WIOA:
What It Means for People with Disabilities

David Hoff
Project Director
Institute for Community Inclusion
University of Massachusetts, Boston

Contact Information

David Hoff
617-287-4308
david.hoff@umb.edu
www.communityinclusion.org
@davidhoff10

What is WIOA?

- The Workforce Innovation & Opportunity Act of 2014
- Signed into law July 22, 2014
- Reauthorizes the Workforce Investment Act of 1998, including the Rehabilitation Act
**WIOA Basics**

- **COVERS TWO PUBLIC SYSTEMS**
  - Workforce Development System serving all job seekers (Titles I - III)
  - Public Vocational Rehabilitation - VR (Title IV)
- Legislation goes into effect July 1, 2015 unless otherwise specified
  - Title IV (Rehab Act) has already gone into effect (with a few exceptions)
- Draft implementing regulations not expected until Spring 2015

---

**WHAT CONGRESS SAID**

- Assist those most in need
- Focus on increasing *job skills*, *career pathways*, & *in-demand* occupations
- Focus more on employer engagement
- Public VR & Workforce Development: be better partners

---

**WHAT CONGRESS ALSO SAID**

- The days of students with disabilities leaving school *poorly educated*, with *no employment experience*, *no job prospects*, *living lives of poverty*, & too often ending up in *segregated day programs*, need to come to an end.
General Highlights of Rehabilitation Act

15% of state Title I VR Funds must be used for “pre-employment transition services”
- Title I Funds FY 2014: $3 billion
- Required services:
  - job exploration counseling
  - work based learning experiences
  - counseling on post-secondary opportunities
  - workplace readiness training
  - training on self-advocacy
- Additional specified activities allowed if funding is available

Services for Transition from School to Adult Life

VR Employment Transition Coordination Requirements

- Attend IEP Meetings
- Work with workforce boards, One-Stops, & employers to develop employment opportunities
- Work with schools to ensure provision of pre-employment transition services
- When invited, attend person-centered planning meetings
VR’s Transition Requirements

Don’t End at 15% of Expenditures

- VR agency, in collaboration with local school districts, must provide, or arrange for provision of pre-employment transition services for all students with disabilities in need of these services eligible or potentially eligible for VR services, using funds from VR & other sources as necessary.

Concerns & Challenges

- Capacity of VR to take on additional responsibilities
- “Unfunded mandate”
- Lack of clarity regarding who pays for what
- “Work readiness” type activities taking precedence over real work experiences

Section 511:
New restrictions on use of sub-minimum wage

Institute for Community Inclusion
promoting the inclusion of people with disabilities
Section 511: Restrictions on Sub-Minimum Wage

- Required (as of 2016) for individuals 24 & under before being placed in a position that pays less than minimum wage
- Steps include:
  1. Pre-employment transition services
  2. Either being determined ineligible for VR or an unsuccessful VR closure
  3. Provision of career counseling & referrals designed to assist individual to achieve competitive integrated employment

In 2016, schools no longer allowed to contract with organizations to pay individuals sub-minimum wage

Steps Required Annually for All Individuals Earning Sub-Minimum Wage

- VR agency must provide career counseling and referrals to other programs & resources designed to assist individual to achieve competitive integrated employment
- Is informed by “employer” of self-advocacy, self-determination, & peer mentoring opportunities not provided by “employer”
Section 511: Challenges & Concerns
- Additional responsibility placed on VR
- “Checklist” approach to requirements rather than abiding by actual intent
- Organization paying sub-minimum wage ("employer") responsible for implementation with VR
- Monitoring & enforcement

“Competitive Integrated Employment” Defined
- Full-time or part-time work at minimum wage or higher
- Wages & benefits similar to those without disabilities performing the same work
- Fully integrated with co-workers without disabilities

