

State of California
Department of Rehabilitation
721 Capitol Mall
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Title 9. Rehabilitative and Developmental Services
Division 3. Department of Rehabilitation

Chapter 13 Student Services

Article 1. Definitions and terms

Section 7370. Eligible student with a disability.

(a) An eligible student with a disability refers to a student with a disability who has applied for and has been determined an eligible individual for the vocational rehabilitation program, as defined in section 7009.1 of these regulations.

NOTE: Authority cited: Sections 19006 and 19016, Welfare and Institutions Code. Reference: 34 C.F.R. sections 361.5 and 361.42; section 19011, Welfare and Institutions Code.

Section 7371. Potentially eligible student with a disability.

(a) A potentially eligible student with a disability refers to a student with a disability, as defined in section 7026.5, who has met one of the following criteria:

(1) has not applied for vocational rehabilitation services.

(2) has applied for vocational rehabilitation services but for whom an eligibility determination has not yet been made.

(3) has previously been determined eligible for vocational rehabilitation services and whose record of services was not closed with an ineligibility determination.

(b) A student with a disability will no longer be potentially eligible once the Department has made an eligibility determination for the individual.

NOTE: Authority cited: Sections 19006 and 19016, Welfare and Institutions Code. Reference: 29 U.S.C. sections 705 and 722; 34 C.F.R. sections 361.42 and 361.5; section 19011, Welfare and Institutions Code.

Section 7372. Student services plan.

(a) A student services plan is a written document for a potentially eligible student that consists of the following services:

(1) student services, as described in section 7379 of these regulations.

(2) auxiliary aids and services, if any, as described in section 7382 of these regulations.

NOTE: Authority cited: Sections 19006 and 19016, Welfare and Institutions Code. Reference: 29 U.S.C. sections 705, 723, and 733; 34 C.F.R. sections 361.5 and 361.48; section 19011, Welfare and Institutions Code.

Article 2. Provision and Receipt of Pre-employment Transition Services

Section 7373. What are the general provisions for pre-employment transition services?

(a) In the process of providing pre-employment transition services, as defined in section 7021.6, the Department will:

(1) work in collaboration with schools, local educational agencies, and other agencies to coordinate and ensure the provision of pre-employment transition services.

(2) assure pre-employment transition services are made available statewide to all students with disabilities, regardless of:

(A) whether the student has applied or been determined eligible for vocational rehabilitation services; and

(B) the student's disability.

(b) A “student with a disability” and “students with disabilities,” will hereafter be referred to as “student” and “students,” respectively.

NOTE: Authority cited: Sections 19006 and 19016, Welfare and Institutions Code. Reference: 29 U.S.C. sections 723 and 733; 34 C.F.R. sections 361.5 and 361.48; section 19011, Welfare and Institutions Code.

Section 7374. What is the Department’s role in the provision of pre-employment transition services?

(a) The Department will designate a staff member when invited, to participate in the following meetings for a student:

(1) Individualized Education Program (IEP) meetings.

(2) Individual Program Plan (IPP) meetings at regional centers.

(b) The Department staff who attend IEP or IPP meetings will provide information, technical assistance, and information and or referral as needed for an eligible or potentially eligible student to participate in the planning and development of student services and transition services.

(c) The Department can provide student services on an individual basis or in a group setting. Activities may be individualized or general in nature.

(d) In collaboration with the schools, local educational agencies, and other agencies involved, the Department will not:

(1) provide a service if it would more appropriately be provided by the school or local educational agency and is necessary for ensuring a free and appropriate public education (FAPE).

(2) duplicate services provided by regional centers or other agencies.

NOTE: Authority cited: Sections 19006 and 19016, Welfare and Institutions Code. Reference: 29 U.S.C. sections 723 and 733; 34 C.F.R. sections 361.5 and 361.48; section 19011, Welfare and Institutions Code.

Section 7375. What are the different ways to receive pre-employment transition services?

(a) A student will receive pre-employment transition services by either:

(1) requesting a student services plan from the Department, as described in section 7383 of these regulations; or

(2) applying for the vocational rehabilitation program and be determined eligible, as described in section 7386 of these regulations. In this case, the student will receive the student services described in section 7379 that are identified in their approved Individualized Plan for Employment (IPE) as described in sections 7128 through 7131 of these regulations.

(b) A student can then participate in specific activities within the required student services, as described in section 7379 of these regulations, and as appropriate to the needs, interests, available options, and informed choice of the student as described in section 7029.6 of these regulations.

