

## FREQUENTLY ASKED QUESTIONS

### Independent Living Services for Children and Youth with Disabilities

**Introductory note:** Centers for Independent Living (CILs) must provide independent living (IL) core services to individuals with a significant disability, regardless of age, income or disability type. This includes services to children and youth with disabilities. Recent changes to the law and regulations have not changed this general requirement. In the Workforce Innovation and Opportunity Act of 2014 (WIOA) Congress added new IL core services that target specific populations. This includes a focus on youth who are out of school.

Rehabilitation Act of 1973, as amended, Sec. 7 (17) (E):

(iii) Facilitate the transition of youth who are individuals with significant disabilities, who were eligible for individualized education programs under section 614(d) of the Individuals with Disabilities Education Act (20 U.S.C. 1414(d)), and who have completed their secondary education or otherwise left school, to postsecondary life.

WIOA defines youth with a disability to mean “an individual with a disability who is not younger than 14 years of age; and is not older than 24 years of age.” ACL adopted this definition in the final IL regulation.

**Please Note:** IL services are available to pre-school children, youth who are in school, and youth who are out of school. To help understand the full spectrum of services available, it is essential to recognize the distinction between the core transition services for out-of-school youth with significant disabilities and other IL services provided to pre-school children and youth who are still in school.

Use the following preliminary question to determine how the service provided to a youth with a disability should be captured and reported on the annual performance report.

#### ***Is the youth currently in a secondary school or out of school?***

- A service provided to a child or youth with disabilities too young for or enrolled in a **secondary** education program would NOT be captured and reported as a new youth-in-transition core service. The service would be captured and reported as another IL service.
- A service provided to a youth with disabilities who is no longer in a **secondary** school and satisfies other regulatory criteria, may be captured and reported as a new core service.

### Notable Distinctions in Reporting Youth Services

<b>Other IL and Core Services</b>	<b>New Core Service</b>
<b>Pre-School and Youth in School</b>	<b>Out-of-School Youth</b>
The Act remains unchanged in IL services CILs may offer pre-school and youth in school. Services include: “training to develop skills ... (that) promote self-awareness and esteem, develop advocacy and self-empowerment skills, and explore career options” and other “services to children”. (Section 7 (18)(B)(xvi) and (xvii).	WIOA adds new core services to the Act that include: “Facilitate the transition of youth who are individuals with significant disabilities, who were eligible for individualized education programs under section 614(d) of the Individuals with Disabilities Education Act (20 U.S.C. 1414(d)), and who have completed their secondary education or otherwise left school, to postsecondary life.
Service eligibility criteria established by the CIL.	Service eligibility criteria established by WIOA: Qualified youth who have completed their secondary education or otherwise left school.
Age eligibility criteria established by the CIL.	Age eligibility criteria established by the IL regulations: Qualified youth who are individuals with significant disabilities between the ages of 14-24
CIL determines degree to which eligibility for IL services is contingent upon IEP and/or 504 eligibility criteria	WIOA establishes eligibility for: Qualified youth who were eligible for individualized education programs (IEP) under section 614(d) of the IDEA (20 U.S.C. 1414(d)).

Q 1: What are core transition services for “out-of-school youth”?

A 1: Core transition services for out-of-school youth are found in the Rehabilitation Act of 1973, as amended (the Act), Sec. 7 (17)(E)(iii). This

category covers services designed and provided by the CIL specifically to facilitate the successful transition of youth to post-secondary life. A CIL can also provide other core services that meet this aim.

Q 2: What does the phrase “out-of-school youth” mean?

A 2: It refers to youth with significant disabilities ages 14 to 24 who have completed their secondary education or otherwise are no longer in a secondary education or special education program.

Such youth include those enrolled in a GED or post-secondary education program (e.g., college, career development or related programs).

Q 3: Do students have to have had an individualized education program (IEP) for the CIL to provide core transition services for out-of-school youth?

A 3: No, the criteria that must be met is eligibility for an IEP. The eligibility criteria for out-of-school youth to receive these services are set forth in the Act (as amended by WIOA) at Sec. 7(17) (E) (iii). Only youth “**Who were eligible** for individualized education programs under section 614(d) of the Individuals with Disabilities Education Act (20.S.C. 1414(d)), and who have completed their secondary education or otherwise left school may be eligible to receive these services. (Emphasis added).

However, it is permissible, and in many instances appropriate, to provide the same or similar services and assistance to both youth that are eligible for the new core services and those that are not eligible. (See Q4 and Q5.)

Written documentation is not required, but rather, is based on self-report by the consumer and/or his/her guardian that he or she was eligible for an IEP.

Q 4: May CILs provide the same or similar services and assistance to secondary school students as they would to out-of-school youth who are eligible for new core services?

A 4: Yes, this is permissible and in many instances appropriate to do. CILs that do this, however, must be sure to distinguish in their reporting between services provided to youth who are eligible to receive the new core service for youth and services provided to other youth who do not meet this definition and report accordingly.

While the reporting requirements are different, ILA strongly encourages CILs to design and provide services and assistance that empower and strengthens the independence and self-determination of young people with significant disabilities in a coordinated, sequenced and seamless manner that builds lifelong success.

Q 5: May CILs provide core transition services for out-of-school youth to students who were *not* eligible for an IEP, such as those that had a Section 504 plan when they were in school?

A 5: It is permissible, and in many instances appropriate, to provide the same or similar services and assistance to both youth that are eligible for the new core services and those that are not eligible. However, these would not be considered “core transition services” as created by WIOA.

When this is done the CIL must be sure to distinguish in its reporting between services provided to youth who are eligible to receive the new core service for youth and services provided to other youth who do not meet this definition and report accordingly.

It’s also important to note that students who were eligible for an IEP, but chose to be served under a 504 plan, **would** be considered eligible for the new core service for youth if the other criteria are met.

Q 6: What is the age range within which services can be provided for transition of youth core services?

A 6: The Centers for Independent Living regulations at 45 CFR 1329.4 define “youth with a significant disability” to include the age range of 14-24. Transition of youth core services may be provided within this age range.

General core transition services for out-of-school youth are available to individuals according to the CIL’s eligibility criteria.

Q 7: What are requirements for transition of youth for students with disabilities who were home-schooled or who attended private school or public charter schools?

A 7: The criteria that must be met is *eligibility* for an IEP. As is the case with public school students, documentation is not required, but rather, is based on self-report by the consumer and/or his/her guardian that he or she was found eligible for an IEP.

**Please Note:** If you have additional questions, please contact your state project officer or the CIL training and technical assistance center at [www.ilru.org](http://www.ilru.org). Specific training is also available at <http://www.ilru.org/topics/youth-transition>.