

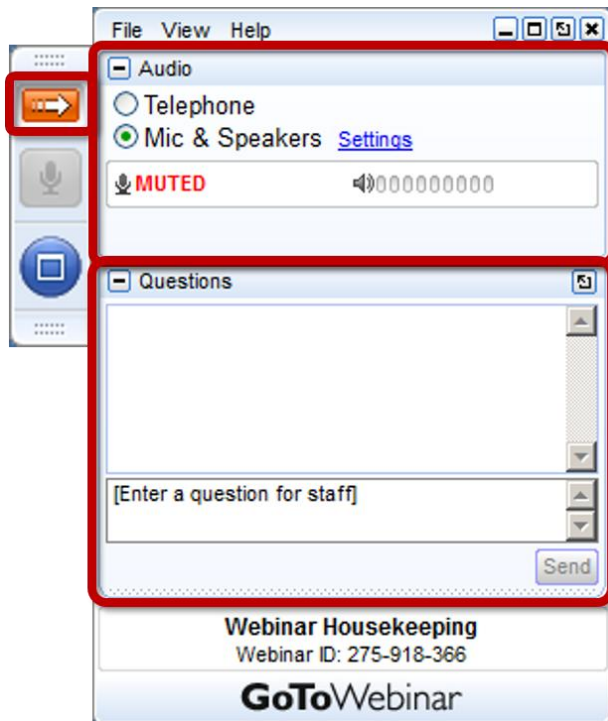
**RAISE**

# Unraveling the Mysteries of Pre-employment Transition Services under WIOA

June 19, 2019

**Welcome! The webinar will begin shortly.**

## Attendee Participation



Open and close your control panel

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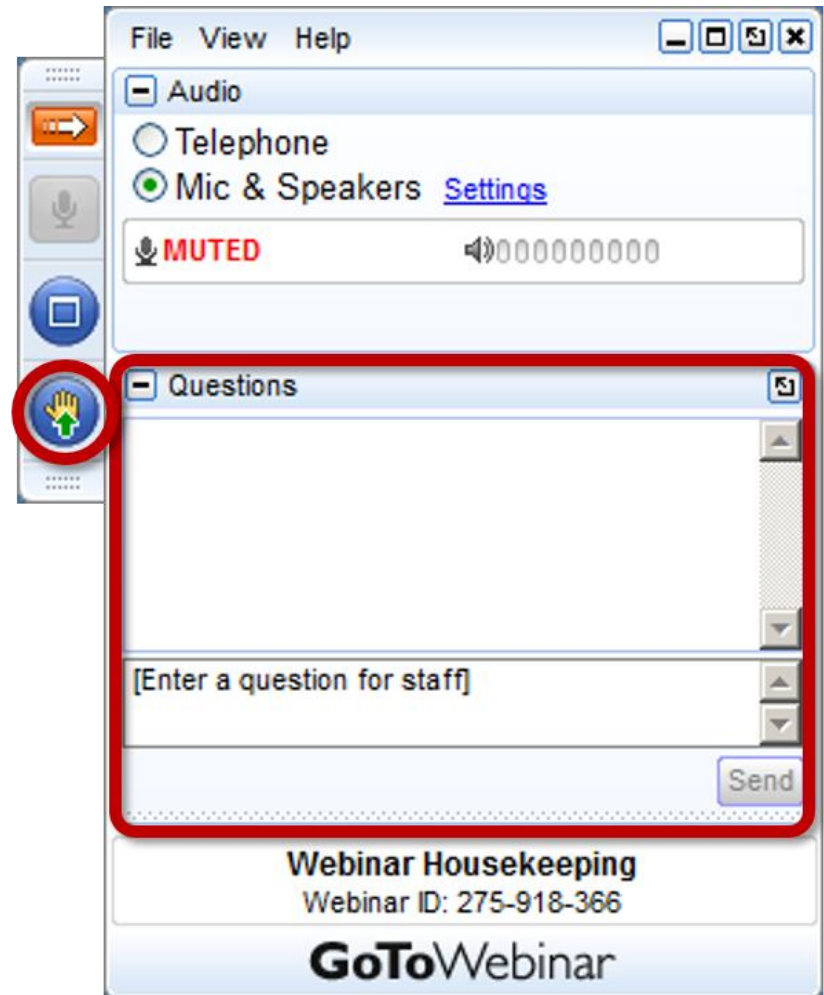
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# Questions

