

**SOUTH DAKOTA COOPERATIVE  
AGREEMENT CONCERNING  
TRANSITION SERVICES FOR  
STUDENTS WITH  
DISABILITIES**

Effective Date: July 1, 2020

**SOUTH DAKOTA COOPERATIVE AGREEMENT CONCERNING  
TRANSITION SERVICES FOR STUDENTS WITH DISABILITIES**

**AMONG**

**DEPARTMENT OF EDUCATION**

**SPECIAL EDUCATION PROGRAMS**

**DIVISION OF CAREER & TECHNICAL EDUCATION**

**DEPARTMENT OF HUMAN SERVICES**

**DIVISION OF REHABILITATION SERVICES**

**DIVISION OF SERVICE TO THE BLIND AND VISUALLY IMPAIRED**

**DIVISION OF DEVELOPMENTAL DISABILITIES**

**DEPARTMENT OF LABOR AND REGULATION**

**DEPARTMENT OF SOCIAL SERVICES**

**DIVISION OF BEHAVIORAL HEALTH**

**DIVISION OF CHILD PROTECTION SERVICES**

## Table of Contents

VISION.....	2
PURPOSE OF COOPERATIVE AGREEMENT.....	2
GUIDING PRINCIPLES.....	2
COORDINATION OF SERVICES FOR REQUIRED LAWS .....	3
Individuals with Disability Education Act (IDEA) .....	3
Rehabilitation Act.....	4
A. Section 504 of the Rehabilitation Act. ....	4
B. Section 511 of the Rehabilitation Act. ....	5
C. Pre-Employment Transition Services .....	6
DATA .....	7
TRAINING.....	7
RESOLVING DIFFERENCE BETWEEN LEAS AND COOPERATING AGENCIES .....	7
INDIVIDUAL AGENCY RESPONSIBILITIES .....	8
State Special Education Program.....	8
Local Education Programs.....	9
Division of Career and Technical Education.....	9
Division of Rehabilitation Services and the Division of Service to the Blind and Visually Impaired .....	10
Division of Developmental Disabilities.....	11
Department of Social Services.....	11
Department of Labor and Regulation .....	12
Centers for Independent Living .....	12
Transition Services Liaison Project.....	13
METHODOLOGY .....	13
ASSURANCES .....	13
Appendix I - Timeline for Transition Service Provision for Students with Disabilities .....	14
Appendix II - Definitions.....	24

## **VISION**

Through the collaboration and coordination of services from agencies, all students with disabilities will complete high school prepared and ready for employment and to live independently.

## **PURPOSE OF COOPERATIVE AGREEMENT**

The purpose of this Cooperative Agreement is to fulfill the mandates found in the Individuals with Disabilities Education Act (IDEA) and the Rehabilitation Act as amended. The focus is to facilitate and coordinate the smooth transition of eligible students with disabilities from school to post-school environments and activities, including education and training and competitive, integrated employment.

## **GUIDING PRINCIPLES**

This Cooperative Agreement, consistent with South Dakota's public policy, shall promote and enhance the following principles:

- A. A transition plan, as a component of the Individual Education Plan (IEP), will be initiated for every student with a disability age 16 and older or at a younger age as determined by the Local Education Agency (LEA) IEP team. To the extent possible, the IEP will be integrated in the planning documents of all coordinating agencies, and where possible, eliminates duplication of such plans. The IEP will outline all transition services necessary to successfully transition to the next environment or service delivery system and have access to appropriate independent living options in integrated community-based settings.
- B. All students with disabilities have access to life skills curriculum and independent living services designed to prepare them to live and function in domestic, recreational, social, community and vocational environments.
- C. All students with disabilities have access to self-determination curriculum and training to develop self-awareness and to prepare them to fully participate in transition planning and to make informed choices on the continuation of community services and supports.
- D. All work and learning opportunities offered will be designed to meet the unique needs of the student and commensurate with the individual's level of ability, interest, and informed choice and should be expected to change over time (i.e. career ladder opportunities).
- E. All students with disabilities will be prepared for and offered "integrated" work settings for "competitive" wages or prepared to enter and succeed in post-secondary education or training with access to necessary support services. Additionally, all work opportunities will be geared to employer/industry needs.

## COORDINATION OF SERVICES FOR REQUIRED LAWS

In order to operationalize South Dakota's transition process, Local Education Agencies and adult service agencies must comply with the required federal laws and coordinate transition services for students and young adults with disabilities. Coordination maximizes existing resources, thus avoids duplication and promotes continuity of service provision. Coordination is especially important to assure compliance with providing required services and compliance with federal and state laws.

### Individuals with Disability Education Act(IDEA)

The purposes of IDEA include ensuring that all children with disabilities have available to them a free appropriate public education (FAPE) that emphasizes special education and related services designed to meet their unique needs and prepare them for further education, employment and independent living. The relevant South Dakota Administrative Rules in place for the IDEA implementation are as follows:

***24:05:27:12. Graduation requirements.** Completion of an approved secondary special education program with a regular high school diploma signifies that the student no longer requires special education services. A regular high school diploma does not include an alternative degree that is not fully aligned with the state's academic standards, such as a certificate or a general educational development credential (GED). Graduation from high school with a regular high school diploma constitutes a change in placement requiring written prior notice in accordance with this article.*

*The instructional program shall be specified on the individual educational program. The individual educational program shall state specifically how the student in need of special education or special education and related services will satisfy the district's graduation requirements. The IEP team may modify the specific units of credit described in § 24:43:11:02. Parents must be informed through the individual educational program process at least one year in advance of the intent to graduate their child upon completion of the individual educational program and to terminate services by graduation.*

*For a student whose eligibility terminates under the above graduation provisions, or due to exceeding the age eligibility for a free appropriate public education, a school district shall provide the student with a summary of the student's academic achievement and functional performance, which shall include recommendations on how to assist the student in meeting the student's postsecondary goals.*

***24:05:22:04.01. Services to children age three to twenty-one, inclusive.** A child's eligibility for special education or special education and related services continues from age 3 through completion of an approved public or nonpublic school secondary program or through age 21, as designated in that child's individual education program as set out in SDCL 13-37-1.*

***24:05:22:05. Services to children age twenty-one.** A student who is enrolled in school and becomes 21 years of age during the fiscal year shall have free school privileges during the school year.*

### IEP team and Service Delivery

Beginning no later than the first IEP to be in effect when the child turns 16, or younger if determined appropriate by the IEP Team, the IEP and future updates must include:

- Appropriate measurable postsecondary goals based upon age-appropriate transition assessments related to training, education, employment and, where appropriate, independent

living skills;

- The transition services (including courses of study) needed to assist the child in reaching those goals; and
- Beginning not later than one year before the child reaches the age of majority under State law, a statement that the child has been informed of the child's rights under Part B, if any, that will transfer to the child on reaching the age of majority under 34 CFR §300.520.

The IEP team is composed of the student, parents/guardians, school personnel, community agency service providers, and other appropriate individuals. The IEP team develops the transition plan, identifies needed services and ensures that case coordination occurs for each student. The team's purposes are to:

1. develop the Individual Education Plan including;
  - a. Measurable post-secondary goals related to education, employment, and where appropriate, independent living skills, and;
  - b. Specific transition services based on evaluations including transition assessments and the student's strengths, preferences, and interests;
2. assign service responsibilities with ongoing communication to make sure the services are appropriate; and
3. implement the Individual Education Plan.

