



**MISSED OPPORTUNITIES:  
THE STATE OF TRANSITION SERVICES  
FOR YOUTH WITH DISABILITIES IN  
NEW YORK CITY**

**September 2002**

Roberta Mueller  
Senior Staff Attorney  
New York Lawyers for the  
Public Interest, Inc.  
151 W. 30<sup>th</sup> Street  
11<sup>th</sup> Floor  
New York, New York 10001  
(212) 244-4664  
[www.nylpi.org](http://www.nylpi.org)

## TABLE OF CONTENTS

<b>Acknowledgements</b> .....	iv
<b>Introduction</b> .....	1
<b>Legal Frameworks for Transition Planning</b>	
Individuals with Disabilities Act.....	4
Rehabilitation Act.....	9
Workforce Investment Act.....	14
<b>Methodology for this Report</b> .....	15
<b>Results</b> .....	17
Structure of the System.....	17
<b>Quality of the Transition System</b>	
Outreach/Family Participation.....	21
Outreach to Students.....	23
Timely Initiation of Transition Services.....	24
<b>Access to Vocational Education</b>	
Providing mandated vocational assessments.....	25
Availability of Vocational Programs.....	26
Quality of Vocational Education Programs.....	28
Quality of Work Experiences.....	29
Travel Training.....	29

<b>Coordination and Collaboration Among Entities Responsible for Transition</b>	
Among Department of Education Components.....	30
Coordination with VESID.....	32
Coordination with OMRDD.....	37
Coordination with OMH.....	38
Coordination with Post-Secondary Education.....	38
<b>System Capacity Issues</b>	
Adequate Funding.....	39
Centralized Listing of Programs.....	40
Professional Development.....	40
Effect of the Regents Examinations Requirement.....	40
<b>Conclusions and Recommendations</b> .....	41

## **Acknowledgements**

This report was researched and written with funds provided by the Commission on the Quality of Care through its Client Assistance Program. NYLPI would like to acknowledge the assistance and guidance of Michael Peluso, the CAP coordinator. In addition, I would like to thank Kim Sweet, Esq., Associate General Counsel and Marianne Lado, General Counsel of NYLPI, and Paola Urrea, Community Organizer in NYLPI's Disability Law Center, for their help in thinking through the issues, identifying individuals to interview and finally, in editing the final product. The assistance of the many parents, advocates, educators, and administrators within the Department of Education and outside agencies who agreed to be interviewed was also invaluable. Helene Craner, CSW, Associate Director of Resources for Children with Special Needs, was particularly helpful both in giving me an overview of the system and later, in providing suggestions in editing this report.

## INTRODUCTION

Transition services are a critical tool in ensuring that youth with disabilities have access to educational opportunities and gainful employment after their high school years. Unfortunately, New York City's efforts, and those of several state agencies, to provide transition services have been woefully inadequate. This report will provide background on transition services in New York City, identify barriers to improving transition and then conclude by making recommendations for system change.

The term "transition" has a specific legal meaning, discussed at some length below. However, transition planning is not a series of disconnected rights to services; it is a process and one with profound implications for the future of a student with a disability. Transition is the process of educators, students and families coming together to plan for the student's life after secondary education. This planning must involve identifying what the student wants to do after leaving school, what supports and services he or she will need while in school and after leaving school, and what academic instruction is needed to prepare the student to achieve his or her goals. Transition also involves identifying the outside entities (post secondary schools, public agencies, sources of income support or training funds, etc) with which the student and his or her family should be connected. Thus, in its most basic sense, transition planning is what all parents do for their children from birth onwards. But for students with disabilities, who already face substantial barriers to employment, post-secondary education and training, and independent living, the goals are often harder to identify, the necessary services are often more extensive, and the academic instruction must be more focused and explicit and more closely linked to desired adult outcomes. The transition system created by the school system and its partners is the key to meeting student needs.

### Why Transition Services Matter

Each year, approximately 9,500<sup>1</sup> students receiving special education services exit the New York City School system either by graduating with some form of diploma<sup>2</sup>,

---

<sup>1</sup> Exact numbers are difficult to ascertain given the manner in which New York City reports school exit information. The U.S. Department of Education tracks exit information by class (i.e., year of expected graduation based on age). However, graduation statistics are reported separately for students referred to as the "special education class of x year". The special education class, however, includes only those students who are either in the citywide special education district (District 75) or in self-contained classes within other districts. There is no disaggregation of data for those students classified as special education students who are receiving services in a general education setting. NYC Department of Education statistics indicated there were 67,072 students in the class of 2000 and that special education students in all settings comprised approximately 14% of the student population; we therefore assume that 14% of the class of 2000 were receiving special education services.

<sup>2</sup> Students with disabilities in New York State who enter grade 9 in or before September 2004 may graduate with one of three types of diplomas: Regents Diplomas, which require taking a required distribution of courses and credits and passing five Regents exams; local diplomas, which requires taking and failing the Regents exam in each of the five subjects and then passing the (easier) Regents Competency Exams in that subject; and an IEP diploma, which requires that a student complete the objectives on his or her IEP. Students without disabilities who will enter 9<sup>th</sup> grade in or after September 2005 will have to pass the Regents exams or obtain a GED to graduate – they will not have the option of a local diploma any longer.

dropping out or aging out of the system. As a group, these students face post-school outcomes far worse than those of their non-disabled peers, especially with regard to graduation from high school, employment, and participation in postsecondary education or training. Consider the following:

- New York City students receiving special education services graduated (with any form of diploma) at a rate approximately half that of their non-disabled peers. (35% vs. 69.7% for the class of 1997)<sup>3</sup>. Since a student in special education can receive an “IEP” diploma simply by remaining in school through the end of his or her educational entitlement and completing his or her “Individual Education Plan,” the low graduation rate is even more noteworthy.
- Approximately half of New York City students receiving special education services dropped out of school prior to graduation; this compares with a dropout rate of approximately 30% for non-disabled students.<sup>4</sup>
- One year after leaving school, only about 38% of school exiters who received special education services statewide<sup>5</sup> are competitively employed compared to 68%<sup>6</sup> of non-disabled school exiters.
- Almost half of those former special education students who are competitively employed are in minimum wage jobs and/or working only part-time. Many of them are not able to maintain continuous or near continuous employment.<sup>7</sup>
- 69% of competitively employed former special education students work in unskilled jobs.<sup>8</sup>
- Special education students receive information about careers far later in their school careers than other students.<sup>9</sup>
- Only 27% of former special education students obtain postsecondary education versus 56% of their non-disabled peers.<sup>10</sup>

Dismal outcomes like these are not new – they have been commented upon for many years. For example, *The National Longitudinal Transition Study* completed in the late 1980’s showed that more students with disabilities dropped out of school and that fewer of those dropouts completed GEDs than their non-disabled peers. In addition, few youth with disabilities had paying jobs and most of those who were employed worked in low

---

<sup>3</sup> Data drawn from New York City Department of Education, Division of Assessment and Accountability, *The Class of 1997: Final Longitudinal Report, A Three Year Follow-up Study*, available at [www.nycenet.edu/daa/reports](http://www.nycenet.edu/daa/reports).

<sup>4</sup> Data drawn from New York City Department of Education, Division of Assessment and Accountability, *The Class of 1998: Final Longitudinal Report, A Three Year Follow-up Study*, available at [www.nycenet.edu/daa/reports](http://www.nycenet.edu/daa/reports).

<sup>5</sup> Separate figures for New York City were not available. This data as to postschool outcomes is drawn from New York State Education Department, (February 1999), *The Post School Status of Former Special Education Students in the Big Five Cities, Report to the Board of Regents* (hereinafter *Post school status*), available at <http://web.nysed.gov/vesid>.

<sup>6</sup> New York State Education Department, (August 22, 2001), *Transition Planning and Services for NYS Students*, page 3 (hereinafter *Transition Planning and Services*) available at <http://web.nysed.gov/vesid>.

<sup>7</sup> *Post School Status*, *supra*, n.5.

<sup>8</sup> *Id.*

<sup>9</sup> *Transition Planning and Services*, *supra*, n.6.

<sup>10</sup> *Post School Status*, *supra*, n.5.

income and part time jobs.<sup>11</sup> However, the same research which pointed out the inequitable outcomes for students with disabilities also identified a number of “best practices” in transition which had a strong positive effect on student achievement and on post-school outcomes. As a result, the Individuals with Disabilities Education Act (“IDEA”), the Rehabilitation Act and other federal legislation were amended to incorporate these research-based “best practices” into the legal requirements for providing transition services. These best practices, if implemented as contemplated by IDEA, can improve the performance of students with disabilities on all measures of post-school outcomes.

## **Research-Based Transition Practices That Make a Difference for Students**

### **1. Transition planning early in the secondary school years**

Research shows that most dropouts, suspensions and expulsions occur during the first two years of high school.<sup>12</sup> Transition planning, especially developing a vocational plan for the student, can address these problems and help students believe that there is a reason to remain in school.

### **2. Quality vocational training**

Vocational training, especially a planned course of vocational instruction during the high school years, markedly increases both employment and earnings and decreases dropout rates for students with disabilities.<sup>13</sup> Thus, giving students an early connection to employment both helps to keep them in school and improves their lives once they graduate.

### **3. Meaningful work experiences**

Community based work experiences while in school also improved student outcomes. Students who experience real world work situations will have a better chance to develop community connections and the work preparedness skills that are needed to obtain competitive employment. For New York State students with disabilities, having a paid work experience while in school almost doubled the likelihood that a student would be competitively employed after leaving school.<sup>14</sup>

### **4. Student participation in the Planning Process**

Student involvement is also critical to improving outcomes. Since students will be required to advocate for themselves as adults, they must be given the self-advocacy

---

<sup>11</sup> Marder, Camille; D’Amico, Ronald, (1992). *How Well Are Youth with Disabilities Really Doing? A Comparison of Youth with Disabilities and Youth in General. A Report from the National Longitudinal Transition Study of Special Education Students*. More recently, the National Council on Disability, in its report, *Transition and Post School Outcomes for Youth with Disabilities: Closing the Gaps to Postsecondary Education and Employment* also found disproportionately high rates of dropout, and unemployment or low wage employment, and low rates of participation in post secondary education for youth with disabilities. National Council on Disability (2000), available at <http://www.ncd.gov>.

<sup>12</sup> DeFur, Sharon, *Designing Individual Education Program Transition Plans*. Eric Digest #E598 (2000).

<sup>13</sup> SRI International, *The National Longitudinal Transition Study: A Summary of Findings*, pp.9, 15. Available at <http://www.sri.com/policy/cehs/publications/dispub/nltssum.html> (hereinafter cited as NLTS).

<sup>14</sup> New York State Education Department, *Post School Status*, *supra*, n.4 See, also, NLTS, *supra*, n.10.

skills necessary to allow them to participate in planning for their future. Such training works best when it is integrated into the student’s academic curricula.<sup>15</sup>

### **5. Parents as Active and Informed Partners**

Family involvement, especially providing families with access to training regarding both the transition process and accessing adult service systems, is a critical predictor of student outcomes both during their educational years and after. Students whose parents were more involved in their education missed fewer days of school and were much less likely to fail courses than other students with disabilities whose parents were less involved.<sup>16</sup>

### **6. Effective, Systemic and Sustained Interagency Collaboration**

Interagency collaboration improves student outcomes in employment, both during their education and after graduation and in participation in post-secondary education. Positive effects are seen when the educational and social service agencies necessary to the transition process implement practices such as monthly interagency planning meetings, cross-agency trainings, establishing key positions funded jointly by both educational and adult systems, and developing agreements clearly articulating policies and procedures regarding the transition from school to adult service agencies or post-secondary education. Such interagency collaboration also reduces the number of students who are “lost” between systems.<sup>17</sup>

## **I. LEGAL FRAMEWORKS FOR TRANSITION PLANNING**

There are a number of laws that govern the development and delivery of transition services.

