

Regulations and Procedures

Although Vocational Rehabilitation (VR) and Education agencies both conduct assessments with students with disabilities, the purpose for and use of assessment results are different for programs under IDEA and the Rehabilitation Act, as amended by WIOA. This section of the Collaborative Assessment Guide addresses how the assessment process for a student transitioning from school to post-school activities is implemented in the Education and VR systems.

Federal Regulations



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Education Regulations

Age-Appropriate Transition Assessments:

IDEA requires an Individualized Education Program (IEP) Team to develop appropriate measurable postsecondary goals based upon age appropriate transition assessments related to training, education, employment, and, where appropriate, independent living skills [34 C.F.R. §§ 300.43\(a\)\(2\) 300.320\(b\)\(1\)](#). Types of transition assessments areas include, but are not limited to:

- behavioral and mental health;
- aptitude;
- interest and work values;
- intelligence;
- achievement;
- personality or preference;
- career maturity or readiness;
- self-determination;
- work-related temperament scales; and
- transition planning inventories.

Age-appropriate transition assessments include examining and identifying a student's preferences, interests, needs, and strengths (PINS).

Results from the age- appropriate transition assessments serve as the common thread in the transition process, and form the basis for defining goals and services to be included in the IEP. The present levels of academic achievement and functional performance must include the student’s preferences, needs, interests and the results of age appropriate transition assessment.



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VR (WIOA): Assessment Laws & Guidelines

Assessment for determining eligibility and vocational rehabilitation needs is defined in 34 C.F.R § 361.5(c)(5). Assessment includes a review of existing data and necessary additional data obtained to determine if an individual is eligible for VR services, and to assign a priority for an order of selection, if a State has implemented such an order. Assessments are also utilized to determine employment goals, as well as the nature and scope of services to be included on an individualized plan for employment (IPE). A comprehensive assessment may be provided to assist in determining an individual’s unique strengths, resources, priorities, concerns, abilities, capabilities, interests and informed choice, including the need for supported employment (34 C.F.R. § 361.5(c)(5)(ii)).

34 C.F.R. § 361.42 Assessment for Determining Eligibility and Priority for Services

In order to determine whether an individual is eligible for vocational rehabilitation services and the individual’s priority under an order of selection for services (if the State is operating under an order of selection), the designated State unit must conduct an assessment for determining eligibility and priority for services. This includes any student with a disability who has applied to the VR program. The assessment must be conducted in the most integrated setting possible, consistent with the individual’s needs and informed choice, and in accordance with...

34 C.F.R. § 361.42(d)(1)

(i) A review and assessment of existing data, including counselor observations, education records, information provided by the individual or the individual’s family, particularly information used by education officials, and determinations made by officials of other agencies.

(ii) To the extent existing data do not describe the current functioning of the individual or are unavailable, insufficient, or inappropriate to make an eligibility determination; an assessment of additional data resulting from the provision of vocational rehabilitation services, including trial work experiences, assistive technology devices and services, personal assistance services, and any other support services necessary to determine whether an individual is eligible.

34 C.F.R. § 361.42(e) *Trial work experiences for individuals with significant disabilities*

(1) Prior to any determination that an individual with a disability is unable to benefit from vocational rehabilitation services in terms of an employment outcome because of the severity of that individual's disability or that the individual is ineligible for vocational rehabilitation services, the designated State unit must conduct an exploration of the individual's abilities, capabilities, and capacity to perform in realistic work situations.

(2)(i) The DSU must develop a written plan to assess periodically the individual's abilities, capabilities, and capacity to perform in competitive integrated work situations through the use of trial work experiences, which must be provided in competitive integrated employment settings to the maximum extent possible, consistent with the informed choice and rehabilitation needs of the individual.

34 C. F. R. § 361.5(c)(5) Assessment for Determining Eligibility and Vocational Rehabilitation Needs Means, as Appropriate in Each Case—

(i)(A) A review of existing data—

(1) To determine if an individual is eligible for vocational rehabilitation services; and

(2) To assign priority for an order of selection described in §361.36 in the States that use an order of selection; and

(B) To the extent necessary, the provision of appropriate assessment activities to obtain necessary additional data to make the eligibility determination and assignment;

(ii) To the extent additional data are necessary to make a determination of the employment outcomes and the nature and scope of vocational rehabilitation services to be included in the individualized plan for employment of an eligible individual, a comprehensive assessment to determine the unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice, including the need for supported employment, of the eligible individual. This comprehensive assessment—

(A) Is limited to information that is necessary to identify the rehabilitation needs of the individual and to develop the individualized plan for employment of the eligible individual;

(B) Uses as a primary source of information, to the maximum extent possible and appropriate and in accordance with confidentiality requirements—

(1) Existing information obtained for the purposes of determining the eligibility of the individual and assigning priority for an order of selection described in §361.36 for the individual; and

