

# Chapter 1: Broadening Our Horizons: Spirit of the Law

*“Law and order exist for the purpose of establishing justice and when they fail in this purpose they become the dangerously structured dams that block the flow of social progress.”*

—Martin Luther King, Jr.  
1929-1968

The intent of the 28<sup>th</sup> Institute on Rehabilitation Issues (IRI) is to improve the successful outcomes of youth with disabilities by addressing systemic issues between the vocational rehabilitation (VR) system, education system and other systems mandated to provide transition services. This publication provides strategies to increase opportunities for the empowerment and choice of youth with disabilities, and emphasizes the critical role of parents as equal partners in transition planning. The increased knowledge of legislative requirements along with information about research-based effective practices, will enhance collaboration between transition partners and career outcomes of youth with disabilities.

## Vision: From Compliance to Commitment

The members of the 28th IRI Primary Study Group on “Investing in the Transition of Youth with Disabilities to Productive Careers,” share a vision for students:

*Empowered youth with disabilities access the community of their choice to achieve their desired careers, life-long learning and a rich quality of life.*

When the IRI Primary Study Group was formed, great care was given to creating a cross-systems transition team. Members of the IRI team represent VR professionals, special educators, parents, students, career and technical educators, and workforce development staff. This composition of the team reflects the critical role of partnerships to strive for a seamless system of transition programs and services. The vision statement reflects the insight and direction of members of the 28th IRI to assist youth with disabilities achieve their dreams and career aspirations.

Concepts and terms such as desired careers, life long learning and choice may be familiar to practitioners in the VR field and special education, but others may find these terms abstract and unclear. In the context of this IRI document, the terms are defined as follows:

- **choice** is the power, right, or liberty of selecting from a sufficient number of options;
- **community of their choice** means that individuals will have an array of opportunities, supports and experiences available to facilitate their career, post secondary education, military service or related adult life decisions and activities. This prime study group recognizes that transition is more than just employment and that outcomes such as independent

living are not valued similarly across different cultural groups. “Community of their choice” allows for achieving post school goals and interdependence within the context of family living—something that is highly valued by a number of underserved cultural groups.

- **careers** is referenced as a chosen profession or occupation within the general course of one’s life; and
- **life-long learning** is continuing to acquire knowledge and skills for a lifetime.

## The Roots of Individual Choice

Historically, individuals with disabilities have gained access to the mainstream of American society as a function of political forces, social trends, or public advocacy. World War I spawned numerous programs for soldiers wounded in the war to receive physical restoration and vocational retraining. This resulted in a movement to provide similar services for civilians with disabilities, and in 1920 the Smith-Fess Act was passed to establish the State/Federal VR program. The Civil Rights Movement of the 1960s reflected an era of unrest for disenfranchised members of American society. This movement laid the groundwork for increased and equal employment opportunities for minorities to enter and compete in the labor force. The Rehabilitation Act of 1973, as amended, expanded rehabilitation services to include individuals with more significant disabilities and increased the groups of individuals served by the VR program.

Over these past 85 years, since the signing of the Smith-Fess Act, the Federal Government has provided funds for vocational rehabilitation to States that met certain requirements as listed in a State plan for physical restoration and vocational retraining for individuals with disabilities. With the passing of additional legislation, a higher level of compliance was established for the Nation to meet; it was only a matter of time before individuals would realize a new vision, a new goal, and a new commitment. The standards of compliance with the statutory requirements were raised again and again in providing services to individuals with disabilities. These requirements have provided the foundation for the current standing of people with disabilities in our society and the springboard for our future.

In 1972, then President Nixon vetoed the proposed Rehabilitation Act of 1972 because he thought it was too costly. Those in support of the legislation responded by taking their concerns directly to Congress. The following year, the Rehabilitation Act of 1973 (the Rehabilitation Act) was signed by the President, creating promises and a commitment to people with disabilities never seen before in our country. The Nation saw for the first time a government willing to say that disability is a natural part of the human experience. These concepts are perhaps best summarized in section 2(a)(3) of the 1992 Amendments to the Rehabilitation Act:

“...disability is a natural part of the human experience and in no way diminishes the right of individuals to

- (a) live independently;
- (b) enjoy self-determination;
- (c) make choices;
- (d) contribute to society;
- (e) pursue meaningful careers; and

(f) enjoy full inclusion and integration in the economic, political, social, cultural, and educational mainstream of American society.”

