



The Implications of the Workforce Innovation and Opportunity Act for Seamless Transition of Youth with Significant Disabilities

A policy brief prepared for the Collaboration to Promote Self-Determination

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As an advocacy network of national disability organizations that seek to pursue the modernization of the federal adult system of services and supports for persons with intellectual and developmental disabilities, **CPSD's Mission** is to empower citizens with disabilities to become self-sufficient, productive members of society through employment in jobs and environments that are typical in our society.

CPSD's Vision is to ensure every adult living with complex intellectual, developmental and cognitive disabilities has the opportunity, encouragement and support required to lead an independent, productive life through self-direction and self-determination.

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Introduction

Public education for youth with disabilities, especially those ages 14-24, can and should culminate in a competitive, integrated job and a clear career path. The methodology exists for this to be a viable expectation. However, the fate of too many of these youth remains unemployment or underemployment in subminimum wage jobs. This is especially the case for youth with intellectual/developmental disabilities



(I/DD) or other significant disabilities who historically have experienced, and continue to experience inordinately low employment rates well into their adult lives.ⁱ

The low level of employment of youth with I/DD and other significant disabilities happens in the context of complex and oftentimes disjointed service systems. Education, vocational rehabilitation and adult employment service systems each have separate, but occasionally overlapping, mandates to assist students and youth to prepare for, obtain and keep employment. These systems have varied success in supporting people with I/DD and other significant disabilities. For example, a recent study found that only 26 percent of students with intellectual and multiple disabilities were reported to be employed two years after high school.ⁱⁱ This report does not differentiate the type of employment achieved by these individuals and likely includes a large number employed in congregate settings earning below the minimum wage. Similarly, among the states, there are widely disparate reported employment outcomes for individuals with I/DD served by state vocational rehabilitation programs and by state developmental disabilities.ⁱⁱⁱ

Emerging research and models of transition to employment illustrate the potential of successful adult employment for this population, and demonstrate this outcome can become the norm rather than the exception; evolving federal transition and disability employment policy presumes all individuals with disabilities are employable.^{iv} Specifically, the recently enacted Workforce Innovation and Opportunity Act of 2014 (WIOA), if certain tenets of it are broadly adopted, has the potential to significantly improve the adult employment prospects of youth with I/DD and other significant disabilities.

However, WIOA also has the potential to fall far short of this promise if the implementation of the Act is not focused on those activities and services which have been proven to contribute to successful and seamless transition from school to adult employment. This brief explores the role WIOA can play to promote seamless transition to employment of students and youth (ages 14-24) with I/DD and other significant disabilities.

Who might need coordinated transition service?

There are several indicators of the number and type of students and youth who might require support from multiple service systems to make a successful transition to adult employment, with special education service as an important first step. For example, over 400,000 youth with disabilities exit the nation's schools each year.^v Of those, over 40,000 have intellectual disabilities, almost 15,000 have autism, almost 9,000 have multiple disabilities and over 2,500 have a traumatic brain injury. This is not an all-inclusive list, nor does it imply that all of these individuals will need help with transition, however this data represents over 66,000 youth who potentially *could* require transition services each year. Receipt of Supplemental Security Insurance (SSI) benefits represents another possible indicator the need for transition support. By definition, individuals receiving SSI have a significant disability and live in a low income household. In 2014, there were over 462,000 SSI recipients between the ages of 14 and 17,^{vi} a significant number of youth who will be moving through school toward the transition to adulthood.

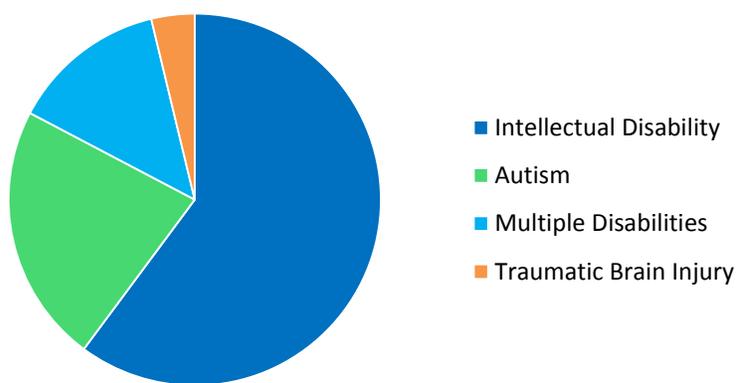
These circumstances make it clear that there is a large group of youth who, if not provided effective assistance in securing work as they transition from school, will continue to experience

unemployment and poverty throughout their adult lives, with consequent impact on the cost of public income support. The concept of seamless transition offers some promise to address these circumstances.