### **Individuals with Disabilities Education Act**

#### **Generally Applicable Provisions of IDEA**

The Individuals with Disabilities Education Act (“IDEA”) is a federal statute ensuring a free appropriate public education to all persons with disabilities in the United States between the ages of 3 and 21. The state educational agency (“SEA”) and local educational agency (“LEA”) are the ultimate guarantors of IDEA’s mandates. To receive federal funds, the SEA or LEA must identify, locate, and evaluate<sup>18</sup> students covered by the

---

<sup>15</sup> *Progress in Implementing the Transition Requirements of IDEA: Promising Strategies and Future Directions*, 21st Annual Report to Congress, p. IV-57.

<sup>16</sup> NLTS, *supra*, note 10. See, also, Kohler, P.D. (1996), *Preparing Youth with Disabilities for Future Challenges: A taxonomy for Transition Programming*, [Taxonomy for Transition Programming: Linking Research to Practice](#). Champaign, IL.: Transition Research Institute. University of Illinois at Urbana-Champaign. Available at [www.ed.uiuc.edu/sped/tri/taxonomy.html](http://www.ed.uiuc.edu/sped/tri/taxonomy.html).

<sup>17</sup> Kohler, P.D. (1996) *supra*; See, also 21<sup>st</sup> Annual Report, p.57-8.

<sup>18</sup> Individuals with Disabilities Education Act, 20 U.S.C. § 1412(a)(3)(A) (2000).

statute, irrespective of the severity of the disabilities, and place them in the least restrictive educational environment. The mandate under IDEA is for educating students in settings where they are integrated with their non-disabled peers to the maximum extent possible. This is often referred to as the least restrictive environment or “LRE” mandate.

### **Eligibility for services under IDEA**

IDEA defines an eligible student as a child who has been diagnosed with one of ten broad disability categories (mental retardation, hearing impairments, speech or language impairments, visual impairments, serious emotional disturbance, orthopedic impairments, autism, traumatic brain injury, other health impairments, or specific learning disabilities). In addition, the student’s impairment must be sufficiently severe that the child requires special education and related services in order to make reasonable educational progress.<sup>19</sup>

### **The process for obtaining services under IDEA**

IDEA requires that every student eligible for special education services have an Individualized Education Plan (“IEP”). An “IEP team”, composed of individuals important to the educational development of the child, create the IEP. The IEP team most notably includes: the parent(s) of the student; at least one special education teacher and one regular education teacher of the student; an SEA or LEA representative; and, whenever appropriate, the student.<sup>20</sup> In creating the IEP, the team “consider[s] the strengths of the child and the concerns of the parents for enhancing the education of their child[] and the results of the initial evaluation or most recent evaluation of the child.”<sup>21</sup>

In New York State, the federally mandated IEP team is called a Committee on Special Education (“CSE”). In addition to the members of the IEP team required under federal law, New York law requires that the CSE include: a school psychologist; a school physician, if requested within 72 hours of the meeting; and, if applicable, a parent of another student with disabilities in the same or neighboring school district.<sup>22</sup>

The IEP is a written statement which must state how the child is currently performing in school and what special education and

---

<sup>19</sup> 20 U.S.C. §14013(A).

<sup>20</sup> 20 U.S.C. §1414(d)(1)(B).

<sup>21</sup> *Id.* § 1414(d)(3)(A)(i)-(ii).

<sup>22</sup> N.Y. COMP. CODES R. &REGS. Tit. 8(A-1), §200.3.

related services will be provided to the child to allow him or her to make progress in the general education curriculum (the curriculum for non-disabled students in his grade) and to meet his or her other educational needs. The IEP must also spell out how the school will modify instruction and assessments for the child and whether and how the child will participate in the statewide assessment system.<sup>23</sup> As will be discussed below, IEPs for students of transition age must also include other information.

For students in all grades, IDEA requires that all students with disabilities participate in the statewide assessment system used for students in regular education (in New York state, the Regents assessments) unless the IEP team determines that the student's disabilities are so severe as to preclude participation in the general statewide assessment. In such cases, the student must participate in an alternate assessment system.<sup>24</sup> The requirement that virtually all students with disabilities participate in the Regents assessments has a significant effect on transition planning, as discussed *infra*, pp 35-6.

### **IDEA Requirements Specific To Transition Services**

The IDEA requires each LEA to provide transition services and defines transition services as a coordinated set of activities for a student with a disability that is focused on outcomes, and promotes movement from school to post-school activities, is based upon the individual student's needs, taking into account the student's preferences and interests, and includes instruction, related services, and other post-school adult living objectives, and, when appropriate, acquisition of daily living skills and functional vocational evaluation."<sup>25</sup>

In addition to a coordinated instruction and related services (e.g. physical therapy or counseling), transition services can also include information and advice addressing occupational or vocational education, post-secondary education, legal and advocacy issues, transportation, finances, personal independence and personal housing, health issues, employment, recreational pursuits, and other areas in which the student needs support to make progress toward his or her goals for life as an adult.

Thus, the IEP must include an estimation by the IEP team of the services necessary to allow the student to attain his or her goals for life after secondary school. Ultimately, "[t]he goal of transition services is to ensure a comprehensive, coordinated educational approach to prepare each

---

<sup>23</sup> 20 U.S.C. §1414 (d)(1)(A).

<sup>24</sup> 34 C.F.R. §300.138; 34 C.F.R. §300.347(a)(5).

<sup>25</sup> 20 U.S.C. § 1401(a)(30)(A)-(C). *See also* N.Y. COMP. CODES R. & REGS. tit. 8(A-1), § 200.1(fff).

student for employment, postsecondary education, or community living in integrated settings.”<sup>26</sup> With this goal in mind, a successful transition is not merely an “entry into adult vocational training programs or [Office of Vocational and Educational Services for Individuals with Disabilities (“VESID”)] services.”<sup>27</sup>

IDEA and its implementing regulations and state education law and its implementing regulations create specific mandates as to how LEAs must provide transition services. The most critical requirements are described below.

### **Age at Which Transition Planning Must Begin**

Students in special education at age 12, and those referred to special education for the first time after the age of 12, are entitled to a review of “school records and teacher assessments, and parent and student interviews to determine vocational skills, aptitudes and interests”.<sup>28</sup> This stage constitutes an informal analysis that provides an important understanding of the early interests and capabilities of the student. It is known as a Level I vocational assessment. Older students who are pursuing vocational goals are also entitled to more detailed vocational assessments known as Level II and III vocational assessments.

Beginning at age 14, the child’s IEP must include a statement of the services needed to accomplish the student’s intended course of study. At age 15, or younger if the IEP team deems it appropriate, the IEP must contain an account of the required transition services for the child.<sup>29</sup> This includes, “when appropriate, a statement of interagency responsibilities or any needed linkages”.<sup>30</sup>

### **Requirements relating to agency coordination and to planning for transition**

When IEP teams meet to determine the appropriate transition services for the student, they must invite the student and “[a] representative of any other agency that is likely to be responsible for providing or paying for transition services.”<sup>31</sup> This may

---

<sup>26</sup> Joint Agreement Between the Office of Vocational and Educational Services for Individuals with Disabilities and the Office of Elementary, Middle and Secondary Education to Improve Transition Planning and Services for Students with Disabilities, Sept. 28, 1992, <http://web.nysed.gov/resid/sped/trans/jajpts.htm> (last visited Aug. 10, 2001).

<sup>27</sup> *Id.*

<sup>28</sup> N.Y. COMP. CODES R. & REGS. tit. 8(A-1), § 200.4(b)(6)(viii).

<sup>29</sup> *Id.* § 200.4(d)(2)(ix). *Cf.* 20 U.S.C. § 1414(d)(1)(A)(vii)(II).

<sup>30</sup> 20 U.S.C. § 1401(d)(1)(vii)(II) (2000).

<sup>31</sup> 34 C.F.R. § 300.344(c)(1)(ii) (1998).

include a representative from VESID, the Commission for the Blind and Visually Handicapped, Office of Mental Retardation and Developmental Disabilities, Office of Mental Health or another group active in this context. In any event, “[i]f an agency invited to send a representative to a meeting does not do so, the [SEA or LEA] shall take other steps to obtain the participation of the other agency in the planning of transition services.”<sup>32</sup> In addition, states are required to develop Memoranda of Understanding which spell out the responsibilities of the various agencies, including the LEA. New York State has developed such documents for all of the above state agencies.

### **The requirement for periodic review of transition plans**

To appropriately reflect the needs and interests of the child, the IEP team annually reviews the transition services plan. If the team determines that certain services are not required, “the IEP must include a statement to that effect and the basis upon which the determination was made.”<sup>33</sup>

### **Requirements for the involvement of parents and students in Transition Planning.**

Parents must receive notice of any meeting involving “the development or review”<sup>34</sup> of their child’s IEP at least 5 days before the conference, absent a contrary agreement between the parents and school district. The notices must, among other things: “indicate that the parent(s) has the right to participate as a member of the committee on special education”,<sup>35</sup> state the purpose of the transition services meeting; include an invitation to the student to participate in the meeting; and “identify any other agency that will be invited to send a representative.”<sup>36</sup> As with all meetings regarding the student’s IEP, the parents can play an active role in the IEP team and CSE in shaping the services provided to the child.

Students must be invited to attend any IEP meetings at which transition will be discussed and given notice of the meeting and of its purpose. If the student does not attend the meeting, the school

---

<sup>32</sup> *Id.* § 300.344(c)(3).

<sup>33</sup> *Id.* § 300.346(b)(2).

<sup>34</sup> N.Y. COMP. CODES R. & REGS. tit. 8(A-1), § 200.5(c)(1).

<sup>35</sup> *Id.* § 200.5(c)(2)(iii).

<sup>36</sup> *Id.* § 200.5(c)(2)(vii).

must take steps to ensure that the student's wishes and interests are taken into account in developing the transition plan.<sup>37</sup>

### **Consequences if a school district fails to provide the transition services outlined in an IEP**

If an outside agency (e.g., VESID) responsible for providing transition services fails to do so, the LEA is required, as soon as possible, to create alternatives to satisfy the transition services plan and amend the IEP if appropriate.

### **The Rehabilitation Act**

The Rehabilitation Act is a federal statute that provides grants to the states to fund a wide range of vocational rehabilitation services for eligible people with disabilities. The Rehabilitation Act can fund services for both youth and adults. The Rehabilitation Act is administered in a manner similar to IDEA in that states must submit annual plans in order to receive federal funding, and the state's plan must guarantee compliance with requirements set out in the federal statute and regulations. Recent amendments to the Rehabilitation Act have placed greater emphasis on greater consumer participation in the process through informed choice of goals services and providers<sup>38</sup> and on maximization of consumer outcomes<sup>39</sup>. The Act was also amended to define the Vocational Rehabilitation agency's responsibility to provide transition services and to add a definition of transition services which matches that found in IDEA.

In New York, the state agency responsible for administration of the Vocational Rehabilitation (VR) program is the Vocational and Educational Services for Individuals with Disabilities (VESID), which is under the control of the New York State Education Department, the state agency responsible for administering IDEA at the state level.

### **Eligibility for services**

An individual is eligible for VR services if he or she: 1) has a physical or mental impairment which constitutes or results in a substantial impediment<sup>40</sup> to employment; 2) can benefit in terms of an employment outcome from vocational rehabilitation services; and 3) requires vocational rehabilitation services to prepare for, secure, retain or regain employment.<sup>41</sup> Thus,

---

<sup>37</sup> 34 CFR §300.345(b)(2); 34 CFR §300.344(b)(1) and (2).

<sup>38</sup> 29 U.S.C. §720(a)(3)(C).

<sup>39</sup> 29 U.S.C. §701(b)(1).