## Your Participation

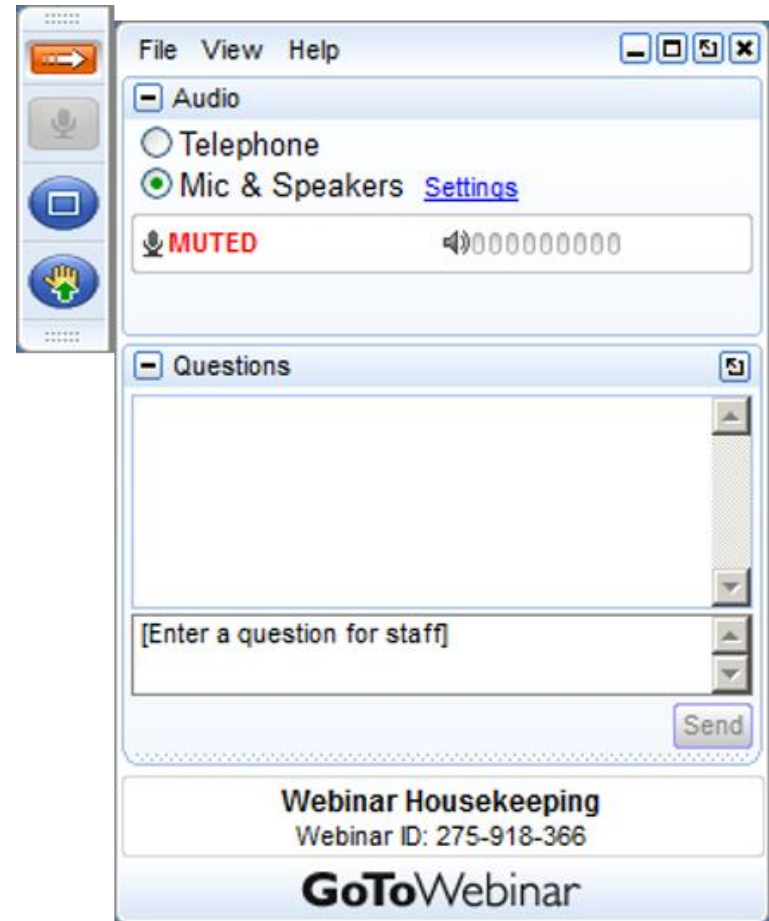
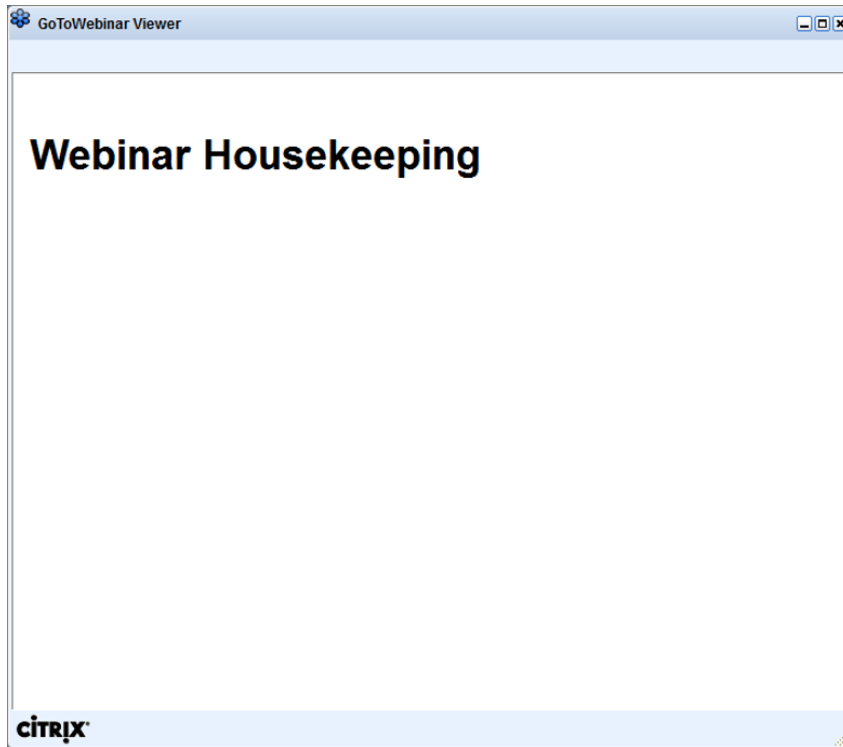
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# Housekeeping