What is seamless transition?

Successful transition to employment involves many interwoven components. Individualized transition planning, community-based work experiences including paid

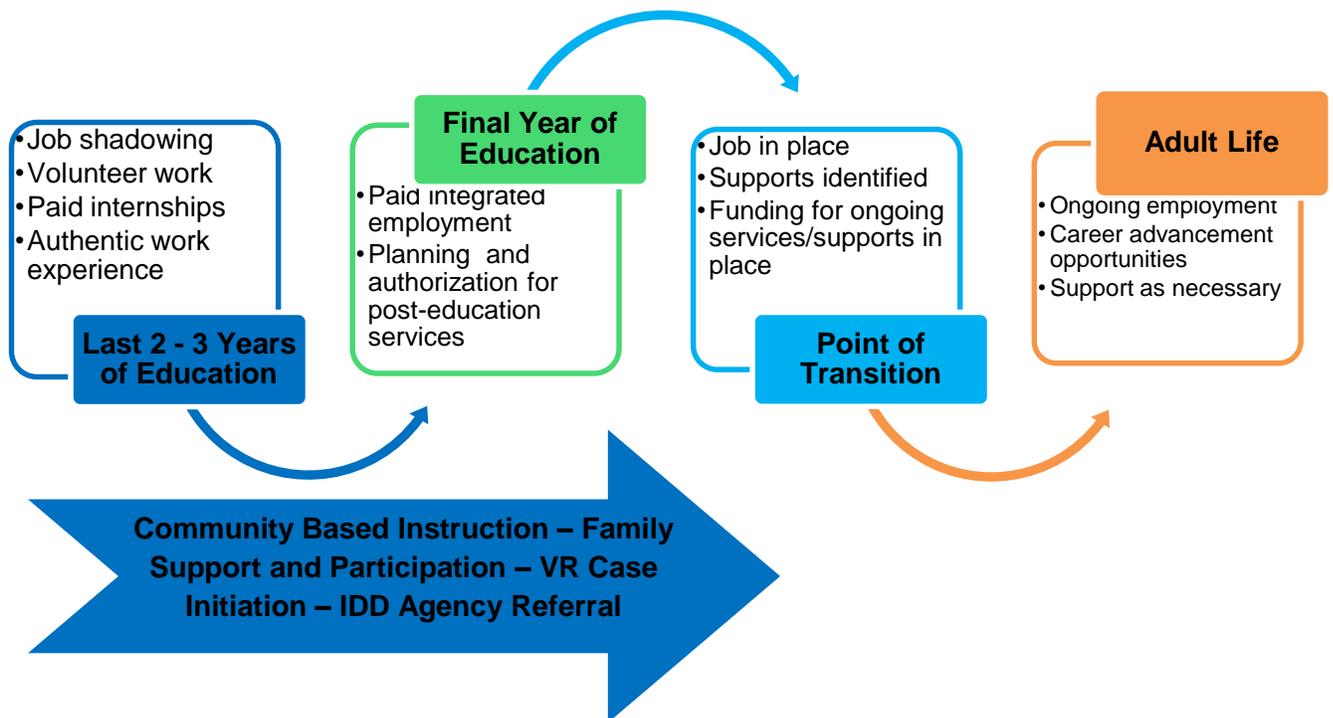
**Youth Exiting School Annually:
Potentially Requiring Transition Services**



employment, family support of employment and interagency collaboration have been identified as contributors to successful competitive integrated employment outcomes for students and youth with significant disabilities^{vii}. Indeed, if applied effectively, these activities can result in the “gold standard” of transition outcomes for youth with I/DD and other significant disabilities - competitive integrated employment. The U.S. Department of Labor, Office of Disability Employment Policy (ODEP) defines competitive integrated employment as “*work paid directly by employers at the greater of minimum or prevailing wages with commensurate benefits, occurring in a typical work setting where the employee with a disability interacts or has the opportunity to interact continuously with co-workers without disabilities.*”^{viii}

Models of seamless transition service that result in competitive integrated employment include a systematic delivery of specific evidence-based transition services beginning in early high school and the coordination of resources resulting in uninterrupted (seamless) transition from publicly supported secondary education to employment.^{ix} That is, exiting school already in a competitive integrated job, with supports in place to keep this job and to aid the acquisition of new jobs and career advancement throughout one’s adult life. The movement from school to employment and adult life is “seamless” because there is no interruption of service, support and employment status after school exit. Figure 1 illustrates the flow of transition services under this scenario.