<sup>40</sup> New York had adopted a liberal definition of substantial impediment. An impairment is a substantial impediment if it "hinders" an individual from employment "consistent with the individual's abilities and capabilities". 8 NYCRR §247.7(a)(3).

<sup>41</sup> 29 U.S.C. §705(20)(A) and 29 U.S.C. §722(a).

eligibility for all VR services requires a connection between the requested service and the ultimate employment goal.

An important difference between special education services and vocational rehabilitation services is that the latter are not an entitlement<sup>42</sup> and states may choose to limit the number of people who will be served based on the availability of funds<sup>43</sup>. However, even if a state chooses to limit access to its services, the Rehabilitation Act mandates that it give priority to serving individuals with the most severe disabilities.

Because the eligibility criteria are different for special education and VR services, some students who are eligible for special education may not be eligible for VR and, conversely, students not eligible for special education may be eligible for VR services. An example of the latter situation might be a student with an orthopedic disability who has not needed any educational services other than physical accommodations. Such a student might well qualify for VR services if his or her physical disability restricted his or her employment prospects.

### **Services**

Individuals with disabilities are to be provided with those rehabilitation services which are described in an individualized plan for employment (“IPE”) and are necessary to assist the individual in preparing for, obtaining, or retaining employment. Such services can include: an assessment of vocational rehabilitation needs, counseling regarding vocational options, referral services, training and educational services, including tuition, books and tools, and even medical treatment not readily available from other sources.<sup>44</sup> While the scope of available services is wide, one must always demonstrate that the service is needed to serve an employment- related end. In addition, such services are not an entitlement, and the agency is accorded broad deference by the courts in determining whether a particular service is necessary for an eligible individual.

### **Cost of Services**

Although certain VR services, if provided at all, are to be provided without charge to the consumer, the statute explicitly grants states the authority to require consumers to share in the cost of other services, e.g. tuition.<sup>45</sup> However, no state may charge an individual for services relating to

---

<sup>42</sup> 29 U.S.C. §722(3)(B)

<sup>43</sup> 29 U.S.C. §721(a)(5); 34CFR §361.36. This does not mean that a state VR agency could choose to exclude transition services from their state plan or to refuse to serve school age students given the specific mandates in the Rehabilitation Act governing transition discussed below.

<sup>44</sup> 29 U.S.C. §723(a)

<sup>45</sup> 29 U.S.C. §722(b)(3)(E)(ii)(II); 34 C.F.R. §361.54

assessment of eligibility or vocational rehabilitation needs, nor for vocational rehabilitation counseling, guidance, referral, or placement services. Therefore, VESID could not charge a student for its participation in the vocational planning process. In addition, if the state does require cost sharing, the level of contribution assessed against the consumer cannot be so high as to effectively deny access to the services; the state must also base its determinations on the consumer's financial need, taking into account unreimbursed disability related expenses.<sup>46</sup>

New York exempts all diagnostic services, including medical exams, tests and hospitalizations for diagnostic purposes from cost sharing. In addition, training at community rehabilitation programs, counseling, and placement services are exempt. All other services are subject to cost sharing based on the consumer's income.<sup>47</sup> In determining consumer ability to pay, any individual under age 22 is presumed to have access to his or her parents' income unless he or she receives less than half his or her support from them.<sup>48</sup>

### **Development of the Individualized Plan for Employment (IPE)**

Like a student's IEP, the IPE is a planning document which sets out the long-term goals for the consumer and the services which the agency will provide to enable the consumer to reach those goals.<sup>49</sup> Unlike an IEP, however, an IPE can be developed by the consumer alone although he or she can also utilize the assistance of the agency's personnel and of private vocational rehabilitation agencies. However, the IPE cannot be implemented without the consent of the state agency; each IPE must be signed by both the consumer and the vocational rehabilitation caseworker assigned to the case by the state agency.<sup>50</sup>

Each IPE must be in writing and must contain: a description of the individual's specific employment outcome; a description of the specific vocational rehabilitation services needed to achieve that outcome; the entity that will provide the services; the responsibilities of both the agency and the consumer for implementing the IPE; timelines for the implementation and completion of the plan; and criteria for evaluating progress toward completion of the plan.<sup>51</sup>

IPE outcomes and services must be consistent with the strengths, interests and informed choice of the consumer and must, to the maximum extent possible, result in employment in an integrated setting, i.e. competitive employment.<sup>52</sup>

---

<sup>46</sup> 34 C.F.R. §361.54.

<sup>47</sup> 8 NYCRR §247.11(d) contains a list of services for which cost sharing applies.

<sup>48</sup> 8 NYCRR §247.11(g).

<sup>49</sup> 29 U.S.C. 721(a)(9); 722(b).

<sup>50</sup> 29 U.S.C. §722(b)(2)(C).

<sup>51</sup> 29 U.S.C. §722(b)(3)(B).

<sup>52</sup> 29 U.S.C. §722(b)(3)(A).

In addition, IPE goals must be coordinated with a student's IEP.<sup>53</sup>

### **VESID's responsibilities specific to the provision of transition services to students with disabilities**

The Rehabilitation Act creates two sets of requirements for VESID as the state agency responsible for implementing the Act. First, the agency must create statewide policies and practices that fulfill its planning responsibilities under the Act. In addition, VESID must also provide services to students in the transition process in accordance with guidelines set out in the Rehabilitation Act and in state law. VESID is thus responsible for the following activities.

#### **Interagency coordination**

The state Vocational Rehabilitation plan must contain policies and procedures for coordination between VESID and special education officials that are designed to facilitate the transition of students with disabilities from the education system to the VR system. At a minimum, the state must have an interagency agreement that provides for technical assistance to educational agencies, transition planning by VR personnel to assist in the development of individual IEPs, and procedures for outreach to and identification of students with disabilities who need transition services from the VR agency.<sup>54</sup> The plan must also specify the roles, including financial responsibility, of each agency.<sup>55</sup>

In making individual eligibility decisions and developing IPEs, VESID is also required to coordinate with other agencies, including the school system. It must make use of current information, especially information from schools attended by the consumer to determine eligibility<sup>56</sup>. This requirement is intended to speed the transition process by reducing the need for extensive and or duplicative reevaluation of students as they transition into the VR system. VESID's policy guidance indicates that CSE reports alone can provide enough information for a finding of eligibility.<sup>57</sup>

---

<sup>53</sup> 8 NYCRR §247.10(b)(5).

<sup>54</sup> 29 U.S.C. §721(11)(D).

<sup>55</sup> 34 CFR §361.22.

<sup>56</sup> 29 U.S.C. §722(a)(4)(A).

<sup>57</sup> VESID POLICY MANUAL - §421.00.

## **Outreach**

In addition, federal law requires VESID to engage in outreach activities to give students with disabilities the information they need to exercise informed choice in developing their IPE.<sup>58</sup>

## **Determining eligibility and providing planning services.**

The Rehabilitation Act requires VESID to provide for the development of an individualized plan for employment as early as possible during the transition process and, in any event, by the time the student leaves school.<sup>59</sup> New York State Department of Education policy indicates both that all students with disabilities should be referred to VESID when they are within two years of school exit<sup>60</sup>, and that VR services should be provided only during the student's last two years of school.<sup>61</sup>

Assuming students are found eligible, VESID is required to develop an IPE for all students within the two years prior to school exit.<sup>62</sup> However, the programmatic and financial responsibility for the provision of transition services remains with the school district. Once found eligible by VESID, the student may receive such services as: participation by the vocational counselor in the transitional planning process, vocational counseling and vocational assessment, and the development of an IPE. In addition, VESID can provide certain services that are generally not the responsibility of the school district and would not otherwise be available. Such services include providing occupational tools, providing adaptive equipment for a vehicle and providing job coaching in the final stages of supported employment.<sup>63</sup>

The federal Vocational Rehabilitation Act also allows VESID to provide “consultative and technical assistance services to assist educational agencies in planning for the transition of students with disabilities from school to post-school activities, including employment”.<sup>64</sup> Technical assistance services available to school districts from VESID include

---

<sup>58</sup> 29 U.S.C. §722(d)(1).

<sup>59</sup> 34 CFR §361.22.

<sup>60</sup> Memo from Lawrence Gloecker, Deputy Commissioner of Education, NYSED dated November 1999. This policy would appear to conflict with the IDEA requirement that transition planning, including the involvement of outside agencies such as VESID, begin at age 16, which might well be four years before the student's exit date.

<sup>61</sup> Neither the Rehabilitation Act nor its implementing regulations contain any authorization for such a blanket prohibition on services to school age youth; the New York State policy arguably violates the Rehabilitation Act.

<sup>62</sup> Memo from Lawrence Gloecker, Deputy Commissioner of Education, NYSED dated November 1999.

<sup>63</sup> VESID Policy Manual §421.00.

<sup>64</sup> 29 U.S.C. §723(b)(6).

vocational evaluation interpretation, job placement and occupational outlook analysis and consultation about appropriate transition services.<sup>65</sup>

### **The Workforce Investment Act of 1998**

The Workforce Investment Act (WIA) substantially altered the planning and delivery system for almost all federally funded workforce development activities, including activities directed to youth. WIA, unlike the Rehabilitation Act is not focused on individuals with disabilities – it is directed toward the entire workforce. The Vocational Rehabilitation Services discussed above are not part of the WIA system and are administered solely by VESID.

WIA block-granted funding for many programs such as Job Training Partnership Act and adult education programs, folding their funding in amongst other workforce development activities. A full discussion of WIA is beyond the scope of this report, however, certain provisions of the Act directly impact services for students in the transition process by changing the manner in which they access workforce development services. In addition, WIA mandated the creation of both state and local “Workforce Investment Boards. These Boards must have a majority membership drawn from the business community and must include advocates for people with disabilities in their membership. These Boards are responsible for determining how local workforce development and training dollars will be spent, what services will be available and who is permitted to provide those services.

WIA also requires each local Board to develop a Youth Council. The Youth Council is required to develop those parts of the plan relating to youth, to recommend local youth service providers and to coordinate a local youth program. Unfortunately, only seven of the twenty Youth Councils in the state currently have representatives of agencies serving youth with disabilities.<sup>66</sup>

### **Eligibility requirements for youth to receive services through WIA<sup>67</sup>**

Individuals 14-21 years old who are low-income are eligible if they are also deficient in basic literacy skills, a school dropout, homeless, a runaway or foster child, pregnant or a parent, an offender or in need of additional assistance to complete an educational program or to hold or obtain employment.<sup>68</sup>

---

<sup>65</sup> Gloecker memo, *supra*, note 41.

<sup>66</sup> The Emerging Worker Sub-Committee of the New York State Workforce Investment Board, (2001), *June 2001 Survey of New York State Youth Councils. Survey Highlights and Next Steps 7/5/2001*, available on the workforce development website at <http://www.wdsny.org/swib/ewvideo711survey.html>

<sup>67</sup> There are many services available to adult or dislocated workers. These services and the eligibility requirements for them are beyond the scope of this report.

<sup>68</sup> 28 U.S.C. §2801(13).

## **Services available to youth under WIA**

Each local Board must provide an assessment of each applicant's skill and need levels and a service strategy. Services can include tutoring, study skills training, dropout prevention, alternative schools, adult mentoring, paid and unpaid work experiences, guidance counseling, and occupational skills training. In addition, each local board must provide summer employment opportunities linked to academic and occupational learning.

Although all these services must be made available, no individual applicant has an entitlement to services. Services need only be provided as funds are available. Since WIA is a very new program, it remains to be seen how New York State will implement the program and make services available.

## **Provisions which require services to youth with disabilities**

As noted above, advocates for individuals with disabilities must be included in the local and state Workforce Investment Board membership. In addition, Section 504 of the Rehabilitation Act prohibits any federally funded program from denying equal access to individuals with disabilities.