# UNRAVELING THE MYSTERIES OF PRE-EMPLOYMENT TRANSITION SERVICES UNDER WIOA

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## **Presenter:**

Ron Hager, Managing Attorney  
National Disability Rights Network  
June 19, 2019



## Wise Words To Ponder...

“The days of students with disabilities leaving school poorly educated, with no employment experience and no job prospects, living in poverty and too often ending up in segregated day programs and subminimum wages, needs to come to an end.”

-- Senator Tom Harkin

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# Congressional Intent for WIOA

Increases the focus on serving the most vulnerable workers – low income adults and youth who have limited skills

Focus on increasing job skills, career pathways, and in demand occupations

Focus more on employer engagement

Requires Public VR and the Workforce Development System to be better partners

# Role of VR in Transition

VR agencies are to be actively involved in transition planning with school districts, including:

- Outreach to and identification of students with disabilities who may need transition services, as early as possible during the process;
- Consultation and technical assistance to assist school personnel in transition planning;
- Involvement in transition planning with school personnel that facilitates development of the special education IEP.

# Role of VR in Transition

VR should “participate actively throughout the transition planning process, not just when the student is nearing graduation.”

VR is expected to provide services to at least some students with disabilities while they are still in school.

When transition services are provided by VR, as with any other VR service, they must be designed to “promote or facilitate the achievement of the employment outcome identified in the student’s [IPE].”



# VR Outreach to Students

VR must inform students of the purpose of the VR program, the application procedures, the eligibility requirements, and the potential scope of services that may be available ... as early as possible during the transition planning process.

The reason is “to enable students with disabilities to make an informed choice on whether to apply for VR services while still in school.”

In other words, it is the student’s, and family’s choice about whether to apply for VR services while still in school.

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# WIOA Changes

**15% of each state's public VR funds** must now be used for “pre-employment transition services” [§ 361.65(a)(3)]

- Permitted to be provided to all “students with disabilities” regardless of whether they have applied for VR services. [§ 361.48(a)(1)]
- Similar services available to “youth with disabilities” when specified in an IPE [§ 361.48(b)]

This is in addition to transition services, which has been retained  
For students, employment outcome may be the **projected** post-school outcome

# WIOA Changes

## “Student with a disability”: [§ 361.5(c)(51)]

- Enrolled in school – includes post-secondary education and homeschoolers as well as other non-traditional post-secondary educational programs
- Age 16 – 21 unless a state chooses to provide transition services within a different age range under IDEA
- Receiving transition services under IDEA or is an individual with a disability as defined under Section 504 of the Rehabilitation Act.
- The goal is to increase the potential of VR to maximize the use of the funds reserved for pre-employment transition services by increasing the number of students who fall within this category [comment to the above regulation].



