

REHABILITATION ACT AS AMENDED BY WIOA



AN OVERVIEW

PRESENTED BY THE REHABILITATION
SERVICES ADMINISTRATION TO

COUNCIL OF STATE ADMINISTRATORS OF
VOCATIONAL REHABILITATION

NOVEMBER 10, 2014
MIAMI, FLORIDA

KEY WIOA POINTS



- **Aligns Federal investments to support job seekers and employers**
 - Unified strategic planning across “core” programs at State level;
 - Plans include strategic vision and goals for preparing an educated and skilled workforce and meeting needs of employers;
 - Unified plan must address a State’s strategy for engaging community and technical colleges as partners in workforce system.

KEY WIOA POINTS



- **Establishes common performance measures and encourages common data systems across core programs**
 - Six primary indicators of performance to be negotiated with each State by Secretaries of Education and Labor as part of the Unified State plan. States negotiate performance levels with local areas.
 - Indicators include employment-related outcomes, credential attainment and measurable skills gain. Performance goals reflect economic conditions and participant characteristics.

WIOA TITLE IV



Effective Date

- **WIOA Section 506(d) –Disability Provisions –**
Except as otherwise provided in title IV of this Act, title IV, and the amendments made by title IV take effect on the date of enactment of the Act. (Rehabilitation Act) (July 22).

WIOA Implementation



- **Activities you can engage in now:**
 - Pro-actively engaging with the workforce partners in your State in the strategic planning process to develop the Unified Plan, including the strategic vision and goals for preparing and educating the skilled workforce and for meeting the needs of employers;
 - Reviewing your MOUs with One-Stop partners and assessing your presence and participation in One-Stops;
 - Coordinating with education partners, including LEAs, on the provision of pre-employment transition services to students with disabilities and other transition services with disabilities under the 15 percent reserve;

WIOA Implementation (cont.)



- Dialoguing with your State Rehabilitation Council around implementation plans;
- Developing draft policies and procedures on new requirements, such as the new 90-day IPE timeline, the revised CSPD requirements, provision of pre-employment transition services;
- Ensuring your staff is familiar with the new requirements;
- Planning with IT staff to update management information systems in preparation for reporting on new data elements;
- Partnering with employers to improve and expand employment opportunities for individuals with disabilities, including work-based learning experiences such as internships and apprenticeships.

WIOA Implementation (cont.)



- Partnering with local providers to increase resources for extended services for individuals with the most significant disabilities in Supported Employment, including youth with the most significant disabilities.

KEY WIOA TITLE IV CHANGES



- **Emphasizes achievement of competitive integrated employment through:**
 - Customized employment;
 - Supported employment; and
 - Individualized services.
- **Emphasizes career advancement through graduate degrees, particularly in STEM careers.**

KEY WIOA TITLE IV CHANGES



- Expands VR focus on *employer engagement* to provide work-based learning experiences and to identify competitive integrated employment opportunities for individuals with disabilities in the job-driven workforce
 - VR portion of the Unified Plan must describe how VR agencies will work with employers to accomplish these aims;
 - VR agencies will assist individuals with disabilities to gain the skills and training to promote careers matching employers' needs;
 - Work-based learning includes internships and apprenticeships.

KEY WIOA TITLE IV CHANGES



- **Places significant emphasis on serving students and youth with disabilities by increasing opportunities to practice and improve workplace skills, including internships and apprenticeships.**
 - Promotes participation in postsecondary education to obtain and advance in high demand jobs and careers, including STEM.
 - Requires VR agencies to reserve 15 percent of Federal VR funds to provide pre-employment transition services to assist students with disabilities transitioning from secondary school to postsecondary education programs and employment in competitive integrated settings, and to coordinate with services under IDEA.

KEY WIOA TITLE IV CHANGES



- **Emphasis on students and youth with disabilities (cont.)**
 - Pre-employment Transition Services are available to students with disabilities.
 - Strengthens coordination between VR agencies and LEAs in the provision of transition services provided under IDEA and the provision of Pre-employment Transition Services.

