NAVIGATING THE WATERS OF WIOA
WITH OFFICE OF SPECIAL
EDUCATION AND VOCATIONAL
REHABILITATION

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Workforce Innovation and Opportunity Act

- Signed into law on July 22, 2014
- Designed to help job seekers access employment, education, training, and support services to succeed in the labor market
- Placed heightened emphasis on the provision of services to students and youth with disabilities to achieve competitive, integrated employment

Intent of WIOA

- Focuses on job preparation, education and career pathways for job seekers to provide qualified candidates to employers
- Provide pre-employment services to students at an early age
- Provide competitive integrated employment opportunities for youth
Implications for Schools Districts

Title V, Section 511

- **Intent** – is that individuals with disabilities, especially youth with disabilities, must be afforded a full opportunity to prepare for, obtain, maintain, advance in, or reenter competitive integrated employment.

Workforce Innovation and Opportunity Act

Limitations on the Use of Subminimum Wage

- Placed limitations on employers who hold special wage certificates under the Fair Labor Standards Act (FLSA), especially when hiring youth 24 years of age or younger.
- Eliminates subminimum wage options for students with disabilities.
- Requires VR to provide youth with disabilities documentation demonstrating completion of certain requirements, prior to starting subminimum wage employment.
- Prohibits a school district from entering into a contract or making other arrangements with a subminimum wage employer for an individual who is age 24 or younger who the work is compensated at a subminimum wage.

Pre-Employment Transition Services

- Students with disabilities desiring to work in an extended employment sheltered workshop setting after high school must provide documentation of the receipt of pre-employment transition services and/or transition services prior to entering employment for sub-minimum wages.
- University of Missouri College of Education Pre-Employment Transition Service (Pre-ETS) Specialists can provide pre-employment transition services to potentially eligible students with disabilities.
WIOA – Title IV, Section 113
Pre-employment Transition Services (Pre-ETS)

Five Activities

1. Pre-employment transition services are provided for students with disabilities who are in need of such services and are:
   a. eligible or potentially eligible for VR services
   b. 16 – 21 years of age (or younger if determined appropriate by the IEP team)
   c. currently enrolled in secondary school

2. Five Pre-ETS activities are:
   a. Job exploration counseling;
   b. Work-based learning experiences, which may include in-school or after-school opportunities, or experience outside the traditional school setting (including internships), that is provided in an integrated environment to the maximum extent possible;
   c. Counseling on opportunities for enrollment in comprehensive transition or post-secondary educational programs at institutions of higher education;
   d. Workplace readiness training to develop social skills and independent living;
   e. Instruction in self-advocacy, which may include peer mentoring.

VR Documentation for Students Seeking Extended Employment

| The following is used to determine whether students are able to access employment in a subminimum wage setting: |
| Documentation of the completion of appropriate pre-employment transition services under Section 113 of WIOA; and/or |
| Documentation from appropriate school personnel responsible for the provision of transition services to the VR counselor of the receipt of transition services under IDEA; and |
| Documentation of the application for VR services, with the result that the student was either determined ineligible for VR services; OR determined eligible and had an approved individualized plan for employment, but was unable to achieve the employment outcome, and their VR case was closed. |
| Documentation of receipt of career counseling, and information and referral to other federal state programs |

Requirement for Documentation

| Vocational Rehabilitation, in consultation with the State educational agency, must develop a new process or utilize an existing process for LEAs to document the completion transition services to youth with disabilities known to be seeking subminimum wage employment, as well as a process for the transmittal of that documentation from the educational agency to the DSU. |
| The documentation process must cover both the production and transmittal of the documentation. |
| The final rule also establishes minimum information that must be contained in documentation of a youth’s completion of required activities. |
LEA Must Provide Information to VR

- Documentation must be provided by the LEA to VR
  - That the youth has completed transition services
  - Must be provided in a manner that complies with confidentiality requirements (FERPA and IDEA)
  - Provided as soon as possible after completion of transition services, but no later than 30 calendar days after completion (60 calendar days in extenuating circumstances)
  - The LEA should keep a copy of the documentation provided to VR.

Must Be included in Documentation

- Documents must contain:
  - Youths name
  - Description of service completed
  - Name of the provider of the service
  - Date service completed
  - Signature of educational personnel documenting completion of the service
  - Date of signature
  - Date and method of delivery (fax, hand-delivered, mailed, emailed)

Draft Cover Sheet
Implications for Students

- VR will continue to work cooperatively with schools, as they always have, to determine if a student can benefit from competitive, integrated employment.
- The VR counselor should be invited to the IEP meeting anytime there is a possibility the student may need VR services. Generally speaking, this occurs during the last two years of the student’s high school experience.
- The VR Counselor or the University of Missouri Pre-ETS Specialists will ensure students with disabilities have every opportunity to maximize receipt of pre-employment transition services prior to graduation or high school exit.
- “Pre-employment transition services” under WIOA are not intended to supplant IEP transition services but rather to supplement them; and WIOA does not unnecessarily restrict IEP team decision-making or the identification of post-secondary goals.
- The student can no longer participate in any subminimum wage employment as long as the individual is considered a student enrolled in secondary education.

School District Compliance Questions

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VR Questions

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