

## **SLIDE 1 (WINTAC): VOCATIONAL REHABILITATION AND WIOA YOUTH PROGRAM COLLABORATION OPPORTUNITIES: PART 1: AN INTRODUCTION TO VOCATIONAL REHABILITATION SERVICES FOR STUDENTS AND YOUTH WITH DISABILITIES**

Hello and welcome to our webcast series on the opportunities for collaboration between the Vocational Rehabilitation (VR) program and the Workforce Innovation and Opportunity Act (WIOA) Youth programs. The United States Department of Labor's Employment and Training Administration (ETA), in partnership with the United States Department of Education's Rehabilitation Services Administration (RSA), with support from the Workforce Innovation Technical Assistance Center (WINTAC), a national technical assistance center led by the Interwork Institute at San Diego State University and tasked with providing technical assistance to State VR agencies in support of implementing the Rehabilitation Act of 1973 (Rehabilitation Act), as amended by WIOA, have partnered to develop a webcast series detailing how VR agencies and the WIOA Youth programs can work together to serve students and youth with disabilities. This webcast series highlights collaboration opportunities between VR program services, including pre-employment transition services and the WIOA Youth programs.

This webcast will serve as the first webcast in a series of webcasts designed to explore opportunities for collaboration between these two programs. This series was created, as a follow-up to the jointly developed technical assistance document entitled: *Collaboration Opportunities: WIOA YOUTH AND VOCATIONAL REHABILITATION PROGRAMS*. That joint document provided a high-level overview of the programs in order to improve coordination of workforce preparation activities and employment services between the two programs, and was released in partnership by RSA and ETA. This series will contain four webcasts in total. The first two webcasts are shorter webcasts designed to be complimentary webcasts with one providing a general overview of the VR program and its services available to students and youth with disabilities, and the other webcast providing a general overview of the WIOA Youth programs. The purpose of having these two separate, but complimentary webcasts, is to A) keep the webcasts short since they are being pre-recorded, and B) to allow staff and service providers of the respective programs the option to listen to either or both webcasts, depending on the level of understanding and familiarity with the respective programs.

These overview webcasts were created with the intention of providing foundational information about each of the VR and WIOA youth programs to create a common understanding among staff and service providers about populations served by both programs, services provided, and the outcomes to be achieved and measured. Following these brief overview webcasts, additional webcasts will focus on how these two programs can leverage and complement resources to serve students and youth with disabilities and highlight effective and collaborative State practices across the VR and WIOA youth programs.

### **Slide 2 (WINTAC):**

I am DJ Ralston, Senior Research Associate with the Pre-employment Transition Services Team at The George Washington University, Center for Rehabilitation Counseling Research and Education, which is one of the WINTAC partners. I will be the moderator for this webcast.

### **Slide 3 (WINTAC):**

Your presenters for this webcast are Melissa Diehl, from the WINTAC Pre-employment Transition Services Team and Tonya Stellar, a State Team Facilitator in the U.S. Department of Education's Office of Special Education and Rehabilitative Services, RSA.

Because this is a recorded webcast, we want to encourage viewers to contact RSA or the WINTAC with any questions or comments after viewing the webcast. Contact information is provided at the end of the webcast.

If you would like to obtain CRC credits for viewing this webinar, you will need to complete an evaluation survey with your information, and we will send the CRC credits to you. You should also be able to access the evaluation survey directly, by clicking on the evaluation link in the pod on this platform. Even if you do not need CRC credits, we encourage you to complete the evaluation survey because your feedback will help us develop content for future webcasts and webinars as we move forward together in the provision of quality transition services for students and youth with disabilities. Finally, this webinar is close-captioned, and a transcript will be available upon request.

