

(S.B. 920)

(No. 263)

(Approved December 13, 2006)

AN ACT

To establish the Vocational and Career Evaluation service as a right of the students with disabilities who receive special education services under the Office of the Assistant Secretary for Special Education attached to the Department of Education of Puerto Rico, guaranteeing their full development and integrating them into the labor force in their respective communities.

STATEMENT OF MOTIVES

Public Law 17 approved by the 105th Congress of the United States, known as the Individuals with Disabilities Education Act (IDEA) 20 USC sec. 1401 et seq, and its equivalent in Puerto Rico, Act No. 51 of June 7, 1996, as amended, known as the "Integral Educational Services for Persons with Disabilities Act," recognize the right of the children with disabilities to have access to the public education system through an individual educational plan that would attend to the needs of each child. These laws constitute part of the ambitious efforts of the Federal Government and of the Government of Puerto Rico for promoting the education of the children with disabilities.

Through the aforementioned Act No. 51 of June 7, 1996, as amended, henceforth Act No. 51, the Legislature of Puerto Rico agreed that it was the responsibility of the Government to provide each disabled child with access to the public education system so that he/she would have the opportunity for

developing to his/her fullest and making maximum use of their potential. The provisions of Act No. 51 generally establish that the students must be promptly evaluated and diagnosed by a multidisciplinary team that would take into consideration their areas of functionality and their needs so that they might receive those educational services indispensable for their education taking into consideration the Individualized Educational Plan (PEI, Spanish acronym).

The Regulations of the Special Education Program approved by the Department of Education under Act No. 51, reaffirms the right of the children with disabilities to enjoy an adequate education free of cost that would allow them to develop to their fullest and make maximum use of their potential in keeping with the nature and severity of their disability. They also require that all children who receive special education do so under an individual work plan prepared according to their educational strengths and needs and with the participation of their parents.

At present there is an urgent need for the Department of Education of Puerto Rico to provide Vocational and Career Evaluation services for those students with disabilities undergoing a process of transition. Vocational Education is a broad and systematic process by means of which the abilities, strengths and physical and mental limitations of the persons with disabilities are evaluated and identified. This process analyzes medical, psychological, social, educational and occupational information and identifies and recommends other services that the student may need so as to achieve his/her vocational or employment goals (Nadolsky, 1971 Empower 1990). The Judgment by Stipulation in the judicial case Rosa Lydia Vélez and other plaintiffs versus Awilda Aponte Roque and other defendants, KPE19801738 (February 14, 2002), recognizes the functional Vocational Evaluation as one

of the services for students with disabilities undergoing the process of transition. Diverse laws have been approved this past decade that acknowledge and guarantee the right of the persons with disabilities to enjoy a life of full participation in society. In spite of the existence of these laws, the persons with disabilities face many obstacles to take an active part in their communities and in the working population.

Public Law 17 approved by the 105th Congress of the United States, known as the “Individuals with Disabilities Education Act” (IDEA, 1977), Public Law 446 approved by the 108th Congress of the United States, known as the “Individuals with Disabilities Education Improvement Act” (IDEIA, 2004), the *Manual de Transición de la Escuela al Mundo del Trabajo* (School-to-Work Transition Manual) (1999) and the *Manual de Procedimiento de Educación Especial* (Special Education Procedures Manual) (2004), created through Circular Letter No. 52004-2005 of September 3 2004, recognize Vocational Evaluation as a necessary service for the areas of education and community experience and for the development of employment objectives and other objectives for adult life. The *Manual de Transición de la Escuela al Mundo del Trabajo* indicates that at the age of 12, the student with disabilities must receive a preliminary Vocational Evaluation and that the vocational evaluations must be completed within the ages of 12 to 15. In spite of the fact that the laws have recognized the Vocational Evaluation services for the population with special needs, the Department of Education of the Commonwealth of Puerto Rico still lacks a formal model for rendering Vocational and Career Evaluation services.