Congress had also recognized several other important facts:

- There were millions of Americans with disabilities, and that the number would continue to grow, and
- Discrimination was evident in employment, housing, public accommodations, education, transportation, communication, recreation, institutionalization, health services, voting and public services.

During the signing of the 1990 Americans with Disabilities Act (ADA), President George Bush stated, “ADA is powerful in its simplicity. It will ensure that people with disabilities are given the basic guarantees for which they have worked so long and so hard. Independence, freedom of choice, control of their lives and the opportunity to blend fully and equally into the right mosaic of the American mainstream.” Again we were at a point in our Nation where there was a new commitment and passion to support a vision. The renewed commitment to ensure basic guarantees and rights of individuals with disabilities was extended to students with disabilities.

### Transition Services Introduced into Law

Transition services for students with disabilities exiting school to post school activities were addressed for the first time in the 1990 Amendments to the Individuals with Disabilities Education Act (IDEA P.L. 101-476). Public education focused on equal opportunities for students with disabilities receiving special education and improving the quality of life for students with disabilities. The Individualized Education Program (IEP) team was to now look ahead in the student’s life and identify vocational and career training opportunities, continuing education, adult services, and independent living supports in their community. Finally, seventeen years after Congress passed the Rehabilitation Act, youth with disabilities were getting their own compliance legislation; their starting point to pursue traditional American ideals such as living independently, enjoying self-determination, making choices, contributing to society, acquiring meaningful careers, and enjoying full inclusion and integration in the economic, political, social, cultural, and educational mainstream of American society.

In 1992, social trends, political forces and consumer and advocacy groups formed the Independent Living movement, introduced the concept of “informed choice” and urged the VR program to provide increased opportunities for individuals with disabilities to participate at the individual and systemic levels of the VR program. Hence, the 1992 Amendments to the Rehabilitation Act shifted the locus of control of the rehabilitation process from the VR counselor to the consumer. It is now required that the State VR program provide its participants with the opportunity to exercise informed choice throughout the VR process, including making decisions about the employment goal, services, service providers, settings for employment, service provision and methods for procuring services. To this end, youth with disabilities (or their representatives) must participate in the VR process as informed and active decision makers and partners in their career development and life choices.

This chapter addresses the passion and commitment behind the development of Federal requirements to assist ALL individuals with disabilities, including youth in transition,

to enjoy full inclusion and integration in the economic, political, social, cultural, and educational mainstream of American society. See Appendix A: Guidelines for Disability Policy Change Agents, by Robert Silverstein, for a description of the disability policy framework.

### From Compliance To Commitment

The vision of the 28<sup>th</sup> IRI is intended to lead the public VR program beyond the history of a compliance-driven focus to a true commitment to the spirit of the 1998 Amendments of the Rehabilitation Act. The Rehabilitation Act now authorizes the State VR system to provide consultation and technical assistance to assist special educational systems, students, and parents in planning for the transition of students with disabilities from school to post-school activities. This provision creates opportunity for cooperation and establishes terms for a complementary working relationship. Embracing the vision of the 28<sup>th</sup> IRI will better equip VR professionals and educators to assist students with disabilities to actualize their career aspirations and dreams.

### Spirit of the Law

The National Organization on Disability (NOD) presents a historical perspective on education and disability, and recommends making use of what we have:

If we are to ensure that young people with disabilities have the education and training that they need in order to participate fully in the economy, we must first work harder at making sure that young people, their parents, their teachers, and school administrators are aware of the laws and programs that are already in place to ensure an adequate, appropriate education for young people with disabilities—and we must channel these young people into the same employment-enhancing career paths (like advanced technical skills and the health service industry) that are so helpful for their non-disabled counterparts in finding work (NOD, 2001, ¶ 10).