The Individual Education Plan is a legal document and needs to be implemented as written. When other agencies are involved with the services for a student with a disability and the agencies have their own individual plan for their services, the IEP should be the primary plan/document that all agencies should work together to implement.

## **Rehabilitation Act**

With the passage of the Workforce Innovation and Opportunity Act (WIOA) on July 22, 2014, new requirements were mandated to increase the opportunity for students with disabilities to obtain competitive integrated employment.

### **A. Section 504 of the Rehabilitation Act**

Section 504 is a federal law designed to protect the rights of individuals with disabilities in programs and activities that receive Federal financial assistance from the U.S. Department of Education (ED). Section 504 provides: "No otherwise qualified individual with a disability in the United States ... shall, solely by reason of her or his disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance"

The Office of Civil Rights (OCR) enforces Section 504 in programs and activities that receive Federal financial assistance from ED. Recipients of this Federal financial assistance include public school districts, institutions of higher education, and other state and local education agencies. The regulations implementing Section 504 in the context of educational institutions appear at 34 CFR §104.

The Section 504 regulations require a school district to provide a "free appropriate public education" (FAPE) to each qualified student with a disability who is in the school district's

jurisdiction, regardless of the nature or severity of the disability. Under Section 504, FAPE consists of the provision of regular or special education and related aids and services designed to meet the student's individual educational needs as adequately as the needs of nondisabled students are met.

## **B. Section 511 of the Rehabilitation Act**

Section 511 was effective on July 22, 2016 and implements new requirements for schools and employers/agencies who hold special wage certificates, commonly known as 14(c) certificates. Section 511 prohibits schools from contracting or arranging employment with sub-minimum wage providers for the purpose of a student with a disability to engage in subminimum wage employment.

This law also prohibits youth with a disability to begin subminimum wage employment until they are afforded meaningful opportunities to access services, including transition services, so they may have the opportunity to achieve competitive integrated employment in the community.

Section 511 places requirements on schools to provide documentation that students with disabilities have received transition services under the IDEA and further prohibits employment any individual with disabilities who is 24 years of age or young at subminimum wage, unless the individual has received documentation from a State VR Agency upon completion of all the following activities (34 CFR §397):

1. Pre-Employment Transition Services under the Rehabilitation Act, as amended by WIOA, or transition services under the Individuals with Disabilities Education Act (IDEA) and
2. Apply for vocational rehabilitation services and the individual was determined:
  - a. Ineligible for vocational rehabilitation services.
  - b. Eligible for vocational rehabilitation services, had an approved individualized plan for employment, and
  - c. The individual was unable to achieve an employment outcome in competitive, integrated employment after a reasonable period of time, and his/her case was closed.
3. Career counseling and information and referral services to federal and state programs to help the individual discover, experience and attain competitive integrated employment and the counseling and information was not for employment at sub-minimum wage.

These requirements should be shared by Special Education Programs (SEP) and LEAs, parents, guardians, teachers, and students during IEP meetings for transition planning. State VR Agencies will maintain the documentation and provide a copy to the individual within the timelines identified as specified under 34 CFR §397. Any of the above service provided by the LEA, must be documented and provided to the student and South Dakota VR Agency.

South Dakota VR Agency, in consultation with the SEP, will continue utilizing the process of documentation of this process consistent with the confidentiality requirements of the Family Education Rights and Privacy Act (20 USC 11232g(b) and 34 CFR§99.30 and 99.31) and 34

CFR 300.622) pursuant to section 511(d) of the Act and §397.10. This documentation must contain, at a minimum (§397.10(a)(1)):

- Youth's name;
- Determination made, including a summary of reason for the determination or a description of the activity or service completed;
- Name of individual making the determination or the provider of the service/activity;
- Date determination was made, or the required service or activity completed;
- Applicable signatures and dates by the South Dakota VR Agency or LEA making determination or completion of the required services or activity;
- Signature of the South Dakota VR Agency personnel transmitting documentation to the youth with a disability;
- Date and method by which the document was transmitted to the youth; and
- South Dakota VR Agency and LEA must retain copies of the documentation in a manner consistent with the requirements of 2 CFR 200.333.

If a youth with a disability or, as applicable, the youth's parent or guardian, refuses, through informed choice, to participate in the activities required by section 511 or the implementing regulations in part 397, documentation must, at a minimum:

- Contain the information in 397.10(a)(2);
- Be provided by the agency to the youth within 30 calendar days of the youth's refusal to participate; and
- South Dakota VR Agency and LEA must retain copies of the documentation in a manner consistent with the requirements of 2 CFR 200.333.

### **C. Pre-Employment Transition Services**

Transition services for students with disabilities must now include the provision of Pre-Employment Transition Services (Pre-ETS). Pre-ETS as defined in Section 34 CFR§361.48(a) are to be provided to all students with disabilities and especially students with disabilities who may possibly transition into employment involving subminimum wage. The following activities are required:

- Job Exploration Counseling;
- Work-based learning experiences, which may include in-school or after school opportunities, or experience outside the traditional school setting (including internships), that is provided in an integrated environment to the maximum extent possible;
- Counseling on opportunities for enrollment in comprehensive transition or postsecondary educational programs at institutions of higher education;
- Workplace readiness training to develop social skills and independent living; and
- Instruction in self-advocacy.

## **DATA**

In order for state, local agencies and LEAs to carry out effective planning and assessment of transition services, meaningful data on student needs and service outcomes must be available. The cooperating state agencies agree to share with each other data on the needs of students with disabilities and the outcome of services and programs.



## **CONFIDENTIALITY OF PERSONAL INFORMATION**

To provide a seamless transition for students with disabilities, student specific information will be made available to appropriate agencies along with a signed release of information. The individual, or their representative, must be informed that providing such information is voluntary, as well as an explanation of the purpose of the release of information. When individuals apply for services, they are also approving the exchange of information with cooperating departments in state government for the purpose of collecting, reporting, analyzing data and to facilitate access to services/programs offered by the cooperating agencies. Proper procedures for maintaining confidentiality of shared student information will be adhered to by all agencies entering into this agreement.

## **TRAINING**

The cooperating agencies will encourage staff to take part in training sponsored by other cooperating agencies. Each agency will provide information of their respective trainings throughout the year to the other cooperating agencies. All agencies will ensure that services are provided by qualified and appropriately certified staff. Staff from participating agencies within this agreement have developed a team to increase collaboration efforts with the assistance from the National Technical Assistance Center on Transition.

## **RESOLVING DIFFERENCES BETWEEN LEAS AND COOPERATING AGENCIES**

If a participating agency fails to provide agreed-upon transition services contained in the IEP of a student with a disability, the LEA or agency responsible for the student's education shall, as soon as possible, initiate an IEP team meeting for the purpose of identifying alternative strategies to meet the transition objectives and, if necessary, revising the student's IEP. The LEA, therefore, must "identify alternative strategies" for implementing the transition services while pursuing resolution of the difference with a public agency through this process.