(2) Information that can be provided by the individual and, if appropriate, by the family of the individual;

(C) May include, to the degree needed to make such a determination, an assessment of the personality, interests, interpersonal skills, intelligence and related functional capacities, educational achievements, work experience, vocational aptitudes, personal and social adjustments, and employment opportunities of the individual and the medical, psychiatric, psychological, and other pertinent vocational, educational, cultural, social, recreational, and environmental factors that affect the employment and rehabilitation needs of the individual;

(D) May include, to the degree needed, an appraisal of the patterns of work behavior of the individual and services needed for the individual to acquire occupational skills and to develop work attitudes, work habits, work tolerance, and social and behavior patterns necessary for successful job performance, including the use of work in real job situations to assess and develop the capacities of the individual to perform adequately in a work environment; and

(E) To the maximum extent possible, relies on information obtained from experiences in integrated employment settings in the community and in other integrated community settings;

(iii) Referral, for the provision of rehabilitation technology services to the individual, to assess and develop the capacities of the individual to perform in a work environment; and

(iv) An exploration of the individual's abilities, capabilities, and capacity to perform in work situations, which must be assessed periodically during trial

work experiences, including experiences in which the individual is provided appropriate supports and training.

Additionally, and in accordance with the Notice of Interpretation ... eligible VR students with disabilities may need further assessment services while engaging in any of the five required pre-employment transition services (34 C.F.R. § 361.48(a)(2) to fully benefit from those activities.

VR may also conduct an assessment for the purpose of determining an employment outcome, and determining rehabilitation needs.

34 C.F.R § 361.45 Development of the Individualized Plan for Employment.

(b)(1) The Designated State Unit must conduct an assessment for determining vocational rehabilitation needs, if appropriate, for each eligible individual or, if the State is operating under an order of selection, for each eligible individual to whom the State is able to provide services. The purpose of this assessment is to determine the employment outcome, and the nature and scope of vocational rehabilitation services to be included in the individualized plan for employment.

34 C.F.R. § 361.48 Services for Individuals Who Have Applied for or Been Determined Eligible for Vocational Rehabilitation Services

(b) As appropriate to the vocational rehabilitation needs of each individual and consistent with each individual’s individualized plan for employment, the designated State unit must ensure that the following vocational rehabilitation services are available to assist the individual with a disability in preparing for, securing, retaining, advancing in or regaining an employment outcome that is consistent with the individual’s unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice:

(1) Assessment for determining eligibility and priority for services by qualified personnel, including, if appropriate, an assessment by personnel skilled in rehabilitation technology, in accordance with § 361.42.

(2) Assessment for determining vocational rehabilitation needs by qualified personnel, including, if appropriate, an assessment by personnel skilled in rehabilitation technology, in accordance with § 361.45.

It is important to understand that the way in which the VR program defines and conducts interest inventories and assessments vary.

For students with disabilities who have applied for VR services,

- VR assessment includes a review of existing data and necessary additional data obtained to determine if an individual is eligible for VR services, and to assign a priority for an order of selection, if a State has implemented such an order.

- If additional assessment data is needed, VR will need to ensure culturally responsive practices will be applied that consider the student and families diverse background and experiences.
- Assessments are also utilized to determine employment goals, as well as the nature and scope of services to be included on an individualized plan for employment (IPE).
- Eligible VR students with disabilities may need further assessment services while engaging in any of the five required pre-employment transition services (34 C.F.R. § 361.48(a)(2) to fully benefit from those activities.
- A comprehensive assessment should be provided to assist in determining an individual’s unique strengths, resources, priorities, concerns, abilities, capabilities, interests and informed choice, including the need for supported employment.

For students with disabilities who have not yet applied to the VR program (potentially eligible students with disabilities), the VR program may only conduct interest inventories. The phrase "potentially eligible" applies only in the context of **pre-employment transition services**.

The Pre-employment transition service of job exploration counseling may include information regarding in-demand industry sectors and occupations, as well as non-traditional employment, labor market composition, administration of vocational interest inventories, and identification of career pathways of interest to the students.

