

OSERS/RSA STAKEHOLDER TELECONFERENCE

July 5, 2016

2:30 p.m. to 4:00 p.m. (EST)

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2:22 PM (EST)

>> OPERATOR: Thank you for standing by. All participants are in the listening mode. This call is being recorded. If you have any objection, please disconnect at this time. Now I will turn it over to your host, Janet LaBreck.

JANET LABRECK

Good afternoon, everyone, and I want to thank everyone for joining us today. I hope everyone had a nice Fourth of July holiday.

Welcome to this conference call this afternoon as we come together once again to celebrate another significant milestone in the implementation of the Workforce Innovation and Opportunity Act, signed into law by President Obama on July 22, 2014.

As you know, this landmark legislation and its implementing regulations are designed to strengthen and improve our nation's public workforce system and help Americans with significant barriers to employment, including individuals with disabilities, into high quality jobs and careers and help employers hire and retain skilled workers.

By now, you also know that on June 30, the U.S. Departments of Labor and Education made the WIOA final rules publicly available.

The Final Rules will be published soon in the Federal Register.

You can access the advance copy now on RSA's website.

(<http://rsa.ed.gov/wioa.cfm>)

I am going to invite Sue Swenson, the Acting Assistant Secretary of the Office of Special Education and Rehabilitative Services, to share some remarks with you as well.

SUE SWENSON

Hi, everybody. First, I want to say thank you to Janet for the incredible work that they have done to keep this project on track, but mostly my task is just to sincerely thank all of you for taking the time to provide us with meaningful comments and suggested revisions on the proposed regulations during the public comment period.

We received thousands of comments, which we carefully considered and used to shape the final regulations.

Your input serves as a true testament to the strong partnership we have shared since the enactment of WIOA.

We anticipate this partnership will only grow stronger through the implementation.

We know that since the passage of WIOA, you have already made great strides to implement the provisions, and we are eager to get out there in the States and see some of these innovations firsthand and share them with others.

We are committed to providing technical assistance resources to assist you during implementation and strengthen practices already in place and those that you plan to put in place.

JANET LABRECK

Thank you very much.

We acknowledge the changes to the Rehabilitation Act of 1973 under Title IV of WIOA and the profound impact of these revisions and new provisions on individuals with disabilities, especially those with significant disabilities and students and youth with disabilities transitioning from education to employment.

These provisions strengthen opportunities for individuals with disabilities to acquire the skills and supports necessary to maximize their potential and enter competitive integrated employment.

In a moment, I am going to invite Carol to highlight some of these key statutory provisions to the VR program, including its implementing regulations.

Carol?

CAROL DOBAK

Thank you, Janet.

The final regulations, implementing Title IV of WIOA, adhere to three key goals.

These goals include: the alignment of the VR program with the workforce development system; the strengthening of the focus on competitive integrated employment; and the expansion of services to students and youth with disabilities.

With respect to the first of these goals, the joint final regulations emphasize coordination and collaboration at the Federal, State, and local level to create a streamlined workforce development system for job seekers and workers, including individuals with disabilities as well as employers.

These joint final regulations impose requirements governing unified strategic planning, performance accountability, and the one-stop delivery system.

With respect to unified strategic planning, we wanted to inform you that the Departments of Education and Labor, as of last Thursday, June 30, had approved all Unified and Combined State Plans.

However, we did request that States revise these plans to improve them. These revisions are initially due as of September 1st this year; however, States can provide us with a timeline for additional revisions that may take longer for them to make to their plans.

We are happy here at RSA to report to you that 77 out of the 80 VR agencies will not have to make revisions to the VR services portion of their plan.

With respect to performance accountability, RSA has issued the case service report, the RSA-911, which now includes all data elements necessary for the calculation of the performance accountability measures under Title I of WIOA as well as additional data elements describing individuals receiving VR services and the services that are being provided.

VR agencies will have to report these data on a quarterly basis for all open cases as well as closed cases.

With respect to the time for reporting, RSA will be issuing a set of frequently asked questions (FAQs) shortly, and we also invite you to stay tuned for a webinar on reporting under the RSA-911 in the near future.

