyer still had to worry about the "cliff" after high school that Delegate Bell mentioned. She applied for the DD Waiver as soon as it was available and was able to have those supports by the time her son was in high school.

Today's parents face extensive waiting lists and planning for their child's future is much more tenuous because they don't have those supports waiting for them. Parents with children with disabilities face real challenges today.

Ms. Lawyer did apply for Vocational Rehabilitation (VR) which, years ago, could only be accessed during the last year in high school. Things are much improved now with earlier transition planning through DARS.

Ms. Lawyer explained that her son's keys to success, which are also keys to other people's success, included the following: excellent transition coordinator, educated parents who could advocate for him, professional relationships with agency personnel, high and realistic expectations, ability to secure a DD waiver slot and supports, work experience in high school, supportive employer willing to address issues as they came up, and her son's desire and enthusiasm for working every day.

The Commission is also concerned about parents staying involved after their child turns age 18. In Virginia, at age 18, legal rights transfer from the parent to the adult child, as they should. In some cases, adult children with disabilities can handle adult

responsibilities on their own. In other cases, these adult children need help. VDOE has a process in which parents of students with an IEP can be appointed their child's educational representative if the child is unable to make decisions on their own. There are other options like joint decision-making, powers-of-attorney, creating a supported decision-making, and guardianship. Parents tell PEATC staff that schools tell them to obtain guardianship of their adult child at age 18. While this is needed for some students, it can be extremely restrictive and remove rights and freedoms from the adult with disabilities. Full or plenary guardianship may be too restrictive (removing rights for having relationships, signing a lease, voting, making health care decisions, choosing the food they eat, choosing the clothing they wear, etc.).

Most people with disabilities are capable of making many of these decisions without help or with support. In Ms. Lawyer's case, she knew her son would need help but did not want his rights taken away, so she created a Limited Guardianship for health care decisions and a conservatorship for fiscal matters. She had to prove that her son was capable in court, and it was difficult. After six hours of testimony, the judge ruled in her son's favor because of Ms. Lawyer's position. Now the law requires that alternatives be explored before guardianship and even the National Guardianship Association claims it as a last resort. So as we talk about a smooth handoff into adulthood, it's important to have high expectations for our adult children and then provide the help they need in the least restrictive manner possible. Systems should encourage them to explore their options and provide resources by which to do so. In Ms. Lawyer's opinion, neither school staff, nor VR staff, should be recommending guardianship to parents.

Ms. Lawyer discussed how she talks to parents every day. She reviews IEPs, transition plans, etc. She hears that students don't have transition plans or the one they have is wholly inadequate. PEATC reviews these plans. The plans and IEP are often vague and don't follow the requirements of IDEA. There may be post-secondary outcomes that say things like, "Jim will get a job after high school." There's nothing about Jim's interests, strengths, challenges, what he wants to do, or how he will get there. Students are sometimes given a single transition assessment (sometimes just a parent or student interview), despite the law requiring multiple assessments. Parents are often encouraged to opt their children out of SOLs if they have a cognitive disability. VDOE has done a great job of providing training resources in this area. Many parents and school staff still do not understand the impact those decisions have on diploma options and future employment, and that decisions made in elementary school affect their child's long-term future.

PEATC talks to parents every day who don't know about DARS services. The school hasn't mentioned DARS. They don't know what VR is. Pre-Employment Transition Services (Pre-ETS) presents amazing opportunities. Some school divisions have embraced this, but others are reluctant to let VR in. So students in those schools don't have access to a service that can really help guide their future, and provide them with essential skills in self-advocacy and self-determination, along with job exploration, work-

based learning opportunities, and more. Students with better self-advocacy skills are more involved in transition planning and better able to achieve their dreams.

Lack of access to work-based learning and internships is another issue PEATC hears about. COVID didn't help. Work during school is so important. VR schools of businesses will hopefully re-establish those relationships to help prepare students after high school. PEATC continues to hear that low-expectations are set for students with disabilities, especially students with intellectual disabilities and autism. It took one person in her son's life to advocate for him and understand his abilities. Many students don't have this advocate or someone who understands their abilities and end up sitting on a couch watching TV after high school.