Nothing in this section relieves a participating agency of their responsibility to provide or pay for any transition services that the agency would otherwise provide to students with disabilities who meet the eligibility criteria of that agency. A participating agency is a state or local agency, other than the public agency responsible for a student's education that is financially and legally responsible for providing transition services to the student. During the pendency of the dispute resolution procedures described herein, the LEA has the responsibility to ensure that services required to provide free appropriate public education (FAPE) will continue. Disputed service(s) currently being provided will continue until the outcome of the dispute resolution process. The implementation of disputed service(s) not previously provided will be pursuant to a decision through the described resolution process.

1. All attempts will be made to resolve disputes at the lowest possible level.
2. When disputes cannot be resolved by designated department representatives, a written explanation of the dispute will be sent to the Director of Special Education, Office of

Special Education and the Director of the respective agency involved in the dispute. These individuals, in consultation with each other, shall review the issues and decide as to how the dispute should be resolved. The decision will be shared in writing with each level involved within twenty (20) calendar days of receipt of request for the determination and will include reasons for the decision.

3. If a resolution is not obtained by the Director of the Office of Special Education and the director of the agency involved in the dispute, the matter will be referred to the Secretary of the Department of Education and the Secretary of the other departments involved in the dispute. These individuals will jointly make a final determination within 30 calendar days.

## **INDIVIDUAL AGENCY RESPONSIBILITIES**

### **State Special Education Program**

The South Dakota State Office of Special Education will:

- A. Develop policy and provide technical assistance to LEAs, enabling them to:
  1. Provide evaluations (work assessments, vocational evaluations, or independent living evaluations) for student's planning needs.
  2. Provide transition planning and transition services to students who have disabilities.
  3. Ensure that all transition planning and transition services as described on the IEP are implemented.
  4. Assist the student and family in identifying the appropriate adult service providers.
  5. Collaborate with DRS/DSBVI and other adult service agencies in the development of the IEP and IPE.
  6. Encourage school district and DRS/DSBVI collaboration and coordination for the purpose of providing more opportunities and resources to move students from school to work, e.g. participation on local multi-agency teams, Career and Technical Education (CTE) and other opportunities for collaboration for improved pre-employment transition outcomes.
  7. Provide outreach materials to identify students with disabilities in need of transition services and pre-employment transition services.
  8. Request parent/adult student consent to provide a copy of the IEP to the Rehabilitation Counselor or other adult service agency staff member, if the Counselor is unable to participate in the development of the IEP.
  9. Refer all interested students with disabilities to appropriate adult service for determination of eligibility for services and obtain necessary releases from the adult student or parents allowing adult service agencies to review the student's file.
  10. In conjunction with other agencies as appropriate, develop jobs for students that they can keep after graduation or exiting from the education system.
  11. Provide/monitor work experiences for students.

- B. Collaborate with other agencies in this agreement in the development and distribution of a survey to LEAs to determine the number of students projected to need specific adult services, to include projected date of needed services.
- C. Collaborate with the Office of Career and Technical Education in providing training and technical assistance on enabling special education and career and technical education staff to work in teams.

## **Local Education Programs**

The South Dakota Local Education Programs (LEA or schools) will:

- A. Provide age-appropriate transition assessments related to education/training, employment, and independent living skills (where appropriate).
- B. Provide transition planning and pre-employment transition service to students who have disabilities.
- C. Ensure that all transition planning and transition services as described on the IEP are implemented.
- D. Continue utilizing the developed process for facilitating referrals of students with disabilities to DRS/DSBVI and other appropriate adult service providers.
- E. Receive consent for outside agencies to participate in IEP meeting.
- F. Collaborate with the State Vocational Rehabilitation Agencies and other adult service agencies in the development of the IEP and IPE to ensure pre-employment services are provided.
- G. (If applicable) Request parent/adult student consent to provide a copy of the IEP to the Rehabilitation Counselor or other adult service agency staff member, if the Counselor is unable to participate in the development of the IEP.
- H. Refer interested students with disabilities to appropriate adult service for determination of eligibility for services and obtain necessary releases from the adult student or parents allowing adult service agencies to review the student's file.
- I. In conjunction with other agencies as appropriate, develop jobs for students that they can keep after graduation or exiting from the education system.
- J. Identify who will be responsible for completion and delivery of services.

## **Division of Career and Technical Education**

The South Dakota Department of Education/Division of Career and Technical Education, in partnership with the Transition Services Liaison Project, will offer the following services for special needs students:

- A. Technical assistance to secondary schools to enable them to inform and involve students and parents in career cluster/pathway planning.
- B. Technical assistance to schools and communities in developing partnerships to provide authentic learning experiences for students with disabilities, including work-based learning.
- C. Technical assistance to secondary schools and post-secondary technical institutes related to the

use of dual credit and industry certification opportunities.

To accomplish the above, the following partnership activities are suggested:

- Staff development on the following topics: accommodations for students with special needs; career education concepts, including Personal Learning Plans, SD My Life and training on career cluster/pathways models.
- Participation by the DCTE and/or Technical Institute staff in the postsecondary portion of the Youth Leadership Forum to be held each summer.
- Implementation of all Perkins IV provisions for special population students.

### **Division of Rehabilitation Services and the Division of Service to the Blind and Visually Impaired**

The South Dakota Department of Human Services/Division of Rehabilitation Services and the Division of Service to the Blind and Visually Impaired (State Vocational Rehabilitation Agencies) will:

- A. Establish a referral process with each LEA ensuring that school personnel are aware of the referral process, eligibility requirements and scope of vocational rehabilitation services.
- B. Meet with LEA personnel to identify potential referrals, as necessary.
- C. Offer an application for services to any student with disabilities who is 16 years of age or younger when appropriate.
- D. Determine eligibility for vocational rehabilitation services within 60 days of application, unless the applicant grants an extension, or the applicant receives a trial work experience.
- E. Participate in the Individualized Education Plan (IEP) for students with disabilities, when appropriate by providing consultation and technical assistance as needed.
- F. Complete an IPE (Individual Plan for Employment) with each eligible student on a timely basis, but no later than prior to the students exit from the school system, unless documented why.
- G. Assist students in making a career choice consistent with the unique strengths, resources, priorities, concerns, abilities, capabilities, interests and the informed choice of the eligible individual as it relates to their IEP goal.
- H. Purchase vocational assessments and diagnostic services when needed for vocational rehabilitation purposes and not available from the school.
- I. Provide vocational rehabilitation services to students in the course of transition to competitive employment, taking into consideration any other services or benefits for which the student might be eligible.
- J. When job placement, job coaching or follow-along services are being purchased by DRS or SBVI, the client will be offered a choice of providers available to provide these services, including the LEA.
- K. Offer LEAs the opportunity to enter into a cooperative agreement to participate in Project Skills.

- L. Sponsor qualified DRS and SBVI clients in the annual Youth Leadership Forum.
- M. Sponsor qualified DRS and SBVI clients in Project SEARCH initiatives.
- N. Vocational Rehabilitation Counselors will meet with school personnel and school counselors to encourage referrals of students with disabilities who may not be on an Individual Education Plan but maybe considered a student under Section 504.

