Office of Vocational Rehabilitation (OVR) and the Bureau of Special Education (BSE)

Interagency Agreement: Appendix of Definitions

This appendix is designed to provide easily understandable definitions to the terminology used in the PA-BSE-OVR Interagency Agreement.

At the end of this appendix are the links to all related regulatory documents. These are general definitions and not specific to any one situation.

Accommodation is a service, device, or a change to the standard process or procedure that enables an individual with a disability to have an equal opportunity to participate in, and enjoy the benefits of, programs or activities.

- **In the Education System** - An accommodation changes how a student accesses and learns material or demonstrates knowledge. An accommodation does not change the content of an assignment or alter what a test or quiz measures. It should be agreed upon by the educational team and listed in the child's Individualized Education Program (IEP). For example, a student with impaired spelling or handwriting skills may be accommodated by a note taker or given permission to take class notes on a laptop.
- **In the Office of Vocational Rehabilitation (OVR) System** - A reasonable accommodation is any change to the application or hiring process, to the job, to the way the job is done, or to the work environment that allows a person with a disability who is qualified for the job to perform the essential functions of that job and enjoy equal employment opportunities. Accommodations are considered "reasonable" if they do not create an undue hardship to the employer.

Assistive Technology (AT) refers to any item, piece of equipment, product, or system that is used to increase, maintain, or improve functional capabilities of individuals with disabilities. An AT device may be "high tech" or "low tech," including wheelchairs, screen readers, laminated pictures for communication, removable highlighter tapes, and Velcro. All public organizations including local education agencies (LEAs) and OVR are required to consider the assistive technology needs of individuals with disabilities.

Bureau of Special Education (BSE) is a bureau within the Pennsylvania Department of Education that works collaboratively with educators, schools, agencies, and other stakeholders across Pennsylvania to ensure special education students have access to quality and meaningful education supports, services, and opportunities.

Career Counseling is learning about opportunities, education, and skills needed for different jobs to choose a career that matches one's strengths and interests. Career counseling may include discussion or information on:

- The student's vocational interest inventory results;
- The labor market;
- In-demand industries and occupations;
- Nontraditional employment options;
- Administration of vocational interest inventories; and
- Identification of career pathways of interest to the students.

Career Readiness

- **In the Education System**, career readiness means a student is prepared for meaningful engagement in postsecondary education, in workforce training, in career pathways, and as a responsible, involved citizen. This also includes self-awareness and self-management, establishing and maintaining relationships, and social problem solving.
- **In the OVR System**, career readiness means a student has been determined to be eligible for Vocational Rehabilitation (VR) services and has identified an employment goal on an Individual Plan for Employment (IPE).

Career and Technical Education (CTE) is a course of study that prepares students for a specific job or career at various levels from trade or craft positions to technical, business, or professional careers. PA Chapter 4 of Title 22 defines CTE as "… programs under public supervision and control which provide an organized process of learning experiences designed to develop integrated academic and occupational skills, knowledge, attitudes, work habits and leadership ability for entry into and advancement within various levels of employment in occupational areas of agriculture, business, marketing and distribution, health, home economics and trade and industry and for participation in postsecondary education and training."

Community Based Work Assessment (CBWA) is an assessment conducted in the community by a Community Rehabilitation Provider (CRP) chosen by the individual with a disability. The purpose of the CBWA is to help the individual learn about their abilities and to determine if Competitive Integrated Employment (CIE) is an appropriate vocational goal. A CBWA may involve several competitive integrated work experiences to obtain adequate knowledge of the customer's ability to gain and maintain CIE. The information revealed by the CBWA allows the Vocational Rehabilitation Counselor, the individual and the CRP to develop the Supported Employment training plan designed to meet an outcome of CIE.

Community Experiences are activities occurring outside of the school setting that are supported with in-class instruction, where the individual with a disability applies academic, social, and/or general work behaviors and skills.

Community Rehabilitation Provider (CRP) is an organization that directly provides employment support services to individuals with disabilities to maximize their opportunities for competitive integrated employment, including career advancement.