Ms. Lawyer thanked the Advisory Group for this opportunity. She reminded us that our kids' development is not stagnant and to think about the things each individual can do, instead of what they can't do.

Senator Favola asked who the advocate would be if the parent is not active or informed. Ms. Lawyer hopes that someone on the school IEP team who knows the student's capabilities would be the student's champion, but also PEATC and the ARC (as well as others) would help parents and students one-on-one. Parents need to know how to seek out those resources and reach out to them. PEATC provides training, reviews IEP and transition plans, and provides individual assistance to parents.

Senator Favola asked if there is a legal requirement for school counselors to manage the transition to adult services. Dr. Hollins said the counselors' role on the IEP team does not require them to manage the transition; however, they are required to develop an academic and career plan for each student in the school. The school counselors are involved with this plan that is part of the IEP. The IEP team would serve as the expert, creating and collecting assessment and school career data and information, and hopefully having that individual out in the community performing internships, externships, and paid work experiences. The team could then speak to the strengths and challenges the individual will be facing. The Case Manager would be the lead on that discussion.

Delegate Brewer thanked Ms. Lawyer for her presentation. Delegate Brewer then stated that the group would break up into small group discussions and report back to the larger group. The public was encouraged to join the three groups.

This presentation can be accessed on the Commission's webpage under the meetings tab.

## **V. Advisory Group Small Group Breakout Discussion**

*Discussion Leaders: Amy Atkinson, Matt Luther, Samantha Hollins*

Group members were pre-assigned and each group discussed a list of seven questions. The purpose of the small groups were to listen to ideas of the others and come up with recommendations for the Commission on Youth to consider to improve this time of transition for students with disabilities. Recommendations could include policy changes, new regulations and legislation, and implementing best practices. The main ideas of the discussions are captured below.

### Group Three - Leader Matt Luther

1. Implement the best practice of collaboration among adult service providers in schools.
2. Eliminating myths and stereotypes of disabilities with access to education and awareness about disabilities and resources.
3. Mechanisms or services that are already in place (Partnering with community colleges to help with the transition).
4. Things that are barriers (low-income families do not have information/resources, internet access, teachers are content experts but are not necessarily community experts, lack of special education teachers and therefore no transition specialists in the schools). Community Service Boards (CSBs) do not serve every student; they prioritize students with developmental and emotional disabilities. There is a best practice in Henrico where they use local funds to fund students who graduate from high school. There is a huge waiver waitlist—as many people on the waiver waitlist as they have participants receiving the waiver.
5. There are documents and service information needed to support families. DBHDS has a work group to develop a supportive decision-making document and other resources for families to help them make decisions when their child turns 18. These will be out for public comment soon.
6. Need to consider the health care transition from pediatric to adult care when we talk about transition.
7. Need to develop local, inclusive, post-secondary education programs. Many states (FL, SC, NY, MA, GA) have good transition programs that work with the community colleges.
8. Other factors: disability awareness with employers—providing and highlighting the benefits of hiring people with disabilities; having internships; culturally-appropriate transition materials. If everyone had a Transition Plan like they do in VCU's Discovering Me Program, every individual would be successful (a comprehensive service).
9. Need a universal release to access different services among different agencies. Want to protect student confidentiality but allow services to be continued. Ms. Atkinson said Commission staff will look into this and try to find a balance.
10. Another point discussed: Doing a better job of teacher preparation—both classroom and special education teachers—to prepare them for what to expect with transitioning the students after high school, knowledge of community services and resources, knowledge of diploma requirements within the states, funding that may

be available to support the students now and later, employment options, recognizing capabilities in the students that would contribute to employability, understanding the impact of elementary school decisions on education and career options down the line, etc.

11. Another point discussed: Having one place to find all disability resources online for students, families and professionals—one-stop shopping. Think iFoster.

Additional Notes:

- Transition University by PEATC is a great online course for parents, teachers, students, and other professionals.
- Collaboration – There is a pilot collaborative training we are doing in August for Region 2 (teachers and DARS Counselors). Once the date is finalized, Mr. Luther will invite Ms. Atkinson and the Commission members to attend if interested.