### **Division of Developmental Disabilities**

The South Dakota Department of Human Services/Division of Developmental Disabilities will:

- A. Provide case management services for students through the family support system.
- B. Develop a funding structure for community providers that promotes and facilitates the purchase of individual adult services (including assistive technology) by LEA and provides for the development of integrated employment programs that lead to supported and/or competitive employment settings and integrated living arrangements.
- C. Develop and manage the system for documenting an adult services planning waiting list when LEAs refer students to community service providers and the services needed cannot be immediately provided.
- D. Provide technical assistance to LEAs in accessing the adult service system.
- E. Collaborate with other agencies and organizations in making person centered planning training available and encourage LEAs to utilize the process.
- F. Accept referrals for Family Support 360 and manage the Planning List for this program.
- G. Attend IEP meetings, prioritize the Kids Turning 21 list and participate in transition planning activities (Transition Forums, Catch the Wave, Youth Leadership Forum, Community Connections Events, etc.).
- H. Serve as a resource for problem solving and training.
- I. Establish a referral process with LEAs, ensuring that school personnel are aware of the referral process, eligibility requirements and the scope of DDD services.

### **Department of Social Services**

The South Dakota Department of Social Services will:

- A. Encourage the community mental health centers to establish a local process with LEAs to:
  - 1. Share information on available programs.
  - 2. Network locally with other interested parties.
  - 3. Disseminate program eligibility criteria and standards.
- B. Establish a local referral process with LEAs for youth with disabilities in the custody of DSS for successful transition.
- C. In its services targeted for adults with serious mental illness and youth with serious emotional disturbances in transition to adulthood, through the Division of Behavioral Health:

1. Purchase, based on financial and programmatic eligibility, mental health services for adults with serious mental illness and youth with serious emotional disturbances.
2. Support community mental health centers and service delivery to ensure services available to youth with serious emotional disturbances focus on students' needs and facilitate the transition to adult life.
3. Endorse technical assistance and training for community mental health center staff on transition planning, support needs and supported employment for individuals with Serious Mental Illness (SMI) or Serious Emotional Disturbance (SED).
4. Encourage community mental health center staff to participate in transition planning teams for individuals with SMI or SED.

### **Department of Labor and Regulation**

The South Dakota Department of Labor and Regulation will:

- A. Collaborate with LEA's and DRS/DSBVI in the development of permanent job sites for students.
- B. Certify students and employers for the Work Opportunity Tax Credit program.
- C. Provide technical assistance to LEAs and DRS/DSBVI regarding use of the Department of Labor and Regulation's self-registration site for career planning and for job seeking. The web site can be accessed at any time by the youth, LEA members, and DRS/DSBVI reps. Items on the web include: a free career assessment, ideas for developing a resume, preparation methods for interviewing, and listing of job openings.
- D. As requested, local DLR representatives and contractors may participate in IEP and/or IPE meetings when invited by LEAs and/or DRS/DSBVI to provide technical assistance regarding career planning, information regarding area businesses/employers, and area employment opportunities.
- E. For youth determined appropriate and eligible within DLR workforce preparation programs, DLR representatives will provide access to the workforce training services. DLR representatives will provide direction for the youth on the worksite, maintain contact with the worksite supervisor concerning training progress, and update LEA and/or DRS/DSBVI representatives of progress or concerns at the worksite.

### **Centers for Independent Living**

South Dakota has three Centers for Independent Living that provides independent living services to eligible South Dakotans with disabilities. A Center for Independent Living is a consumer-controlled, community-based, cross disability, nonresidential, private nonprofit agency for individuals with significant disabilities (regardless of age or income) that -

- (1) Is designed and operated within a local community by individuals with disabilities, and
- (2) Provides an array of services as defined in 45 CFR §1329 to assist students with disabilities to live independently.

## Transition Services Liaison Project

The Transition Services Liaison Project (TSLP) is a collaborative initiative between Department of Education, Office of Special Education Programs and the Department of Human Services, Division of Rehabilitation Services to assist in improving and enhancing high school transition services for students with disabilities in South Dakota. The project is designed to assist in the continuity of case management through a menu of services and supports as students move from secondary school settings to post-secondary school environments, including employment, community living, post-secondary education and adult agency services and supports. The Project consists of four regionally based transition liaisons and one project coordinator that provide technical assistance, training and resource information to school personnel, vocational rehabilitation counselors, students with disabilities and their families.

## METHODOLOGY

This Transition Cooperative Agreement and conceptual framework will be implemented throughout the state, and continuing evaluation of its effectiveness will provide further direction to the participating state agencies. Based on feedback, the collaborating state agencies will revisit the agreement on an annual basis. They will also provide coordination, technical assistance, and training necessary for implementation.


It is recommended that local communities establish a local transition implementation plan for this agreement, which identifies elements such as coordination and management responsibilities, service options, and lead agency designation.

## ASSURANCES

This cooperative agreement shall become effective **July 1, 2020** and shall remain in effect three years after this date or until amendments are deemed necessary and mutually acceptable changes are negotiated.


This agreement will be reviewed by all agencies on an annual basis to ensure updates or amendments are not required. If amendments are required, then the process will begin prior to the three-year date.

In witness thereof, the parties have executed this agreement.

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 Department of Education

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 Department of Social Services

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 Department of Labor and Regulation

## Appendix I

### Appendix I - Timeline for Transition Service Provision for Students with Disabilities

<b>At age 14</b>	<b>Services</b>
<b>Education</b>	<p>Student may have a transition plan if determined necessary by the IEP team</p> <p>Division of Career and Technical Education: Students will develop a personal learning plan in 8<sup>th</sup> grade year and updated yearly.</p> <p>Students are required to complete an interest inventory.</p> <p>Students will have access to SD My Life during 8<sup>th</sup> grade year. SD My Life provides interest inventory, ability profiler, career exploration, post-secondary school options, resume builder, etc...</p>
<b>Human Services</b>	<p>Division of Rehabilitation Services: Tracking and guidance is typically provided.</p> <p>Division of Service to the Blind and Visually Impaired: Tracking and guidance is typically provided.</p> <p>Division of Developmental Disabilities: Individuals with ID/DD on the Family Support Program receive support to access resources within the community to assisting transition. Initial point of contact to access the Family Support Program is the Statewide Family Support waiting list.</p>
<b>Social Services</b>	<p>Youth in the custody of the State of South Dakota through a court order granting custody and/or placement and care responsibility to the Division of Child Protection Services shall be provided a safe living environment in the least restrictive setting consistent with the best interest of the child. The youth shall be involved in the development of an individualized case plan that meets the identified needs of the youth to transition into an appropriate permanent living arrangement. Youth referred to the Child Protection Services', Independent Living Services (ILS) Program will be provided with assistance with coordinating ILS as needed to ensure seamless services for youth in foster care and youth transitioning from foster care. Youth are invited to ILS Workshops and ILS Workgroup meetings. Youth are also invited to be a member of Young Voices. There are four Young Voices chapters established in the state. Young Voices makes recommendations within the system and presents to a variety of groups and agencies. The focus of Young Voices is to make life for children in foster care better by youth using their voices to invoke positive changes.</p>



	Youth identified by the Community Mental Health Center through an integrated comprehensive assessment as meeting eligibility criteria for Serious Emotional Disturbance may receive behavioral health treatment as developed in a treatment plan. Youth meeting eligibility criteria for Serious Emotional Disturbance who need a continuation of services started before the age of 18 may receive those through 21 years of age, as indicated on the treatment plan. The Community Mental Health Centers shall ensure that youth nearing adulthood receive smooth transitions into appropriate adult services when indicated.
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Each agency below provides their respective services and the expected contact time when they are typically involved in the transition process. This timeline is to serve as a reference for all cooperating agencies, school districts and families and students with disabilities.