Competitive Integrated Employment (CIE) means work that is performed on a full-time or part-time basis (including self-employment), for which an individual is compensated at minimum wage or higher.

- The rate cannot be less than the customary rate paid by the employer for the same or similar work performed by other employees who are not individuals with disabilities, and who are similarly situated in similar occupations by the same employer, and who have similar training, experience, and skills;
- Individuals are eligible for the level of benefits provided to other employees without disabilities;
- This work is in a location where the employee interacts with other employees who are not individuals with disabilities to the same extent individuals without disabilities in comparable positions interact with other employees;
- Employment offers the same opportunities for advancement that are similar to those for other employees without disabilities in similar positions; and
- In the case of an individual who is self-employed, employment yields an income that is comparable to the income received by other individuals who are not individuals with disabilities, and who are self-employed in similar occupations or on similar tasks and who have similar training, experience, and skills.

Comprehensive Transition Programs (CTP) are certificate or nondegree programs for students with intellectual disabilities that:

- Are offered by a postsecondary institution or career school and approved by the U.S. Department of Education;
- Are designed to support students with intellectual disabilities who want to continue academic, career, and independent living instruction to prepare for gainful employment;

- Offer academic advising and a structured curriculum; and
- Require students with intellectual disabilities to participate, for at least half of the program, in a combination of at least two of the following:
  - Regular enrollment in credit-bearing courses with nondisabled students;
  - Auditing or participating (with nondisabled students) in courses for which the student does not receive regular academic credit;
  - Enrollment in noncredit bearing, nondegree courses with nondisabled students; or
  - Internships or work-based training with nondisabled individuals.

Discovery and Customized Employment is a flexible process designed to personalize the employment relationship between a job candidate and an employer in a way that meets the needs of both. It is based on an individualized match between the strengths, conditions, and interests of a job candidate and the identified business needs of an employer. The first step in the Customized Employment process is the use of Discovery, which utilizes an individualized approach to employment planning and job development.

Eligible Students are students with a disability who have applied for and have been determined eligible for OVR services.

Employer Mock Interview is a simulation of a job interview with a community business member that resembles a real interview as closely as possible to give the individual with a disability the opportunity to apply classroom knowledge to a community workplace.

Employment First (PA Act 2018-36) is a law that requires that the first and preferred outcome is the consideration for meaningful employment, fair wages, and career advancement for people with disabilities that ensures there is an opportunity to achieve economic independence through competitive integrated employment.

Fair Labor Standards Act (FLSA) is a federal law that establishes minimum wage, overtime pay, recordkeeping, and child labor standards affecting full-time and part-time workers in the private sector and in federal, state, and local governments.

Family Education Rights and Privacy Act (FERPA) is a federal privacy law that gives parents certain protections about their children's education records, such as report cards, transcripts, disciplinary records, special education records, contact and family information, and class schedules.

504 Plan is a plan developed to ensure that a student with a disability pursuant to Section 504 of the Rehabilitation Act of 1973, attending an elementary or secondary educational institution, receives accommodations providing him/her access to the learning environment. A 504 team generally includes the student, family member, designated case manager, general education teachers, and other specialists. The plan includes aides, service, and accommodations that provide equal access to the educational environment. Students who receive 504 services are included in consideration for Pre-Employment Transition Services and OVR Transition Services.

Free Appropriate Public Education (FAPE) is the standard of education that is guaranteed by the Rehabilitation Act of 1973 and the Individuals With Disabilities Education Act (IDEA). Under Section 504, FAPE consists of the provision of regular or special education and related aids and services designed to meet the student's individual educational needs as adequately as the needs of nondisabled students are met.

Individuals with Disabilities Education Act (IDEA) of 2004 is a federal law ensuring services to children with disabilities throughout the nation. IDEA governs how states and public agencies provide early intervention, special education and related services to eligible infants, toddlers, children, and students with disabilities. Infants and toddlers with disabilities (birth-2) and their families receive early intervention services under IDEA Part C. Children and students (ages 3-21) receive special education and related services under IDEA Part B.