KEY WIOA TITLE IV CHANGES



- **Emphasis on students and youth with disabilities (cont.)**
 - Pre-employment Transition Services include:
 - ✦ job exploration counseling; work-based learning experiences (including internships); counseling; work readiness; instruction in self-advocacy, including peer mentoring
 - Funds used under this reserve may not be used to pay for administrative costs.

KEY WIOA TITLE IV CHANGES



- **Other VR-related changes**

- Definitions – WIOA revised some existing definitions, deleted others, and added new ones (competitive integrated employment, customized employment, student with a disability, youth with a disability, pre-employment transition services).
- VR State plan is now the Vocational Rehabilitation portion of the Unified State Plan in title I of WIOA.
- VR portion of Unified State Plan includes additional descriptions related to how the VR agency will work with employers to identify competitive integrated employment opportunities for individuals with disabilities.

KEY WIOA TITLE IV CHANGES



- **Other VR-related changes (cont.)**
 - WIOA permits States under an OOS to elect to serve eligible individuals who require specific services or equipment to maintain employment.
 - Timeline for IPE development is “as soon as possible, but not later than 90 days after the determination of eligibility, unless the individual and VR counselor agree to a specific extension.
 - WIOA provides that the assessment of the Maintenance of Effort penalty can be imposed in any subsequent fiscal year.

KEY WIOA TITLE IV CHANGES



- **Other VR-related changes (cont.)**
 - WIOA changes reporting requirements in section 101(a)(10), now requiring open-case data on some elements (training/pre-employment transition).
 - The standards and indicators in section 106 must be consistent with the performance provisions in title I, section 116(b) of WIOA.

KEY WIOA TITLE IV CHANGES



- **WIOA changes CSPD requirements**
 - Section 101 requires that personnel have a 21st century understanding of the evolving labor force and the needs of individuals with disabilities.
 - Section 101 requires the DSU to describe in its CSPD the continuing education of rehabilitation professionals and para-professionals, particularly with respect to rehabilitation technology.
 - Eliminates the requirement in the VR portion of the plan that VR agencies describe the steps to be taken to retrain or hire personnel to meet the appropriate professional requirements in the State.

KEY WIOA TITLE IV CHANGES



- **WIOA makes changes in the Supported Employment program**
 - VR agencies provide SE services for a period of not more than 24 months except that period may be extended as necessary, in order to achieve the employment outcome in the individual's IPE.
 - WIOA limits the percent of the SE allotment used for administrative costs to 2.5 percent.
 - WIOA requires VR agencies to reserve and expend 50 percent of their Federal Supported Employment allotment for the provision of supported employment services to youth with the most significant disabilities to assist them to achieve an employment outcome in supported employment.
 - WIOA permits VR agencies to provide extended services for youth with the most significant disabilities up to 4 years.

KEY WIOA TITLE IV CHANGES



- **Supported Employment (cont.)**

- The State must provide a match of at least 10 percent in non-Federal expenditures for the total amount of expenditures incurred with the half of the allotment reserved to provide SE services to youth with the most significant disabilities.

Advisory Committee on Increasing Competitive Integrated Employment for Individuals with Disabilities

- ✦ Secretary of Labor establishes this committee for the purpose of making recommendations to improve employment opportunities for individuals with significant disabilities.
- ✦ The committee remains in effect for 2 years until the issuance of a final report to the Secretary of Labor on these recommendations.

KEY WIOA TITLE IV CHANGES



- **New section 511 - Limitations on the use of subminimum wage**
 - Places limitations on the payment of subminimum wages by entities holding special wage certificates under section 14(c) of the Fair Labor Standards Act.
 - Requires individuals with disabilities seeking or continuing employment with these entities to access the services that will enable them to achieve competitive integrated employment in the community, including VR services.

