

Planning for Adulthood in Virginia:

State and Local Support Systems for Individuals with Intellectual Disabilities

By Donna Martinez

Transition is a period within the continuum of life that signifies the emergence of adulthood. For the emerging adult with disabilities planning for transition from public school to the rest of his or her life, the Individuals with Disabilities Education Act (IDEA 2004) begins no later than age 16, though many schools may start as early as age 14. It is at this time representatives from the local and state government adult agencies join the individual education planning (IEP) process. The agencies, the student, the family and the school make up the transition planning team. The transition team's goal is to collaborate with the student with intellectual disabilities and develop postschool outcome goals in the IEP that target equal opportunity, full participation in community life, independent living and economic self-sufficiency. These adult government agencies may also be the ones responsible for assuring that needed supports in the community and on the job are in place so that these goals become a reality. However, unlike the mandated programs, supports and services children receive through public school special education, adults with intellectual disabilities must meet eligibility criteria for supports and services that may be limited as a result of available state and federal funding.

Which adult government and local agencies support eligible individuals with intellectual disabilities in Virginia?

In Virginia, individuals with intellectual disabilities may receive direct services through Community Services Boards (CSBs) and/or through the Department of Rehabilitative Services (DRS) and their Vocational Rehabilitation (VR) programs. The Rehabilitation Act of 1972 and its Amendments of 1992 (PL 102-569) mandated and funds VR programs that provide persons with disabilities access to vocational programs that maximize employment skills, economic self-sufficiency, independence, inclusion and integration into society (Wehman, Brooke, & Inge, 2001). Eligibility for VR services varies state to state given VR programs are not an entitlement (Wehman et al., 2001)

Persons with intellectual disabilities residing in Virginia may also receive public community mental retardation services provided by the CSB, a single point

of entry publicly funded service. CSBs are key partners with the Virginia Department of Mental Health, Mental Retardation and Substance Abuse Services (DMHMRSAS) and its state facilities in Virginia's system of public mental health, mental retardation specifically, and substance abuse services. The 40 CSBs (11 serve one city or county; 29 serve from two to 10 localities) partner with many agencies, including school districts and the DRS, to provide "individualized, effective, flexible and efficient treatment, habilitation and prevention services in the most accessible and integrated yet least restrictive settings possible" (Department of Mental Health Mental Retardation and Substance Abuse Services, 2007, p.6).

What is the process for accessing CSB or DRS assistance?

To receive assistance from either the CSB or DRS individuals must complete an intake and assessment process. Services vary between individual CSBs and DRS. DRS and CSB counselors evaluate an applicant's educational background. Recent updates to DRS Policy and Procedure Manual (3/01/08) state:

Referral of a student with a disability is accepted within 3 years of the student's planned exit date from high school... Student with a disability means students receiving special education services and students who are not. In consultation with the supervisor, the counselor may accept an earlier referral to serve "at risk" students, school dropouts, students requiring earlier intervention to coordinate multiple interagency services for transition, and in other exceptional circumstances.

DRS assesses specifically work skills, job interests, work experience and barriers to employment, while CSBs determine daily level of functioning in daily life skills, including independence in safety and health (Department of Mental Health Mental Retardation and Substance Abuse Services, 2007; Virginia Department of Rehabilitative Services, n.d.)

What services are provided by Community Service Boards?

Services provided by CSBs include assisting the consumer to navigate the application maze of Medicaid and Medicaid Waivers. CSBs may provide services to eligible

continued on next page

consumers from birth through adulthood. CSBs also provide access to:

- state hospital and training centers (also known as state facility, Intermediate Care Facility for Mentally Retarded, or ICF/MR)
- service providers, directly and through contracts with other providers
- advocates for consumers and other individuals in need of services
- community educators, organizers and planners
- advisors to the local governments that established them
- local focal points for programmatic and financial responsibility and accountability” (Department of Mental Health Mental Retardation and Substance Abuse Services, 2005, p. 2).

Improved quality of life for people with intellectual disabilities, by responding to the consumers' expressed needs and preferences, is the goal of CSB services. CSBs offer six core services through either direct service or subcontract: emergency services (mandated), local inpatient services, outpatient and case management services, day support services, residential services, prevention and early intervention services. “Only emergency services and, subject to the availability of funds appropriated for them, case management services are mandated by Section 37.2-500 or Section 37.2-601 of the Code of Virginia” (Department of Mental Health Mental Retardation and Substance Abuse Services, 2007, p.6).

