

WIOA and Contracted Transition Services

Re: Contracting for transition services for students with disabilities who are 18-21 under new WIOA regulations.

Although the final federal rule has not yet been published, it is anticipated that as of July 2016, use of special education funding (federal, state, or local) to contract with community rehabilitation providers for student job training at sub-minimum wage will no longer be allowable.

In addition, WIOA requires that youth with disabilities ages 14-21 who are receiving educational services be provided a set of Pre-employment Transition Services (PETS) based on their individual goals and needs prior to employment at sub-minimum wages. The PETS categories outlined in WIOA include:

- 1) **Job exploration** counseling
- 2) **Work-based learning** experiences
- 3) **Post-secondary educational or higher education programs** counseling
- 4) **Social and Independent Living Skills** training
- 5) Instruction in **Self-Advocacy**, which may include peer mentoring

PETS must be provided to all students, regardless of disability, and each youth must have the opportunity to work with DVR prior to entering employment at subminimum wage. Thus, WIOA dictates that students with disabilities have *community-based, integrated employment-focused* experiences.

The requirements for transition services under WIOA align with those outlined in IDEA, which include the development of postsecondary goals in education and training and employment. Educational services provided by LEA's must be designed to support progress toward identified postsecondary goals in the Least Restrictive Environment (LRE) in order to meet Free and Appropriate Public Education (FAPE) standards. See also OSEP response letter on LRE and transition to work placements dated June 22, 2012:

<https://www2.ed.gov/policy/speced/guid/idea/memosdcltrs/062212workplacelre2q2012.pdf>.

Therefore, in conjunction with any contracted transition services for students with disabilities, the LEA, in collaboration with DVR, must ensure that PETS services have been provided, requirements of IDEA are fulfilled, and that students and their families engage with DVR prior to graduation.