NOTE: Authority cited: Sections 19006 and 19016, Welfare and Institutions Code. Reference: 29 U.S.C. sections 723 and 733; 34 C.F.R. sections 361.5 and 361.48; section 19011, Welfare and Institutions Code.

Article 3. The Rights and Responsibilities of Students Receiving Pre-employment Transition Services

Section 7376. What are the rights of students?

(a) A student who is receiving pre-employment transition services has a right to:

(1) be treated with dignity and respect while exploring meaningful career options based upon their informed choice.

(2) receive assistance and information about exercising informed choice throughout the process, including about available pre-employment transition services, the use of auxiliary aids and services, and the entities that will provide those services.

(3) bring parents, guardians, conservators, or other supportive persons with them to their pre-employment transition services meetings and activities, as appropriate.

(4) have personal information collected and maintained by the Department kept confidential, as described in sections 7140 through 7143.5 of these regulations.

(5) access their records kept by the Department, as described in section 7141 of these regulations.

(6) request changes to information in their record of services, as described in section 7141.5 of these regulations.

(7) appeal any action or inaction of the Department relating to their services, through an administrative review, a request for mediation, or a request for a fair hearing as described in section 7351 of these regulations.

(8) make a complaint to the Department's Office of Civil Rights if treated with discrimination as described in section 7363 of these regulations; and

(9) apply for vocational rehabilitation services as provided in section 7041 of these regulations.

NOTE: Authority cited: Sections 19006 and 19016, Welfare and Institutions Code. Reference: 29 U.S.C. section 722; 34 C.F.R. sections 361.38, 361.52, and 361.57; sections 19011, Welfare and Institutions Code; sections 1798.14 and 1798.30, Civil Code.

Section 7377. What are the responsibilities of students?

(a) Any student who wishes to receive pre-employment transition services from the Department shall have the responsibility to:

(1) participate and cooperate in obtaining and providing the information needed by the Department to receive such services; and

(2) notify the Department if changing schools or if no longer enrolled in school; and

(3) utilize available transition services provided by their school or local education agency necessary for ensuring a free and appropriate public education (FAPE) that meet the needs of the student with a disability.

(b) Any eligible student with a disability who receives pre-employment transition services has the additional responsibility to adhere to the requirements of section 7029.9 of these regulations.

NOTE: Authority cited: Sections 19006 and 19016, Welfare and Institutions Code. Reference: 29 U.S.C. section 733; 34 C.F.R. section 361.48; sections 19011 and 19013, Welfare and Institutions Code.

Article 4. The Record of Student Services

Section 7378. What documents are contained in the record of student services and who can see them?

(a) Documentation needed for all students includes the following:

(1) documentation of school enrollment, disability, and school information to participate in pre-employment transition services.

(2) documentation of parent, guardian, or conservator information and consent, as appropriate, to participate in pre-employment transition services.

(b) Additional documentation for potentially eligible students includes the following:

(1) documentation describing the extent to which the student exercised informed choice in the development of the student services plan.

(2) all of the contents of the agreed upon student services plan.

(c) The Department must maintain for each student who is eligible for vocational rehabilitation services, a record of services that includes the pertinent documentation requirements listed in section 7122 of these regulations.

(d) All confidentiality regulations found in sections 7140 through 7143.5 of these regulations will also apply to all topics in this Chapter.

Note: Authority cited: Sections 19006 and 19016, Welfare and Institutions Code. Reference: 29 U.S.C. section 733; 34 C.F.R. sections 361.38, 361.47, 361.48, and 361.52; sections 1798.14 and 1798.30, Civil Code; section 19011, Welfare and Institutions Code.

Article 5. The Scope of Pre-employment Transition Services

Section 7379. What are available student services?

(a) The Department will provide or arrange one or more of the following required student services to students:

(1) job exploration counseling.

(2) work-based learning experiences that will take place within the following:

(A) in an integrated environment in the community to the maximum extent possible.

(B) in settings that include, but are not limited to, in-school opportunities, after school opportunities, and experiences outside the traditional school setting. These work-based learning experiences may include paid or unpaid opportunities.

(3) postsecondary counseling, which consists of one or more of the following:

(A) counseling on opportunities for enrollment in comprehensive transition or postsecondary education programs at institutions of higher education.

(B) counseling on enrollment and programs at a variety of postsecondary education programs, including vocational and technical schools.

(4) workplace readiness training, which consists of training to develop skills in one or more of the following areas:

(A) communication and social skills appropriate to a work environment.

(B) obtaining and retaining employment, including understanding employer expectations.

(C) independent living, including mobility and financial literacy.