Recently the Virginia Department of Medical Assistance Services sought and received authorization to establish an “alternative benefits package” for program enrollees that will include personal assistance services, in addition to the standard health care services available through Medicaid. Personal assistance services, sometimes called attendant care, provide individuals with disabilities non-medical support in the home or the workplace so that they may continue to live at home, maintain employment and participate in community activities. In the words of Jim Rothrock, Commissioner of the Virginia Department of Rehabilitative Services:

The addition of personal assistance services to the MEDICAID WORKS program will have a tremendous impact on enhancing the lives of people with significant disabilities. It not only gives people with disabilities greater choice in how to care for their needs both in the home and at work, but more importantly, prevents the entry into nursing facilities or other institutional settings unless absolutely necessary. (Kaine, 2008)

What services are provided through the Department of Rehabilitative Services and their Vocational Rehabilitation Programs?

According to the Council of State Administrators of Vocational Rehabilitation (2002):

Individuals with disabilities, including individuals with the most significant disabilities, are generally presumed to be capable of engaging in competitive employment. This is a value unique to the Public VR Program and distinguishes this program from all other employment and training programs, both public and private. This principle reinforces the fact that individuals who meet the eligibility requirements of the Public VR Program can be successfully employed and can benefit from the provision of individualized vocational rehabilitation services and supports delivered by State VR Agencies in terms of real, and meaningful, integrated, competitive employment.

Community-based services the DRS provides to consumers include case management and funding through a multitude of vendor services (e.g., job coaching services, assistive technology, training), technical assistance oversight and compliance to Centers for Independent Living (CILs), nursing home outreach to maximize self-determination and independence, and personal assistance services (Va Department of Rehabilitative Services, n.d.).

The VR program collaborates with Virginia's schools to provide transition support to students with disabilities. Formal cooperative agreements with local school districts facilitate and promote coordination between the local school divisions and various adult service agencies. DRS reported in 2007, 9,999 current and post-high school students with disabilities received transition services and 1,369 became gainfully employed (Virginia Department of Rehabilitative Services, 2007).

The basic steps to obtain services from the local Department of Rehabilitation Services (DRS) are as follows:

Orientation: May be available in some offices. The orientation provides a general overview of the office, policies and its services offered.

Application/Intake Interview: The DRS counselor assigned will schedule an individual appointment with the student. This first appointment will often take place at the student's school. An application must be completely filled out with correct and accurate information. DRS may require medical records or permission to contact the applicant's doctor or school for information. Be prepared to submit a work and personal history as well. The initial interview is an important opportunity to ask any questions about DRS's programs. Staff will make sure that the application is complete. The goal for this

step is to gather information necessary to determine if the student is eligible for DRS services.

Eligibility: DRS program staff will initiate contact with referred applicants within 10 working days of receiving the referral (per agency mandate). Factors that are considered for eligibility include (per 2001 federal regulation 34 CFR § 361.42):

- Applicant is a U.S. citizen, or a non-U.S. citizen who has provided documentation of legal eligibility to work in the U.S.
- Applicant has a physical or mental impairment.
- Applicant's physical or mental impairment constitutes or results in a substantial impediment to employment.

• **Presumption of employability:** The counselor shall presume that an applicant can benefit in terms of an employment outcome from the provision of vocational rehabilitation services unless the counselor can demonstrate, based on clear and convincing evidence that the applicant cannot benefit in terms of an employment outcome due to the severity of the individual's disability.

Applicant requires vocational rehabilitation services to prepare for, secure, retain, or regain employment consistent with the applicant's unique strengths, resources, priorities, concerns, abilities, capabilities, interests and informed choice

It is important to remember not every eligible individual may receive VR services. Due to limited funding from state and federal sources, DRS is required to follow an "order of selection," which means that DRS must give priority to individuals with the most significant disabilities over those that are less significant which means new applicants without significant disabilities are placed on a waiting list (see: Order of Selection Policy: <http://tinyurl.com/69nu48>). As of September 28, 2007, 512 consumers were on the waiting list.