## **II. METHODOLOGY FOR THIS REPORT**

This report on the state of transition services in the New York City School system drew upon a variety of sources. Statistics as to outcomes for special education students and other data are drawn from sources such as Regents Reports on Transition in the Big Five Cities compiled by VESID, graduation and population data reported by the NYC Department of Education, and data reported by the U.S. Department of Education. Sources are noted in the text.<sup>69</sup> Qualitative data and conclusions as to trends are derived from a series of interviews conducted with individuals drawn from all sectors involved in the transition process. From July 2001 through December 2001, NYLPI conducted interviews with staff at the following:

- Each of the Parent Training Centers serving New York City - these agencies speak with literally thousands of parents each year about individual cases and also provide training to many parent groups around the city.
- Administrative staff from the New York City Department of Education. We spoke with staff from District 75, the citywide special education district, and from the division of High Schools and the Division of Alternative schools. In

---

<sup>69</sup> The recent Regents reports, *Post School Status of Former Special Education Students in the Big Five Cities* and *Transition Planning and Services for NYS students*, give very little information broken down by school district – most information is reported as a composite of the Big Five school districts. However, certain information is available specific to New York City. This information is helpful in confirming some of the information derived from interviews.

each instance, we spoke with staff responsible for the transition process -that is, with individuals who served as Transition Linkage Coordinators. One interview took place at a borough Occupational Training Center which allowed NYLPI staff to observe the program in action.

- Representatives of VESID, the state agency responsible for providing Vocational Rehabilitation services throughout New York State. We interviewed both state level staff and administrators from two district offices in New York City.
- A representative of the Office of Mental Retardation and Developmental Disabilities (OMRDD).
- Representatives of several disability rights direct service offices in New York City knowledgeable of transition issues.
- An agency which provides services to students involved with the juvenile or criminal justice systems or with family court.
- Parents who came in through the NYLPI intake system.

In addition, since NYLPI provides advice and representation to many students with disabilities, the investigation also included reviews of IEPs of approximately 30 transition-aged students whose families contacted us for assistance with other educational matters. NYLPI also spoke with other legal offices that represent students with disabilities.

Interviewees were all asked open-ended questions regarding the NYC school system's performance in those areas identified as critical to successful transition services. All respondents were asked about the following topics:

1. Parent involvement and school outreach to parents.
2. Student involvement in the transition planning process.
3. The level of parental and student awareness of transition issues.
4. The level of parental and student awareness of VESID services.
5. Outreach efforts by VESID.
6. The level of parental and student awareness of OMRDD and OMH services.
7. Outreach efforts by OMRDD, OMH and the agencies with which they contract to provide services.
8. The coordination of services within the school district and among the school district and various agencies.
9. Participation in transition planning by non -school agencies.
10. The availability of information for parents and students regarding post-secondary education and graduation requirements.
11. Planning for post secondary education.
12. The availability and quality of vocational education and community work experiences.
13. The quality of transition planning and of transition goals.

In addition, respondents were asked to identify exemplary programs within the NYC Department of Education system, and the strengths and weaknesses of the transition

planning process as currently instituted. NYLPI made particular efforts to elicit information about several Career Linkages pilot programs funded by VESID.

The results section of this report summarizes the interviewees' responses, categorized by the substantive areas above. No attempt has been made to quantify the results as one would in a survey; however, where a pattern of responses was evident, the report so indicates. In general, the report mentions only those responses endorsed by most if not all respondents and discusses all points raised by the majority of responders. The report also notes where there are significant differences in opinion between one segment of responders and another (e.g. between parent advocates and school representatives or between one agency and another).

### **III. RESULTS: THE TRANSITION SYSTEM IN NYC**

#### **A. Structure of the System**

##### **NYC Department of Education**

The transition system is actually not one system but rather three parallel systems. The first system is District 75, the citywide special education school district, which, generally speaking, serves students with low incidence (i.e. more severe) disabilities. In District 75, there are five borough level Transition Coordinators; each of these borough level Coordinators supervises the transition linkage coordinators (TLCs) assigned to the schools within the district. While some of the larger schools such as the Occupational Training Centers have a full-time transition linkage coordinator assigned to them, other schools share the coordinator with another school or schools. In District 75, the school level TLCs are full-time positions.

The second transition system is the Division of High Schools. Within this division, each of the five superintendencies (one each for Manhattan, Queens, Bronx, most of Brooklyn and the BASIS superintendency which serves Staten Island and part of Brooklyn) has a Transition Coordinator who is responsible for supervising all of the school level TLCs within that superintendency. As with District 75, larger schools generally have their own TLC while smaller schools and programs within schools share staff. TLCs are only part-time positions; TLCs also have classroom instruction or administrative responsibilities.

Finally, a Transition Coordinator is located within the Alternative Superintendent's Office. This superintendency is responsible for the administration of all alternative school programs. The Transition Coordinator supervises the TLCs at each school site within this Superintendency.

Until this school year, all of the various borough level Transition Coordinators reported to a central office of Career Planning/Transition Services in the central NYC Department of Education administrative office. The administrator in this position was also responsible for acting as a liaison with the State Department of Education. However, this position has now been eliminated. Therefore, there is no citywide central coordination or supervision of transition activities, nor is there a liaison with the State Education Department nor a citywide liaison with VESID.

### **Office of Vocational and Educational Services for Individuals with Disabilities (VESID)**

VESID is divided into administrative units consisting of a single district office in each borough. Each office has a district manager who supervises the staff of vocational rehabilitation counselors. VESID consumers must apply for services in the borough in which they reside rather than where they attend school. With the exception of certain pilot programs discussed separately, in most boroughs, students applying to VESID are assigned to the counselor on duty that day rather than to a specific unit focusing on transition or youth.

### **Office of Mental Retardation and Developmental Disabilities (OMRDD)**

OMRDD is divided into administrative units at the borough level known as District Developmental Services Offices. Consumers apply for services and have their services managed in the borough in which they reside.

### **Office of Mental Health (OMH)**

The service delivery system for mental health services is far more fragmented than is the OMRDD system. The state Office of Mental Health has a field office in New York City and has a division with responsibility for children's services. OMH funds a wide variety of programs throughout the city including school based mental health clinics, a variety of residential and outpatient services and inpatient services. Services are also provided by the city's Department of Health and Mental Hygiene<sup>70</sup>. This city agency has an office in each borough and a division responsible for services to children in each borough. However, there is no single point of entry for parents into either the state or city systems; in general, the most common points of entry to the mental health system for parents seeking services for their children are LIFENET, a 24 hour city funded hotline which can make referrals, the Borough office for the

---

<sup>70</sup> Until July 1, 2002, this office was known as the New York City Department of Mental Health, Mental Retardation and Alcoholism Services.

Department of Health and Mental Hygiene or the Parent Support Center (which is funded by OMH) in their borough.

## **B. Quality of the Transition System**

The extensive observations of those interviewed for this report and the limited quantitative data available make it clear that the transition system is deeply troubled and is failing many if not most students within the NYC school system. It is, however, also a system in which many knowledgeable and caring school and agency personnel do their best to make the transition process work. The remainder of this report will discuss the system's performance in relation to the broad areas of research-based quality indicators for transition systems. Rather than detail the system's failings, however, this report will attempt to identify the system barriers to improved transition planning and outcomes, and make recommendations for specific changes.

### **General Overview**

In the New York City school system, only 27% of special education exiters transitioned to post secondary education or training and only 30% were competitively employed. Although the NYC Department of Education also reported that 79% of New York City students in non-District 75 programs and 71% of students in District 75 made successful transitions to either post-secondary education, employment or adult day programs, it is unclear how successful was defined given the above statistics from the same report.<sup>71</sup> Even read in the most positive light, this data indicates that, at a minimum, 20% and 30% respectively of special education exiters from NYC's special education system had unsuccessful transition outcomes.

With regard to the actual quality of the transition system, 12% of non-District 75 exiters reported that the transition services they received were not helpful and 27% reported that they did not receive transition services at all.<sup>72</sup> Thus, over a third of non-District 75 special education students failed to receive helpful transition services. District 75 performed better; 86% of its students reported receiving helpful transition services and only 6% reported not receiving services at all.

A more recent Regents report gives further cause for concern that many students are not receiving transition planning. In that report, the Department of Education reported to the state that 13% of their special education completers for the data year had "unknown" plans for life after

---

<sup>71</sup> All data from *Post School Status*, *supra*, n.4, Figure 10.

<sup>72</sup> *Id.*, Figure 11.

school.<sup>73</sup> These are students who have gone through the special education system and who should be assumed to have received transition planning services including the identification of post-school goals and necessary services; nevertheless, the school system has apparently not developed any plan whatsoever for these students and has therefore not connected them with either employment, post-secondary education or adult services.

The picture of the transition system gathered from interview data is more detailed and, like the statistics above, gives cause for concern if not alarm. While each responder could, if pressed, point to some bright spots (particular vocational programs, certain dedicated TLCs), there was general agreement that the transition process was not working. Perhaps unsurprisingly, parent advocates had the strongest feelings on the subject: they used terms such as dismal and said that transition is “basically not happening” and that it is at best, all about where a child will be referred after graduation rather than a long-term planning process to help a student focus his/her last years of education on preparation for adult life. Both parent advocates and non-school agencies also indicated that transition plans were of poor quality, with vague, often unrealistic goals and no clear lines of responsibility for implementation. A typical failure of a transition plan would be a recitation that a 16-year-old student read at, e.g., a fourth grade level, with a goal for that student of receiving a Regents diploma. Such a plan would not, however, explain how the school system intended to raise the student’s academic levels to the point where he or she could have a realistic hope of attaining a Regents diploma nor would it address other options for the student should the Regents prove unattainable.

School personnel, while certainly not satisfied with the system, were more likely to point to some positive programs such as the Occupational Training Centers or Coop Tech, or outreach programs such as the Transition fairs. They also were aware of the many dedicated individual Transition Linkage Coordinators who did attempt to create quality programs for students. However, in addressing the specific quality indicators below, they too indicated that the overall system was not functioning adequately.

Perhaps the most consistent observation regarding the overall transition system was that “it varies tremendously from school to school and from district to district”.

Respondents had many theories as to why the system was not working. Among the most frequently cited reasons were:

- Grossly inadequate resources leading to a lack of a sufficient number of Transition Linkage Coordinators.

---

<sup>73</sup> *Transition Planning and Services, supra n. 6*

- High caseloads for both TLCs and VESID counselors.
- The school system’s focus on raising student scores on the Regents exams and the concomitant lack of attention to most other educational programs, including transition.
- Lack of effective oversight at all levels, including by the State Education Department.
- The decentralization of the Department of Education.
- The isolation of transition from other components of the educational system.

### **Outreach and Training for Families/Family Participation**

All segments of the transition process – parent advocates, school personnel and outside agencies agree that the vast majority of families know little or nothing about transition and do not participate in planning their child’s transition. As one school administrator put it, parents “are divorced from the process.” A parent advocate said that parents are “worn out” by previous frustrating encounters with the IEP process by the time the student reaches transition age and see transition planning meetings as simply another meeting at which their input is ignored and nothing is explained to them.

There was general agreement from all segments that there was a lack of accessibly written materials explaining the transition process and legal requirements to parents.<sup>74</sup> Parents and individual transition coordinators also were not aware of what information was available. School personnel reported that it would be quite helpful to have a list of resource materials. It was reported that VESID has helpful pamphlets explaining Vocational Rehabilitation services, as does OMRDD. However, parents and educators reported that parents did not receive adequate information from schools regarding the OMRDD or VESID system.

Parents also often lacked adequate information in a number of other key areas, including the following:

- SSI and other public benefit programs
- Work incentive programs for recipients of SSI or Social Security<sup>75</sup>
- Guardianship
- VESID services and eligibility rules
- Housing options
- Mental health services

---

<sup>74</sup> There are materials on the NYSED website – however, these materials are very general and are also written at a literacy level which make them inaccessible to many parents.

