WORKFORCE INNOVATION & OPPORTUNITY ACT (WIOA)

“IMPACT ON SCHOOLS AND TRANSITION PLANNING”

WEBINAR HOSTED BY DESE

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June 10, 2016
Webinar Objectives

Gain knowledge of:

- **Workforce Innovation and Opportunity Act (WIOA)**
  - Title IV, The Rehabilitation Act, Section 113 - Pre-employment Transition Services (effective 7-22-2014)
  - Title V, Section 511 – Limitations on Use of Sub-minimum Wage (effective 7-22-2016)

- **Impact of WIOA on Local Education Agencies (LEAs) and Transition Planning**
  - Implications for students seeking extended employment
  - Implications for IEP teams, transition planning, and post-secondary goal development for students seeking extended employment
The Workforce Innovation and Opportunity Act (WIOA)

- WIOA was signed into law on July 22, 2014
  [http://www2.ed.gov/about/offices/list/ovae/pi/AdultEd/wioa-reauthorization.html](http://www2.ed.gov/about/offices/list/ovae/pi/AdultEd/wioa-reauthorization.html)

- Reauthorized employment, training, adult education, and vocational rehabilitation programs (Title IV – Amendments to the Rehabilitation Act of 1973)

- 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
WIOA – Title IV, Section 113

Pre-employment Transition Services

- Expands the role of VR in transition, further aligning WIOA with the Individuals with Disabilities Education Act (IDEA).

- Vocational Rehabilitation (VR) will collaborate with local education agencies, to provide, or arrange for the provision of, pre-employment transition services for students with disabilities in need of such services who are eligible or potentially eligible for VR 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 prior to entering employment for sub-minimum wages.

- Hook Center Pre-Employment Transition Service (Pre-ETS) Specialists can provide pre-employment transition services to potentially eligible students with disabilities.
Pre-employment transition services are provided for students with disabilities who are in need of such services and are:

- eligible or potentially eligible for VR services
- 16 – 21 years of age (or younger if determined appropriate by the IEP team)
- currently enrolled in secondary school

Five Pre-ETS activities are:

- Job exploration counseling;
- 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;
- Counseling on opportunities for enrollment in comprehensive transition or post-secondary educational programs at institutions of higher education;
- Workplace readiness training to develop social skills and independent living;
- Instruction in self-advocacy, which may include peer mentoring.
Effective July 22, 2016.

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.

Key Provisions

- Places 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 students/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 which the work is compensated at a subminimum wage.
Section 511

Prohibits Work Experience for Subminimum Wage

- Section 511 states that a school district *may not* enter into a contract or make other arrangements with a subminimum wage employer for an individual who is age 24 or younger which the work is compensated at a subminimum wage.

- This is interpreted to mean as long as the individual is a student of a school district, the student cannot be involved in any subminimum wage employment, to include:
  - Work in extended employment at a sheltered workshop
  - Participation in work experiences where they would be paid subminimum wages
  - Participation in work experiences that are not in an integrated, competitive setting.
Implications for Postsecondary Transition Planning

- The IEP must continue to include a statement of appropriate, measurable post-secondary goals based on transition assessment and a description of the transition services that will reasonably enable the student to meet the postsecondary goals.

- Instead of students participating in subminimum wage work experiences, transition services will now include pre-employment transition services in the areas of job exploration, work-based learning experiences either on or off campus in a competitive integrated setting, counseling for enrollment in post-secondary education, workplace readiness, and instruction in self-advocacy.

- WIOA restricts participation in subminimum wage employment for a student still in school, but it does not unnecessarily restrict the ability of the IEP team to appropriately identify goals that might be more conducive to those in sub-minimum wage employment programs.
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 Hook Center Pre-ETS Specialists will ensure students with disabilities have every opportunity to maximize receipt of pre-employment transition services for as long as they need those 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.
Once it has been determined by VR the student cannot benefit from services leading to competitive integrated employment in the community, the following will be provided to the student before they leave the school setting:

- Documentation of the completion of appropriate pre-employment transition services under Section 113 of WIOA; and

- 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
Question: Can students who have already been certified for subminimum wage, or who have already been participating in work experience programs in a sheltered workshop continue in these programs for the 2016-17 school year?

Answer: No. One of the key provisions in Section 511 (b)(2) states that the LEA can no longer contract or enter into an arrangement with an employer that holds a special subminimum wage certificate for which work is compensated at a subminimum wage.

Students still enrolled in high school, even students who may have already been certified and worked in an extended employment/sheltered workshop, will no longer be able to participate in a work experience for subminimum wages.

Students must, instead, be provided work experience on or off campus in a competitive, integrated setting as part of transition services through the IEP.
Question: Can students participate in work experience in an extended employment sheltered workshop if they are paid minimum wage?

Answer: No. Work experiences need to be provided in a competitive, integrated setting, and facility-based experiences generally do not meet the definition of an integrated setting, even if the student was paid minimum wage or higher.
**Question:** Do students who are planning to enter a day habilitation program after high school have to have competitive work experience and a case opened with VR?

**Answer:** No, if the student is not seeking subminimum wage employment there is not a requirement that they have competitive work experience and be referred to VR. Any student may receive Pre-ETS.
Question: If the student has received all of the required documentation from VR stating they cannot benefit from competitive integrated employment, can the student submit an application to a local sheltered workshop for postsecondary employment?

Answer: Yes. Once VR has provided the required documentation to the student they may apply for postsecondary employment in a local extended employment sheltered workshop setting.
Resources/Handouts

- Workforce Innovation and Opportunity Act (WIOA): http://www2.ed.gov/about/offices/list/ovae/pi/AdultEd/wioa-reauthorization.html.

- “Quick Guide: Preparing Students for Competitive Integrated Employment” developed by the National Technical Assistance Center on Transition (NTACT).

- Hook Center Pre-ETS Specialist Regional Contact List will be posted by August 1, 2016.

- “Pre-employment Transition Services” - Missouri Vocational Rehabilitation.

- “Unpaid Work Experiences, Volunteering, and Internships: What’s Allowed”, updated November, 2015, developed by the State Employment Leadership Network.

- Workforce Innovation Technical Assistance Center (WINTAC): Pre-Employment Transition Services http://www.wintac.org/topic-areas/pre-employment-transition-services
Contact

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