



WIOA: Mandates for Collaboration between VR and Schools

Minnesota Department of Employment and Economic
Development

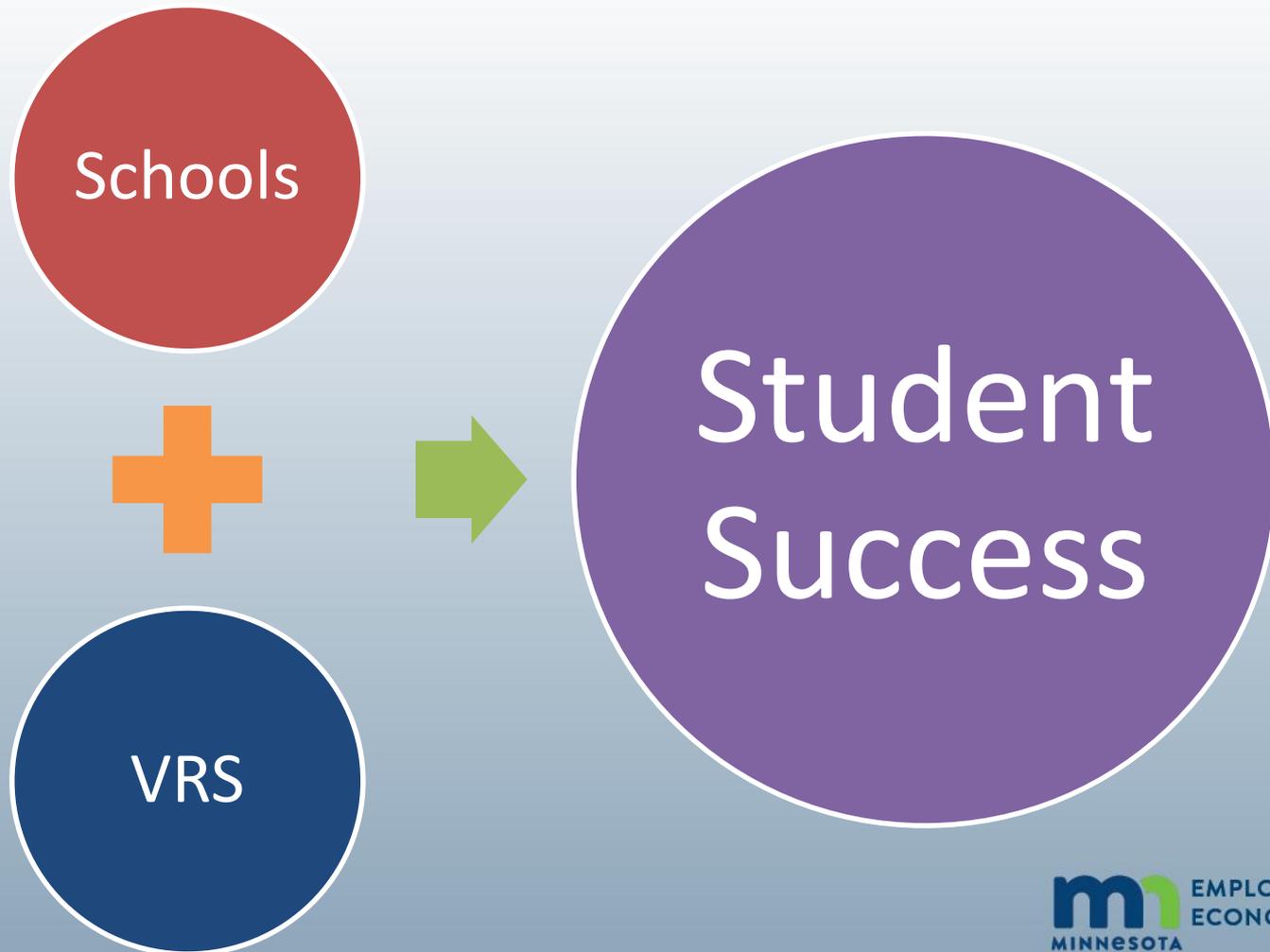
Special Education Directors

Fall 2016

WIOA

- President Barack Obama signed the **Workforce Innovation and Opportunity Act (WIOA)** into law on July 22, 2014.
 - Amends the Rehabilitation Act of 1973
 - Key changes impacting youth with disabilities:
 - Pre-employment transition services (Pre-ETS)
 - Limitations on the use of subminimum wage
- Final regulations published 08-19-16
 - <https://federalregister.gov/a/2016-15980>

More collaboration than ever before



Pre-Employment Transition Services (Pre-ETS)

Pre-Employment Transition Services (Pre-ETS)

- VRS in collaboration with the local educational agencies involved, must provide, or arrange for the provision of, pre-employment transition services for all students with disabilities in need of such services.
- VRS must reserve at least 15 percent of the State's federal funds for the provision of pre-employment transition services.
- Pre-employment transition services must be made available statewide to all students with disabilities, regardless of whether the student has applied or been determined eligible for vocational rehabilitation services.