<sup>75</sup> This lack of information can be extremely harmful when parents, fearing that working will automatically prevent their child from receiving much needed public benefits, resist efforts to provide the child with vocational training or with supported work experiences.

- Contacts within the school system should problems arise in the transition planning process.
- The availability of vocational training programs within the school system.

Parents also generally lack information about VESID and this limited parental participation when students sought services from VESID. Most respondents agreed that parents do not understand the eligibility rules for VESID nor that VESID, unlike the educational system, is not an entitlement program. In addition, most parents do not understand what services are available from VESID.

In reviewing responses, it is possible to identify certain barriers to family involvement. First and foremost is the byzantine nature of the school system itself and the lack of information for parents regarding whom to contact. The division of responsibilities within the school system makes it very difficult for a parent to know with whom to speak or how to make contact with that person. Specifically, parents are told that their liaison with the school is the CSE. However, IEP forms do not give a phone number for the CSE contact person. The web directories for many schools also do not list a contact number. In addition, many CSE team members know very little about transition and even less about transition program options, at least outside their own school. A parent with concerns about transition would need to speak with the transition linkage coordinator to try to obtain that information. However, schools do not list the transition linkage coordinator's phone number and a parent calling the switchboard and asking for the TLC would almost certainly encounter complete bewilderment from the school switchboard. This makes it very difficult to obtain information much less effect changes in a child's program.

A second barrier to parent participation is alienation from the special education planning process which occurs in the pre-high school years. Parents are not educated by the school system as to their rights nor are they made partners in planning for their child's education. They come to view IEP meetings as unhelpful confusing events at which their wishes are not taken into account and little is explained. Thus, they come into the critical transition planning process with little information about their child's disability, low expectations for the child's performance and little or no information about options for their child's future.

Third, there is a lack of accessible, readable information about transition itself, about the various programs available within the district or citywide, and about non-school resources available to students. For example, not even TLCs had a list of all vocational programs available to students with disabilities citywide. This problem is compounded by the lack of training of most school personnel regarding transition issues. The CSE members,

who are the parent's primary contact with the special education system may know very little about transition planning other than as a series of boxes which must be checked on the child's IEP.

In addition, with regard to District 75, the citywide nature of the district makes it very difficult for parents to attend school meetings of any sort, especially since their child may well attend school in a different borough from the one in which he or she lives. District 75 personnel are aware of this problem and attempt to ameliorate it as best they can with limited resources. However, it is a significant structural problem.

The school system does make an effort at outreach to parents. Both District 75 and the Division of High Schools conduct borough transition fairs which provide contacts to adult service providers and to other resources. However, these fairs are conducted once a year.

School personnel and some parent advocates also identify learned passivity on the part of the parents as a barrier to greater parental involvement. They believe that parents have learned that, whether they come to IEP meetings or not, an educational program of some sort will still be implemented for their child and come to believe that this will be the case as the child moves into the adult service system as well. School personnel and some advocates also report that some parents resist vocational training or greater community integration for their children either out of fear of losing disability-based benefits such as SSI, or out of fear that the child will not be able to survive or be safe in a community setting.

With regard to barriers to family involvement in the VESID application process, the greatest barrier appears to be the institutional beliefs of VESID. Since one eligibility criteria for services from VESID is that the applicant be capable of becoming job ready, many VESID counselors believe that the student must go through the applications process on his or her own to demonstrate job readiness and maturity. Of course, there is no such requirement in the law or regulations, but the system has not been set up to encourage family participation (for example, VESID does not notify parents of student appointments with VESID). VESID also does not have the resources to conduct much community outreach. Some offices do send staff to open school nights and to the transition fairs conducted by the school system, but the efforts are sporadic and do not reach most parents. As noted above, however, VESID has developed excellent brochures describing their services.

## **Outreach to Students/Student Participation**

One of the best aspects of well-delivered transition planning is that it has the ability to reengage and motivate students in their education and give them a sense that there is a purpose to their learning. In addition, students with disabilities need to learn to advocate for themselves and the transition process offers an opportunity to teach those critical self-advocacy skills. IDEA recognizes the importance of student participation and requires that students be invited to attend any IEP meeting at which transition is to be discussed. It is generally agreed, however, by all segments of responders that students seldom participate in their transition planning, the one exception being students in the alternative education district. It is also generally agreed that students do not understand the VESID system and do not participate in that planning process either, at least while they are still in school.

There is an interesting divergence of opinion as to the extent to which students are prepared by the school system to advocate for themselves. All of the school personnel queried indicated that self-advocacy, whether taught formally or otherwise was a big part of the curriculum in District 75, in the alternative schools and in the Division of High Schools. However, all of the parent groups and the adult service agencies indicate that students knew little or nothing about their rights or about how to advocate for themselves. Students also did not know what VESID was or what other services were available to them. One adult service provider indicated that part of the problem was that students were reluctant to be identified with a disability services agency – an attitude which could be ameliorated by a self-advocacy program. It would appear that, while the school system may have excellent self-advocacy programs, that curriculum is not being provided across the board or is not being provided in an effective way.

There are a few bright spots with regard to student participation and self-advocacy. OMRDD and District 75 run a pilot program in which selected students go through the person-centered planning approach to transition planning. Such a process requires the active participation of students, parents and all the important people in a student's life. It also teaches self-advocacy skills as part of the process. The Division of High Schools conducts transition exit interviews with students and has materials teaching students about their legal rights as a person with a disability. In addition, there is a general awareness on the part of at least the transition linkage coordinators that teaching self-advocacy is important. However, it does not appear that any concerted effort has been made to create a self-advocacy curriculum or embed self-advocacy and transition related skills into the curriculum.

## **Timely Initiation of Transition Services**

Every respondent agreed that transition services are not provided in accordance with the legal timelines set out by IDEA and state law. No one we spoke with had ever seen a student whose transition planning began at age 14. Indeed, the general consensus was that, if a student was lucky, transition planning would be done in the ‘last couple of years’ before his or her right to education ended and most often in the last year. One parent training center reported that many parents were told when the child was 14 that a transition plan would be worked out at age 19-21.

In addition to the overall lack of timely transition planning, it also appears that the Department of Education is not, in general, making timely referrals to partner agencies such as VESID and OMRDD. For example, OMRDD reports that approximately 651 students per year age out of the school system and into OMRDD services. The Department of Education is required to give OMRDD five years advance notice of students who will be transitioning – in part to allow for adequate fiscal projections by OMRDD. However, OMRDD is only given this information three years before the expected date of graduation. In addition, OMRDD is only given the number of students – it is not given identifying information which would allow it to make outreach efforts to the parents.

OMRDD also canvasses the transition coordinators to obtain information about transitioning students. What these canvasses reveal is that only about 50%-75% of students with developmental disabilities receive services from OMRDD while they are in school. More students would receive services if the Department of Education checked at age 14 to ensure that all parents of students with developmental disabilities had information about services available from OMRDD and made actual referrals by age 14 at the latest.

With regard to VESID, all reporters agreed that VESID does not comply with the requirement to develop an IPE for a student by the end of the student’s last year in school. Reasons for the lack of timely VESID involvement in transition planning are discussed below.

## **Access to Vocational-Technical Education.**

### **A. Providing mandated vocational assessments**

There was widespread agreement across all segments of responders that vocational assessments are seldom if ever done. Even Level I assessments, which are a simple one page assessment which can be completed by a classroom teacher and are supposed to be done for all

special education students by age 12 are “barely done” according to one school employee. Parent advocacy groups, which frequently review student records stated flatly that they had “never seen” a vocational assessment. And, even when Level I assessments are done, they are of poor quality and yield little useful information. In general, it was felt that school personnel, especially classroom teachers and non-transition personnel have little training in vocational assessments and therefore do not understand their value. They are reluctant to perform them and often do a poor job.

As infrequent as the Level I assessments were, Level 2 assessments, which involve the use of psychometric tests and can provide very useful guidance about a student’s interests and strengths are almost never done. As will be discussed *infra*, this means that students and their families and teachers do not have good information about appropriate career choices nor about areas of vocational preparation that ought to be the focus of the student’s last years of education.

The reasons for the Department of Education’s failure to provide vocational assessment are generally related to lack of resources and system capacity. In addition to the above described lack of training, transition coordinators have extremely limited access to vocational testing requiring the use of both test instruments which must be paid for on a per use basis and a psychologist to interpret the test.

An additional barrier to greater use of vocational assessments lies in the fact that parents and indeed most teachers have no idea what vocational assessment is or that it should be made available to them. In addition, the Department of Education fails to publicize vocational assessment resources such as the Office of Placement and Referral within the Division of High Schools.

## **B. Availability of vocational programs**

From a parent’s perspective, the greatest difficulty in accessing vocational programs lies in learning what and where they are. Even TLCs indicate that there is no comprehensive listing of programs providing vocational training. The problem is compounded by the scope and complexity of the process of applying for admission to a New York City high school – a process which baffles the parents of many non-disabled students. Thus, a parent seeking vocational opportunities for a student must not only seek out programs and schools geared toward special education students in both District 75 and the Division of High Schools (for which there is no formal listing), he or she must also search through the descriptions of various

vocational and technical programs in the general education system in the High School Directory published by the NYC Department of Education.

It is generally agreed that students with disabilities who seek admission to regular education vocational programs or schools have great difficulty being admitted – despite the NYC Department of Education’s requirement that they be proportionally represented in the population. Many if not all programs have admission requirements that are difficult to meet, especially for students who have not had adequate access to a general education curriculum. Special education personnel indicate that not enough supports are made available to students with disabilities in general education vocational programs. And it was also felt that students with disabilities are perceived as peripheral to these programs.

A variety of factors explain the difficulties accessing vocational technical education. As mentioned above, the system is complex and there is no central listing of programs. It is not clear whether there would be enough slots for students with disabilities in existing programs, even if parents could find them. Beyond this basic problem, however, there are several educational policy trends which are dramatically affecting access to vocational education for students with disabilities.

The requirement that all students pass the Regents examinations in order to graduate from high school<sup>76</sup> and, perhaps more critically, that all students except those with the most severe disabilities participate in the Regents exams has, in the estimation of every respondent interviewed, dramatically limited access to vocational education. There are a few reasons for this. First, vocational/technical programs and specialized high schools (except those within the special education subsystem) are increasingly reluctant to accept students whom they cannot exempt from Regents exams, whose academic skills are often at a level that precludes or makes highly unlikely their passing the Regents and whose results on the Regents will bring down the school’s overall rating in the school reports.

In addition, if students cannot be exempted from the Regents curriculum they must spend most of their school time taking academic courses that will ostensibly prepare them to pass the exams. This generally precludes both community-based work experiences and participation in an intensive (and often quite challenging) vocational program. The problem is particularly acute for students classified as emotionally disturbed since these students are generally of normal cognitive abilities and thus cannot be exempted from the Regents, and yet would benefit the most from the more flexible settings found in most vocational programs.

---

<sup>76</sup> A safety net is in place for students entering high school at any point through the 2004 school year. These students can still obtain a local diploma by passing the less difficult Regents Competency Test.

The emphasis on the Regents curriculum also makes it difficult to provide a more functional curriculum, one in which academic concepts are embedded in practical instruction in a particular field.

The other policy affecting access to vocational education for students with disabilities is, paradoxically enough, the federal and state initiatives seeking to enhance both the quality and the prestige of vocational/technical education. By imposing standards based reform concepts on the vocational/technical education system, and by requiring these programs to meet the same academic standards as schools with a more academic emphasis, educational policy has had the unintended effect of discouraging vocational technical programs from accepting students who, while they may be able to succeed in learning workplace skills, do not perform well on standardized tests.

