

WIOA: Will It Deliver on its Promise for Transition?

By David Hoff

In a rare case of bi-partisanship, this past July the U.S. Congress passed and President Obama signed into law the Workforce Innovation and Opportunity Act (WIOA). WIOA re-authorizes and replaces the Workforce Investment Act (WIA) and among other things, reauthorizes the Rehabilitation Act of 1973. While WIOA is a very broad-based bill, it is clear that one of the core messages that Congress is sending via WIOA is the need for improved transition outcomes.

Simply put, Congress has said that the days of students with disabilities leaving school poorly educated, with no employment experience, no job prospects, living lives of poverty, and too often ending up in segregated day programs, need to come to an end. As a result, a great deal of responsibility has been placed on the public vocational rehabilitation (VR) system to achieve improved transition outcomes. These responsibilities include the following:

- ❖ WIOA specifies that at least 15% of each state's Title I VR funds must be used for "pre-employment transition services". Required pre-employment transition services include: (1) job exploration counseling; (2) work-based learning experiences; (3) counseling on post-secondary education opportunities; (4) workplace readiness training; (5) instruction in self-advocacy. (Additional optional pre-employment transition services specified in WIOA are also permitted if funding allows.)

- ❖ The responsibility for VR in terms of pre-employment transition services does not end with the expenditure of 15% of Title I funds – or the expenditure of VR funds in general. As stated in WIOA, each state is responsible for ensuring that their VR agency, in collaboration with local school districts, must provide, or arrange for the provision of pre-employment transition services for all stu-

dents with disabilities in need of these services eligible or potentially eligible for VR services, using funds from VR and other sources as necessary.

- ❖ Under WIOA each local VR office must undertake "pre-employment transition coordination", which includes: (1) attending individualized education program (IEP) meetings, when invited; (2) working with the local workforce development boards, one-stop centers (American Job Centers), and employers to develop employment opportunities for students with disabilities; (3) working with schools, to coordinate and ensure the provision of pre-employment transition services; (4) attending person-centered planning meetings, when invited, for individuals receiving services funded by Medicaid.

- ❖ Under Section 511, VR will have the responsibility for ensuring that a series of steps are complied with prior to an individual being placed into sub-minimum wage employment, and also for complying with a series of documentation requirements.

The Challenges and Opportunities under WIOA

One of the core challenges of WIOA is the capacity of public VR from a resource perspective, to take on these additional responsibilities, particularly given the challenges that already exist for VR nationally in meeting the needs of job seekers with disabilities, with many states already in order of selection.

If WIOA is to deliver on its promise in terms of improved transition outcomes for all students with disabilities, it will be critically important for VR systems to work in a highly cooperative fashion with state and local education agencies and school districts, as well as other public agencies and funders, to leverage resources.

In addition, simply assuming that the details will be worked out at the local level between VR offices and local school districts in terms of delivery and funding of the transition services required under

WIOA, will likely result in a lack of consistent implementation, to the detriment of students with disabilities. Also, in general, just because Congress passes a law, does not mean that it will automatically be properly implemented, without effective advocacy.

To ensure effective implementation of WIOA in terms of improved transition services and outcomes, the following are suggested strategies:

Review and comment on the proposed regulations: When proposed WIOA regulations are released (expected in January 2015), it will be critically important to review and comment on them. A few of the areas to be watchful for:

- ❖ The role of VR and other entities in arranging for the provision of pre-employment transition services for all students with disabilities who are eligible or potentially eligible for VR services (as mandated by WIOA), beyond those services funded by VR.
- ❖ Further guidance in terms of the level of responsibility of VR vs. education agencies in terms of the funding and provision of pre-employment transition services.
- ❖ In the spirit of Employment First, specific language that emphasizes paid work experience as the priority in transition. While the current list of “pre-employment transition services” is clearly intended to result in an ultimate outcome of employment, a concern is that “workplace readiness training” and similar types of services will be emphasized over actual real work experiences in the general workforce.
- ❖ Greater clarity regarding how Section 511 will be implemented, which is intended to limit the use of sub-minimum wage.

Strong state plans and getting engaged: As states develop their unified state plans required under WIOA, highly specific details should be included regarding implementation of transition services, including the responsibilities of VR, education agencies at the state and local level, and other public agencies, with an emphasis on the philosophy and concepts of Employment First.

Advocates should begin working with their state VR agencies (via their state rehab councils and similar entities), and state education officials now, to both encourage and participate in discussions regarding how the requirements of WIOA are going to be implemented within the state. Of particular importance, is clear guidance at a state level to local areas regarding

responsibilities, to avoid endless time and resources spent on “working out the details” at the local level.

Strong and clear inter-agency agreements:

Agreements should be developed between VR, state education agencies, workforce development, state intellectual and developmental disability agencies, and state mental health agencies, that specify the responsibilities of these respective agencies in terms of transition services, to ensure a much more coordinated and broad-based approach to WIOA implementation.

The development of a unified state plan under WIOA could be a catalyst for such efforts, and it is suggested that states consider the idea of multi-agency WIOA summit, to look at how to take effectively implement the requirements under WIOA, to the benefit of young people with disabilities.

Training for professionals and families: The changes in transition requirements under WIOA need to become a core component of training and staff development for a variety of professionals including VR counselors, educators, and others. Parent groups also need to quickly get up to speed to ensure family members are well educated regarding the new opportunities for transition services under WIOA. The national network of Parent Training Information Centers (www.parentcenterhub.org) are among the entities that can play a key role in these efforts.

Monitoring of Section 511 implementation:

Advocates will need to be vigilant to ensure that the requirements for Section 511 are fully and properly implemented, resulting in true reductions in the number of individuals earning sub-minimum wage and spending their days in segregated day programs.

Conclusion

Commenting on WIOA’s passage, President Obama stated that the bill “will help workers, including workers with disabilities, access employment, education, job-driven training, and support services that give them the chance to advance their careers and secure the good jobs of the future.” It is only through awareness and effective advocacy that WIOA will deliver on this promise for all young people with disabilities.

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