Individualized Education Program (IEP) is an annually updated written educational document that includes the special education plan and related services a student identified with a disability will receive as part of their FAPE. The IEP should be considered a working document and can be reviewed and revised at any time within the IEP year at the request of any IEP team member. The student, their family, school staff, outside agency staff, and other invited stakeholders can participate in the writing of the IEP. Beginning with the year the student turns 14, or earlier if determined by the IEP team, the IEP will include post-secondary goals for education/training, employment, and independent living, as well as related services and activities.

Individualized Plan for Employment (IPE) is a document developed between the OVR counselor and the customer that states a job goal, what services will be provided and what is expected of both the customer and the agency, including responsibilities and costs. It can be amended as needed. The IPE also includes a description of the specific rehabilitation services needed to achieve the employment outcome; the specific transition services and supports needed to achieve the individual's employment outcome or projected post-school employment outcome; timelines for achievement of the employment outcome and the initiation of services; and a description of the entity or entities chosen by the eligible individual to provide VR services and the methods to procure those services.

Job Shadowing is an onsite experience at a community workplace that allows a student to observe work being done, to learn from people currently practicing in an occupation, and to explore areas of vocational interest.

Juvenile Justice Services are provided to youth under the age of 18 who are accused of committing a delinquent or criminal act and are typically processed through a juvenile justice system. While similar to that of the adult criminal justice system in many ways—processes include arrest, detainment, petitions, hearings, adjudications, dispositions, placement, probation, and reentry—the juvenile justice process operates according to the premise that youth are fundamentally different from adults, both in terms of level of responsibility and potential for rehabilitation. Individualized treatment services are based upon criminogenic risk, need, and responsivity factors. Services provided include educational services, career and technical training, work training programs, and dietary and health services.

Local Education Agency (LEA) means an educational institution at the local level that exists primarily to operate a publicly funded school or schools in the Commonwealth of Pennsylvania that includes public schools and charter schools.

Order of Selection (OOS) is when a state VR agency is unable to provide the full range of vocational rehabilitation services to all eligible individuals in the state who apply for the services and must set priorities to serve those individuals with the most significant disabilities.

Paid Work Experience (PWE) is an individual opportunity for a student to do real work at a community integrated worksite, that is paid at or above the state minimum wage, to connect school experiences to real-life work activities and future career opportunities. Experiences may include in-school or after-school opportunities, temporary jobs, summer jobs, jobs outside the traditional school setting, and/or internships.

Potentially Eligible Students are Students with a Disability, as defined below, who have not yet applied or been determined eligible for VR services.

Pre-Employment Transition Services (Pre-ETS) provide Students with a Disability, as defined below, a generalized early start to career exploration and assists in identifying career interests that may be further explored through individualized VR Services. Pre-ETS are provided through a continuum of service options by OVR staff and community rehabilitation providers in collaboration with state and local education agencies to students with disabilities who need those services and are eligible or potentially eligible for VR services, as an earlier start to job exploration. Pre-ETS includes the following five required services:

- **Self-Advocacy Instruction** helps students with disabilities build skills to solve problems and communicate their own needs and interests.
- **Job Exploration Counseling** helps students with disabilities learn about jobs and pick a career.

- **Workplace Readiness Training** teaches students with disabilities how to get and keep a job.
- **Work Based Learning** uses community workplaces to provide students with disabilities the knowledge and skills that will help them connect school experiences to real-life work activities and future career opportunities.
- **Counseling on Postsecondary Options** helps students with disabilities decide if college or training after high school is right for them.

State Education Agency (SEA) is the Pennsylvania Department of Education (PDE) that is responsible for the state supervision of public education, including providing information, resources, and technical assistance on educational matters to LEAs and residents.

Student with a Disability is an individual between the ages of 14 and 21, enrolled in high school (secondary), post-secondary training or any other recognized education program, that has a disability as documented by an IEP or 504 plan or otherwise consider themselves a person with a disability.