<b>At age 15</b>	<b>Services</b>
<b>Education</b>	<p>Student may have a transition plan if determined necessary by the IEP team.</p> <p>Transition assessments must be completed and transition plans in place upon turning age 16 or younger if needed.</p> <p>Division of Career and Technical Education: Students will have access to SD My Life. SD My Life provides interest inventory, ability profiler, career exploration, post-secondary school options, resume builder, etc...</p> <p>Students will update their personal learning plan.</p>
<b>Human Services</b>	<p>Division of Rehabilitation Services: Tracking and guidance is typically provided.</p> <p>Division of Service to the Blind and Visually Impaired: Tracking and guidance is typically provided.</p> <p>Division of Developmental Disabilities: Individuals with a developmental disability on the Family Support Program receive support to access resources within the community to assist in transition. Initial point of contact to access the Family Support Program is the Statewide Family Support waiting list.</p>

<b>Social Services</b>	<p>Youth in the custody of the State of South Dakota through a court order granting custody and/or placement and care responsibility to the Division of Child Protection Services shall be provided a safe living environment in the least restrictive setting consistent with the best interest of the child.</p> <p>The youth shall be involved in the development of an individualized case plan that meets the identified needs of the youth to transition into an appropriate permanent living arrangement. Their case plan shall also relate to their independent living skills and goals. Youth referred to the Child Protection Services' Independent Living Program will be provided with assistance in coordinating ILS as needed to ensure seamless services for youth in foster care and youth transitioning from foster care. Youth have access to independent living services and activities offered by the Child Protection Services and Community Resource Persons. Youth are invited to independent living workshops, the teen conference, Young Voices meetings, ILS Workgroup meetings, group or individual sessions and services provided by the Community Resource Persons.</p> <p>Youth identified by the Community Mental Health Center through an integrated comprehensive assessment as meeting eligibility criteria for Serious Emotional Disturbance may receive behavioral health treatment as developed in a treatment plan. Youth meeting eligibility criteria for Serious Emotional Disturbance who need a continuation of services started before the age of 18 may receive those through 21 years of age, as indicated on the treatment plan. The Community Mental Health Centers shall ensure that youth nearing adulthood receive smooth transitions into appropriate adult services when indicated.</p>
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<b>At age 16</b>	<b>Services</b>
<b>Education</b>	<p>Student shall have a transition plan, utilizing transition assessments, addressing any needed transitional services, addressed via a coordinated set of activities including postsecondary education, vocational training, integrated work experiences, continuing and adult education, adult services, independent living or community participation, and a course of study.</p> <p>Division of Career and Technical Education: Students will have access to SD My Life. SD My Life provides interest inventory, ability profiler, career exploration, post-secondary school options, resume builder, etc. Students may be required to participate in an ability assessment if deemed necessary for a 3-year re-evaluation process. Students will update their personal learning plan.</p>
<b>Human Services</b>	<p>Division of Rehabilitation Services: Individuals with disabilities should be referred to DRS to determine eligibility, develop an Individual Plan for Employment, and provide VR services identified in their IPE. Typically, Project Skills and vocational rehabilitation guidance and counseling are provided at this stage.</p> <p>Division of Service to the Blind and Visually Impaired: Individuals with disabilities should be referred to SBVI to determine eligibility, develop an Individual Plan for Employment, and provide VR services identified in their IPE. Typically, Project Skills and vocational rehabilitation guidance and counseling are provided at this stage.</p> <p>Division of Developmental Disabilities: Individuals with ID/DD on the Family Support Program receive support to access resources within the community to assist in transition. Coordinators discuss adult services with individuals such as Community Support Providers and Post-Secondary Education. Individuals receiving services from a Community Support Provider will receive support to make the transition from child services to adult services, apply for SSI, make decisions regarding independent living environments, and explore employment and opportunities for community involvement.</p> <p>Resource Coordinators work with students (ages 16-21) with ID/DD and their IEP teams by providing information about adult service options, eligibility and required documentation, benefits, guardianship, employment, IL skills, and can assist with referral to Family Support 360 and adult provider agencies.</p>

<b>Social Services</b>	<p>Youth in the custody of the State of South Dakota through a court order granting custody and/or placement and care responsibility to the Division of Child Protection Services shall be provided a safe living environment in the least restrictive setting consistent with the best interest of the child. At age 16, youth are assigned a Community Resource Person to support Independent Living Services. The Age 16 Planning meeting involves the youth in the development of the youth's individualized plan and ILS assessment that meets the identified needs of the youth to assist with a smooth transition into adulthood. Before the meeting, the youth will identify important people in their life to be invited to the meeting, such as: family, placement agency, mentors, advocates, special friends, employment contact, their Family Services Specialist, their Community Resource Person, Career Learning Center staff, and school personnel.</p> <p>Youth are invited to independent living workshops, the teen conferences, Young Voices meetings, ILS Workgroup meetings, group or individual independent living sessions, and services provided by the Community Resource Persons.</p> <p>Their case plan shall also relate to their independent living skills, goals, and ILS assessment. Youth referred to the Child Protection Services' Independent Living Program can be provided with assistance in coordinating ILS as needed to ensure seamless services.</p> <p>Youth identified by the Community Mental Health Center through an integrated comprehensive assessment as meeting eligibility criteria for Serious Emotional Disturbance may receive behavioral health treatment as developed in a treatment plan. Youth meeting eligibility criteria for Serious Emotional Disturbance who need a continuation of services started before the age of 18 may receive those through 21 years of age, as indicated on the treatment plan. The Community Mental Health Centers shall ensure that youth nearing adulthood receive smooth transitions into appropriate adult services when indicated.</p>
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<b>At age 17</b>	<b>Services</b>
<b>Education</b>	<p>Student shall have a transition plan, utilizing transition assessments, addressing any needed transitional services, addressed via a coordinated set of activities including postsecondary education, vocational training, integrated employment work experiences continuing and adult education, adult services, independent living or community participation, and a course of study.</p> <p>Inform student of transfer of parental rights upon reaching age 18.</p> <p>If needed, address graduation requirements one year (12 months) prior to graduation.</p> <p>Students may be required to participate in an ability assessment if deemed necessary for a 3-year re-evaluation process. Division of Career and Technical Education:</p> <p>Students will have access to SD My Life. SD My Life provides interest inventory, ability profiler, career exploration, post-secondary school options, resume builder, etc.</p> <p>Students will update their personal learning plan.</p>
<b>Human Services</b>	<p>Division of Rehabilitation Services: Individuals with disabilities should be referred to DRS to determine eligibility, develop an Individual Plan for Employment, and provide VR services identified in their IPE. Typically, Project Skills and vocational rehabilitation guidance and counseling are provided at this stage.</p> <p>Division of Service to the Blind and Visually Impaired: Individuals with disabilities should be referred to SBVI to determine eligibility, develop an Individual Plan for Employment, and provide VR services identified in their IPE. Typically, Project Skills and vocational rehabilitation guidance and counseling are provided at this stage.</p> <p>Division of Developmental Disabilities: Individuals with ID/DD on the Family Support Program receive support to access resources within the community to assist in transition. Coordinators discuss adult services with individuals such as Community Support Providers and Post-Secondary Education. Families can contact CSP's directly or with the assistance of their Coordinator.</p> <p>Coordinators also discuss guardianship, voting, application for SSI, public assistance, benefits planning, employment, and other community resources to develop community connections. Individuals receiving services from a Community Support Provider will receive support to make the transition from child services to adult services, apply for SSI, make decisions regarding independent living environments, and explore employment and opportunities for community involvement. Resource Coordinators work with students (ages 16-21) with ID/DD and their IEP teams by providing information about adult service options, eligibility and required documentation, benefits, guardianship, employment, IL skills, and can assist with referral to Family Support 360 and adult provider agencies.</p>