### **C. Quality of vocational-technical education programs**

There are some excellent programs available within each of the systems – among those singled out were the Occupational Training Centers (OTCs) in each borough run by District 75 and the Schools for Career Development, also run by District 75. Within the Division of High Schools, the culinary program at Parkwest High School and the paraprofessional program at the High School of Technology were mentioned as model programs. Finally, the ASHES model and Co-Op Tech (run by the Division of Alternative Schools) were also considered excellent programs, especially for students who had become disengaged from the traditional academic programs.

However, despite the existence of these programs, the overall quality of vocational education for students with disabilities appeared to be quite poor. Parent advocates complained of placement in low quality jobs without reference to a student's individual needs or skills (i.e., all students in a particular school might be referred to McDonald's) and of sex stereotyping in assignment to programs. In addition, students were not, in general, given access to a planned course of vocational education – that is, a series of educational and vocational experiences which would provide them with the academic and social skills training and the work experiences necessary to obtain employment in a particular field. For example, although in general, the OTCs provide a planned course of vocational training, the shop program in one OTC is not geared to employment and what students learn lacks any real world application. Outside of the OTCs and other model programs, parent advocates described most students' vocational experiences as haphazard and non-individualized.

There was general agreement that, for most students, there was insufficient integration of their vocational and academic programs, meaning that what students were learning in classes had little or no relationship to their vocational needs. Reasons given for this situation include a lack of knowledge of the world of work and of workplace requirements on the part of classroom teachers, a lack of information in the schools about what job skills are needed in the modern workplace, and the need to teach the Regents curriculum. In addition, teachers do not appear to have ready access to curricula which make use of applied learning techniques.

#### **D. Quality of work experiences**

In general, it was felt that the school system did not give students with disabilities access to high quality work experiences. For students with more severe disabilities, most worksites were not truly integrated – at best, a group of students with disabilities worked in an enclave without real interaction with non-disabled workers on site. In addition, because many students in District 75 attend school far from home, they are not able to develop work contacts within their communities. For students within the Division of High Schools, although they were sometimes placed in more integrated settings, they were slotted into jobs without opportunities for advancement which often did not teach transferable skills.

The primary barrier to providing students with higher quality work experiences appears to be a lack of adequate resources. Many schools used to receive funding for a job developer who was able to go out in the local community, develop contacts and find students a wide variety of placements. These job developers were also often able to attend Chamber of Commerce meetings and to be involved in the mainstream of workforce development programs available to the community at large. However, this position now receives no specific funding. It is a discretionary position and has not been funded in most schools. Without the expertise and institutional knowledge represented by these job developers, most school personnel have neither the time nor the information to help their students find appropriate work experiences.

#### **E. Travel training**

For those students with significant cognitive limitations, it is imperative to receive travel training which gives them the skills to get from one part of the city to another. Often, even after a student has received travel training, he or she must also receive route training each time his school or job assignment changes. The process of travel training is labor intensive; for this reason, if the student does not obtain travel training while in school, he or she is unlikely to obtain it later. VESID takes the position, probably unjustified under the law, that if a student is not travel ready at point of

application to VESID, he or she is not capable of benefiting from the VESID services and cannot become employable.

Travel training is a strength of District 75's transition services. All respondents praised the quality of the services and indicated that, at least for now, they were available to most if not all students who needed them. However, some students do not receive travel training prior to school exit, often due to parental fears about having the child travel independently. It was also indicated that the school system often waits until a student has a work assignment before providing travel training instead of making it an integral part of the transition plan from age 14 onwards and getting the parents accustomed to the idea.

### **Coordination and Collaboration Among Entities Responsible for Transition Planning.**

#### **A. Coordination among Department of Education components**

There was general agreement that, at both the individual/local school level and at the system-wide level, coordination within the Department of Education was poor. Parents commented, "People work in isolation and don't sit down and meet". A large part of the problem is the split of responsibilities for transition. The school CSE is responsible for developing a student's IEP, including his/her transition plan. However, CSE personnel are often unfamiliar with transition research and resources. The TLCs, who are responsible for large numbers of students, are generally not present at IEP meetings at which transition is discussed and are often not consulted at all. It is extremely difficult to obtain a listing of TLCs by school and, at least when this writer called several schools and asked for the TLC, the receptionist was unable to determine who filled that position. Parent groups reported that parents have no idea who is the TLC for their school and are often unable to make contact with the TLC if they seek information or wish to complain. In general, and contrary to the requirements of IDEA, no one person is in charge of implementing a student's transition plan and parents are not told and do not know whom to contact when promised services are not provided or problems arise.

Several factors relating to the structure of the TLC position create problems at both the individual and systemic levels. There are no state or city requirements relating to employment as a TLC – one can serve as a TLC without any special training or experience, and, once in the position, TLCs are not required to take any coursework toward their continuing professional development requirement specific to transition. In addition, the school bargaining unit determines who will serve as a TLC and, if there are multiple candidates, union rules require that the position be

rotated after a certain number of years.<sup>77</sup> Thus, union rules require that the most senior staff member rather than the most qualified be appointed as a TLC; these rules can also require that a TLC who has finally developed expertise and contacts be required to rotate out of the job after a few years.

Both parents and outside agencies comment that many TLCs are isolated, have very little information, especially about vocational issues or adult services and have far too many students in their caseload to be able to function as a coordinator or resource. They also comment that the frequent turnover in TLCs has had an adverse effect upon the quality of student programs. Both parents and outside agencies felt that the TLCs in District 75 seemed generally better informed and turned over less often than those in the Division of High Schools, perhaps because they had lower caseloads or more experience with adult service agencies.

At the systemic level, coordination among the various components of the Department of Education system was quite poor. The three parallel systems of TLCs had little or no contact with each other and little information about what any system other than their own was doing. Most people commented that the quality of transition services had been quite adversely affected by the departure of the individual who was situated within the central office and was responsible for coordinating transition citywide. Her position has now been eliminated as part of the NYC Department of Education's decentralization initiative, leaving a system with two transition coordinators in each borough (one for District 75 and one for the High Schools), but no one overseeing their efforts at the citywide level. The elimination of the position adversely impacted not only coordination within the system but also coordination with statewide initiatives. It was commented that, with this position gone, there is no longer a link to the State Education Department, which is the source of many transition initiatives and resources.

The consequence of the lack of coordination between the three systems is that students are frequently unable to access programs in a different system, even if those programs are the most appropriate for them. Several respondents described students caught in turf wars between systems – either rejected by one system because they were perceived as not high functioning enough or held in a program because the school to which transfer was sought was perceived as poaching in search of promising students. There are no scheduled meetings between the TLCs of the various systems and no mechanism for resolving disputes over who is responsible for a student's placement.

---

<sup>77</sup> Because TLC positions are compensatory positions, TLCs are excused from some or their entire teaching load. This often makes the job desirable, especially for those faculty who do not understand how demanding the position is if done correctly.

There is also no apparent coordination with the regular education system. Principals are not knowledgeable about transition and it is not generally a priority for them given the heavy emphasis placed on a school's performance on the Regents exams. The knowledge level regarding transition amongst general educators is generally quite poor and union rules make it difficult to enhance general educators' knowledge base since the union contract provides that teachers cannot be made to attend specific trainings nor obtain their continuing professional development credits in any particular subject area.

The overall consensus regarding coordination among the Department of Education sectors is that people are isolated, that "no one takes ownership of transition", and that it is quite difficult for parents to determine who is responsible for implementation of a student's transition program.

## **B. Coordination with VESID**

For most students, VESID is or should be the most important partner with the Department of Education in the transition process. However, data from both VESID's own reports and from NYLPI's interviews reveal that at both the systemic and the individual level, coordination between these agencies is poor more often than not. For example, in our interview process, every segment of responders agreed that VESID is completely out of compliance with the requirement that students have an IPE developed for them within the two years before they leave school. This impression of our respondents was borne out by a report from VESID indicating that almost half of students exiting special education do not have vocational rehabilitation service plans written by the time of graduation despite federal and state legal requirements to the contrary.<sup>78</sup>

Respondents also indicated that most students are referred to VESID only at the time they leave school and have had little or no contact with that agency prior to graduation. Again, these concerns about timely referral to and coordination with VESID are borne out by data found in VESID's report, *Transition Planning and Services for NYS Students*.<sup>79</sup> The report examined rates of referrals of students to VESID offices from school systems across the state using two measures. First, it compares the number of special education exiters in a given borough to the number of new VESID referrals of youths. Rates in the five New York City boroughs ranged from a high of approximately 33% of special education

---

<sup>78</sup> New York State Department of Education (August 22, 2000), *supra*, n. 5, p.13. Although this data is the average for the "Big Five School Districts" (Buffalo, New York City, Rochester, Syracuse and Yonkers), there is no reason to believe that the New York City school system did better than the average and a good deal of anecdotal evidence that it does far worse.

<sup>79</sup> *Id.*

exiters to a low of approximately 25%.<sup>80</sup> Since the New York City school system also reported to VESID that only about 25% of its special education exiters planned for post secondary education<sup>81</sup>, with the rest either heading for work or for adult services, it is clear that many students who would benefit from a VESID referral are falling through the cracks<sup>82</sup>.

The report also discussed a second measure of problems in the VESID referral process: the under-representation of youth in caseloads of the VESID district office serving New York City. In the offices serving the five boroughs, youth were represented in the caseloads at rates ranging from a low of 14% (Manhattan) to a high of 25% (Queens). These numbers have not increased significantly since VESID began an initiative to increase referrals. All but one of the NYC boroughs are below the statewide mean of 24% of caseload consisting of youth. VESID statewide statistics<sup>83</sup> also indicate that more youth have their VR cases closed unsuccessfully than complete their plans for service. The predominant reason for closure was loss of contact.

Many interviewees offered insights into the reasons for the low rate of referrals from the school system to VESID and for the low level of participation by youth in VESID funded services. Some reasons have to do with VESID itself, others with the lack of coordination between the school system and VESID.

Under federal law, VESID is required to conduct outreach to the student population. However, there was general agreement that outreach is very inadequate. Parent groups explained that, except for attending transition fairs, VESID has no real presence in the schools. VESID counselors almost never come to the schools to do intake and, in fact, do intake en masse, simply sending out form letters giving students appointment dates. Very few students and parents know about VESID. VESID is described as having very good materials, which it distributes, but as also having no follow up and no contact person for parents or students to discuss the materials with.

In addition, some VESID counselors appear to tell parents that students cannot receive services from VESID while they are still in school. This position is clearly contrary to federal and state law; however, all parent

---

<sup>80</sup> Id., p.13.

<sup>81</sup> Id. p. 5.

<sup>82</sup> The referral gap is even greater when one considers that many students seeking post secondary education could also benefit from VESID sponsorship of their educational programs either through payment of tuition or through the provision of other services such as adaptive equipment or tutoring. One cannot tell from the statistics reported by the Department of Education how many students planning on post-secondary education were referred to VESID by the NYC school system.

<sup>83</sup> Data specific to each district office was not provided in the report.

groups and many educators understood it to be VESID's position. This discourages early referrals to VESID or bringing a vocational rehabilitation counselor's expertise to bear on planning the transition portions of the IEP.

Finally, most VESID staff do not attend TLC borough-wide meetings although some high level staff have recently been making an effort to do so. The general lack of contact with school personnel, however, means that most school level transition staff do not have an ongoing relationship or even a contact person within the VESID office to call with questions about a student.

The lack of systemic and especially individual points of connection between VESID and the Department of Education also limits VESID's ability to provide the technical assistance contemplated under the Rehabilitation Act when it was amended to include provision of technical assistance to schools as a reimbursable service. School personnel indicated that they had never simply called up a VESID counselor to get advice regarding students; it was generally thought that most school personnel, including TLCs had no idea such a service was available. And staff at both agencies agreed that there ought to be more cross-trainings between systems. Given the lack of information in the schools regarding career options, workplace demands, and work related skills; it is particularly unfortunate that the current system does not give schools better access to the best source of information – VESID.