#### **SLIDE 4 (RSA): VOCATIONAL REHABILITATION LEGISLATION**

The U.S. Department of Education's RSA, housed within the Office of Special Education and Rehabilitative Services (OSERS), administers the (VR) program authorized under Title I of the Rehabilitation Act, as amended by Title IV of WIOA

Through the Rehabilitation Act, States receive funding to provide VR services to individuals with disabilities. RSA is the Federal agency that administers the VR program. Each State and territory has a State VR agency that serves individuals with disabilities, including students and youth with disabilities. Some States operate one combined VR agency that serves individuals with all disabilities, while other States operate two VR agencies (i.e., general and blind agencies), with one VR agency that specifically serves individuals who are blind or visually impaired. In total, there are currently 78 VR agencies throughout the United States and its territories.

#### **SLIDE 5 (RSA): VOCATIONAL REHABILITATION ORGANIZATIONAL STRUCTURE**

RSA administers and supports a comprehensive array of formula and discretionary grant programs and projects that serve and assist individuals with disabilities, including students and youth with disabilities, to obtain employment and live more independently. This program provides grants to assist States in operating statewide VR programs, each of which is an integral part of a statewide workforce development system. The VR program is designed to provide VR services for individuals with disabilities, consistent with their strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice, so that they may prepare for and engage in competitive integrated employment and achieve economic self-sufficiency. Eligible individuals are those who have a physical or mental impairment that results in a substantial impediment to employment, who can benefit from VR services for employment, and who require VR services. Priority must be given to serving individuals with the most significant disabilities if a state is unable to serve all eligible individuals.

The mission of RSA is to provide leadership and resources to assist State VR agencies in providing VR and other services to individuals with disabilities to maximize their employment, independence and integration into the community and the competitive labor market. State Vocational Rehabilitation Agencies report to the RSA within the OSERS at the U.S. Department of Education.

#### **SLIDE 6 (RSA): FUNDING VOCATIONAL REHABILITATION PROGRAM**

Funds are distributed to States based on the statutory formula that takes into account population and per capita income in determining the amount of Federal funds made available to States for VR program purposes. Grant funds are administered under the approved VR services portion of the Unified or Combined State Plan in accordance with WIOA Unified and Combined State Plan Requirements. Federal regulations require that States incur a portion of expenditures under the VR services portion of the Unified or Combined State Plan from non-Federal funds to meet cost sharing requirements (34 C.F.R. § 361.60). The Federal share for expenditures made by the State for the VR program, is 78.7 percent. The State's share is 21.3 percent of the total program cost.

The allotment of Federal funds for VR services to each State is calculated in accordance with the requirements of Section 110 of the Rehabilitation Act, as amended.

#### **SLIDE 7 (RSA): FUNDING: PRE-EMPLOYMENT TRANSITION SERVICES**

In accordance with 34 C.F.R. § 361.65, a State must reserve at least 15 percent of its allotment of Federal funds for the provision of pre-employment transition services, as described in 34 C.F.R. § 361.48(a). These funds must only be used for pre-employment transition services and must not be used to pay for administrative costs, as defined in 34 C.F.R. § 361.5(c)(2).

While the VR program has always provided transition services to eligible students with disabilities, the Rehabilitation Act, as amended by WIOA, expands the population eligible to receive certain discrete services and permits a wider range of services to students with disabilities who are transitioning from school to post-school activities. Section 113 of the Rehabilitation Act, requires that VR agencies reserve no less than 15 percent of their Federal VR allotment to coordinate with local educational agencies in providing, or arranging for the provision of pre-employment transition services to students with disabilities who are eligible or potentially eligible for VR services and in need of such services. In addition, the Rehabilitation Act permits the provision of transition services for the benefit of groups of students or youth with disabilities. Because of these amendments, VR agencies now have an opportunity to provide VR services to a broader population of students and youth with disabilities to assist them in preparing for and obtaining competitive integrated employment. VR agencies should work with State and local educational agencies to ensure that the services provided are coordinated and seamless across the various programs that support transition for students and youth with disabilities from secondary education to postsecondary education and employment. WIOA emphasizes the need for students with disabilities to have more opportunities to explore their career interests and participate in work-based learning experiences. The Rehabilitation Act requires State VR agencies to make “pre-employment transition services” available to all “students with disabilities”.