With respect to the one-stop delivery system, the one point we want to emphasize today is that the core programs, including the VR program, when contributing to the infrastructure costs of that system, contribute to the extent that is proportionate to the benefit that they receive from their participation in the one-stop delivery system.

These infrastructure costs are also to be allocable and allowable under the VR program.

With respect to the second of these goals, the strengthening of our focus on competitive integrated employment, the principle that individuals with disabilities, including individuals with the most significant disabilities, can achieve high quality, competitive integrated employment is woven throughout the statutory revisions to the Rehabilitation Act as well as the final regulations.

This is most evident in our new definition of competitive integrated employment, which brings together and clarifies two concepts--the concepts of competitive employment and integrated settings--that have been in use in the VR program for many years.

The final regulations also promote training in integrated settings for individuals with disabilities to the maximum extent possible so that these individuals can best be prepared for competitive integrated employment.

Importantly, the final regulations require that all employment outcomes achieved through the VR program be in competitive integrated employment or supported employment; thus, uncompensated outcomes are eliminated from the scope of the VR program.

However, based on public comments, we have instituted or established through the final regulations a transition period to the definition of employment outcome through June 30, 2017, or a longer period of time based on the needs of the individual so that individuals who are pursuing uncompensated outcomes at the time that the final regulations become effective do not experience a disruption in their services.

We also recognize that uncompensated outcomes are the informed choice of some individuals with disabilities. The final regulations require VR agencies to refer these individuals to other federal, state, and local programs that can best meet the service delivery needs of these individuals.

With respect to supported employment, the final regulations have extended the period for the provision of supported employment services from 18 months to 24 months and have limited the use of supported employment funds for administrative cost to 2.5 percent, thus maximizing the amount of funds that can be spent on administrative costs or maximizing the funds that can be spent on direct services to individuals with disabilities.

With respect to subminimum wage employment, the statute as amended by WIOA, does not eliminate sheltered or subminimum wage employment; however, the final regulations require that individuals who are seeking subminimum wage employment or continuing subminimum wage employment access VR services.

These VR services can include, or do include, career counseling and information referral services that must be provided at specific intervals established under the final regulations.

A couple of other ways in which the final regulations emphasize or strengthen the focus on competitive integrated employment have to do with employer engagement. Individuals or VR agencies now have expanded opportunities to engage with employers in order to increase work-based learning experiences and outcomes in competitive integrated employment for individuals with disabilities.

And finally, with respect to order of selection, VR agencies now are allowed to provide services to individuals outside of the order of selection who require specific services or equipment to maintain employment.

Moving on now to our third goal, that of the expansion of services to students and youth with disabilities--

The final regulations expand the services that students and youth with disabilities can receive to transition from school to post-secondary education and competitive integrated employment, first by requiring that VR agencies reserve at least 15 percent of their federal VR program allotment for the provision of

pre-employment transition services to all students and youth with disabilities. Students with disabilities who have not applied for or have been determined eligible for VR services can receive these pre-employment transition services.

In the final regulations, students with disabilities include individuals who meet specified age requirements and who are in an education program. These education programs, as a result a public comment, are described as secondary school, post-secondary education, and other educational programs such as GED programs and home schooling.

To ensure that students with disabilities receiving pre-employment transition services prior to their application for VR services and the possible assignment to a waiting list for VR services do not experience a disruption in their pre-employment transition services, the final regulations permit VR agencies to continue providing these pre-employment transition services to these students.

With respect to supported employment, for youth with disabilities, VR agencies are required to reserve at least 50 percent of their supported employment funds for the provisions of supported employment services to youth with the most significant disabilities and these funds may be used for the provision of extended services to these youth for a period of up to four years.

Many of the areas of pre-employment and transition services and the revisions to the supported employment program, particularly for those with youth with significant disabilities, are new areas under the VR program and we have included extensive guidance in the preamble to the final regulations. We invite all of you, and strongly encourage you, to review this guidance to answer many of the questions that you may have about these areas of service delivery at this time.