KEY WIOA TITLE IV CHANGES



- **New section 511 - Limitations on the use of subminimum wage (cont.)**
 - Individuals age 24 or younger may not begin work paying subminimum wage (less than Federal minimum wage) unless the individual has completed, and produces documentation indicating completion of each of the following:
 - ✦ Received pre-employment transition services or transition services under IDEA, and
 - ✦ Applied for VR services and has been found ineligible for services, or has been determined eligible for VR services but has not been successful and has been provided career counseling, information and referral to other appropriate resources for services designed to assist the individual in attaining competitive integrated employment.

KEY WIOA TITLE IV CHANGES



- **New section 511 - Limitations on the use of subminimum wage (cont.)**
 - Entities holding 14(c) certificates may not continue to employ an individual at subminimum wage, regardless of age, unless:
 - ✦ The individual is provided career counseling , information and referrals by the VR agency; and is
 - ✦ Informed by the employer of self-advocacy, self-determination, and peer mentoring training opportunities provided by an entity that does not have a financial interest in the individual's employment outcome.

KEY WIOA TITLE IV CHANGES



- **Changes to the Rehabilitation Training Program and the Demonstration and Training Program**
 - Eliminates the State VR Unit “In-Service Training” program. Current In-Service Training grants (84.265A and 84.265B) initiated in FY 2010 will end on 9/30/2015. Grants have 90 days from that date to liquidate obligated funds.
 - Establishes new priorities for competitions of special demonstration programs including.
 - ✦ Initiatives focus on improving transition from education to competitive integrated employment for youth with significant disabilities.
 - ✦ Increases competitive integrated employment for individuals with significant disabilities.

KEY WIOA TITLE IV CHANGES



- **Changes to the American Indian Vocational Rehabilitation Services (AIVRS) Program**
 - Requires that high quality employment outcomes for individuals served through AIVRS be consistent with individuals strengths, resources, priorities, concerns, abilities, capabilities, interests and informed choice.
 - Requires that all decisions affecting eligibility for VR services, the nature and scope of available VR services and the provision of these services will be made by a representative of the tribal VR program and will not be delegated to another agency or individual.
 - Mandates and authorizes the Commissioner to reserve between 1.8 and 2 percent of funds for training and technical assistance.

KEY WIOA TITLE IV CHANGES



- **Transfers programs from ED to the Administration for Community Living (ACL) in HHS**
 - State Independent Living Services Program
 - Centers for Independent Living Program
 - National Institute on Disability and Rehabilitation Research
 - Programs under the Assistive Technology Act of 1998

RSA maintains administration of Independent Living for Older Individuals Who Are Blind Program.

- WIOA mandates a reserve of 1.8 to 2 percent of funds for training and technical assistance to designated State units or other providers of ILOIB services, funded under this program.

KEY WIOA TITLE IV CHANGES



- **Transfers programs from ED to ACL (cont.)**
 - 10-1-14: ACL posted on its website technical assistance, developed in consultation with RSA, regarding initial information on changes regarding the SPIs and monitoring of CILs. ACL and RSA are partnering on a thoughtful and carefully constructed transition that ensures continuity, minimizing program disruption. Access this information at: http://www.acl.gov/NewsRoom/Newsinfo/2014/2014_09_29.aspx
 - Questions, Concerns, Suggestions? Contact ACL directly at wioa@acl.hhs.gov

KEY WIOA TITLE IV CHANGES



- **WIOA repeals several programs under the Rehabilitation Act**
 - In-Service Training Program
 - Migrant and Seasonal Farmworker Program
 - Recreational Program
 - Projects with Industry

WIOA CLEARANCE PROCESS



- **Joint regulations – developed and cleared through both DOL & ED clearance procedures;**
- **Program specific regulations – developed in conjunction with other offices in ED and cleared through ED procedures;**
- **Upon clearance, draft regulations are published in Federal Register through a “notice of proposed rulemaking” for 60-day comment period;**

WIOA PROCESS (cont.)



- Once the comment period closes under the NPRM, agencies compile, review and consider all comments received.
- Comments are summarized and addressed as part of the final regulation along with any noted changes from the original NPRM.
- Final regulations issued in Federal Register.