#### **SLIDE 8 (WINTAC): TRANSITION RELATED DEFINITIONS**

In order to better understand transition services available through the VR program it is helpful to define specific transition-related terms.

The Rehabilitation Act created critical statutory definitions relevant to the delivery of pre-employment transition services and transition services. The definition of “student with a disability” can be found in Section 7(37) of the Rehabilitation Act and 34 C.F.R. § 361.5(c)(51). The definition of a youth with a disability can be found in Section 7(42) of the Rehabilitation Act and 34 C.F.R. 361.5(c)(58). The definition of “pre-employment transition services” is described in Section 7(30) of the Rehabilitation Act and in 34 C.F.R. § 361.5(c)(42); and “transition services” is defined in 34 C.F.R. § 361.5(c)(55).

#### **SLIDE 9 (WINTAC): DEFINITION “STUDENT WITH A DISABILITY:”**

A student with a disability is an individual who— Is in an educational program; and meets certain age requirements; and is eligible for and receiving special education or related services under IDEA; or is an individual with a disability for purposes of Section 504 of the Rehabilitation Act. To clarify, an individual does not need to be in receipt of services under Section 504 of the Rehabilitation Act to be a “student with a disability”.

#### **SLIDE 10 (WINTAC): DEFINITION “STUDENT WITH A DISABILITY” (CONT.)**

Educational programs include: Secondary education programs; non-traditional or alternative secondary education programs, including home schooling; postsecondary education programs; and other recognized educational programs, such as those offered through the juvenile justice system.

#### **SLIDE 11 (WINTAC): DEFINITION “STUDENT WITH A DISABILITY” (CONT. 2)**

In terms of age range, essentially, the State VR agency must determine the age range for a student with a disability based upon the age of students in receipt of services under IDEA in that State. However, the VR agency can elect to set a lower minimum age to begin pre-employment transition services. These students must be eligible for or receiving services under IDEA, or, considered to be an individual with a disability for the purposes of Section 504 of the Rehabilitation Act. In most States, a “student with a disability” in receipt of transition services and/or pre-employment transition services is between the ages of 14 to 21 years of age. However, some States begin the provision of pre-employment transition services to “students with disabilities” as early as 12 years of age. Michigan has the highest age range for a “student with a disability,” as students may receive services under IDEA from 14 to 26 years of age.

The definition of a “student with a disability” in Section 7(37) of the Rehabilitation Act is very clear that the lower age for the provision of pre-employment transition services must be a State—not an agency—decision. This means the decision must be agreed to by both VR agencies when there are two DSUs (a general and blind agency) in a State. Therefore, if a State elects to provide pre-employment transition services at an earlier age, the age would be applicable to both agencies, if a State has two DSUs. On the other hand, if the State does not elect to provide pre-employment transition services at an earlier age, the IDEA minimum age range for the receipt of transition services would apply. This would be true regardless of whether the State has one or two DSUs.

#### **SLIDE 12 (WINTAC): DEFINITION “YOUTH WITH A DISABILITY”**

A youth with a disability is: An individual with a disability; not younger than 14 years of age; and not older than 24 years of age. There is no requirement that a “youth with a disability” be participating in an educational program. The age range for a “youth with a disability” is typically broader than that for a “student with a disability.”

Most students with disabilities in this age range meet the definition of a “youth with a disability.” However, not all youth with disabilities meet the definition of a “student with a disability.” Distinctions between the two terms are critical because some VR services may be provided to one population, but not the other.