In addition, with respect to transition for students and youth with disabilities, the final regulations also increase work-based learning experiences for students with disabilities and youth with disabilities including internships and apprenticeships, and they strengthen the coordination between the VR program and local educational agencies when engaging in the provision of transition services under the IDEA and the transition services under the VR program.

Finally, I do want to mention to you that we also have made available a second set of final regulations covering miscellaneous programs under the Rehabilitation Act.

These programs include the Client Assistance program, the Protection and Advocacy of Individual Rights program, the Independent Living Services for Older Individuals Who Are Blind program, and the American Indian Vocational Rehabilitation Services program, as well as the many discretionary grant programs authorized under title III of the Rehabilitation Act.

With respect to the effective dates of these regulations, we want to inform you that the joint regulations issued by the Departments of Education and Labor, as well as program-specific regulations issued by the Department of Labor, become effective 60 days from their date of publication; however, the two regulations that I have described to you today will become effective 30 days from the date of publication in the Federal Register.

SUE RANKIN-WHITE

I'll talk to you now about the technical assistance resources that are planned for you with our partner at the Department of Labor and in collaboration with our federal partner at the Department of Health and Human Services.

We have developed a comprehensive technical assistance plan that includes in-person and virtual technical assistance, and it includes both our technical assistance on jointly-administered and program-specific requirements.

As part of this plan, RSA has scheduled three regional technical assistance meetings to provide technical assistance on the final regulations implementing program-specific changes made by WIOA to the State Vocational Rehabilitation (VR) Services program and the State Supported Employment Services program, as well as those implementing Limitations on the Use of Subminimum Wages in new section 511 of the Act.

In the three regional meetings, RSA will provide technical assistance on:

Competitive integrated employment, employment outcome, and limitations on the use of subminimum wages; transition services, including pre-employment transition services; supported employment; fiscal requirements across-the-board, that is, specific to those set aside and for pre-employment and supported employment; and employer engagement.

Those topics we have selected based on input that we've received from the TA centers and from questions that we received from you.

For your planning purposes as you travel, these TA meetings will begin at 9:00 a.m. and will end at 4:00 p.m. local time in each of the locations.

The first of these meetings is coming up soon, August 9, in Washington at the Lyndon Baines Johnson Auditorium.

Registration for that meeting opened on Monday, June 27, and closes August 7th, two days prior to the meeting.

And just so that you know, to date we have 178 registered for that meeting, leaving only 42 slots available, and there are pending registrants in the system that we are looking at now.

In fact we may not have too many registration slots available for the DC meeting.

I encourage you, if you have not registered, go ahead and try to register at this point in time, so that you can get in if there are any slots left.

If there are any slots available after 30 days of registration, which it appears will not be the case for DC, we are going to open those up for stakeholders regardless of your regional location.

The agenda for the meeting will be posted on our website. And that will stand for all three of the meetings.

<http://www2.ed.gov/about/offices/list/osers/rsa/wioa-meetings-on-final-regs.html>

The second of the meetings will be held on September 7 in Chicago, Illinois, at the regional training center there.

And the third meeting will be on September 27 in Sacramento, California.

We will also post the PowerPoint presentations for these meetings on our website prior to the first meeting and provide you notification that they have been posted. That way you can have a copy of those to bring with you or bring your laptop and pull those up and follow along throughout the meeting.

Let me tell you about some other technical assistance resources that are being planned and under development.

First of all, I mentioned our TA centers. We are working closely with our RSA-funded technical assistance centers to ensure that they will assist you with activities. In addition, the TA centers are sharing with us the technical assistance questions and issues raised by the field to assist us in developing our TA resources.

We view the TA centers as a valuable resource all the way around and a vital link between RSA and the field.

In addition to the in-person regional meetings, RSA is developing a number of presentations on specific topics to be delivered by webinars, including one on the RSA-911, and formal written guidance on integrated employment and connecting individuals with disabilities to employers through work-based learning.

We also have been working together with our other partners in Education to develop a comprehensive transition guide, which we hope to get out to you in the near future as well.