There are several distinct areas where it appears that lack of coordination between the school system and VESID cause significant difficulties for students attempting to transition from the school system to VESID. The problem areas can be categorized as those relating to eligibility criteria, including documentation, those relating to treatment during the application process, and those relating to each agency having adequate information about the other agency's rules and procedures.

Unfortunately, there is not an exact fit between the eligibility criteria for special education and for VESID. As discussed above, there are many students with disabilities who do not need or qualify for special education but would qualify for VESID– for example, a student who had a physical disability requiring the use of a wheelchair but who had no cognitive limitations and required no special services other than reasonable physical accommodations. Conversely, a student with mild Attention Deficit Hyperactivity Disorder or a Learning Disability might have received special education services but would not be considered by VESID to have an impairment that substantially interfered with the student obtaining employment. The problem becomes most apparent, however, with students classified by the school system as emotionally disturbed. This

IDEA category does not conform to any category under the Diagnostic and Statistical Manual (DSM), the system used by all mental health professionals to classify mental health problems. Therefore, although a student may have been classified as ED throughout his school career and would, if evaluated, meet the diagnostic criteria for a DSM diagnosis, he will not be found to have an impairment under VESID's rules unless or until he obtains a report from a licensed mental health professional indicating a DSM diagnosis. The school system, however, does not obtain such reports in advance of making the referral to VESID, nor does it prepare a student, who may never have been told he has a mental illness, for the process of being further evaluated and labeled.

According to both school and VESID personnel, special educators, including many TLCs have little or no understanding of VESID eligibility criteria. Since there is no formal or informal system for feedback from VESID to the school, school personnel see that some of their students have been found ineligible by VESID and do not understand why. This contributes to the widespread perception by school personnel that VESID acts arbitrarily and inconsistently. For their part, VESID believes that students are referred by rote in batches, without adequate information in the files to allow a speedy decision. In addition, VESID is concerned that educators do not understand that students with disabilities receiving services under Section 504 but not through special education should also be referred to VESID.

Parents report that the school system often fails to send required information to VESID, causing both delays and the need for additional evaluations. VESID also reports that most referral packets they receive do not comport with the requirements set out in the Memorandum of Understanding between the component of VESID responsible for school services and the component responsible for vocational rehabilitation services.

As noted earlier in this report, VESID's own statistics indicate that many students are lost during the move from a school setting to VESID. Several factors were identified by all responders as causing this. First, while students, especially District 75 students, often attend school in a borough different from that in which they live, VESID services must be provided through the District Office in the borough of the student's residence. This makes it harder for students and TLCs to have connections with VESID counselor or to attend VESID meetings during the school day. Second, especially for that student with hidden disabilities (e.g. mental health problems or learning disabilities), VESID's customary practice of having students come to the VESID office for initial intake and scheduling batch intake sessions is alienating. Students feel stigmatized by seeking services from an agency that serves people with disabilities. While the school

system could work to combat this attitude, it was suggested VESID to consider doing intake at the schools.

In addition, most VESID offices assign intakes to counselors as the applications come in. There is no counselor assigned to handle only student intakes. This means that counselors often do not have any expertise or affinity for working with school-aged youth.

The institutional culture of VESID can also work against successful transition outcomes. Students in the school system are accustomed to receiving services whether they participate in the planning process or not, and to having their teachers help them with applications and other tasks; if they are lucky, they are also used to having their parents be a pivotal part of the planning process. VESID however takes the position that, in order to demonstrate job readiness, a student should be able to navigate the application process and the process of negotiating an IPE independently. The agency does not provide notices to teachers as to when a student has a scheduled meeting. In addition, VESID does not appear to contact the school to follow-up if a student drops out of the VESID application process.

In general, both parents and school personnel took a fairly dim view of VESID. In addition to the above-mentioned problems in establishing eligibility and accessing services while in school, there was a feeling that students were slotted into low-level training or jobs once they were accepted by VESID.

VESID is aware of the public's negative perception of it and has developed some initiatives to address the problem. It has been providing funds for a pilot program called Career Linkages, a program which has three goals: 1) increasing the referrals of students from the Department of Education to VESID; 2) increasing collaboration between the two systems; and 3) increasing the rate at which students participate in employment and/or in post secondary education. In the Manhattan office, staff believe that the following changes in service delivery have thus far proved effective<sup>84</sup>:

- Waiving the borough of residence rule and providing services to students who attend school in Manhattan but live in a different borough.
- Assigning a counselor to each school in the pilot program.
- Giving these counselors laptops so that they can do intake interviews at the school.

---

<sup>84</sup> The program is still in the early stages of evaluation.

- Identifying to the school particular VESID personnel to call for problems or with questions.
- Having VESID personnel attend the monthly meetings of TLCs.

### **C. Coordination with OMRDD**

In general, parents had much more positive feelings about OMRDD than they did about VESID and were more aware of its services. Much of this, however, appeared to be due to OMRDD's extensive outreach efforts. Coordination with the school was also somewhat more organized. However, parents and OMRDD personnel commented that most educators had inadequate information about OMRDD and that there was not a consistent approach on the NYC Department of Education's part to conveying information about OMRDD to teachers and TLCs. District 75 staff were much more aware of OMRDD and made earlier and better referrals. In some cases, District 75 staff were able to help parents sort through the mass of information about vendors (such as residential service providers) available to parents. Nonetheless, many parents were not adequately prepared for the transition into the world of adult services and did not have plans for their children after the school entitlement ended.

Certain systemic barriers to a smooth transition between school and OMRDD were identified. First, OMRDD does not receive the names of students who will be exiting the school system in a timely fashion. Second, many of these students do not have the documentation necessary for a finding of eligibility for OMRDD services. While OMRDD requires current documentation of I.Q. and limitations in adaptive functioning, the school system often does not bother to re-test students frequently once a diagnosis and classification have been established. Even when the NYC Department of Education has obtained current IQ testing, scores are often given in broad ranges rather than giving the actual IQ score required for OMRDD. In addition, the Department of Education has difficulty obtaining I.Q. scores for Limited English Proficient Students, especially those speaking less commonly encountered languages. So, many students are referred to OMRDD for services without appropriate documentation of their disability.

One other difficulty in providing a smooth transition from school to OMRDD services is that, while OMRDD provides Medicaid eligible students with a Medicaid Service Coordinator (MSC) who is supposed to act as the student's advocate and to coordinate services, there is no reimbursement for agencies providing this service to come to the student's IEP meeting before they are selected by the consumer, that is, at the stage where parents are choosing an MSC.

OMRDD has some structures in place to improve coordination with the Department of Education. Each Developmental Disabilities Services Office has a transition coordinator, and each Borough level Developmental Disabilities Council has a Transition Council whose meetings are attended by Department of Education personnel. In addition, OMRDD is participating in several joint projects with VESID in order to encourage VESID to take on those youth who, due to the severity of their disabilities, are unlikely to be ready for competitive employment within VESID's eighteen-month timeframes. OMRDD is also co-sponsoring a program which provides certain students with intensive person centered planning for the development of their transition plan. Finally, OMRDD is providing training to MSC regarding special education and transition.

#### **D. Coordination with OMH**

It appears that the school's coordination of services with OMH is virtually non-existent. Both parent groups and school personnel indicated that no one had ever seen OMH personnel at transition trainings or transition fairs (although staff from some private service provider agencies do show up), no one had ever seen materials from OMH indicating what services were available to youth, no one had any idea whom to contact at OMH for assistance in program planning and no one knew what resources OMH had available. While it is not only possible but likely that OMH has a variety of programs which are doing a good job serving school age youth and those in transition, it appears that few of the transition coordinators or parent advocates were aware of those programs.

In addition to problems caused by OMH's low profile, there are also systemic barriers to students accessing OMH. As with OMRDD, documentation of disability which is sufficient for school purposes is often not adequate for OMH purposes. Students must have a DSM diagnosis to obtain OMH services; if the school does not plan ahead, the psychiatric or psychological evaluation needed for this diagnosis may not be obtained in time.

The lack of coordination with OMH is particularly unfortunate because most respondents indicated that students classified as emotionally disturbed (ED) had the most difficulty finding appropriate services, both in school and after leaving school. Parents and consumers also find the OMH system hard to access, heightening the need for early and effective school assistance in establishing both eligibility and a plan for adult services.

## **E. Coordination with post-secondary education**

In general, parents received little information about post-secondary education in the transition planning process. They indicated that they were not given information about academic preparation for college nor about accommodations on testing. In addition, neither parents nor students were informed that even the junior and community colleges within the City University of New York system will not accept an IEP diploma for admission purposes.

Parent groups were generally not aware of the programs that the NYC Department of Education was running in conjunction with some postsecondary institutions in the city. There was no comprehensive listing, but some TLCs were aware of programs such as Learn and Earn program at several of the community colleges. There are several other programs which help students transition to post secondary education settings either as matriculating students or for the normalizing experience of receiving their educational services in the same setting as their age peers. Such programs are extremely limited however.

School personnel also did not appear to have a great deal of information regarding private specialized post secondary programs which serve students with one disability or another.

## **System Capacity Issues**

### **A. Adequate funding**

Respondents generally indicated that they were aware that transition was not a priority within the Department of Education. Principals and superintendents are not held responsible in any meaningful way for failure to provide adequate transition planning; they are held responsible, however, for the Regents scores of their students which are published every year. The bulk of school resources these days are perceived to be devoted to helping teachers prepare students to meet new higher academic standards. Transition has suffered.

All respondents agreed that there was a need for funding for more transition linkage coordinators at the schools and for the restoration of job developer positions. It was also felt that VESID was understaffed as well, making it difficult for them to dedicate one or more staff positions solely to transition. Finally, all respondents were deeply concerned that the Department of Education had eliminated the position of overall transition coordinator. This position was the only link between the various transition systems within the NYC Department of Education, as well as the NYC Department of Education's link to the state education department.

## **B. Centralized listing of programs**

It was clear in speaking to school personnel and parents that they all feel the lack of a central listing of all programs providing vocational training, exposure to post secondary education or specialized services relevant to transition. No one in the transition planning process can fulfill their responsibilities if they do not have adequate information as to program options.

## **C. Professional development**

At the present time, there is no requirement that a transition linkage coordinator have any specialized training in transition issues. Neither is there a state certification nor endorsement for a transition specialist. Indeed, the state does not even require coursework in transition as a requirement for a special education teaching certificate. This allows any certified teacher who wishes to apply for a transition linkage coordinator position to be considered qualified for the job. Union rules relating to the distribution of compensatory positions add to the difficulty.

In addition, union rules do not allow schools to mandate that teachers attend any particular subject matter training in fulfillment of their continuing professional development credits. Therefore, it is impossible for the district to mandate that teachers serving as TLCs or working with high school age students develop expertise in transition issues. While many TLCs do have such expertise, they can be and are forced to rotate out of their positions due to seniority and other union rules.

## **Effect of the Regents Exam Requirement**

The intent of requiring all save the most severely impaired students to participate in statewide testing programs is to raise expectations for the performance of students with disabilities and to impose systemic accountability for their learning upon a school system which has often taken little responsibility for their educational outcomes. However, it is clear from these interviews that the actual current effect of mandating that almost all students with disabilities participate in the Regents exam has been to limit the access of these students to quality vocational programs. In addition, since all these students are required by their schools to participate in a Regents curriculum, they are denied the individualized programs contemplated under IDEA.

Another effect of the mandatory participation in the Regents has been the failure to discuss with students the consequences of the various types of diplomas available to them and to help them shape their programs accordingly. Most parents and students are not made aware that an IEP

diploma, which they may accept in order to get out of high school, is not accepted by post-secondary programs, the military or most employers and trade schools. They are generally not given information about working toward a GED or obtaining a local diploma under the safety net provisions available to students with disabilities who enter high school at any point through fall of 2004.