Optimal outcome under WIOA

New Definition for Supported Employment (SE)
- Competitive integrated employment, including customized employment, or employment in an integrated work setting in which individuals are working on a short-term basis toward competitive integrated employment.
- For individuals with most significant disabilities:
  - for whom competitive integrated employment has not historically occurred; or
  - for whom competitive integrated employment has been interrupted or intermittent as a result of a significant disability; &
  - who, because of the nature & severity of their disability, need intensive supported employment services & extended services.
- 50% of each state’s SE grant must be focused on youth (up to age 24) with most significant disabilities
- May receive extended supports for up to 4 years
- FY 2014 allocation: $27 million

WIOA Workforce Development System Disability Highlights

- Federal Agency: US Department of Labor
- State Workforce Boards
- Local Workforce Boards (600 nationally)
- Local boards must ensure sufficient service providers for individuals with disabilities
- State workforce boards must develop strategies for career pathways for individuals with disabilities
- Local workforce committees on disability issues encouraged
- Annual assessment of One-Stop Career Center accessibility required

Variety of services available for eligible youth to assist with employment & career development
- Primarily administered by local workforce boards
- Two types: **In-School, Out-of-School**
- Young people with disabilities are highly eligible

- Age for eligibility for Out-of-School Youth Services changed from 16 to 21, to 16 to 24
- In-School Youth Services age remains 14 to 21 - except students with disabilities who can be served prior to age 14
- Amount of youth funds spent on out-of-school youth increases from 30% to 75%
- Virtually all youth with disabilities now eligible
Youth Services Required Program Elements

CONTINUING FROM WIA
- Tutoring, study skills training, and instruction
- Alternative secondary school offerings or dropout recovery services
- Paid and unpaid work experiences
- Occupational skill training
- Leadership development activities
- Supportive services
- Adult mentoring
- Follow-up services
- Comprehensive guidance and counseling

NEW UNDER WIOA
- Integrated education and training for a specific occupation or cluster
- Financial literacy education
- Entrepreneurial skills training
- Services that provide labor market information about in-demand industry sectors and occupations
- Postsecondary preparation and transition activities

Core Programs Under WIOA
1. Adult, Dislocated Worker, & Youth Workforce Investment Programs
2. State Employment Service
3. Adult Education & Literacy
4. Public Vocational Rehabilitation

9 Additional Federal Programs that are Mandated One-Stop Partners, but Not Core Programs

Core Program: What It Means
- Must submit a unified 4-year state plan
- Subject to “Common Measures” starting in 2016
  - Adult Measures:
    • Entering & retaining employment
    • Median earnings
    • Obtaining an educational credential
    • Effectiveness in serving employers
WIOA Impact

- Real Jobs, Real Wages
- Great opportunity to get transition right!
- Reinforces national movement away from segregated services, sub-minimum wage
“The bottom line of the social sector is changed lives.”

• Peter Drucker

“Prediction is very difficult, especially about the future.”

• Niels Bohr

What’s Happening and What’s Next

• Implementation is underway
• Federal agencies: ongoing information issuances
• Draft regulations to be released ➔ Spring 2015
• States in early stages of plan development
What will it be?

- COMPLIANCE?
- AVOIDANCE?
- CHANGE OPPORTUNITY?

What To Do NOW!

- Learn about the law
- Get involved with planning
- Create awareness across constituencies
- Build partnerships
- Begin to align services with WIOA
- Advocate!

Resources

- ICI Institute Brief
  “WIA is Now WIOA”
- APSE Connections
  “WIOA: Will It Deliver on its Promise for Transition?”
- Department of Education RSA Website - www2.ed.gov/about/offices/list/osers/rsa/wioa-reauthorization.html
- DOL Website - www.doleta.gov/wioa

www2.ed.gov/about/offices/list/osers/rsa/wioa-Transition?”

“WIA is Now WIOA”

Do

What To

Get involved with planning
Create awareness across constituencies
Build partnerships
Begin to align services with WIOA
Advocate!

Learn about the law

Resources

ICI Institute Brief
“WIA is Now WIOA”

APSE Connections
“WIOA: Will It Deliver on its Promise for Transition?”

Department of Education RSA Website - www2.ed.gov/about/offices/list/osers/rsa/wioa-reauthorization.html

DOL Website - www.doleta.gov/wioa

www2.ed.gov/about/offices/list/osers/rsa/wioa-Transition?”