Garrett Center
SAM HOUSTON STATE UNIVERSITY

Q&A

What does the law require regarding Functional Vocational Evaluations?

(Note: this is not a legal guidance document, but a compilation of information from sources noted)

1. **Are we supposed to administer a Functional Vocational Evaluation (FVE) to all students served by special education?**

   No, the law clearly states that the FVE must be considered and administered "appropriately", if it is considered appropriate. 19 TAC §89.1055(i)(5) *Beginning with the 2018-2019 school year, not later than when a student reaches 14 years of age, the ARD committee must consider and,* ***if appropriate****, address the following issues in the IEP; (5) an appropriate functional vocational evaluation; … Note the next sentence in* 19 TAC §89 is … *(6) appropriate employment goals and objectives*

   The coordinated set of activities has specific activities that must be considered within a results-oriented process.
   - *Instruction;*
   - *Related services;*
   - *Community experiences;*
   - *The development of employment and other post-school adult living objectives; and if appropriate, acquisition of daily living skills and provision of a functional vocational evaluation. [§300.43(a)(2)]*

2. **What does this mean in practice because there are other things we are supposed to consider for transition, too?**

   This means "*not later than when a student reaches 14 years of age"* (in Texas), 16 in the US, and before either age if determined appropriate. the ARD/IEP Committee must discuss transition services, consider data, and make a data-driven decision regarding transition services. The ARD/IEP Committee must consider the student's needs related to instruction, related services, community experiences and the development of employment and other post-school adult living objectives; and if appropriate, acquisition of daily living skills and consider the provision of a functional vocational evaluation to prepare the students for the domains noted in the definition of transition services: postsecondary education, vocational education, integrated employment, continuing and adult education, adult services, independent living, or community participation.

3. **We do everything we can to get agencies to the table, so why does the state education agency and the federal government place so much importance on this when we have trouble getting agencies involved? Shouldn't they be conducting the Functional Vocational Evaluation?**

   19 TAC §89.1055(i)(5)
   Beginning with the 2018-2019 school year, not later than when a student reaches 14 years of age, the ARD committee must consider and, ***if appropriate****, address the following issues in the IEP; (5) an appropriate functional vocational evaluation;*

   Neither the law nor the regulations state for an agency to conduct the FVE. It clearly says the ARDC must consider and if appropriate address the issues. The district has the first responsibility and can use an outside agency if that is determined to be the appropriate method to use.

4. **Whoa, what happened? Is the FVE a new requirement?**
   No, the Individuals with Disabilities Education Act of 1997 had the same requirements as the Individuals with Disabilities Education Improvement Act of 2004.The FVE is NOT new!

   IDEA (1997); Section 602 Definitions

   > *C) includes instruction, related services, community experiences, the development of employment and other post-school adult living objectives, and when appropriate, acquisition of daily living skills and functional vocational evaluation.*

   IDEIA (2004); Section 602 Definitions

   > *(C) includes instruction, related services, community experiences, the development of employment and other post-school adult living objectives, and when appropriate, acquisition of daily living skills and functional vocational evaluation.*

5. **What is the FVE definition under federal law?**

   Neither IDEA nor IDEIA define the FVE. There are many definitions of a FVE. defined as documentation of general work behaviors (e.g. attention to task, work rate, work organization, attendance, punctuality, & physical stamina); dexterity, following directions, working independently, or with job supports or accommodations. It also includes job interests and preferences; abilities (aptitude); and other special needs, such as job specific work skills, interpersonal relationships & socialization. Work related skills (e.g. independent transportation, appropriate use of break time, appropriate dress for work) are areas that when misused within the workplace can result in loss of job. Functional assessments are considered most valid when performed within in a specific work environment, whether authentic or simulated.

6. **Has any other national entity tried to define the FVE to provide more clear guidance?**

   Yes, in 2004 and 2008 a consensus was attempted at the Virginia Transition Forum that was attended by experts from around the US. In the absence of consensus, the states of Washington, Wisconsin, Montana, and Virginia attempted to develop a definition. The Vocational Evaluation and Career Assessment Professionals (VECAP) provided information regarding the dilemma and some guidance in a white paper. The 4 states concluded with the following developments:

   - *Washington's definition essentially describes a full comprehensive vocational evaluation and ties the findings to the student's IEP.*
   - *Wisconsin's definition specifies the kinds of information that should result from FVE such as student preferences, behavior, learning style, need for AT, physical/mental endurance, medical status, work skills, training methods.*
   - *Montana's definition 1) suggests using existing functional information, 2) says FVE should be about job or career characteristics, and 3) is gathered via situational assessments in the setting where the job is performed.*
   - *Virginia adopts parts of Montana's definition as above, and says the information can be gathered by observations, informal or formal measures, and should be "practical."*

   Information from the VECAP White Paper can be found at the following link:

   http://www.vecap.org/images/uploads/docs/WhitePaperFunctionalEval.pdf

7. **Did VECAP develop a definition of the FVE?**

   Yes, in the White Paper, but it was a proposed definition.