To supplement, not supplant...

“**Nothing** in this act and regulations will be construed to **reduce the obligation** under the Individuals with Disabilities Education Act of a local educational agency or any other agency **to provide or pay for any transition services** that are also considered special education or related services and that are necessary for ensuring a free appropriate public education to children with disabilities within the State involved.”

(§361.22(c))

Pre-ETS Target Population

- “Student with a disability” means an individual with a disability in a secondary, postsecondary, or other recognized education program who—
 - Is eligible for, and receiving, special education or related services under Part B of IDEA or is an individual with a disability, for purposes of section 504.
 - Age range: Grade 9 through age 21.
- “Youth with a disability” means an individual with a disability who is not younger than 14 years of age and not older than 24 years of age.

5 Required Pre-ETS Activities

- Job exploration counseling
- Work-based learning experiences
- Postsecondary education counseling
- Workplace readiness training
- Instruction in self-advocacy

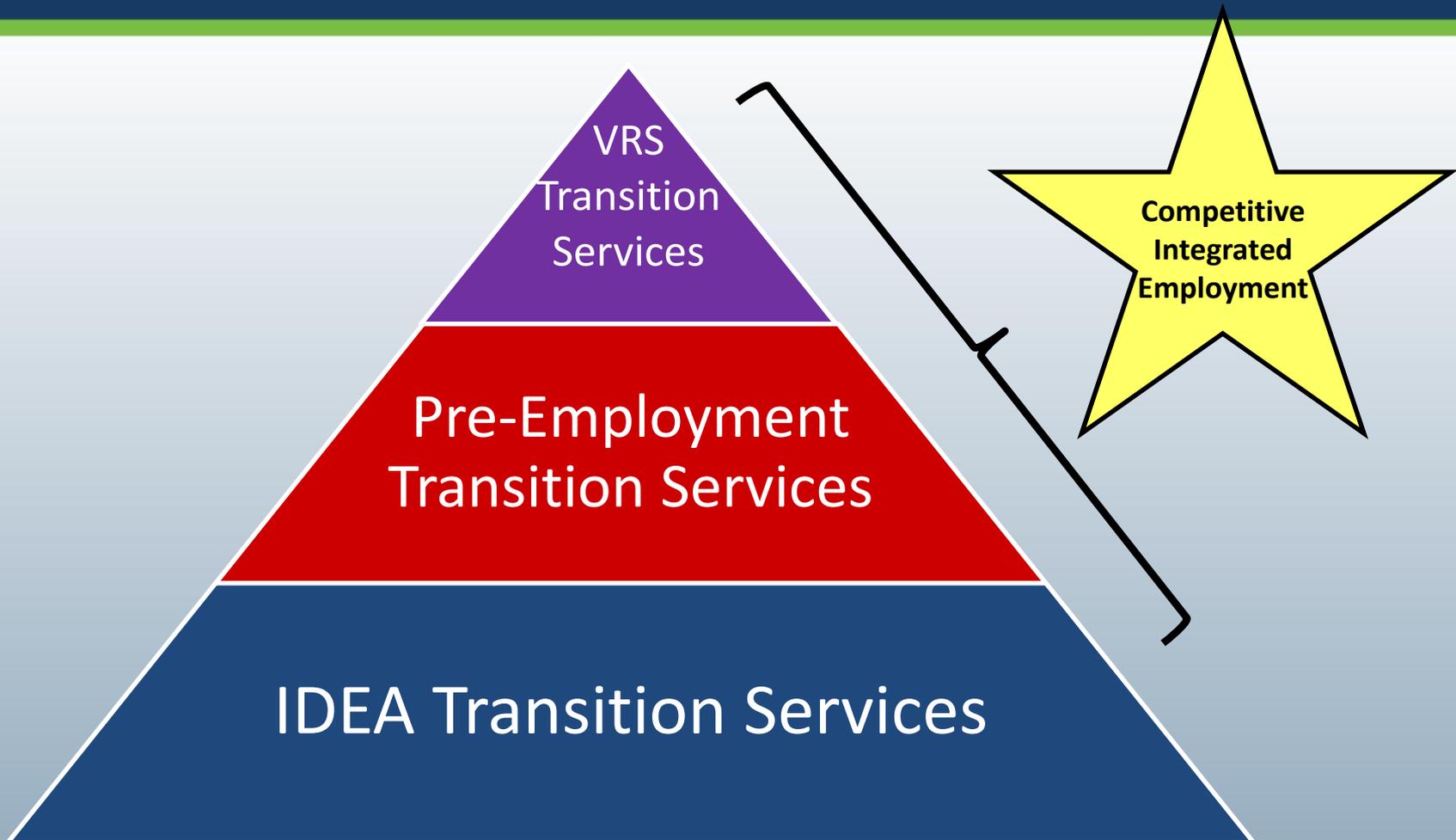


Definitions and resources at: www.wintac.org

Federal reporting requirements

- Student unique identifier
- SSN if available
- Date of birth
- Race
- Ethnicity
- Start date of Pre-ETS
- Description of Pre-ETS provided quarterly