Supported Employment (SE) is an intensive method of providing vocational rehabilitation to individuals who have the most significant disabilities and require frequent and intensive support prior to employment, during initial employment and after the provision of OVR services to maintain employment.

The three key components of OVR funded SE are:

- Competitive integrated employment at a level comparable to individuals without disabilities;
- Ongoing supports and intensive supports; and
- Services individualized to persons with the most significant disabilities who will require significant on-site employment supports.

Transition Services

For Education, Transition Services are defined by federal regulation as follows:

a) IDEA Regulation 34 CFR 300.43(a)(2):

(a) Transition services means a coordinated set of activities for a child with a disability that—

(2) Is based on the individual child's needs, taking into account the child's strengths, preferences, and interests; and includes— (i) Instruction; (ii) Related services; (iii) Community experiences; (iv) The development of employment and other post-school adult living objectives; and (v) If appropriate, acquisition of daily living skills and provision of a functional vocational evaluation.

b) IDEA Regulation 34 CFR 300.320(b)(1):

(b) Transition services. Beginning not later than the first IEP to be in effect when the child turns 16, (age 14 in PA) or younger if determined appropriate by the IEP Team, and updated annually, thereafter, the IEP must include— (1) Appropriate measurable postsecondary goals based upon age-appropriate transition assessments related to training, education, employment, and, where appropriate, independent living skills; and

c) 22 Pa. Code § 14.131(a)(1)(ix), and (5):

(ix) Speech and language support. Services for students with speech and language impairments who require services primarily in the areas of communication or use of assistive technologies designed to provide or facilitate the development of communication capacity or skills.

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(5) For students who are 14 years of age or older, a transition plan that includes appropriate measurable postsecondary goals related to training, education, employment and, when appropriate, independent living skills.

For OVR, Transition Services is defined in 34 C.F.R. § 361.5(c)(55) and means a coordinated set of activities for a student or youth with a disability:

(i) Designed within an outcome-oriented process that promotes movement from school to post-school activities, including postsecondary education, vocational training, competitive integrated employment, supported employment, continuing and adult education, adult services, independent living, or community participation;

(ii) Based upon the individual student's or youth's needs, taking into account the student's or youth's preferences and interests;

(iii) That includes instruction, community experiences, the development of employment and other post-school adult living objectives, and, if appropriate, acquisition of daily living skills and functional vocational evaluation;

(iv) That promotes or facilitates the achievement of the employment outcome identified in the student's or youth's individualized plan for employment; and

(v) That includes outreach to and engagement of the parents, or, as appropriate, the representative of such a student or youth with a disability.

Workforce Innovation and Opportunity Act (WIOA) is federal legislation that is designed to strengthen and improve our nation's public workforce system and help get Americans, including youth and those with significant barriers to employment, into high-quality jobs and careers and help employers hire and retain skilled workers. Title IV of the Workforce Innovation and Opportunity Act (WIOA) amended the Rehabilitation Act of 1973 and was signed into law (Pub. L. 113-128) on July 22, 2014, seeking to empower individuals with disabilities to maximize employment, economic self-sufficiency, independence, and inclusion in and integration into society.

Worksite Tour is the opportunity for firsthand observation of employees at a workplace to gain insight about the culture, job tasks, and everyday operations.

Related Regulatory Documents

Individuals With Disabilities Act:
https://sites.ed.gov/idea/

Pennsylvania Code – Chapter 4:
http://www.pacodeandbulletin.gov/Display/pacode?file=/secure/pacode/data/022/chapter4/s4.31.html&d=reduce

Pennsylvania Employment First for Individuals With Disabilities:
(https://www.dli.pa.gov/Individuals/Disability-Services/employment-first/Pages/Employment-First-for-Individuals.aspx)

US Code – Chapter 16:
https://uscode.house.gov/browse/prelim@title29/chapter16/node333&edition=prelim

Workforce Innovation and Opportunity Act:
https://www.govinfo.gov/content/pkg/PLAW-113publ128/pdf/PLAW-113publ128.pdf


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