Some of the benefits obtained by providing Vocational and Career Evaluations services for students with disabilities are:

(1) To provide information and recommendations regarding the goals and objective of the Individualized Education Plan (PEI, Spanish acronym);

(2) To make specific recommendations to include in the Individualized Education Plan (PEI) the objectives related to the contents of curricular activities;

(3) To make recommendations to include in the Individualized Education Plan (PEI) the learning styles and educational techniques so that the students may be successful in their vocational training and curricular activities;

(4) To make recommendations as to placement options, considering vocational development, employment support, school work and placement within the community, and;

(5) To make recommendations as to the use of job adaptability and assistance that result in productive performance in a less restrictive environment.

In order to provide the Vocational and Career Evaluation service to students with disabilities it is necessary to administer vocational interest, aptitude, academic achievement, temperament, and work samples tests, among others, according to the needs of the student. The professionals presently working at the Department of Education who are best prepared to provide those services are the school counselors.

Act No. 51, also establishes the participation of the students in real work environments as far as their condition allows for exploring their capacity to receive training and develop in a profession or trade.

Circular Letter 32-2004-2005, entitled *Normas, Objetivos y Funciones del Programa de Orientación y Consejería Escolar* (Norms, Objectives and

Functions of the School Orientation and Counseling Program) describes the services a school counselor offers. Among the services they may render is their capacity for conducting an evaluation that will include the selection, administration and interpretation of instruments designed for evaluating the occupational interests, abilities, learning styles, aptitudes and temperament of the students. Furthermore, other functions of the trained school counselor are to make information available and offer conclusive recommendations for placing the student in a less restrictive alternative according to his/her potential and capabilities and to exercise the placement function, which consists of seeking the insertion and placement of the student in the less restrictive alternative according to his/her potential, capabilities and needs. Thus, the school counselor trained in the field of Vocational Evaluation has the professional expertise and competence to provide such services to the population of students with disabilities.

To these ends, a significant number of school counselor, attached to the Department of Education, have received training through federal proposals in order to acquire a Professional Certification on Vocational Evaluation at the Post Master's Degree level. Likewise, through federal funds these professionals were provided with the minimum educational and technological resources to conduct vocational evaluations. This group of school counselors also received specialized additional training in the administration, correction and interpretation of Vocational Evaluations tests and techniques.

However, because of the multiple functions these school counselors must perform, they are unable to offer these services to the population of students with disabilities in a comprehensive manner. To those effects, it is necessary that the Department of Education recognize the need to have these

professionals provide the above described and mentioned services. This limitation has not allowed many of the students with disabilities who receive special education services to benefit from a Vocational Evaluation.

The implementation of a Vocational and Career Evaluation model for students with disabilities shall significantly contribute to ensuring that the educational services provided for this population are more responsive. It shall likewise provide valuable information for developing the goals and objectives of the PEI in keeping with the real needs of the students thus maximizing their performance. There is a large amount of literature that explains the usefulness, benefits and suitability of the Vocational Evaluation services for persons with disabilities, including those with more significant disabilities. It must be indicated that the federal legislation emphasizes the need to ensure that these people are well served and able to receive all the services necessary for them to achieve the maximum development allowed by their capabilities.

In view of the above it is hereby recognized that the Legislature of Puerto Rico needs to confirm that the Department of Education of Puerto Rico has the obligation of offering Vocational and Career Evaluation services to students with disabilities who receive special education. To establish these services at the Department of Education the following measures must be adopted:

- (1) The school counselors trained in Vocational Evaluation are at present the best prepared and qualified professionals to provide such services at the Department of Education.

- (2) To relieve these trained school counselors from performing those functions that hinder them from offering Vocational Evaluation

services according to the needs of the school, the program or the district to which they are assigned.

(3) The recruitment of other professionals with academic education in Vocational Evaluation.

(4) The development of a Manual (Draft) of Procedures for Rendering Vocational and Career Evaluation to students with disabilities.

(5) The creation of a Vocational Evaluation Division attached to the Orientation and Counseling Program located at central level.

(6) The identification of fiscal resources to acquire other Vocational Evaluation tests for evaluating the population of students with disabilities.

(7) To provide opportunities for professional development to other school counselors in the field of Vocational Evaluation.

Taking all of the above as the goal to be reached, we make sure that the students with disabilities may have the opportunity of receiving the essential services they so badly need. With this action we shall thus provide true justice for all.