   - Functional Vocational Evaluation (FVE) is a systematic assessment process used to identify practical useable career and employment-related information about an individual.
   - FVE incorporates multiple formal and informal assessment techniques to observe, describe, measure, and predict vocational potential.
     A distinctive feature in all FVE's is that FVE includes (and may emphasize) individualized experiential and performance-based opportunities, in natural vocational or work environments.
   - An ongoing process that identifies a student's career interests, work-related aptitudes and skills, and need for training. Florida uses the following definition for Functional Vocational Evaluation (FVE): "…a systematic assessment process used to identify practical, useable career and employment-related information about an individual. FVE incorporates multiple formal and informal assessment techniques to observe, describe, measure, and predict vocational potential. A distinctive feature of FVEs is that they include (and may emphasize) individualized experiential and

performance-based opportunities, in natural vocational or work environments." (VECAP, 2009)

8. I've heard about different levels of the FVE. Is there any guidance on this information?

Yes, the professional organization VECAP provided this information in their White Paper.

"As an organization, VECAP recognizes that the topic of FVE builds upon, and is intrinsically related to, an established pyramid of levels of assessment services:

- Level III at the top of the pyramid is the Comprehensive Vocational Evaluation/ Career Assessment.
- Level II is a diagnostic and prognostic exploratory process, that moves on to the third level only if more information is needed to make significant decision.
- Level I is to make quick decisions where minimal assessment is required.

The FVE is most closely related to level III comprehensive vocational evaluation, which is a comprehensive process with work as the focal point. *This level is not necessary for all students*, if reasonable and specific post secondary goals have been determined through level 1 and 2 assessments. Level III is most appropriate for students 1) who would benefit from the "hands-on" experience afforded by work sampling, 2) who might typically be unsure of their career interests, 3) who may not have had opportunity to explore different careers and 4) who may need to showcase talents other than those limited to academic classes where they traditionally have been unsuccessful. The information from comprehensive vocational evaluations, and by extension FVE, is easily transferable to the Present Level of Performance of the I.E.P and to the Summary of Performance at exit from school." (VECAP, 2009)

9. Has any guidance been provided in Texas regarding the FVE?

Yes, the Texas Statewide Transition and TEA information was provided in a Region 10 ESC PowerPoint, Transition for Parents (no date). The information was

a. ARD committee decision
- *If appropriate, based on individual needs of the student*
- *Defined, with timelines, by ARD committee*
- *May be done at any age or grade*
- *May include interest, aptitude, situational assessment, etc., as determined by the ARD committee*

b. May, not will, but may require consent

10. Can we use existing information as part of the FVE?

Yes, existing information is very beneficial and prevents duplication of information and wasted time of the student, parent, and education assessor. Examples of data that may already exist and be used in analysis for the FVE report include but are not limited to:

- Related services reports, such as the OT, PT, and Speech Therapist
- Academic Achievement Record
- Statewide Assessment results
- Multi-Tier Support Services (MTSS) like the Response to Intervention (RtI) results, etc.
- Task Analysis from the classroom, campus work-based learning, and community-based vocational instruction (CBVI)
- Data collected to record “time on task”, support needs, and endurance. This is sometimes collected by Autism Specialist and Behavior Specialist
- Teacher observation anecdotal notes from Career and Technology Education (CTE or CTED) classes and general education electives such as Art, PE, Music, etc.

11. Do I have to administer additional vocational assessments?

It depends on what the questions are regarding the student and vocational strengths and needs. The FVE assessment tools used are dependent on the questions you have about the student. What do you know about the student and what do you need to know about the student to plan an IEP that will facilitate vocational education and postsecondary employment? Do you already have some functional date that was collected in the classroom? On work-based learning sites in the community?

12. Guidance from the National Secondary Transition and Technical Assistance Center (NSTTAC) regarding the FVE.

Functional vocational evaluation is one component of a transition program that is included "if appropriate". This evaluation involves "an assessment process that provides information about job or career interests, aptitudes, and skills. Information may be gathered through situational assessment, observations or formal measures, and should be practical. The IEP team could use this information to refine services outlined in the IEP". (Source: Storms, J., O'Leary, E., & Williams, J. (2000). *Transition requirements: A guide for states, districts, schools, universities and families*. Eugene, OR: University of Oregon, Western Regional Resource Center.)

13. **Guidance from the Texas Statewide Transition Network and TEA (ESC 10 Training for Parents)**
    Transition in the IEP: Functional Vocational Evaluation is an ARD Committee Decision
    - If appropriate, based on individual needs of the student
    - Defined, with timelines, by ARD Committee
    - May be done at any age or grade
    - May include interest, aptitude, situational assessment, etc., as determined by the ARD Committee
    - May require consent

14. **Is a parent signature necessary to conduct a functional vocational evaluation?**
    If the functional vocational evaluation is part of the Transition Assessment to develop the IEP, a parent signature is not required. If the functional vocational evaluation is part of an FIE or IEE, a parent signature would be required.

15. **What do I do with the FVE results?**
    Annual ARD/IEP: Compile the results in a one-page or short report to use when making data-driven decisions in the development of the IEP and specifically in developing Transition Services. Store the protocol in the Transition Assessment folder or wherever the district stores Transition Assessment protocols. Ensure the FVE information is reviewed in the ARD/IEP Meeting and used in the development of the IEP.

    FIE/IEE: Ensure that Transition Assessment results are included in the FIE and IEE for all secondary students served by Special Education. It is a legally required assessment and intended to drive the secondary programming and services, so why wouldn't you include it? According to Dr. Gail Cheramie, Ph.D., Director of Psychological Services Department at the University of Houston-Clear Lake (Retired), and a statewide expert training districts, education service centers and education law firms, Transition Assessment should be in the FIE/IEE. According to Dr. Cheramie, the Transition Services information should be placed at the end of the evaluation report in a separate section. A transition subsection can be created in any section of the FIE depending on the software program being used, but it is best to put it at the end since it is based on a synthesis of all evaluation data."