Continuum of Activities



Continuum Explained

- IDEA Transition Services:
 - Provided to all students in special education
- Pre-ETS:
 - No VRS application necessary
 - Earliest set of services available
 - Designed to help students with disabilities begin to identify career interests
- VRS Transition Services:
 - Must apply, be eligible and in an open priority category for VRS
 - Includes postsecondary education/ training, job placement, and job retention support

Based on Need

- Pre-ETS, as is true for any vocational rehabilitation service, must be provided solely on the basis of the individual's need for that service.
- None of the provisions mandate that all five Pre-ETS activities be provided to each student with a disability if all the activities are not necessary.

Pre-ETS in Group Settings

VRS or schools may provide, or arrange for the provision of, pre-employment transition services to students with disabilities in classroom, employment, or community (group) settings.

Pre-ETS Aligns with PLP Legislation

- Minnesota's Planning for Students' Successful Transition to Postsecondary and Employment Statute 120B.125 requires all students beginning no later than 9th grade to have a **Personal Learning Plan (PLP)**
 - Key elements: academic scheduling, career exploration, career and employment-related skills, community partnerships, college access, all forms of postsecondary training, and experiential learning opportunities.

How Pre-ETS and PLP Align

Pre-ETS Language	PLP Language
Job exploration counseling	Career Exploration
Work based learning	Experiential learning opportunities
Counseling on postsecondary education options	College access and all forms of postsecondary training
Work readiness skills training	Career and employment related skills
Self-advocacy instruction	Career and employment related skills
Collaboration with education and business	Community partnerships

Limitations on the use of Subminimum Wage

WIOA Section 511: Limitations on use of subminimum wage

- Youth **age 24 and under** cannot enter into subminimum wage employment without accessing VR services first
- Effective July 22, 2016
- Reduces the “tracking” of transition aged youth into subminimum wage jobs
- Ensures the informed choice process includes consideration of, and experience with, competitive integrated employment

Requirements

- WIOA does not prohibit youth ages 24 or younger from *choosing* to be employed at a subminimum wage but it **requires** those who are seeking this option to have proof that all of **the following conditions** are met first:
 - Participated in Pre-ETS or transition services while still in high school and eligible for special education services, and
 - Applied for VRS and determined ineligible or found eligible but unsuccessful in competitive integrated employment and their VRS case was closed, and
 - Received career counseling, information, and referral to other resources that could assist in securing competitive integrated employment.

Right of Refusal

- Youth or their parent or guardian may refuse to apply for VRS. But **refusing** to participate in the required activities or opting out of the vocational rehabilitation process entirely will make the youth **ineligible** for subminimum wage employment.
 - Note that VRS has no enforcement authority over subminimum wage employers.

Informed Choice

- Informed choice process is at the heart of this work
- Implementation guide created by DEED, DHS, MDE
 - Outlines steps
 - Online toolkit: mn.DB101.org
- Special educators, VRS counselors, county social workers all play a role

Required documentation from schools

- §397.30: Outlines the responsibilities of **local educational agencies** to youth with disabilities who are known to be seeking subminimum wage employment.
 - Documentation of completion of IDEA transition services and activities
 - Documentation of youth's refusal to participate, when applicable
 - Includes timelines and transmission procedures

Contracting Restrictions

Neither a local educational agency, nor a State educational agency, may enter into a contract or other arrangement with an entity for the purpose of operating a program for youth under which work is compensated at a subminimum wage. (§397.31)

Steps for Implementation



Our initial focus

- Students “seeking subminimum wage employment” and graduating in 2017
 - Work with schools to identify all students in this category
 - Discuss work options with students and parents/guardians
 - Provide Pre-ETS as needed
 - Take applications, determine eligibility, create plan
 - Documentation process

Next step

- Surveying school districts:
 - How are the 5 Pre-ETS activities currently offered to students with disabilities?
 - What are the gaps that need to be filled in order for these activities to be available to all students with disabilities?
 - What is needed from VRS to fill the gaps?
 - What other community resources are available?

Your help is needed!

- Complete the survey
- Alert your transition coordinators or school leads:
 - We need their help with triaging referrals
 - More immediate needs first
- Help us identify key contacts in each school

Contact information

- Find your assigned VRS staff at:
 - <http://mn.gov/deed/job-seekers/disabilities/youth/>
- VRS Transition Specialist:
 - Alyssa Klein, alyssa.klein@state.mn.us, 763-279-4374
- VRS Director:
 - Kim Peck, kim.peck@state.mn.us, 651-259-7345