**WIOA Changes: Pre-Employment Transition Services added:  
Required Activities  
[§ 361.48(a)(2)]**

- Job exploration counseling
- Work-based learning experiences in integrated settings, in and out of school
- Counseling on post-secondary opportunities
  - Comprehensive transition programs
  - Programs at institutions of higher education



## **WIOA Changes: Pre-Employment Transition Services added: Required Activities (cont): [§ 361.48(a)(2)]**

- Workplace readiness training
  - Social skills
  - Independent living skills
- Self-advocacy skills
  - Person-centered planning, peer mentoring with people with disabilities who are working in competitive, integrated environments

## WIOA Changes: VR's Responsibilities: Coordination of Pre-Employment Transition Activities [§ 361.48(a)(4)]:

- (i) Attending individualized education program meetings for students with disabilities, when invited;
- (ii) Working with the local workforce development boards, one-stop centers, and employers to develop work opportunities for students with disabilities, including internships, summer employment and other employment opportunities available throughout the school year, and apprenticeships;
- (iii) Working with schools, including those carrying out activities under section 614(d) of the IDEA, to coordinate and ensure the provision of pre-employment transition services under this section; and
- (iv) When invited, attending person-centered planning meetings for individuals receiving Social Security benefits



## **WIOA Changes:**

### **Authorized Activities With Remaining Funds To Improve Transitions of Students With Disabilities [§ 361.48(a)(3)]**

- (i) Implementing effective strategies to increase the likelihood of independent living and inclusion in communities and competitive integrated workplaces;
  
- (ii) Developing and improving strategies for individuals with intellectual disabilities and individuals with significant disabilities to live independently; participate in postsecondary education experiences; and obtain, advance in, and retain competitive integrated employment;

## **WIOA Changes:**

### **Authorized Activities With Remaining Funds To Improve Transitions of Students With Disabilities (cont.) [§ 361.48(a)(3)]**

- (iii) Providing instruction to vocational rehabilitation counselors, school transition personnel, and other persons supporting students with disabilities;
  
- (iv) Disseminating information about innovative, effective, and efficient approaches to achieve the goals of this section;



## WIOA Changes:

### Authorized Activities With Remaining Funds To Improve Transitions of Students With Disabilities (cont.) [§ 361.48(a)(3)]

(v) Coordinating activities with transition services provided by local educational agencies under the IDEA

(vi) Applying evidence-based findings to improve policy, procedure, practice, and the preparation of personnel, in order to better achieve the goals of this section;

(vii) Developing model transition demonstration projects;



# Collaboration Under WIOA

VR rehab counselor works in concert with:

- Educational agencies
- Providers of job training programs
- Medicaid and DD service programs
- Centers for independent living
- Housing
- Transportation authorities, workforce development system, businesses and employers

# VR Interagency Agreements

[§361.22; §361.24]

Interagency coordination between VR and educational agencies must include coordination regarding the provision of pre-employment transition services;

VR may provide consultation and technical assistance to education officials through alternative means, such as conference calls and video conferences.

In addition, WIOA **[Section 101(c) to the Rehabilitation Act]** makes clear that nothing in the Act is to be construed as reducing the responsibility of the local educational agencies or any other agencies under IDEA to provide or pay for any transition services that are also considered to be special education or related services necessary for providing a free appropriate public education (FAPE) to students with disabilities.



# VR Interagency Agreements

[§361.22; §361.24]

Agreements include the eligibility requirements under both IDEA and the Rehabilitation Act

Must also identify point of contact at each school so VR agencies can connect with students who are being served under Section 504 and, therefore, may not be readily identified through school transition programs

# Pre-ETS and Order of Selection

Order of selection is a waiting list for services, which is in effect in many states

Pre-ETS services are for students who are potentially eligible for VR services so these services are NOT affected by an order of selection

While receiving Pre-ETS services, a student may apply for and be found eligible for regular VR services, including transition services

If there is an order of selection in place, the student will not be able to receive any individual services, including transition, until they come up on the waiting list

These students will be able to receive group transition services

# Pre-ETS and Order of Selection

If a student is already receiving Pre-ETS services and then is found eligible for VR services but is put on a waiting list, they may continue to receive the Pre-ETS services they are already receiving, as well as any additional needed services

However, if they were not receiving Pre-ETS services before being placed on the waiting list, they are not eligible to receive any Pre-ETS services

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Questions

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**for joining us for this Webinar!**

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