

WIOA

Implications
of the new
Workforce
Innovation
and
Opportunities
Act on
Vocational
Rehabilitation
Services

TRENDS

- Expanded role for VR in Transition
- Early involvement with Transition students
- Increased coordination with education
- Increased work-based learning opportunities

TRENDS

- **Movement away from segregated settings, workshops**
- **Increased emphasis toward integrated community settings**
- **Increased knowledge about and implementation of evidenced-based/research practices**

TRENDS

- **Increased postsecondary success**
- **Efforts intended to limit the use of sub-minimum wage**
- **Increased involvement with business**

TRENDS

- **Increased collaboration and alignment among the workforce partners**
- **Increased VR role with workforce development agencies**
- **Data collection, accountability and aligned performance measures**

WIOA IS A WORK IN PROGRESS

- We are all trying to wrap our minds around this
- Some things we are responsible for right away
- Expectation that the Final Regs will be out in Spring 2016



IMPLEMENTATION TEAM

- Analyzing information to predict implications
- Dialoging with other states
- Attending regional state leadership teams
- Participating in conference calls with our case management systems
- Revising VR policy

IMPLEMENTATION TEAM

- Arranging training for VR staff
- Providing information to partners
- Meeting biweekly with Workforce Development Agency (WDA) to share information and to clarify direction
- Collaborating with (WDA) to develop a unified plan

WIOA TIMELINE

- July 22, 2014 WIOA is enacted, VR changes in effect
- April 16, 2015 the draft regulations published and provide opportunity for public comment during a 60-day period
- June 16, 2015 (tentative) public comment completed
- July 1, 2015 remaining VR changes take effect
- Final regs published-anticipated Spring 2016

INCREASED VR INVOLVEMENT IN TRANSITION

- Legislation clearly indicates that VR we will be changing the service delivery to youth

NEW YOUTH DEFINITIONS

- Transition Youth will now be called “Student with a Disability”
Age 14-26 at application and
Enrolled in the K-12 education system
- Young Adults will now be called “Youth with a Disability”: individual with a disability not younger than 14 nor older than 24 and
Not enrolled in the K-12 education system

WHAT ARE PETS?

- **Pre-Employment Transition Services to include:**
 - **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;**

WHAT ARE PETS?

- Counseling on opportunities for enrollment in comprehensive transition or postsecondary educational programs at institutions of higher education;
- Workplace readiness training to develop social skills and independent living; and
- Instruction in self-advocacy, which may include peer mentoring

PRE-EMPLOYMENT TRANSITION SERVICES - PETS

- 15% of Federal VR allotment
- Continuum of services
- Prior to exit from secondary ed
- “In collaboration with local educational agencies”
- Expands who can be served and service options

PETS REPORTING REQUIREMENT

- Requires PETS included in the IPE (when applicable), related to the cooperation between VR and the education system
- Requires VR to account for 15% of PETS

PETS TO GROUPS AND/OR INDIVIDUALS

■ ???

- Provided to any student with a disability who needs these services, regardless of whether the student has applied for or been determined eligible for VR services
- Apply for VR when the student needs an individualized or “intensive” service

MRS PETS PILOT

- Counselors with Transition only caseloads
- 6-8 Weeks
- Expand Statewide
- Completion date June 30th

BSBP PETS

BSBP continues to open Transition Students at the age of 14. BSBP coordinates with the Teacher Consultants for the Visually Impaired at the ISDs to determine appropriate referrals for VR services

Currently we are looking at:

- A Mechanism to Track PETS activities and funds in System 7
- Tracking staff time for PETS activities
- Identification of services that qualify as PETS in System 7

CASE MANAGEMENT CHANGES

- **Quantifying PETS
arranging, coordinating or
purchased = 15%**

TRANSITION - IDEA

Nothing should be construed to reduce the IDEA obligations of a LEA to provide or pay for transition services that are considered part of special education

VR ATTENDANCE AT IEPS

WIOA: “VR attending individualized education program meetings for students with disabilities, when invited”

INTERAGENCY COORDINATION

- Interagency coordination between VR agencies must include coordination regarding the provision of PETS
- Decisions related to which entity will be responsible for providing PETS that can be considered both a special education and a VR service must be made at the State and local level as part of the collaboration between the VR and education

EDUCATION/VR INTERAGENCY AGREEMENT

- Needs to be updated to include WIOA
- Recommend adding requirements from section 511 (subminimum wage)
- Recommend providing a foundation for assigning fiscal responsibility by including criteria to be used by VR and education when providing transition services to students with disabilities on an individualized basis