Group Two – Leader Caren Phipps/Amy Atkinson Reported out

1. Barriers identified by Ms. Lawyer and Delegate Bell were discussed and the importance of not losing the kids that don't have supportive families.
2. Identified DARS and DBVI to make sure families know about these resources and that students are being referred to them.
3. Critical shortage of Special Education teachers and case managers in the schools.
4. Delegate Bell's big fat file- dev. Dis. and mental health diagnosis sent that information to CSBs to open the file and be ready to receive those kids. Need to figure out what in the file needs to go where.
5. Vocational assessments and sharing those.
6. Waiver slots – job coaching is provided in the waiver slots so this needs to be utilized.
7. DARS—good work they do and what they need to serve more children—need funding
8. A way for state agencies to do a better job of sharing information. We need to create a major task force to figure out how to share the “big fat file” and to figure out what in the file would be helpful for each of the agencies.
9. Transition process - Kids mandated to receive services and then services stop at 18 or 21. There should be some sort of mandate to continue to receive services for some time after they graduate. They do receive services if they are with DARS or DBVI, but how to provide continued services for those who need it.

Group One – Leader Samantha Hollins

First some comments about the previous ideas....

- The universal release came up for this group as well. The Virginia Department of Education (VDOE) regulations that mirror IDEA are very clear, and this is a good starting point.



- VDOE funds the VCU Center on Transition Innovations that is internationally-known and supports best practice now. It is also discovering what will be best practice in the future.
  - VDOE is responsive to a JLARC recommendation on special education from their December 2020 report. On Dec. 1, 2022, VDOE will issue a statewide strategic plan on transition development to the General Assembly, and this will encapsulate all of the VDOE special education transition work.
1. A major concern is the focus on individualized supports that are required for each student—not a one-size fits all. How can we have folks around the table that can bring that information to design a plan that is individualized to their needs?
  2. What mechanisms or services from the education side (staffing and recruitment retention are huge issues) are needed? Transition coordinators and transition-specific staff are also needed and when budgets are cut short, transition staff are not considered a priority. They are some of the first to go. How do we help school divisions recognize that transition positions are a priority?
  3. Partners at DBHDS—the access and appropriateness of those waivers may need to change—Groups like the Virginia Board for People with Disabilities took a lot of time to study the access, the data and efficacy of those waivers and have some great recommendations for consideration and how we can look at them with fresh eyes in 2022. A lot has changed in the last 25 years. We need to look at how we can use waivers to be the most supportive to individuals and their families. Early access and awareness are key--knowing what's on the other side of the "cliff" and the bridge that they'll take to cross over. There are waiting list concerns, and we may need to redesign waivers.
  4. The IEP, student's cumulative record, and the academic and career plan are rich depositories of information. For students pursuing alternative diplomas, VDOE has a guidance document to reveal strengths and areas of challenge to bridge that gap to adult services and a job or independent living. This was shared with JLARC. They talked about the difference between entitlement on the education side and eligibility-based on the adult services' side.
  5. The strength of the Commission on Youth is to investigate the barriers and find out what needs to change. What is happening on the community and adult services side? What are some challenges of the agencies to transition these students?
  6. Supports within the legal system--access to rights and age of majority—really needs to be looked at regarding guardianship.
  7. So much of what needs to change hinges on how we perceive individuals with disabilities. We can always find a way to support each person. People with disabilities are just like us. They want to be competitively employed, to live independently, and have their own lives doing what they're interested in. How do we make that the standard?

#### **IV. Adjourn**

Ms. Atkinson asked the group to plan tentatively for a second meeting on September 7, 2022 at 1:00 p.m., the final Advisory Group meeting for this group. Staff members have listened carefully to the discussions today and will be calling on the participants to help develop draft recommendations which will be vetted at the next meeting on September 7<sup>th</sup>. Once the Advisory Group has accepted the draft recommendations, they will be presented to the Commission meeting in mid-September for review. The meeting adjourned at 2:49 p.m.

This meeting was recorded and may be found at <https://viriniageneralassembly.gov/hv>.