(5) instruction in self-advocacy, which may include, but is not limited to, instruction in person-centered planning, peer mentoring, and peer mentoring from individuals with disabilities working in competitive integrated employment.

NOTE: Authority cited: Sections 19006 and 19016, Welfare and Institutions Code. Reference: 29 U.S.C. sections 723 and 733; 34 C.F.R. sections 361.48; sections 19011, Welfare and Institutions Code.

Section 7380. What are additional activities that the Department is authorized to conduct?

(a) The Department is authorized to use funds available and remaining after the provision of required student services, as described in section 7379, to improve the transition of students from school to postsecondary education or an employment outcome by:

(1) implementing effective strategies to increase the likelihood of independent living and inclusion in communities and competitive integrated workplaces.

(2) developing and improving strategies for individuals with intellectual disabilities and individuals with significant disabilities to live independently; participate in postsecondary education experiences; and obtain, advance in, and retain competitive integrated employment.

(3) providing instruction to vocational rehabilitation counselors, school transition personnel, and other persons supporting students with disabilities.

(4) disseminating information about innovative, effective, and efficient approaches to achieve the goals of this section.

(5) coordinating activities with transition services provided by local educational agencies under the Individuals with Disabilities Education Act (20 U.S.C. section 1414).

(6) applying evidence-based findings to improve policy, procedure, practice, and the preparation of personnel, in order to better achieve the goals of this section.

(7) developing model transition demonstration projects.

(8) establishing or supporting multistate or regional partnerships involving States, local educational agencies, designated State units, developmental disability agencies, private businesses, or other participants to achieve the goals of this section; and

(9) disseminating information and strategies to improve the transition to postsecondary activities of individuals who are members of traditionally unserved and underserved populations.

NOTE: Authority cited: Sections 19006 and 19016, Welfare and Institutions Code. Reference: 29 U.S.C. section 733; 34 C.F.R. section 361.48; sections 19011 and 19013, Welfare and Institutions Code.

Section 7381. What coordination activities may the Department conduct?

(a) The Department may conduct the following coordination activities on behalf of students in collaboration with schools, local educational agencies, and regional centers:

(1) attending Individualized Education Program (IEP) meetings for students, when invited, to participate through a variety of methods in the planning and development of student services, as described in section 7379 of these regulations, that are and transition services for the individual student. Attendance may be in-person, by phone, or by video conference;

(2) attending person-centered planning meetings such as Individual Program Plan (IPP) meetings held at regional centers for students receiving services under title XIX of the Social Security Act (42 U.S.C. sections 1396 et seq.), when invited. Participation may be in-person, by

phone, or by video conference;

(3) working with school staff to coordinate and ensure the provision of student services, as described in section 7379 of these regulation; and

(4) working with employers, local workforce development boards, and America's Job Center of California to develop work opportunities for students.

NOTE: Authority cited: Sections 19006 and 19016, Welfare and Institutions Code. Reference: 29 U.S.C. section 733; 42 U.S.C. 1396, et. seq.; 34 C.F.R. section 361.48; sections 19011 and 19013, Welfare and Institutions Code.

Section 7382. What auxiliary aids and services will be provided to potentially eligible students?

(a) The Department will provide or arrange for the provision of auxiliary aids and services when necessary for a potentially eligible student to participate in student services, as described in section 7379 of these regulations.

(b) A potentially eligible student's use of auxiliary aids and services is limited to the duration of the student services activity, as described in section 7379 of these regulations, for which it is needed.

(c) Auxiliary aids and services include those identified in 28 Code of Federal Regulations part 35.104, which are the following:

(1) qualified interpreters, on-site or through video remote interpreting services.

(2) note takers.

(3) real-time transcription services (computer-aided).

(4) open and closed captioning.

(5) closed caption decoders.

(6) qualified readers.

(7) written materials; exchange of written notes

(8) taped texts.

(9) braille materials and displays.

(10) audio recordings.

(11) large print materials.

(12) assistive listening devices or systems.

(13) secondary auditory programs (SAP).

(14) telephone handset amplifiers.

(15) telephones compatible with hearing aids.

(16) videotext displays.

(17) voice, text, and video-based telecommunications products and systems, including text telephones (TTYs), videophones, and captioned telephones, or equally effective telecommunications devices.

(18) real time captioning.

(19) screen reader software.

(20) magnification software.

(21) optical readers.

(22) equipment adapted for use by students with manual impairments.

(23) accessible electronic and information technology; or other effective methods of making materials available to individuals who are deaf or hard of hearing, and students with visual, or manual impairments, including the acquisition or modification of equipment or devices.