The four priorities include:

Priority I: *An individual with a most significant disability in accordance with the DRS definition of most significant disability.*

Priority II: *An individual with a significant disability that results in serious functional limitations in two functional areas and who requires two or more substantial vocational rehabilitation services for at least six months.*

Priority III: *An individual with a significant disability that results in a serious functional limitation in one functional area and who requires two or more substantial vocational rehabilitation services for at least six months.*

Priority IV: *All other individuals determined eligible for the Vocational Rehabilitation program.*

Order of Selection: Once considered eligible, the assigned VR counselor will conduct a full assessment of the student's skills, vocational goals and mental/physical impairments. The VR counselor will discuss with the student ways his or her disability affects the student's ability to work. Information taken from interviews with the counselor, the application and assessment, will guide the counselor's decision to place the student into one of three "priority" categories: disabled, significantly disabled, or most significantly disabled. The VR counselor will communicate with the student and family as to which priority category they fall in once the counselor gathers all of the necessary information. It's important that students, families and the referring school system do not make any assumptions regarding which priority category the student may fall. The trained DRS counselor will properly assess how the student's disability may affect employment and may identify limitations that are not obvious. If the student is eligible for services, but is in a priority category that is not currently open, the student will receive a letter informing him or her of this. At this point, no services can be provided. However, categories may be opened at the discretion of the Commissioner of DRS so it is critical that the student maintain contact with DRS in the event this happens that he or she can be served.

Individual Plan for Employment (IPE): Once a student is determined eligible for services, the counselor and student begin to look at an appropriate and realistic vocational goal. Diagnostic and assessment services may be provided at no cost to the student or family to assist the counselor and student with this process. Through collaboration with the counselor the student will develop an Individual Plan for Employment (IPE) and begin to identify those support services that are necessary to assist the student in reaching his or her vocational goal. Services to help create the IPE could include:

- Counseling, guidance and referral services
- Diagnostic, assessment, and evaluation services, including vocational evaluation, to develop the Employment Plan
- Essential support services necessary for the individual to access DRS-approved diagnostic, assessment and evaluation services.
- Interpreter services and other modes of communication as appropriate to enable the individual to comprehend and respond to information being communicated during the vocational rehabilitation process
- Other non-fee-based vocational rehabilitation services.

continued on next page

Rehabilitative Services contained within the IPE may include but are not limited to:

- Vocational counseling and guidance
- Information referral and assistance to other agencies
- Job search and placement assistance
- Vocational and other training services
- Diagnosis and treatment of physical and mental impairments
- Maintenance for additional costs while participating in the IPE
- Transportation, if needed to achieve employment goal
- On-the-job supports or personal assistance services
- Orientation/mobility devices and services for individuals who are blind
- Interpreters, telecommunications or other devices for individuals who are deaf or hearing-impaired
- Occupational licenses, tools, equipment, initial stocks or supplies
- Assistive technology devices
- Supported-employment services to the family
- Other related services

Job Placement: VR counselors work with the applicant to provide the necessary services as identified in the IPE to help find a job that matches his/her skills, interests and educational level. VR will also assist the applicant and potential employer with the support needed to be successful at the job site and to maintain independence at work.

Case Closure: DRS will consider an individual successfully rehabilitated after he or she has been on the job and stable for a minimum of 90 days, although typically the counselor will maintain the case open well beyond this time-period. The VR counselors assess whether the applicant is in an integrated setting, employed in a type of job available to the general public, and whether the general working conditions reflect integration with other workers rather than separation or segregation

Follow-Up: DRS may close an individual's case if stably employed for a period of 90 days or longer. However, if an individual receives supported employment (job coaching services) eligibility for long-term support services may be available. In other words, funding for the job coach continues in order to support the individual on the job. Funding may come from DRS through the Long Term Extended Support Services (LTESS) funds, Community Services Board (CSB) funds, Waiver funds, or other funding mechanisms.

Post Employment Services: Should problems come up on the job, DRS may re-open the individual's case and provide post employment services. This could include additional job coaching services, training or other services necessary to keep you employed. Services must be short term in nature. If more significant services are necessary or if employment is lost, the individual must re-apply for services.

For more information regarding reasons for closure and an overview of the appeals process see DRS website section, Appeals: <http://tinyurl.com/58wzpo>.

What are my next steps?

If you are the parent of a student with intellectual disabilities transitioning out of public school and preparing for adulthood, contact your child's special education teacher and/or transition specialist to begin planning for your child's adult future. You and your child may invite representatives from the CSB and DRS to attend your child's postschool transition planning sessions. While the process of leaving the federal mandates of special education for the challenges of meeting eligibility for adult services may seem daunting, through collaboration of these state and local adult agencies and your child's school the next step in your child's life will be made smoother. ■

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