<b>Social Services</b>	<p>Youth in the custody of the State of South Dakota through a court order granting custody and/or placement and care responsibility to the Division of Child Protection Services shall be provided a safe living environment in the least restrictive setting consistent with the best interest of the child. The youth shall be involved in the development of an individualized case plan that meets the identified needs of the youth to transition into an appropriate permanent living arrangement. Their case plan shall also relate to their independent living skills, goals, and ILS assessment.</p> <p>Youth referred to the Child Protection Services Independent Living Program will be provided with assistance in coordinating ILS as needed to ensure seamless services for youth in foster care and youth transitioning from foster care. Before the meeting, the youth will identify important people in their life to be invited to the meeting, such as: family, placement agency, mentors, advocates, special friends, employment contact, their Family Services Specialist, their Community Resource Person, Career Learning Center staff, and school personnel. Youth are invited to independent living workshops, the teen conferences, Young Voices meetings, ILS Workgroup meetings, group or individual independent living sessions, and services provided by the Community Resource Persons. Youth shall participate in a Transitional Independent Living Plan meeting 90 days before the youth leaves foster care. This meeting is to assist with any plans that still need to be made before the youth leave foster care.</p> <p>Youth identified by the Community Mental Health Center through an integrated comprehensive assessment as meeting eligibility criteria for Serious Emotional Disturbance may receive behavioral health treatment as developed in a treatment plan. Youth meeting eligibility criteria for Serious Emotional Disturbance who need a continuation of services started before the age of 18 may receive those through 21 years of age, as indicated on the treatment plan. The Community Mental Health Centers shall ensure that youth nearing adulthood receive smooth transitions into appropriate adult services when indicated.</p>
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<b>At age 18</b>	<b>Services</b>
<b>Education</b>	<p>Student shall have a transition plan, utilizing transition assessments, addressing any needed transitional services, addressed via a coordinated set of activities including postsecondary education, vocational training, integrated work experiences, continuing and adult education, adult services, independent living or community participation, and a course of study.</p> <p>Transfer of parental rights upon reaching age 18 (unless declared incompetent or has limited rights).</p> <p>If needed, address graduation requirements one year prior to graduation.</p> <p>Students may be required to participate in an ability assessment if deemed necessary for a 3-year re-evaluation process. Division of Career and Technical Education:</p> <p>Students will have access to SD My Life. SD My Life provides interest inventory, ability profiler, career exploration, post-secondary school options, resume builder, etc.</p> <p>Students will update their personal learning plan.</p>
<b>Human Services</b>	<p>Division of Rehabilitation Services: Individuals with disabilities who are determined eligible will continue on with the Individual Plan for Employment, and provide services identified in their IPE. Typically, the plan and services are becoming more focused on the vocational goal and services post high school.</p> <p>Division of Service to the Blind and Visually Impaired: Individuals with disabilities who are determined eligible will continue on their Individual Plan for Employment, and provide services identified in their IPE. Typically, the plan and services are becoming more focused on the goal and services post high school.</p> <p>Division of Developmental Disabilities: Family Support Coordinators discuss adult services with individuals on the program such as Community Support Providers (CSP) and Post-Secondary Education. Conversation may center on whether the participant wants to continue receiving Family Support services or begin receiving services from a CSP. Families can contact CSP's directly or with the assistance of their Coordinator. Coordinators also discuss guardianship, voting, application for SSI, public assistance, benefits planning, employment, and other community resources to develop community connections. Individuals receiving services from a Community Support Provider will receive support to make the transition from child services to adult services, apply for SSI, make decisions regarding independent living environments, and explore employment and opportunities for community involvement. Resource Coordinators work with students (ages 16-21) with ID/DD and their IEP teams by providing information about adult service options, eligibility and required documentation, benefits, guardianship, employment, IL skills, and can assist with referral to Family Support 360 and adult provider agencies. Resource Coordinators accept referrals for Family Support 360 and manage the Planning list for this program.</p>

<b>Social Services</b>	<p>Youth in the custody of the State of South Dakota through a court order granting custody and/or placement and care responsibility to the Division of Child Protection Services may be allowed to continue in placement until completion of the 12 grade, if the youth is regularly attending school full time. The placement terminates on completion of the 12 grade or when the youth attains the age of 21, whichever occurs first. The youth shall be involved in the development of an individualized case plan that meets the identified needs of the youth. Their case plan shall also relate to their independent living skills, goals and ILS assessment.</p> <p>Youth referred to the Child Protection Services' Independent Living Program can be provided with assistance in coordinating ILS as needed to ensure seamless services for youth in foster care and youth transitioning from foster care. Youth are invited to independent living workshops, the teen conferences, Young Voices meetings, ILS Workgroup meetings, group or individual independent living sessions, and services provided by the Community Resource Persons. Youth exiting foster care at age 18 are eligible to receive housing assistance and medical assistance, post- secondary educational planning, and Education and Training vouchers. A starter kit is used to assist youth to set-up their dorm, first apartment, or clothes for a job.</p> <p>Youth identified by the Community Mental Health Center through an integrated comprehensive assessment as meeting eligibility criteria for Serious Emotional Disturbance may receive behavioral health treatment as developed in a treatment plan. Youth meeting eligibility criteria for Serious Emotional Disturbance who need a continuation of services started before the age of 18 may receive those through 21 years of age, as indicated on the treatment plan. The Community Mental Health Centers shall ensure that youth nearing adulthood receive smooth transitions into appropriate adult services when indicated.</p>
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<b>At age 19-21</b>	<b>Services</b>
<b>Education</b>	<p>Student shall have a transition plan addressing any needed transitional services, addressed via a coordinated set of activities including postsecondary education, vocational training, integrated work experiences, continuing and adult education, adult services, independent living or community participation, and a course of study if still in a school setting.</p> <p>If needed, address graduation requirements one year prior to graduation.</p> <p>Students may be required to participate in an ability assessment if deemed necessary for a 3-year re-evaluation process.</p> <p>Division of Career and Technical Education Students will have access to SD My Life. SD My Life provides interest inventory, ability profiler, career exploration, post-secondary school options, resume builder, etc... Students will update their personal learning plan.</p>
<b>Human Services</b>	<p>Division of Rehabilitation Services: If individuals are still involved in the secondary education program, DRS will continue to work with the client and school on the services identified in the IPE. Typically, eligible clients at this stage are involved in post-secondary training or employment training. Services provided by DRS are individualized based upon the client goal, ability, and interests. Some services require a financial need tests and searching for comparable benefits before provided by DRS.</p> <p>Division of Service to the Blind and Visually Impaired: If individuals are still involved in the secondary education program, SBVI will continue to work with the client and school on the services identified in the IPE. Typically, eligible clients at this stage are involved in post-secondary training or employment training. Services provided by SBVI are individualized based upon the client goal, ability, and interests. Some services require a financial need tests and/or searching for comparable benefits before provided by SBVI.</p> <p>Division of Developmental Disabilities: Family Support Coordinators discuss adult services with individuals on the program such as Community Support Provider's and Post-Secondary Education. Conversation may center on whether the participant wants to stay on Family Support or begin receiving services at a CSP. Families can contact CSP's directly or with the assistance of their Coordinator. Coordinators also discuss guardianship, voting, application for SSI, public assistance, benefits planning, employment, and other community resources to develop community connections.</p> <p>Individuals already receiving services from a CSP will receive support to make the transition from child services to adult services, apply for SSI, make decision regarding independent living environments, and explore employment and opportunities for community involvement.</p>