The successful transition of students with disabilities from school to adult life is a shared responsibility, particularly defined in the IDEA 1997 and the 1998 Amendments to the Rehabilitation Act. Both mandate and promote a shared vision for youth with disabilities to transition from education to employment and careers. The definition of transition services is very similar in both pieces of legislation, defining transition services as a coordinated set of activities for a student, designed within an outcome-oriented process. Both laws require increased accountability for outcomes of students with disabilities. IDEA and the Rehabilitation Act require interagency collaboration, and the Rehabilitation Act further requires the development of a formal interagency agreement to outline the roles and responsibilities for the State Educational Agency (SEA) and the VR program to assist students with disabilities who transition from school to post school activities so that services better conform to the needs of the student. A quick reference guide to legislation affecting transition services is provided in Chapter 2.

To move policymakers and practitioners from compliance to commitment in the field of transition, the Federal government has supported several systems change efforts that are based upon a shared vision for youth with disabilities and emphasize the need for cooperation, collaboration and flexibility (Office of Special Education Programs, 1997).

The spirit of the law is, in fact, the spirit of this document.

## What do the Statistics Tell Us Now?

The National Longitudinal Transition Study (NLTS) (1987-1993) clearly establishes the need for systematic and effective transition planning and states that students with disabilities should receive opportunities to:

- Be included as fully as possible in general education;
- Develop skills that promote self-determination;
- Have paid work experiences with employers committed to working with students with disabilities;
- Engage in learning that integrates academic and vocational instruction emphasizing post-school outcomes and adult roles and responsibilities; and
- Be linked to community resources that will support and promote student preferences, full access, and participation (NLTS, 1993).

The Longitudinal Study of the Vocational Rehabilitation Service Program (2000, July) describes the characteristics and outcomes of transitional youth (youth with disabilities between the ages of 18 and 25 who applied for VR services). The study concludes that of all individuals served by VR agencies, transitional youth represent 13.6%. Almost two-thirds of these youth participated in special education in high school. Typically youth applied for VR services to help them enter the labor force; services include job placement (67% of youth receiving VR services), vocational training (60%), and support for education (51%). Sixty-three percent of youth receiving VR services achieved an employment outcome. Receiving specific VR services (education or training, physical or mental restoration, and diagnostic or evaluation services) was strongly associated with the achievement of competitive employment. Those who achieved employment outcomes were less likely to be receiving financial assistance (SSI, general assistance, etc.). Higher levels of self-esteem and locus of control were positively associated with employment outcomes. The longitudinal studies provide evidence that the VR program and cross-systems strategies promote the successful transition of youth with disabilities from school to careers.

## How Does Evidence-Based Research Support a Common Vision?

Enhancing career paths for students with disabilities is directly related to the student's ability to successfully complete high school. Key factors have been identified to improve graduation and employment outcomes of students with disabilities. Benz, Lindstrom, and Yavanoff (2000) when studying predictive factors and student perspectives recommend:

- Focusing secondary and transition services concurrently on the two goals of school completion and post-school preparation;
- Promoting curricular relevance and student self-determination through student-centered planning and individualized services;
- Expanding the use of collaborative service delivery programs as a mechanism for delivering transition services; and
- Extending secondary school reform efforts to include career development, applied learning in the community, and transition planning as a central part of the regular education curriculum.

The School-to-Work Opportunities Act of 1994 (sunset date, October 2001) confirms the

success of partnerships in transition from school to work. A study focusing on the impact of school-to-work transition reform initiatives (National Institute for Work and Learning, Academy for Educational Development, June 1995) identifies critical elements or building blocks in model school-to-work programs:

- Leadership of administrators;
- Professional development;
- Collaboration;
- Student self-determination;
- Work-based learning strategies; and
- Creative financing.