As Sue Swenson mentioned earlier in her opening remarks, we are anxious to get out there and find out what you are doing because we know that you have already begun to develop and implement innovative practices related to these new rules. So we are going to conduct a limited number of program and fiscal technical assistance visits in the fall of 2016.

In fact, some of those fiscal ones have already been conducted. We are going to State VR agencies as a means of learning more about technical assistance needs out there and to better inform the development and provision of other technical assistance resources and our policy guidance for issuance in FY 2017.

Also, as was mentioned, we want to see what those innovative strategies are that you are developing and see if we can share those with other state agencies or see if we can help you in implementing those strategies as you move forward through the whole and period.

We do not want to neglect to let you know or remind you that, albeit we are developing a number of new technical assistance resources, we have developed technical assistance resources all along through the process and those are also posted on our website. They include resources such as our vision for State VR agencies as partners in workforce development systems; our vision for the one-stop delivery system and requirements for the Unified and Combined State Plans; Q&A on the one-stop and structure; Q&A on the issuance of the final regulations; and FAQs related to the pre-employment transition services.

These guidance issuances are equally important to those that we will continue to develop.

I know that you probably have a number of questions right now, and many of those are likely to be addressed already in the Analysis of Comments and Changes section of the final rules and in addition, the rollout materials that were issued on June 30, including Fact Sheets, FAQs, and a Quick Reference Guide, which is a reference of all of the citations for the final regulations for all of our programs. We are aware that the materials that we put out, including the final rule packages, are lengthy and daunting. We know you probably have not had a chance at this point considering the holiday weekend to take all of that in. So we encourage you to continue to do that.

Now I will turn back to Commissioner LaBreck.

JANET LABRECK

Thank you, so much, Sue.

We acknowledge that by now you probably have had a chance to take a preliminary look at the information contained in the final rules, but we know that you may be feeling overwhelmed with some of this information and we really want to encourage you to really take the opportunity and take the time not only to work within yourselves, but to also work alongside of your other State partners as well to go through these regulations. We really think it will be well worth the time and effort in order to really have a better understanding, by reading the entire regulations. We know it is a lot, but we do want to encourage you to do that and also to encourage you to be in contact with your State Liaison as well if you have questions, beyond what you have already seen very early on in the process that we want to make sure that you all have the opportunity and to take the time that you need to go through these regulations as you plan to move forward.

SUE SWENSON

I want to note that, really, we are very sure that one key to our success at this point and moving forward is the partnerships that we have all forged together at the Federal, State, and local levels. Among you, between you and us, this is a new benchmark for the partnerships.

As we continue to strengthen these partnerships, let's keep the lines of communication open between and among us, as your federal partner, we really want to say that we are here for you and working with you.

Working together, we can successfully implement WIOA to ensure that individuals with disabilities, including those with significant disabilities and students and youth with disabilities, have the necessary services and supports to achieve high quality outcomes in competitive integrated employment.

JANET LABRECK

I think, finally, we want to just conclude and say that WIOA works for all job seekers, workers, employers, communities, and the government.

The WIOA Final Rules improve access to education and workforce services for individuals with significant barriers to employment—veterans, individuals with disabilities, out-of-school and at-risk youth, youth in foster care or who have aged out of foster care—to help ensure that everyone has a shot at a good job.

WIOA is a win-win for everyone.

We want to once again thank you for your commitment to the disability community, thank you for your comments that you all sent into us, for participating in that process, and sharing what your own vision and questions and concerns are about the regulations. We want to again let you know that we are partners in this process and we want to make sure that we are all working collectively and collaboratively together to ensure that the implementation process for WIOA benefits you as the experts in the field, but also ultimately benefits those individuals with disabilities that we are all collectively serving in helping to achieve economic self-sufficiency.

I want to thank you as well.

SUE SWENSON

I just want to say thank you to everyone who is here with us and everyone who was joined us on the call today. We look forward—I think I can speak for everyone who is here in the Federal office—we look forward to continuing to do work with you for a very successful implementation of the Workforce Innovation and Opportunities Act. Thanks again.

JANET LABRECK

Thank you for calling in. We look forward to working with you all in the future.

3:35 PM (EST)

>> CAPTIONER: Meeting dismissed