Figure 1: Seamless Transition Flow



WIOA and transition

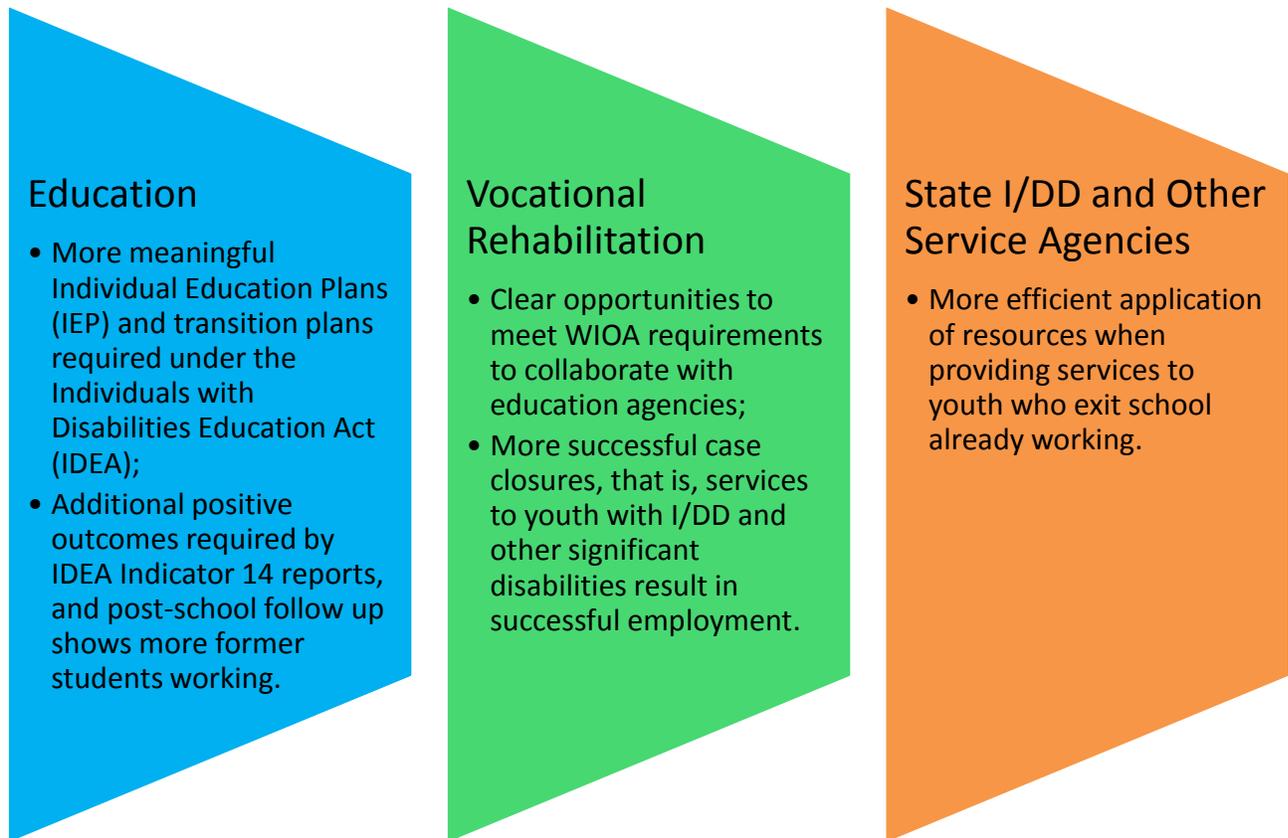
There are important components of WIOA that reinforce, if not directly support, the kinds of activities that can result in seamless transition. In fact, eligibility for vocational rehabilitation services is presumed and ostensibly prioritized by WIOA for individuals considered to have the most significant disabilities. WIOA contains specific provisions related to transition that are new for State vocational rehabilitation (VR) systems. A summary of key among these provisions include:

- 15 percent of each state's funding allocation for VR services must be designated for transition services for students and youth between the ages of 14 and 24.
- Half of supported employment service funds are designated for youth with significant disabilities.
- Pre-Employment Transition Services (PETS) is a new category of VR funding that can be applied to five types of services before a student exits school.
 - Job exploration counseling
 - Work-based learning experience – which may include in-school or after school opportunities or experiences outside the traditional school setting (including internships) provided in an integrated setting in the community to the extent possible
 - Counseling on opportunities for enrollment in comprehensive transition or post-secondary educations programs at institutions of higher learning
 - Workplace readiness training to develop social skills and independent living
 - Instruction in self-advocacy (including instruction in person-centered planning)
- Interagency collaboration between VR and schools is required so that information is shared, joint planning occurs and services from each system are jointly coordinated.
- Services can be provided to youth potentially eligible for VR services but for whom a case has not yet been initiated.
- Prohibition of schools from entering into a contract with an entity that employs individuals at subminimum wage for the purpose of operating a program under which a youth with a disability is engaged in subminimum wage employment.