#### **SLIDE 13 (RSA): PRE-EMPLOYMENT TRANSITION SERVICES**

*Pre-employment transition services are described in the VR regulations in 34 C.F.R. § 361.48(a). The regulations require that each State must ensure that the designated State unit, in collaboration with the local educational agencies involved, provide, or arrange for the provision of, pre-employment transition services for all students with disabilities, as defined in 34 C.F.R. § 361.5(c)(51), in need of such services, without regard to the type of disability, from Federal funds reserved in accordance with 34 C.F.R. § 361.65, and any funds made available from State, local, or private funding sources. Funds reserved and made available may be used for the required, authorized, and pre-employment transition coordination activities.*

Note that pre-employment transition services may only be provided to “students with disabilities”. This is a subset of the broader definition of a “youth with a disability” (i.e., an individual with a disability who is 14 to 24 years of age). Students and youth with disabilities may receive general group transition services

prior to applying or being determined eligible for VR services (34 C.F.R. § 361.49(a)(7)), and individualized VR services, including transition services, once determined eligible for VR services under an individualized plan for employment (IPE) (34 C.F.R. § 361.48(b)). While these services may be similar in nature, it is important to draw this distinction, as only students with disabilities may receive the five required pre-employment transition services outlined in 34 C.F.R. § 361.48(a)(2).

#### **SLIDE 14 (RSA): VR AND TRANSITION-RELATED SERVICES**

Services available to students and youth with disabilities, as applicable, through the VR program include—

Pre-employment transition services under Section 113 of the Rehabilitation Act and 34 C.F.R. § 361.48(a)), that are available only to students with disabilities and do not require an application, eligibility determination or an IPE.

Group transition services under Section 103(b)(7) of the Rehabilitation Act and 34 C.F.R. § 361.49(a)(7)) are available to both students and youth with disabilities, and an application and IPE are not required.

Individualized transition and other VR services under Section 103(a) of the Rehabilitation Act and 34 C.F.R. § 361.48(b)) are available to all eligible individuals; and an application and IPE are required.

Pre-employment transition services – as the earliest phase of services– should enrich, not delay, transition planning, application to the VR program, and the continuum of services necessary for movement from school to post-school activities. It is important to note that all VR services – including pre-employment transition services and transition services – should be based upon individual need. No individual is required to receive any type of service before beginning another type or set of services. For example, a student with a disability could receive group transition services before receiving pre-employment transition services, if such an approach meets the student’s needs.

#### **SLIDE 15 (RSA): Vocational Rehabilitation Services for Students with Disabilities: Pre-Employment Transition Services and Individualized Transition Services**

In this section we will discuss services available specifically to students with disabilities who meet the definition of a student with a disability, as discussed in the definitions section of this webcast. These services include pre-employment transition services and individualized transition services.

#### **SLIDE 16 (WINTAC): PRE-EMPLOYMENT TRANSITION SERVICES OVERVIEW**

These services are an early start at job exploration that—

Assist students with identifying career interests to be further explored through additional VR services, including transition services;

Must be made available Statewide to all students with disabilities in need of such services, regardless of whether a student has applied for VR services;

May begin once a student requests or is recommended for one or more pre-employment transition services and documentation of a disability (e.g., IEP, transition plan, school psychological, or other medical documentation of a disability) is provided to the VR agency;

Must be provided or arranged in collaboration with LEAs; and

Are the only activities that can be paid for with the funds reserved under Section 110(d)(1) of the Rehabilitation Act. These services must be made available Statewide to all students with disabilities in need of such services.

#### **SLIDE 17 (WINTAC): POPULATION TO RECEIVE PRE-EMPLOYMENT TRANSITION SERVICES**

Pre-employment transition services are provided to “students with disabilities” who are: eligible for VR services; or potentially eligible for VR services (i.e. all students with disabilities, including those who have not applied or been determined eligible for VR services).

All students with disabilities, regardless of whether they have applied or been determined eligible for VR services, are potentially eligible to receive pre-employment transition services. To clarify, if an individual is determined to be ineligible for the VR program, he or she is no longer considered to be potentially eligible for VR services. VR agencies cannot require, but may encourage students to apply for VR services as early as possible in the transition process in order to ensure a smooth transition into the VR program. This is especially important, if it is anticipated that a student with a disability will need additional individualized VR services beyond the scope of pre-employment transition services. The student will need to apply and be determined eligible for VR services in order to receive individualized VR services, including transition services, under an approved IPE, just as required for youth and other individuals with disabilities in need of similar services. Individualized VR services can only be provided to students, youth and individuals with disabilities who have applied and been determined eligible for the VR program, and who have an approved IPE.