***Pre-employment transition services** is designed to be an early start at job exploration for students with disabilities. VR may not use these activities as assessment services for the purpose of determining whether additional vocational rehabilitation services are needed, or if the individual will be successful in employment.*

Assessment Procedures



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Education Assessment Process

The following outlines an effective practice model for conducting assessments for transition age students:

- **Beginning by age 16**

- The secondary transition process and related assessments should start in the IEP year that a student turns 16 or prior based upon a state's secondary transition age requirement. The IEP team should conduct interest, preference, academic and functional assessments prior to the IEP meeting and include this information in the development of the IEP.
- **Identify Interests and Preferences**
 - The following assessments should be conducted with the student to assist him/her in determining their post-secondary goals
 - Interests: a measure of opinions, attitudes, and preferences
 - Preferences: what the student values and likes
 - Career Pathways and Job Characteristics, Skills, and Competencies
- **Post-School Goals**
 - Once the student has begun to determine career areas of interest the preliminary post-secondary goal areas can be determined:
 - Post-Secondary Education and Training
 - Employment
 - Independent Living
- **Further Assess Abilities, Aptitudes, and Skills**
 - Based upon the student's career areas of interest next review the student's current academic and functional skill abilities and needs aligned to their career areas of interest
 - Abilities: talents or acquired skills
 - Aptitudes: characteristics that inform us of a student's learning strengths or proficiency in a particular area
- **Information from Other Stakeholders**
 - Review all additional stakeholder assessment information related to the student's projected career areas of interest
- **Set Post-School Goals**
 - Based upon the information gathered and reviewed in the previous steps work with the student in determining their post-secondary goals related to:
 - Post-Secondary Education and Training
 - Employment
 - Independent Living
- **Courses of Study**

- Based upon the student's post-secondary goals design the student's courses of study
- **IEP Development**
 - Based upon the previous steps, develop the student's IEP. Be sure that the Present Educational Level Section includes:
 - Succinctly describes the student
 - Describe instructional level versus grade level expectations
 - Refer to summative, formative, benchmark assessments (and diagnostic as appropriate)
 - Directly relate to assessments and evaluation information
 - Provide information on student's rate of progress
 - Is reflective of the post-secondary goals
 - Assessment information guides the development of IEP goals and objectives
- **Ongoing: Coordinate Process**
 - Throughout the IEP year continue to progress monitor the student's measurable annual IEP goals, engage the student in transition related activities and provide ongoing assessment.
 - This multiple step process would continue each year up until the student graduates.
- **Summary of Performance**
 - In the final year prior to a student's graduation from high school, the student is provided with a summary of their academic achievement and functional performance, which includes recommendations on how to assist the student in meeting their postsecondary goals. This information should be based upon the assessment, activities, and services that the student has received throughout the secondary transition process.



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VR Assessment Process

The VR program uses assessment for determining eligibility for VR services, to assign a priority for an order of selection if a State has implemented such an order, and to determine the vocational rehabilitation needs of an individual. Assessments are also utilized to determine employment goals, as well as the nature and scope of services to be included on an IPE.

There is nothing in the statute or regulations that permit a VR agency to deny a VR application based upon a minimum age. The VR agency should take all applications regardless of age and whether the student has participated in or is currently receiving pre-employment transition services. As such, the VR agency does not provide or conduct assessments for students with disabilities based on an age limit or range. Furthermore, age is listed as a prohibited factor in the assessment for determining eligibility for VR services (34 C.F.R. § 361.42(c)(2)(ii)(A)).

VR agencies also conduct assessments prior to a determination that an individual with a disability is unable to benefit from VR services in terms of an employment outcome because of the severity of an individual's disability, or that the individual is ineligible for VR services. Prior to determining that an individual is unable to benefit from VR services, the VR agency must conduct an exploration of the individual's abilities, capabilities, and capacity to perform in realistic work situations through trial work experiences (34 C.F.R. §361.42(e)).

Potentially Eligible

- No formal assessments
- Explore - Interest inventories, questionnaires, surveys to explore vocational interests and identify career pathways
- Discover - observe student performance during work-based learning experiences and workplace readiness training

Eligibility Determination

- Review existing data - counselor observations, education records, information provided by the student/family/medical staff/school, information used by education officials, and determinations made by officials of other provider agencies to determine if an applicant:
 - 1. Has a physical or mental impairment that constitutes or results in a substantial impediment to employment for the applicant;
 - 2. Requires VR services to prepare for, secure, retain, advance in, or regain employment that is consistent with the individual's unique strengths, resources, priorities, concerns, abilities, capabilities, interest, and informed choice.

IPE Development

- To the degree needed, conduct an assessment to determine an individual's vocational rehabilitation needs, as well as the student's unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice, including the need for supported employment.
- To the degree necessary for vocational planning, conduct an assessment of the interests, interpersonal skills, educational achievements, work experience, vocational

aptitudes, personal and social adjustments, and employment opportunities of the eligible student.

- To the degree necessary for vocational planning, conduct an appraisal of the patterns of work behavior of the student and services needed for the student to acquire occupational skills and to develop work attitudes, work habits, work tolerance, and social and behavior patterns necessary for successful job performance, including the use of work in real job situations to assess and develop the capacities of the student to perform adequately in a work environment

VR Services

- For students with a projected post-school employment outcome, the student's interests, skills, abilities, capabilities, strengths, aptitudes (i.e. cognitive, academic) may be assessed periodically to facilitate the student's exploration and identification of an employment goals