These provisions recognize that transition is a continuum and that it is important to provide employment related transition services to youth as early as possible. They also represent the fact that early VR case initiation, and VR service funds spent on youth before they have exited school, have been shown to influence improved employment outcomes.^x Providing services, then, to both eligible and potentially eligible youth well before school exit represents the prospect of more successful VR case closures and consequently more successful transitions for youth. This, along with the collaboration between VR and schools that WIOA encourages, has the potential to open new and broader adoption of practices that lead to seamless transition for youth with I/DD and

other significant disabilities. Notable potential benefits to the respective service systems can also be realized under conditions of effective collaboration.

How systems benefit from seamless transition collaboration



However, this potential will not be realized in the absence of proven practices or through non-effective services that are still allowable under the Act.

Applying WIOA resources to services and activities that work

Research supports work-based learning experiences, especially paid jobs, as the strongest predictor of post-school employment for youth with significant disabilities.^{xi} In fact, this is the only one of the five PETS categories allowable under WIOA that has strong research to support its effectiveness. Self-advocacy training has also been shown to impact employment outcomes, but only when used in the context of specific job search planning.^{xii} There is little or no evidence that the other three PETS categories - job exploration counseling, counseling for post-secondary education enrollment and work readiness training – have direct influence on employment outcomes. Further, they are highly likely to be simultaneously provided to groups of youth with disabilities, as this proposed WIOA regulation states:

Proposed regulation: 361.49 (a) Incorporates transition services to students and youth with disabilities as a permissible service for the benefit of groups of individuals with disabilities. This service would be provided in coordination with other relevant agencies and providers. (emphasis added)

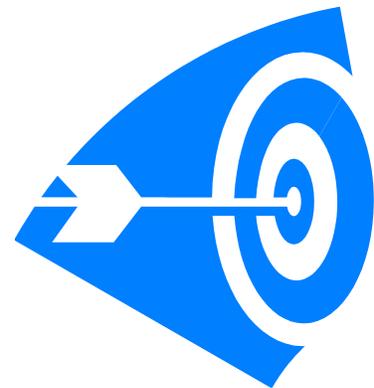
Unfortunately, group vocational activities and other types of congregate services that have been historically used to help individuals become “ready” to work are not only unsupported by research, but they have the potential to perpetuate longstanding practices of segregating individuals with significant disabilities to engage in unproductive activities that do not lead to competitive integrated employment.^{xiii}

Case service funds spent on students and youth before school exit have the potential to be a good return on VR investment. This potential, however, depends on funds being directed to services that will actually yield a successful employment outcome. What does this mean for the implementers of WIOA, including VR field counselors, education personnel and their partners? What does this mean for directives and guidance provided by federal and state VR leadership?

Evidence gathered by the Center on Transition to Employment for Youth with Disabilities (www.transitiontoemployment.org) and other research suggests that there are three key points that bear emphasis and that should be the “bull’s eyes” of WIOA transition service targets:

1. **Work experiences should happen early and often.**

These experiences truly expose students and youth to opportunities to learn what they are good at, what they like to do, what supports and accommodations will be necessary on the job, and what prospective employers might expect in their eventual adult employment^{xiv}. Thus, these should be prioritized as the first service of choice authorized through VR Pre-Employment Training Service funds.



2. **Paid work is both a transition intervention and the desired outcome.** Youth will learn from work experiences and jobs as they prepare for school exit- and they are likely to get and keep jobs as a result of these experiences^{xv}. Thus, VR service authorizations should be for services that directly lead to and include paid work. For schools, such VR services represent a very useful external resource to enable work experiences to be incorporated into the curriculum.

3. **Collaboration between schools, VR and their partners should focus on the employment outcome for commonly served youth.** When collaboration is directly focused on outcomes for youth and the systems that serve them – rather than

merely referring them for a “hand off” to the next responsible party – higher school completion and employment rates are likely.^{xvi} Conversely, without a focus on work and work experience, collaboration efforts falter.^{xvii} As illustrated on page five of this report, optimal collaboration occurs throughout the secondary school years and well before the student is projected to exit school.