#### **SLIDE 18 (WINTAC): PRE-EMPLOYMENT TRANSITION SERVICES FOR STUDENTS WITH DISABILITIES**

Required activities. The designated State unit must provide the following pre-employment transition services: (i) Job exploration counseling; (ii) 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 in the community to the maximum extent possible; (iii) Counseling on opportunities for enrollment in comprehensive transition or postsecondary educational programs at institutions of higher education; (iv) Workplace readiness training to develop social skills and independent living; and (v) Instruction in self-advocacy (including instruction in person-centered planning), which may include peer mentoring (including peer mentoring from individuals with disabilities working in competitive integrated employment).

Allowable expenditures incurred in carrying out these activities may be paid with the funds reserved for the provision of pre-employment transition services.

#### **SLIDE 19 (RSA): TRANSITION SERVICES**

“Transition Services” represents the next set of VR services available to students and youth with disabilities and includes: Group transition services; and Individualized transition services.

VR agencies may provide transition services to groups of students and youth with disabilities who may not have applied or been determined eligible for VR services, as previously discussed earlier in this presentation.

#### **SLIDE 20 (RSA): PRE-EMPLOYMENT TRANSITION SERVICES PROVIDED IN A GROUP SETTING VS. TRANSITION SERVICES TO GROUPS**

The five “required” pre-employment transition services, described in Section 113(b) of the Rehabilitation Act and 34 C.F.R. § 361.48(a)(2) of the VR regulations, may be provided to individuals in a group setting, or on an individual basis. Because VR agencies may have limited information regarding the needs of students who have not applied for VR services, it may be more appropriate to provide pre-employment transition services in a group setting. Regardless of how pre-employment transition services are provided (e.g., in a group setting or on an individual basis), the VR agency must track and report these services, and activities for each student in receipt of such services.

### **SLIDE 21 (RSA): PRE-EMPLOYMENT TRANSITION SERVICES PROVIDED IN A GROUP SETTING VS TRANSITION SERVICES TO GROUPS (CONT.)**

Although pre-employment transition services may be provided in “group settings,” such services must be provided under Section 113 of the Rehabilitation Act and 34 C.F.R. § 361.48(a) of the VR regulations – not under the “services to groups” authority under Section 103(b)(7) and 34 C.F.R. § 361.49(a)(7).

The “services to groups” authority of Section 103(b) of the Rehabilitation Act and 34 C.F.R. § 361.49(a) of the VR regulations permits the provision of transition services in general, but not the provision of the more specific services identified as pre-employment transition services.

Under the services to groups authority, transition services to youth and students with disabilities are described in 34 C.F.R. § 361.49(a)(7). These services may be provided to youth and students with disabilities who have not yet applied or been determined eligible for the VR program. These specific transition services are to benefit a group of students or youth with disabilities and are not individualized services. These services may include group tours of universities, career fairs, mock interviews. Note that these examples are similar in nature to the services that may be provided as pre-employment transition services. The difference is that pre-employment transition services may only be provided to students with disabilities and must be tracked down to the individual student in receipt of that service. Even if pre-employment transition services are provided in group settings, these services are still tracked and reported for each individual in receipt of such services. **The funds reserved may only be used for students with disabilities in receipt of pre-employment transition services.**

### **SLIDE 22 (RSA): DIFFERENCES BETWEEN PRE-EMPLOYMENT TRANSITION SERVICES AND GROUP TRANSITION SERVICES**

Differences between pre-employment transition services and group transition services

Pre-employment transition services are only those services described in Section 113 of the Rehabilitation Act and 34 C.F.R. § 361.48(a), whereas group transition services are those services described in Section 103(b) of the Rehabilitation Act and 34 C.F.R. § 361.49(a)(7);