(24) accessible electronic and information technology; or other effective methods of making visually delivered materials available to individuals who are blind or have low vision.

(25) acquisition or modification of equipment or devices.

(26) other similar services or actions.

(d) Auxiliary aids and services do not include the following:

(1) personal devices (e.g., computers, laptops, tablets, etc.) provided for personal use.

(2) prescribed devices (e.g., eyeglasses, hearing aids, wheelchairs).

(3) readers for personal use or study.

(4) attendant care or other services of a personal nature.

NOTE: Authority cited: Sections 19006 and 19016, Welfare and Institutions Code. Reference: 28 C.F.R. section 35.104; 34 C.F.R. section 361.48; sections 19011, Welfare and Institutions Code.

Article 6. Making a plan for student services

Section 7383. How does a student request student services?

(a) A potentially eligible student, as defined in section 7371 of these regulations, must request a student services plan from the Department.

(b) A request for a plan of student services is complete when all required information has been submitted to the Department, as described in section 7384 of these regulations.

(c) A request for a student services plan is not an application for the vocational rehabilitation program and is not subject to that program's eligibility requirements, timelines, and scope of services.

NOTE: Authority cited: Sections 19006 and 19016, Welfare and Institutions Code. Reference: 29 U.S.C. section 733; 34 C.F.R. sections 361.48; sections 19011, Welfare and Institutions Code.

Section 7384. What information is needed to request a plan of student services?

(a) Each request for student services plan will require the following information:

(1) first and last name.

(2) mailing address.

(3) phone number or email address.

(4) date of birth.

(5) school name.

(6) school address and phone number.

(7) current grade in school.

(8) documentation of school enrollment, as described in (d) below.

(9) first and last name of the student's parent, guardian, or conservator, as appropriate, along with:

(i) their address and phone number(s).

(ii) the nature of their relationship to the student.

(10) a statement that the information submitted is accurate and complete, by the student and their parent, guardian, or conservator, as appropriate.

(11) a statement that the student's parent, guardian, or conservator, as appropriate, gives consent for the student to participate in student services provided or arranged by the Department, signed by their parent, guardian, or conservator as appropriate.

(b) Each plan request may include the following optional information:

(1) social security number.

(2) sex and or gender identification of the individual.

(A) If the student declines to provide the information in (b)(2), under its mandatory reporting requirements from the Rehabilitative Services Administration, the Department will report that the student did not identify the information.

(3) race and ethnicity.

(A) If the student declines to provide the information in (b)(3), the Department may report the information based on observer identification, consistent with the instruction provided by the federal Rehabilitation Services Administration.

(c) The request for a student services plan must include the following documentation unless there is documentation that covers both, as described in subsection (3) below.

(1) school enrollment includes any of the following:

(i) grade report for current school year.

(ii) current class schedule.

(iii) college registration receipt.

(iv) verification of school enrollment.

(v) other current documentation from the educational program that demonstrates the student's enrollment.

(vi) any of the items listed in (3).

(2) disability includes any of the following:

(i) observation by Department staff.

(ii) copy of a Social Security Administration beneficiary award letter.

(iii) copy of documentation of a diagnosis or disability determination.

(iv) any of the items listed in (3).

(3) items that serve as documentation for both the student's disability and school enrollment such as:

(i) a request for a student services plan that identifies the student's disability and the school where the student is enrolled, that is signed by a school official (identified by full name and title on the document) and the student, or as appropriate, the student's parent, guardian, or conservator.

(ii) a copy of an Individualized Education Program (IEP) for the current school year.

(iii) a copy of school records reviewed by Department staff.

(iv) any other written or verbal statement from an educational official that confirms the student's disability and school enrollment.

(v) a copy of a school psychological assessment for the current school year.

(vi) documentation related to accommodations received under section 504 of the Rehabilitation Act (29 U.S.C. section 794) for the current school year.

(d) All of the information received by the Department will be kept confidential as discussed in section 7378 of this Chapter.

NOTE: Authority cited: Sections 19006 and 19016, Welfare and Institutions Code. Reference: 29 U.S.C. sections 705 and 733; 34 C.F.R. sections 361.38, 361.41 and 361.48; section 19011, Welfare and Institutions Code.

Section 7385. How is a plan for student services developed?

(a) The Department will provide pre-employment transition services to a potentially eligible student after approving the student services plan.

(b) Since the Department will only pay for services included in an approved plan, after a request for a student services plan is made, the Department and the potentially eligible student will discuss and identify expected student services as described in section 7379 of these regulations.