	<p>Resource Coordinators work with students (ages 16-21) with ID/DD and their IEP teams by providing information about adult service options, eligibility and required documentation, benefits, guardianship, employment, IL skills, and can assist with referral to Family Support 360 and adult provider agencies.</p> <p>Resource Coordinators accept referrals for Family Support 360 and manage the Planning list for this program.</p>
<b>Social Services</b>	<p>Youth who were in foster care upon their 18th birthday or after attaining 16 years of age, have left foster care for kinship guardianship or adoption are eligible for an array of independent living services. Their case plan relates to their independent living skills, goals and their ILS assessment. Youth referred to the Division of Child Protection Services' Independent Living Program can be provided assistance by Community Resource Persons access and obtain ILS as needed. Youth who transitioned from foster care at age 18 are eligible to receive assistance locating and connecting with resources with their community, housing assistance, coverage for medical services up to age 26, assistance with career exploration services, post-secondary educational planning services, and Education and Training Voucher funding. A starter kit is used to assist youth to set-up their dorm, first apartment, or clothes for a job.</p> <p>Youth identified by the Community Mental Health Center through an integrated comprehensive assessment as meeting eligibility criteria for Serious Emotional Disturbance may receive behavioral health treatment as developed in a treatment plan. Youth meeting eligibility criteria for Serious Emotional Disturbance who need a continuation of services started before the age of 18 may receive those through 21 years of age, as indicated on the treatment plan. The Community Mental Health Centers shall ensure that youth nearing adulthood receive smooth transitions into appropriate adult services when indicated.</p>

## **Appendix II - Definitions**

### **1. Special Education Definitions - taken from the Administrative Rules of South Dakota (ARSD 24:05)**

#### **A. Free Appropriate Public Education (ARSD 24:05:13:02)**

For purposes of this article, the term, free appropriate public education, or FAPE, includes special education and related services which meet the following requirements:

1. Are provided at public expense, under public supervision and direction, and without charge;
2. Meet the standards of the state board in this article and the implementing regulations for Part B of the Individuals with Disabilities Education Act as in effect December 3, 2004, and 34 C.F.R. Part 300, published in the Federal Register on August 14, 2006;
3. Include preschool, kindergarten, elementary school, and secondary school education in South Dakota; and
4. Are provided in conformity with an individual educational program and this article.

FAPE shall be made available to any eligible individual child with a disability who needs special education and related services even though the child has not failed or been retained in a course or grade and is advancing from grade to grade. FAPE shall also be provided to eligible children with disabilities who have been suspended or expelled from school consistent with chapters 24:05:26 and 24:05:26.01. The determination that a child is eligible under this article must be made on an individual basis by an IEP team.

#### **B. Least Restrictive Environment (ARSD 24:05:13:01.20)**

... a learning environment for a child in need of special education or special education and related services, including a child placed in a public or private institution or another care facility, that includes to the maximum extent appropriate children who are not in need of special education or special education and related services, as determined through the child's individual educational program.

#### **C. Related Services Provided at No Cost (ARSD 24:05:27:16)**

Consistent with §§ 24:05:27:03 and 24:05:27:04, the district shall provide related services at no cost to the parent. Related services include transportation; speech-language pathology; audiological services; interpreting services; psychological services; physical and occupational therapy; recreation, including therapeutic recreation; early identification and assessment of disabilities in children; counseling services; including rehabilitation counseling; orientation and mobility services; medical services for diagnostic or evaluation purposes; school nurse and school health services designed to enable a student with a disability to receive a free appropriate public education as described in the IEP of

the student; social work services in schools; and parental counseling and training. Related services do not include a medical device that is surgically implanted, the optimization of that device's functioning (e.g. mapping), maintenance of that device, or the replacement of the device.

**D. Rehabilitation Counseling Service (ARSD 24:05:27:16.01)**

Rehabilitation counseling services are services provided by qualified personnel in individual or group sessions that focus specifically on career development, employment preparation, achieving independence, and integration in the workplace and community of a student with a disability. The term also includes vocational rehabilitation services provided to students with disabilities by vocational rehabilitation programs funded under the Rehabilitation Act of 1973, as amended.

**E. Special Education (ARSD 24:05:13:01:35)**

... instruction specially designed to meet the unique needs of a student with disabilities at no cost to parents or guardians, including classroom instruction, instruction in physical education, home instruction, and instruction in hospitals, institutions, and other settings.

**F. Student with Disabilities (ARSD 24:05:24:01:01)**

... are students evaluated in accordance with chapter 24:05:25 as having autism, deaf- blindness, deafness, hearing loss, cognitive disability, multiple disabilities, orthopedic impairment, other health impairments, emotional disturbance, specific learning disabilities, speech or language impairments, traumatic brain injury, or vision loss, including blindness, which adversely affects educational performance, and who, because of those disabilities, need special education or special education and related services. If it is determined through an appropriate evaluation, under chapter 24:05:25, that a student has one of the disabilities identified in this chapter, but only needs a related service and not special education, the student is not a student with a disability under this article. If, consistent with this chapter, the related service required by the student is considered special education, the student is a student with a disability under this article.

**G. Eligible Student (ARSD24:05:13.01:15)**

... a person through the age of 21 years who is a resident of the state of South Dakota and who requires special education or special education and related services because of the person's educational needs;

**H. Transition Services (ARSD 24:05:27:13:02)**

... are a coordinated set of activities for a student with a disability, designed to be within a results-oriented process, that is focused on improving the academic and functional achievement of the student with a disability to facilitate the student's movement from school to post school activities, including postsecondary education, vocational education, integrated employment (including supported employment),

continuing and adult education, adult services, independent living, or community participation. The coordinated set of activities shall be based on the individual student's needs, taking into account the student's strengths, preferences and interests, and shall include instruction, related services, community experiences, the development of employment and other post school adult living objectives, and, if appropriate, acquisition of daily living skills and provision of a functional vocational evaluation.

Transition services for students with disabilities may be special education, if provided as specially designed instruction, or related services, if required to assist a student with a disability to benefit from special education.

**I. Agency responsibilities for transition services (24:05:27:13.01)**

... If a participating agency, other than the school district, fails to provide transition services contained in the IEP of a student with a disability, the school district responsible for the student's education shall reconvene an IEP team meeting for the purpose of identifying alternative strategies to meet the transition objectives set out in the student's IEP.

Nothing in this section relieves a participating agency, including a state vocational rehabilitation agency, of the responsibility to provide or pay for any transition service that the agency would otherwise provide to students with disabilities who meet the eligibility criteria of that agency.