RECOMMENDED CRITERIA TO BE USED BY VR EDUCATIONS WHEN CONSIDERING ASSIGNING FINANCIAL RESPONSIBILITY

- Is the service more to an employment outcome or education (i.e., is it considered a special education or related service)?
- Is the service Customary for education to provide? (i.e., if the school ordinarily provides job exploration counseling to its eligible students with disabilities, the mere fact that such a service is now authorized under the Rehabilitation Act as a PETS does not mean the school should cease providing that service and refer those students to the VR
- Is the student eligible for transition services under IDEA? It is possible that these students do not have an IEP and VR is authorized to provide transition services?

SUPPORTED EMPLOYMENT

- Establishing a 50% reserve of SE funds (not ICTA) for eligible “youth” with the most significant disabilities and requiring a 10% match for these funds
- Reserve is for the provision of extended services to youth with the most significant disabilities up to 4 years

SUPPORTED EMPLOYMENT

- Provision of SE services increased from 18 to 24 months
- Addition of Customized Employment

CUSTOMIZED EMPLOYMENT

- “Competitive integrated employment designed to meet both the specific abilities of the individual with a significant disability and the business needs of an employer”
- Subset of Supported Employment
- Identified as a specific employment outcome

COMPETITIVE INTEGRATED EMPLOYMENT

- Considered optimum under WIOA
- Combines old definitions of Competitive Employment and Integrated Setting
- Incorporates economic self-sufficiency as a criterion to consider when providing VR services unique to the individual

COMPETITIVE INTEGRATED EMPLOYMENT

- Replaces the term “gainful employment” with “competitive integrated employment”
- Includes mandatory criteria related to, among other things, compensation, advancement, and the integrated nature of the workplace
- Clarifies that the employment location must be in “a setting typically found in the community.”

COMPETITIVE INTEGRATED EMPLOYMENT

- Employee with a disability's interaction with other employees and others, as appropriate (e.g., customers and vendors), who are not persons with disabilities (other than supervisors and service providers) must be to the same extent that employees w/o disabilities in similar positions interact with these same persons
- Interaction must occur as part of the individual's performance of work duties and must occur both in the particular work unit and the entire work site, as applicable

SECTION 511 – SUBMINIMUM WAGE

- Section 511 of the Act establishes the roles and responsibilities of VR program and State and local educational agencies, in assisting individuals with disabilities, including youth with disabilities, who are considering employment, or who are already employed, at a subminimum wage, to maximize opportunities to achieve competitive integrated employment through services provided by VR and the local educational agencies.

SECTION 511 – SUBMINIMUM WAGE

- Takes effect July 22, 2016
- Limits the payment of subminimum wages by employers holding special wage certificates under the Fair Labor Standards Act (FLSA)
- Prohibits employers from hiring youth with disabilities at a subminimum wage level unless the youth are afforded meaningful opportunities to access services, including transition services under the Act or IDEA

SECTION 511 – SUBMINIMUM WAGE

- VR must provide youths with disabilities documentation demonstrating that they have completed certain requirements, prior to starting subminimum wage employment with entities holding special wage certificates under section 14(c) of the Fair Labor Standards Act of 1938 (29 U.S.C. 214(c)).

SECTION 511 – SUBMINIMUM WAGE

- VR must provide, at certain prescribed intervals, career counseling and information and referral services, designed to promote opportunities for competitive integrated employment, to individuals with disabilities, regardless of age, who are known to be employed at a subminimum wage level for the duration of such employment.

SECTION 511 – SUBMINIMUM WAGE

- Prohibits a State or local educational agency from entering into a contract or other arrangement with an entity for purposes of operating a program in which youth with disabilities are employed at subminimum wage
- Specifies that the individual with a disability, or the individual's parent/guardian, must receive certain information and career counseling-related services from VR every six months during the first year of employment and annually thereafter for as long as the individual receives compensation at the subminimum wage level

SHARED PERFORMANCE MEASURES FOR YOUTH

- Placement, Employment, Education, Training (revised from WIA)
- One year follow-up after exit (new)
- Medium earnings (new)
- Credential rate (revised from WIA)
- Measureable skills gains (new)
- Employer measures (new)

ALIGNMENT WITH WORKFORCE SYSTEMS

- More coordinated services and better opportunities for individuals with disabilities within the workforce system
- Align federal reporting structure
- VR State plan change to the Unified or Combined State Plan, rather than through the submission of separate reports.

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