BE IT ENACTED BY THE LEGISLATURE OF PUERTO RICO:

Section 1.-To establish the Vocational and Career Evaluation service as a right of the students with disabilities undergoing a process of transition who receive special education services under the Office of the Assistant Secretary for Special Education attached to the Department of Education of Puerto Rico, guaranteeing their full development and integrating them into the labor force in their respective communities.

Section 2.-To those effects, the Secretary of the Department of Education is hereby directed to offer Vocational and Career Evaluation services to the students with disabilities who receive services under the

Special Education Program attached to the Office of the of the Assistant Secretary for Special Education.

Section 3.-The Secretary of Education shall implement all those measures that may be necessary to offer these services to the students with disabilities.

Section 4.-The Vocational and Career Evaluation services shall be rendered by professionals such as: school counselors and vocational guidance counselors duly trained in Vocational Evaluation or vocational evaluators with a Master's degree and licensed rehabilitation counselors.

Section 5.-The Department of Education shall recruit additional personnel with academic education in Vocational Evaluation to offer Vocational Evaluation services in those schools with only one school counselor and where student enrollment justifies such recruitment.

Section 6.-The Vocational Evaluations service shall be implemented in schools identified by the Secretary of Education, such as: the middle and high schools with combined regular-vocational curriculums, the middle and high vocational schools, the specialized schools, the pre-vocational schools, the integrated centers and the special vocational schools or centers, among others.

Section 7.-For the purpose of implementing this Act, the Department of Education shall be duty bound to guarantee certain minimum, but not limited procedures for the evaluation of the students with disabilities. These are:

a. At the age of 12 the student with disabilities shall be given a first Preliminary Vocational Evaluation (EVP, Spanish acronym) to determine his/her abilities, interests, aptitudes, limitations, functional capabilities and location options taking into consideration his/her particular

needs. The use of technological assistance services and equipment the student uses or may use should be considered.

b. After the first Preliminary Vocational Evaluation (EVP), the student must annually receive a full vocational evaluation and consultation before being placed in an academic-vocational school or program of his/her interest and according to his/her particular needs.

c. The team which makes up the Evaluation and Placement Committee (COMPU, Spanish acronym), especially the parents, tutor, or legal representative, shall meet and discuss the results of the Vocational Evaluation, which may include the student, if suitable.

d. Goals, objectives and individualized activities may be developed in the transition services section of the Individualized Educational Program (PEI, Spanish acronym) based on the results of the Vocational Evaluation.

e. The student with disabilities shall receive those services recommended in the Vocational Evaluation that may be necessary to maximize his/her academic, vocational and occupational performance, including technological assistance services and equipment.

f. The referral to the Vocational Rehabilitation Administration of students with disabilities in the process of transition shall include a copy of the report about the results of vocational evaluations, allowing the vocational rehabilitation counselor to obtain the greatest amount of information possible to analyze the case and determine the eligibility to the services.

Section 8.-The Department of Education shall identify funds for acquiring the equipment, materials and specialized vocational tests needed to provide the Vocational Evaluation service.

Section 9.-The Department of Education shall identify funds to sponsor investigations and methodologies that will allow the development of knowledge and techniques that help in fostering optimum Vocational Evaluation services.

Section 10.-The Secretary of Education shall select a Consulting Committee of professionals duly qualified to design, implement and monitor the rendering of Vocational and Career Evaluation services.

Section 11.-The Office of the Secretary of the Department of Education shall draft a circular letter which shall be sent to all school directors and administrative personnel of the System, as applicable.

Section 12.-The unconstitutionality of any part of this Act decreed by a competent Court shall not affect the other provisions thereof, which shall remain in effect.

Section 13.-this Act shall take effect immediately after its approval and shall be put in force by the second semester of the 2006-2007 School Year.

CERTIFICATION

I hereby certify to the Secretary of State that the following Act No. 263 (S.B. 920) of the 4th Session of the 15th Legislature of Puerto Rico:

AN ACT to establish the Vocational and Career Evaluation service as a right of the students with disabilities who receive special education services under the Office of the Assistant Secretary for Special Education attached to the Department of Education of Puerto Rico, guaranteeing their full development and integrating them into the labor force in their respective communities,

has been translated from Spanish to English and that the English version is correct.

In San Juan, Puerto Rico, today 30th of March of 2007.

Francisco J. Domenech
Director