(c) The potentially eligible student will be advised of their right of informed choice as described in section 7029.6 of these regulations, in identifying the appropriate services.

(d) The plan will contain the following information:

(1) the name of the potentially eligible student.

(2) a description of the specific expected activities of the potentially eligible student under any or all of the following: job exploration counseling, work-based learning experiences, postsecondary enrollment counseling, workplace readiness training, or instruction in self-advocacy.

(3) a description of any auxiliary aids and services needed to participate in activities noted in (d)(2).

NOTE: Authority cited: Sections 19006 and 19016, Welfare and Institutions Code. Reference: 29 U.S.C. section 733; 34 C.F.R. sections 361.48 and 361.52; section 19011, Welfare and Institutions Code.

Article 7. Receiving student services through an Individualized Plan for Employment (IPE)

Section 7386. Can a student receive student services and vocational rehabilitation services?

(a) A potentially eligible student can apply for the vocational rehabilitation program by following the steps in section 7041 of these regulations.

(b) A student with a disability who is determined eligible for the vocational rehabilitation program, in accordance with section 7060 of these

regulations, may receive both pre-employment transition services through a plan for student services and vocational rehabilitation services through an approved IPE. Any pre-employment transition services will be included in the IPE.

(c) A student who is determined ineligible for the vocational rehabilitation program may reapply for the vocational rehabilitation program at any time.

NOTE: Authority cited: Sections 19006 and 19016, Welfare and Institutions Code. Reference: 29 U.S.C. sections 722, 723, and 733; 34 C.F.R. sections 361.36, 361.46, and 361.48; section 19011, Welfare and Institutions Code.

Section 7387. How will pre-employment transition services be provided after applying for vocational rehabilitation services?

(a) A student who has a student services plan before applying to the vocational rehabilitation program and has been determined eligible for vocational rehabilitation services, will continue to receive any needed pre-employment transition services.

(1) If the student is assigned to a closed priority category, they will continue to receive any needed pre-employment transition services while waiting to be served. Refer to section 7050 of these regulations for information on priority categories and Order of Selection.

(2) After the development of the IPE, any pre-employment transition services provided must be identified in the IPE.

(b) A student who has applied to the vocational rehabilitation program and is determined eligible for vocational rehabilitation services without previously requesting a student services plan will not receive any pre-employment transition services until they have an approved IPE.

(c) If a student applies to the vocational rehabilitation program and is determined ineligible for vocational rehabilitation services, the Department will not provide services, regardless of whether the student already had a student services plan.

NOTE: Authority cited: Sections 19006 and 19016, Welfare and Institutions Code. Reference: 29 U.S.C. sections 721, 722, 723, and 733; 34 C.F.R. sections 361.36, 361.46, and 361.48; sections 19011, Welfare and Institutions Code.

Article 8. Discontinuation of Pre-employment Transition Services

Section 7388. When will pre-employment transition services end?

(a) The Department will no longer provide pre-employment transition services, to a potentially eligible student in any of the following circumstances:

(1) The individual no longer meets the definition of a student with a disability.

(2) The individual has applied for and been determined eligible for the vocational rehabilitation program, as described in section 7062 of these regulations, and may receive pre-employment transition services as an eligible individual.

(3) The individual has applied for and been determined ineligible for the vocational rehabilitation program, as described in section 7179.1 of these regulations.

(b) The Department will no longer provide pre-employment transition services to an eligible individual in any of the following circumstances:

(1) The individual no longer meets the definition of a student with a disability.

(2) The individual's record of services is closed pursuant to sections 7179 through 7181 of these regulations.

(c) The Department will not close the record of services of a potentially eligible student if they are exercising their right to appeal an ineligibility determination, as described in section 7376 of these regulations.

NOTE: Authority cited: Sections 19006 and 19016, Welfare and Institutions Code. Reference: 29 U.S.C. section 733; 34 C.F.R. sections 361.5, 361.48 and 361.57; section 19011, Welfare and Institutions Code.

Article 9. Financial Participation; Comparable Services and Benefits

Section 7389. Does a student have to pay for services or find comparable benefits?

(a) Department regulations on financial participation in sections 7190 through 7192 of these regulations, do not apply to potentially eligible students.

(b) Department regulations on comparable services and benefits in sections 7196 through 7198 of these regulations, do not apply to potentially eligible students.

NOTE: Authority cited: Sections 19006 and 19016, Welfare and Institutions Code. Reference: 29 U.S.C. section 721; 34 C.F.R. sections 361.53 and 361.54; section 19011, Welfare and Institutions Code.