Each of these represents components of the seamless transition scenario described earlier, and is supported explicitly in WIOA. Any service that isolates students and youth with disabilities in groups focused on “readiness” rather than actual work, which are not proven to affect competitive integrated employment, should not be initiated by field VR counselors or authorized by VR leadership. To proceed otherwise only perpetuates dismal employment rates for youth with I/DD and other significant disabilities, failing to maximize the return on VR service investment.

The bottom line

WIOA’s time to support and create successful youth transition to employment is now. In fact, full WIOA implementation can be a “game changer” to make the reality of transition service and outcomes match the intent of federal disability employment policy that promotes the notion of presumed employability. There is much in WIOA that represents a genuine intent for, and strong support of, employment for youth with I/DD and other significant disabilities. These include:

- A de-emphasis on the use of subminimum wage
- Requirement for school/VR collaboration
- Targeted supported employment services funds for youth with the most significant disabilities
- The designated VR funds for Pre-Employment Transition Services.

Vigilance of robust implementation is paramount to ensuring that services under WIOA reflect those that have been shown by research to be important predictors of post-school employment for youth with significant disabilities. Specifically, *work experiences in real business and employer workplaces should be a preferred service and employment training to the kinds of “work readiness” activities that occur in groups of individuals with disabilities.* The latter have little research basis to support their effectiveness and have the potential to continue to isolate youth with disabilities from real opportunities for competitive integrated employment. **The evidence supporting the value of work experiences is so strong that it is worth considering a future amendment to WIOA that includes language which says that VR transition funds shall be primarily targeted for this purpose.**

Recommendations

- **Evaluate activities and outcomes of WIOA** - It will be vital to evaluate activities and outcomes that come from WIOA especially as they relate directly to students and youth with I/DD and other significant disabilities. In fact, at a minimum, federal agencies which have programs related to providing employment services to individuals with significant disabilities, including the core programs covered under WIOA (including VR), should identify common data collection points on both services and outcomes.
- **Establish systems to share data and report employment outcomes** - It will be necessary to establish systems to share data across programs and to publically report employment outcomes. Without a thorough evaluation of how WIOA actually impacts employment of individuals with I/DD and other significant disabilities, there is danger that the intent to improve transition to employment outcomes will go unrealized.



The WIOA transition services targets suggested also point to potential future federal legislation and policy directions, particularly for future amendments to IDEA, including:

- Changing the transition planning requirement to age 14 to encourage the initiation of work experiences at earlier ages
- Prohibiting student placement into subminimum wage employment or identifying subminimum wage employment as an unacceptable post school goal
- Allowing IDEA Part B discretionary funds to be used by school districts to contract with personnel or organizations to assist with work experience and job placement supports that complement the work experience component of VR Pre-Employment Transition Services.

Conclusion

The intent of this brief has been to highlight key provisions of WIOA that can promote, and some that might deter the pursuit of the seamless transition ideal: youth (age 14-24) with intellectual, developmental and other significant disabilities exiting school with a competitive integrated job. Such employment for these individuals must meet the criteria and definitions set forward by the federal Office of Disability Employment Policy and as intended by emerging federal transition and employment policy.

About the Author

Dr. Luecking is the 2015 CPSD Ruderman Policy Fellow. He is past President of TransCen, Inc., a non-profit organization dedicated to education and employment success of individuals with disabilities. He is currently a Research Professor at the University of Maryland, Department of Counseling, Higher Education & Special Education.

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ⁱⁱ Carter, E., Austin, D., & Trainor, A. (2012). Predictors of post-school employment outcomes for young adults with severe disabilities. *Journal of Disability Policy Studies, 23*, 1–14.

ⁱⁱⁱ Butterworth, Smith, Hall, Migliore, Winsor, Domin, & Timmons, 2012.

^{iv} The Ticket to Work and Work Incentives Improvement Act of 1999, The Individuals with Disabilities Education Improvement Act (IDEA) of 2004, and the Workforce Opportunities Improvement Act of 2014 are each predicated on the expectation that services delivered through their respective mandates are available to and will benefit all individuals with disabilities to whom the services apply.

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^{xii} Wehmeyer, M.L., and Abery, B. (2014). Self-determination and choice. *Intellectual and Developmental Disabilities, 54*, 399-411.

^{xiii} Luecking, R. & Dwyre, A. (in press). Work and employment for people with intellectual and developmental disabilities. In M. Wehmeyer & I. Brown (Eds.), *A comprehensive guide to intellectual and developmental disabilities* (2nd edition). Baltimore: Paul H. Brookes Publishing Company.

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