**J. Qualified Personnel (ARSD 24:05:16:16)**

To ensure that all personnel necessary to carry out the purposes of Part B and Part C of the Individuals with Disabilities Education Act are appropriately and adequately prepared and trained, including ensuring that those personnel have the content knowledge and skills to serve children with disabilities, the department shall determine that all personnel providing special education or related services, including related services, paraprofessionals and assistants, early intervention, and early childhood personnel, perform these functions under state-approved or state-recognized certification or licensure or other comparable requirements that apply to the area in which the person is providing special education or related services. The department shall ensure that related services personnel who deliver services in their discipline or profession meet the requirements of this section and have not had certification or licensure requirements waived on an emergency, temporary, or provisional basis.

**K. Participation of student in IEP team Meeting. (ARSD 24:05:25:16.01)**

... If a purpose of the IEP team meeting is the consideration of postsecondary goals and transition services for a student, and if the meeting is for a child with a disability beginning not later than the first IEP to be in effect when the child turns 16, or younger if determined appropriate by the IEP team, the notice also must:

- (1) Indicate that a purpose of the meeting is the consideration of the postsecondary goals and transition services for the student;

- (2) Indicate that the district will invite the student; and
- (3) To the extent appropriate, with the consent of the parents or a student who has reached the age of majority, identify any other agency that is likely to be responsible for providing or paying for transition services and that will be invited to send a representative.

Parental consent, or the consent of an eligible student who has reached the age of majority under state law, must be obtained before personally identifiable information is released to officials of participating agencies providing or paying for transition services.

## **2. Vocational Rehabilitation Definitions**

### **A. Comparable Services and Benefits 34 CFR §361.5(c)(8)**

- (i) means services and benefits, including accommodations and auxiliary aids and services, that are-
  - (A) Provided or paid for, in whole or in part, by other Federal, State, or local public agencies, by health insurance, or by employee benefits;
  - (B) Available to the individual at the time needed to ensure the progress of the individual toward achieving the employment outcome in the individual's individualized plan for employment in accordance with §361.53; and
  - (C) Commensurate to the services that the individual would otherwise receive from the designated State vocational rehabilitation agency.
- (ii) For the purposes of this definition, comparable services and benefits do not include awards and scholarships based on merit.

### **B. Competitive Integrated Employment 34 CFR §361.5(c)(9): means work that:**

- (i) is performed on a full-time or part-time basis (including self-employment) and for which an individual is compensated at a rate that-
  - (A) Is not less than the higher of the rate specified in section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) or the rate required under the applicable State or local minimum wage law for the place of employment;
  - (B) Is not less than the customary rate paid by the employer for the same or similar work performed by other employees who are not individuals with disabilities and who are similarly situated in similar occupations by the same employer and who have similar training, experience, and skills; and
  - (C) In the case of an individual who is self-employed, yields an income that is comparable to the income received by other individuals who are not individuals with disabilities and who are self-employed in similar occupations or on similar tasks and who have similar training, experience, and skills; and

- (D) Is eligible for the level of benefits provided to other employees; and
- (ii) Is at a location--
  - (A) Typically found in the community; and
  - (B) Where the employee with a disability interacts for the purpose of performing the duties of the position with other employees within the particular work unit and the entire work site, and, as appropriate to the work performed, other persons (e.g., customers and vendors), who are not individuals with disabilities (not including supervisory personnel or individuals who are providing services to such employee) to the same extent that employees who are not individuals with disabilities and who are in comparable positions interact with these persons; and
- (iii) Presents, as appropriate, opportunities for advancement that are similar to those for other employees who are not individuals with disabilities and who have similar positions.

#### C. Employment Outcome 34 CFR §361.5(c)(15)

... means with respect to an individual, entering, advancing in, or retaining full- time or, if appropriate, part-time competitive integrated employment, as defined in §361.5(c)(9) (including customized employment, self-employment, telecommuting, or business ownership), or supported employment as defined in §361.5(c)(53), that is consistent with an individual's unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice.

#### D. Financial Needs

The State Vocational Rehabilitation Agencies have established policies that some vocational rehabilitation services cannot be purchased until a financial needs test has been completed. The financial needs test takes into consideration the size of the family, annual income, income producing property, other income sources, and extenuating expenses. Exceeding the financial needs level does not disqualify an individual from receiving financial assistance. The dollar amount exceeding the financial needs test is the amount the client will need to apply towards their cost of vocational rehabilitation services. Individuals who are eligible for Social Security Income (SSI) or Social Security Disability Insurance (SSDI) are exempt from the financial needs test requirement.

#### E. Individualized Plan for Employment (IPE)

Individuals determined eligible and meeting the Order of Selection criteria will jointly develop with the Vocational Rehabilitation Counselor a written document called the Individual Plan for Employment (IPE). The IPE is the blueprint for achieving the student's vocational employment goal, services necessary, and individuals responsible for funding of services.

#### F. Integrated Setting 34 CFR §361.5(c)(32) means

- (i) With respect to the provision of services, a setting typically found in the community in which applicants or eligible individuals interact with non-disabled individuals other than non-disabled individuals who are providing services to those applicants or eligible individuals; and
- (ii) With respect to an employment outcome, means a setting-
  - (A) Typically found in the community; and
  - (B) Where the employee with a disability interacts, for the purpose of performing the duties of the position, with other employees within the particular work unit and the entire work site, and, as appropriate to the work performed, other persons (e.g., customers and vendors) who are not individuals with disabilities (not including supervisory personnel or individuals who are providing services to such employee) to the same extent that employees who are not individuals with disabilities and who are in comparable positions interact with these persons.

#### G. Ongoing Support Services

Services that are:

1. Provided, at a minimum, twice monthly and are needed to support and maintain an individual with the most significant disability;
2. Identified based on a determination by the designated State unit of the individual's needs as specified in an individualized written rehabilitation program; and
3. Furnished by VR from the time of job placement until transition to extended services, unless post-secondary services are provided following transition, and thereafter by one or more extended service providers through the individual's term of employment.

#### H. Order of Selection

"Order of selection" is when the Vocational Rehabilitation Agency does not have sufficient financial resources to serve all people who are eligible for services. The Order of selection uses waiting lists to manage the available financial resources while giving priority for services to eligible persons with the most significant disabilities. During or shortly after the eligibility determination, individuals will be assigned an order of selection category based on the severity of their disability. Depending upon which category an individual is classified into, some individuals may be placed on a waiting list while others can proceed with developing their employment plan and receiving services.



**I. Pre-Employment Transition Services 34 CFR §361.48(a) consists of:**

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

**J. Student with a Disability 34 CFR §361.5(c)(51):**

... means an individual with a disability in secondary, postsecondary, or other recognized education program who is between the age of 16 and 21 by July 1st of that state fiscal year. They must also be eligible for, and receiving, special education or related service under Part B of IDEA or is an individual with a disability, for purposes of section 504.

**K. Substantial Impediment to Employment 34 CFR §361.5(c)(52):**

... means that a physical or mental impairment (in light of attendant, medical, psychological, vocational, educational, and other related factors) hinders an individual from preparing for, entering into, engaging in, or retaining employment consistent with the individual's abilities and capabilities.

**L. Youth with a Disability 34 CFR §361.5(c)(58):**

- ... means an individual with a disability who is not-
- (A) Younger than 14 years of age; and
  - (B) Older than 24 years of age.