#### **IV. Conclusions and Recommendations**

Clearly the transition system in the New York City schools is a troubled one. Both the NYC Department of Education and VESID, the two primary actors in this system, are out of compliance with many federal and state legal requirements. The Department of Education seldom provides transition planning by the legally mandated age of 14; indeed, it appears that the NYC Department of Education frequently fails to provide transition planning at any point prior to the student's last year in school. Even when transition planning is provided, it is frequently legally and practically inadequate in that it fails to provide clear and measurable goals and short-term objectives and instruction calculated to allow the student to make reasonable progress toward those goals. In addition, the NYC Department of Education is not referring students to VESID in a timely fashion; state policy requires referral two years before the student is expected to graduate while most referrals occur in the last few months before graduation if at all. Finally, while further investigation of this issue is necessary, it would appear that the NYC Department of Education might be violating Section 504 of the Rehabilitation Act by denying students with disabilities access to high quality vocational programs available to their non-disabled peers.

VESID is also out of compliance with many state and federal requirements. VESID seldom develops an IPE for a student while the student is still in school; federal law requires that an IPE be developed prior to graduation for each eligible student and state policy requires that it be developed two years before graduation. In addition, state law, in limiting the provision of services to a student's last two years in school would appear to restrict eligibility for VESID services in a manner contrary to the federal authorizing statute. In addition, VESID is not providing the consultative services contemplated by the Rehabilitation Act nor engaging in outreach to the extent required under the statute.

It is distressing, to say the least, to catalog the extent to which the transition system in New York City fails to comply with legal mandates; what is more distressing, however, is that the system is simply not providing even minimally adequate services to most of the students it is required to help. While some of these problems cannot be separated out from the larger problems facing the New York City school system (e.g., lack of adequate academic preparation in the lower grades) other problems could be addressed with some changes in the system. Some critical areas for change are as follows:

##### **A. Provide transition planning services in a timely fashion**

Early initiation of transition planning and services is not only good practice, it is a legal requirement. The widespread failure to comply with this mandate has had an adverse effect upon student outcomes. To correct the situation the NYC Department of Education should take the following steps:

1. The Department should make compliance with the age 14 requirement a focus of both audits and of in-service trainings. CSEs, in particular, should be made aware of transition timelines and required to use the transition checklists already developed by borough level TLCs.
2. CSEs should receive training regarding developing meaningful transition goals and objectives so that compliance with transition planning is not simply seen as filling in page 10 of the IEP form.
3. Parents and students should be empowered to enforce the obligation to provide timely transition planning. All parents should be sent a transition timeline when their child is in middle school and again at age 14. Discussion of the transition timeline should be made a part of all students' curricula and it should be discussed at each IEP meeting from age 14 onwards.
4. Outreach to parents regarding transition must begin in middle school or earlier. Discussing transition in middle school will increase the use and effectiveness of vocational assessments, will encourage student enrollment in vocational programs and will increase the likelihood that parents will demand adequate transition planning by age 14.
5. Require documentation on all IEPs three years prior to the expected date of graduation that, if the student can be expected to need services from VESID, OMRDD or OMH, the appropriate expert reports (IQ report, DSM diagnosis) have been requested and obtained prior to graduation).
6. Provide parents with a checklist of all documents which will be required for access to appropriate adult service agencies.

#### **B. Provide students with disabilities access to quality vocational education**

1. The Department should provide parents, the CSEs and TLCs with a full listing, updated annually, of all vocational, and career and technical education options available within the system, organized by borough.
2. When the Career and Technical education (CTE) programs conduct outreach, they should make a special effort to contact and include students with disabilities, their parents and their teachers.
3. The Department should enforce its own requirement that students with disabilities be proportionally represented in all CTE schools and programs and should publish participation rates broken down by program (so, for example, a CTE high school which enrolled a proportionate number of students with disabilities but enrolled them predominately in lower skills programs like building maintenance would not be considered in compliance).
4. The Department should undertake a review of all admissions requirements for CTE schools and programs (e.g. a minimum grade point average or number of credits) and determine whether those requirements exclude students with

disabilities who are capable of participating in the program with accommodations.

5. The Department should designate a central administrator with the power to resolve conflicts among districts or systems regarding the admission or transfer of students with disabilities desiring a particular vocational program.
6. The Department should make greater use of extant curricula which integrate academics and vocational education.

**C. Address the Barriers to Vocational Education Created by the Regents Diploma Requirement.**

1. The Regents must consider creating a diploma option for students with disabilities which will allow them to graduate with a career and technical diploma without meeting the Regents requirements or should continue the local diploma option for students enrolled in CTE programs. At a minimum, those students who meet the industry certification standards that qualify them for a CTE endorsement on their diploma should be able to have the endorsement affixed to an IEP diploma.
2. The Department and the State Education Department must make it clear that students right to an individualized education program includes the right to waive out of Regents Prep courses in favor of more vocationally oriented programs with a work based learning component

**D. Provide access to meaningful community-based work experiences**

1. Restore funding for job developer positions and remove the determination of whether to fund the position from votes by the union.
2. Train middle school classroom teachers to enable them to properly perform Level I vocational assessments.
3. Provide each CSE and parent with information regarding Level II and III vocational assessments and how to access them.
4. If the Department does not have the capacity to provide adequate vocational assessments, they should contract with and cooperate with VESID in order to increase their capacity.
5. Train CSEs and TLCs on the meaning of vocational assessments and make use of vocational assessments to avoid “cookie cutter” job assignments.

**E. Facilitate parental and student involvement**

Despite current efforts by the Department, the vast majority of parents know nothing about either transition itself or about the adult services systems their children will enter. They cannot advocate for their children or help plan for their futures if this situation does not change. Change will require making the special education system in general and the transition system in particular more accessible to parents. It will also require greater and earlier outreach efforts to parents. To the extent that parental fears and low expectations for students with

disabilities are a barrier to good transition planning (e.g., a reluctance to allow travel training), early outreach can give parents the information and relationship with the school system they need to make informed choices for their children and can give the school system time to educate parents and make them partners in planning for the child's future. To this end, the Department should:

1. Provide accessible written materials to parents and students explaining the transition process. These materials should be provided at age 12, when students first become eligible for vocational assessments and again at ages 14 and 16.
2. Provide parents with a list of people responsible for the transition process: a contact person at the CSE; the school TLC; the borough TLC and a contact person for each adult system from which services will be sought.
3. Ensure that parents receive information regarding eligibility requirements for adult system programs by the time the student is 14 and yearly thereafter.
4. Obtain and disseminate to CSEs and TLCs for distribution to parents lists of resources for obtaining services and informational packets on such topics as SSI work incentives.
5. Increase the use of self-advocacy curricula and integrate self-advocacy into the academic curriculum.
6. Increase opportunities for training youth in self-advocacy such as district wide and citywide youth advocacy conferences.
7. Train CSEs and Transition Coordinators in the use of Person Centered Planning.
8. Inform parents and students orally and in writing of graduation requirements and of the consequences of receipt of each type of diploma annually from 7<sup>th</sup> grade onwards. There cannot be meaningful transition planning without taking into account the need to exit from school with the appropriate credentials for a desired adult outcome.
9. Give each student of transition age a transition checklist showing what documents should be obtained each year, what coursework needs to be completed and what work skills should be acquired each semester.
10. Ensure that travel training is provided to all students who need it, including those who are not enrolled in District 75. Provide parents with information regarding the importance of travel at each IEP meeting.

**F. Improve coordination within the NYC Department of Education.**

Students with disabilities must be able to access programs throughout the school system and their teachers need to be able to access the expertise available in all parts of the system; this cannot happen if the various components of the system do not communicate with each other and share information. In addition, each system can learn from the others; promising programs can only be replicated if others know about them. Restore the Central office position of Transition Coordinator. This is the best way to coordinate the activities of the three parallel system of

transition currently in existence. Empower this administrator to resolve disputes regarding placement among districts and systems.

1. Mandate borough wide meetings attended by TLCs from each of the three systems.
2. Mandate an annual conference for transition personnel at which information about promising programs and practices can be disseminated.
3. Ensure that CSE representatives attend transition conferences and borough wide meetings.
4. Ensure that special educators are involved in planning all CTE initiatives so that the needs of students with disabilities are taken into account from the beginning.
5. Create a mechanism for disseminating information obtained by attending, e.g. Developmental Disability Council meetings among staff who did not attend.

**G. Improve knowledge of transition issues and services within the NYC Department of Education and VESID.**

1. Make it a condition of a teacher serving as a Transition Linkage Coordinator that he or she attend trainings, including cross program trainings, throughout the year.
2. Require teachers to demonstrate knowledge of transition issues before being allowed to serve as TLCs.
3. Modify the system of bidding on jobs to allow qualified personnel to remain as TLCs for so long as they are willing to serve rather than requiring rotation.
4. Give the authority to pick and assign TLCs to the borough level Transition Linkage Coordinators.
5. Make TLCs a full time position in all large high schools and ensure that each school has its own TLC onsite with an office and set office hours.
6. Amend the New York state teacher certification regulations to create a Certification Annotation for Transition Specialist.
7. Amend the New York state teacher certification and program approval standards to require all candidates for certification for teaching at the middle or high school level to take at least one course on transition.
8. Create a Transition Unit within each VESID office and require VESID staff to attend Department of Education transition meetings and trainings.
9. Have VESID staff provide trainings for the Department of Education regarding job skills and occupational outlooks.

**H. Improve coordination between the Department of Education and VESID, OMRDD and OMH/Dept. of Health and Mental Hygiene.**  
**VESID should:**

1. Give each VESID district office sufficient funding to allow one counselor in each district office to be assigned to work as a transition coordinator full-time.

2. Have the VESID transition coordinator engage in more outreach to students, beginning with students in middle school.
3. Inform CSEs and TLCs of VESID's availability to provide technical assistance and consultant services to schools.
4. Create a mechanism (e.g. monthly case conference meetings) for VESID personnel to provide advice and assistance regarding individual students.
5. Have VESID staff conduct eligibility intakes at school sites during school hours.
6. Require VESID District Offices to provide parents and school personnel with notice of upcoming meetings with students and encourage them to participate in the process of developing an IPE.
7. Provide school personnel with feedback regarding the outcomes of student applications.
8. Train school personnel, especially CSEs and TLCs, regarding VESID eligibility criteria and provide written explanations of eligibility criteria, including the need for valid reports of IQ scores and/or DSM diagnoses to substantiate the claim of a disability.
9. Give school officials a contact person in each VESID District Office they can call if a student is found ineligible for services or denied a particular service.
10. Audit VESID District Offices to ensure that they are complying with the federal mandate to have an IPE in place for each eligible student prior to graduation. Impose sanctions on offices which fail to comply.

The NYC Department of Education should:

1. Review the files of all students classified as having a developmental disability at age 14 to ensure that parents have been offered a referral to OMRDD.
2. Require documentation on each IEP that required psychological/psychiatric exams have been requested and obtained prior to the referral to VESID.
3. OMH and the NYC Department of Health and Mental Hygiene should provide parents and school personnel with a single point of contact for access to the system in each borough.

The Office of Mental Health and the NYC Department of Health and Mental Hygiene should:

1. increase their visibility and participation in the various transition activities within the Department of Education and should provide the Department and TLCs with listings of available services.
2. OMH should create a position able to provide CSEs and TLCs with technical assistance regarding transition services and post school options for students with emotional disabilities.

Transition planning is a critical need for all students with disabilities – it is the final chance for the school system to give a student the tools to live a productive adult life. The current system's failures are manifest – so is the need for policy makers to invest in

the transition system and take responsibility for improving outcomes for students with disabilities.

*NYPLI is a non-profit law firm that focuses on the problems facing vulnerable populations in obtaining quality health care services, and assists those who struggle with additional barriers to service, such as language or disability. Founded in 1976, NYLPI also advocates on behalf of disadvantaged and underrepresented people in the areas of disability law and environmental justice.*