Pre-employment transition services are provided, tracked and reported to an individual level (even if provided in a group setting), whereas the group transition services above are not; and

**Pre-employment transition services can be charged to the reserved funds, whereas group transition services cannot.**

### **SLIDE 23 (RSA): INDIVIDUALIZED TRANSITION SERVICES**

As the next step in the continuum, individualized transition services must be provided to students and youth with disabilities who have been determined eligible for VR services, and in accordance with an

approved IPE. Any allowable VR service under Section 103(a) of the Rehabilitation Act and 34 C.F.R. § 361.48(b) can be provided as a transition service under an IPE.

Transition services may include job-related services, such as vocational and other training services; job search and placement assistance; job retention; and follow-up and follow along services (see Section 103(a)(15) of the Rehabilitation Act and 34 C.F.R. § 361.48(b)).

#### **SLIDE 24 (RSA): ADDITIONAL CONSIDERATIONS**

Additional considerations for working with VR programs include—order of selection implementation, VR performance measures, and the difference in services provided to students who are potentially eligible versus those who have been determined eligible for VR services.

#### **SLIDE 25 (RSA): ORDER OF SELECTION**

When a State VR agency is unable to provide the full range of VR services to all eligible individuals in the State who apply for services, it must show the order of selection to be followed in selecting eligible individuals to be provided VR services.. The implementation of an order of selection and closure of priority categories has implications for the provision of VR services, including transition services. However, since pre-employment transition services may be provided to students with disabilities prior to applying or being determined eligible for VR services, a student in receipt of any of the five required pre-employment transition services prior to being determined eligible for VR services and assigned to a closed order of selection priority category (i.e., waiting list), may continue to receive pre-employment transition services while on the waiting list.

#### **SLIDE 26 (WINTAC): HOW DOES THIS IMPACT PERFORMANCE AMONG PARTNERS?**

How does this impact performance among workforce development partners?

The VR program is subject to common performance measures, as are the workforce development partners under WIOA; however, only those students with disabilities in receipt of VR services under an IPE are considered participants, and included in the performance accountability measures.

A potentially eligible student with a disability is an individual who is in receipt of pre-employment transition services and;

Has not been determined eligible for VR Services.

Students with disabilities who are potentially eligible or eligible for VR services and in receipt of pre-employment transition services are considered to be reportable individuals (NOT participants) and are not included in common performance accountability measures.

However, those students with disabilities who have applied and been determined eligible for VR services, and are in receipt of VR services under an approved IPE, are considered to be participants and included in common performance accountability measures.

One example of how VR and WIOA Youth programs can work together, is to have an understanding of the impact of collaboration on performance accountability measures. It is important to highlight the reporting distinctions, as potentially eligible students who may only receive pre-employment transition services are considered “reportable” individuals for the VR program, and are not included in performance reporting among the core workforce development partners across WIOA.

A potentially eligible student with a disability is not subject to the same common performance measures (CPMs) as a WIOA Youth. However, VR-eligible students with disabilities in receipt of pre-employment transition services under IPEs, or VR-eligible students or youth with disabilities in receipt of VR transition services or other VR services under IPEs, would be subject to the CPMs.

**SLIDE 27 (WINTAC): THANK YOU**

Tonya Stellar (State Team Facilitator) and Shannon Moler (VR Program Specialist) from RSA, and Melissa Diehl and DJ Ralston (Pre-Employment Transition Services) from the WINTAC

Thank you for joining us for this overview of the VR program and VR services for students and youth with disabilities. If you are not familiar with the WIOA Youth Program and the services provided for in- and out-of-school youth, we encourage you to listen to ETA's complimentary webcast which provides an overview of the WIOA Youth program and services to ensure you have the foundational understanding of both programs. We hope you will join us for future webcasts which will detail how the VR and WIOA Youth programs can partner to expand resources and opportunities for students and youth with disabilities.