Collaboration partnerships are described by the National Transition Alliance for Youth with Disabilities (NTA) in the "School to Work Sustainability Toolkit: Collaboration, Partnerships and Leadership" (NTA, 2001):

Collaborative partnerships promote shared service delivery, efficient resource utilization, and system-wide problem solving. They also result in elimination of service gaps, avoidance of service duplication, and reduction of professional territoriality. Thus, collaborative partnerships cultivate a sustainable, integrated system, as compared to separate, competing system components. By developing integrated systems, we're better able to respond to the changing needs of students and their families, and provide the diverse learning experiences that ensure successful outcomes. (¶ 2).

According to the National Council on Disability:

Full compliance with the Individuals with Disabilities Education Act (IDEA) will ultimately be the product of collaborative partnerships and long-term alliances among all parties having an interest in how IDEA is implemented. For such partnerships to be effective, all interested parties must be well prepared to articulate their needs and advocate for their objectives. To that end, coordinated statewide strategies of self-advocacy training for students with disabilities and their parents are vital (NCD, 2000, January, Training and Advocacy section, ¶ 8).

These strategies are explored in upcoming chapters.

## Applying Our Knowledge to Future Practice

We live in a time when programs can no longer work in isolation of one another, and must work in partnership to achieve measurable outcomes. Therefore, the 28<sup>th</sup> IRI Prime Study Group believes that the concept of a common vision for transition is inherent to the New Freedom Initiative (Bush, 2001), a nationwide effort to remove barriers to community living for people with disabilities. The New Freedom Initiative is a comprehensive plan that represents an important step in working to ensure that all Americans have the opportunity to learn and develop skills, engage in productive work, make choices about their daily lives and participate fully in community life. The Initiative's goals are to:

- Increase access to assistive and universally designed technologies;
- Expand educational opportunities;
- Promote home ownership;

- Integrate Americans with disabilities into the workforce;
- Expand transportation options; and
- Promote full access to community life.

## Conclusion

*There is clear evidence in research and practice that supports the shared vision of the 28<sup>th</sup> IRI Prime Study Group.*

Empowered youth with disabilities access the community of their choice to achieve their desired careers, life-long learning and a rich quality of life.

Transition partners must use the existing knowledge base, stop reinventing the wheel, and get down to the business of creating a network of support which empowers students to achieve successful post-school outcomes. The community of practitioners cannot sit back and wait for someone else to take the lead. Everyone must step up to the plate, go beyond arguments over dollars and turf issues, and focus on the students' dreams and aspirations. This needs to occur at a Federal, State, and local level to impact change in transition practices.

## The Rest of the Story

Chapter 1 has provided the foundation for the following chapters to take the reader along the journey from compliance to commitment.

Developing an understanding of legislative requirements gives the reader a solid foundation for practice. This is provided in Chapter 2, *Grounding our Journey: Compliance with the Law*.

Chapter 3, *The Center of the Community: The Student and Family*, describes the critical roles of youth and their families, along with strategies to expand their empowerment and self-determination.

Chapter 4, *Meeting the Community Partners*, introduces potential partners on the transition team, along with their roles and responsibilities to support effective practice.

To move from compliance to commitment, Chapter 5, *Community Collaboration*, addresses the elements of collaboration. This chapter suggests ways to make collaboration work at a State and local level, and from a management to direct service perspective.

Chapter 6, *Realizing the Vision: Creating the Path and Traveling Together*, moves from transition theories and concepts to practice, describing strategies to mobilize effective transition practices at a local level through community transition teams.

Successful transition programs can only flourish when ALL of the partners are open to new ideas. Chapter 7, *Learning as a Community: Training and Technical Assistance*, presents strategies for learning and for building programs together.

Chapter 8, *Resources for the Transition Community*, includes extensive transition resources for use in moving from compliance to commitment.

Inserts throughout the document highlight promising and effective practices. These examples entitled “► From Compliance to Commitment,” demonstrate how the information presented in each chapter can apply to real-life.

## TAKE ACTION TODAY

The authors of the IRI study group “Investing in the Transition of Youth with Disabilities to Productive Careers” invite you to share our vision:

*Empowered youth with disabilities access the community of their choice to achieve their desired careers, life-long learning and a rich quality of life.*