

## Workforce Innovation and Opportunity Act (WIOA) Frequently Asked Questions for Schools

### What is WIOA?

WIOA is the acronym for new federal legislation called the **Workforce Innovation and Opportunity Act**. WIOA was signed into law in July 2014 to replace the portion of the Rehab Act formerly known as the Workforce Investment Act (WIA). WIOA is intended to create new opportunities for youth with disabilities to transition from school to college or integrated competitive employment in their communities. Requirements under WIOA also create new responsibilities for schools, in partnership with the Division of Vocational Rehabilitation (DVR), to support students and youth with disabilities to achieve the outcomes of college and employment.

### What are these new responsibilities?

#### School and DVR Collaboration

School staff and DVR staff will continue to work together to provide integrated competitive employment opportunities for students with disabilities as outlined in the Transition Action Guide (TAG). As indicated above, LEA's will retain their current responsibilities for transition planning as outlined under the Individuals with Disabilities Education Improvement Act (IDEA). Under WIOA, DVR will now be an enhanced partner, providing additional services and supports to increase the employment outcomes for students with disabilities. WIOA outlines a specific set of Pre-Employment Transition Services (PETS) that must be provided prior to individuals with disabilities being employed at sub-minimum wage.

### What are the Pre-Employment Transition Services (PETS) categories under WIOA?

Schools, in collaboration with DVR, will need offer PETS to transition age students with disabilities (ages 14-21). As spelled out in WIOA, (PETS) include:

- **Job exploration** counseling
- **Work-based learning** experiences, (which may include in-school or after school opportunities, experience outside the traditional school setting including internships, that are provided in an integrated environment)
- Counseling on opportunities in comprehensive transition or enrollment in **postsecondary educational programs**
- Workplace readiness training to develop **social skills and independent living**
- Instruction in **self-advocacy**/peer mentoring

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### How will LEA's Document and Track the Provision of PETS to Students with Disabilities?

DPI is in the process of revising the list of transition service options available in the Postsecondary Transition Plan (PTP) to align with the PETS required under WIOA. Transition services, based on age-appropriate assessment and postschool goals, are already required for all students with disabilities in Wisconsin as part of the Individual Education Plan (IEP) starting at age 14. Revision of the menu of transition services in the PTP to match the list of PETS will allow LEA's to document the identified provision of these services and share that documentation with DVR. Such documentation can be shared with DVR via a printed copy of the PTP as long as the appropriate consent has been obtained from the parent, guardian, or student to legally allow the sharing of that information.

### What does WIOA say about Work Training?

Pending the publication of the final federal rule, WIOA is anticipated to prohibit the use of any special education funding (federal, state, and local) to sub-contract for transition services comprising work for less than minimum wage. WIOA states that school-funded services for students with disabilities **cannot include work training at sub-minimum wages**. WIOA states that:

- Schools may not enter into a contract or other arrangement for the purpose of operating a program under which a youth with a disability is engaged in sub-minimum wage employment.
  - Examples include: sheltered workshops, enclaves, traveling crews or private businesses that pay sub-minimum wage.

A list of facility-based employment locations (sheltered workshops) can be found here: <https://webapps.dwd.state.wi.us/ShelteredWorkshopDisplay/Presentation/Reports/ApprovedLicenses.aspx>

### Sub-minimum Wage Employment as an Outcome

No youth under the age of 24 will be permitted to enter employment paid at sub-minimum wage **until she/he has received DVR services for a reasonable amount of time**. Even though special education funding cannot be used to provide such job training experiences for students, teachers and other school staff need to be aware of this aspect of WIOA in order to and communicate this important information to students and their families.

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### What exactly does WIOA say about Sub-Minimum Wage employment?

Subminimum wage employment for students is addressed in section 511 of WIOA. That section goes into effect in July 2016. Section 511 ***promotes work in the community at competitive wages*** and is a focus of the congressional language. Section 511 in the new law provides specific rules related to the service settings (integrated versus segregated), in addition to covering payment of wages. Under Section 511 youth (under age 24) are not allowed to work for sub-minimum in entities holding special 14c licenses (facility-based employment or sheltered workshops) until the youth has:

- Enrolled in DVR
- Created a plan
- Received appropriate PETS services, and
- Was unable to achieve the employment goal in their IPE after a reasonable amount of time (reasonable is yet to be defined).

Additionally, Section 511 requires that:

- Students considering employment in a subminimum wage environment must be referred to DVR have a plan with DVR and participate in work experiences for at least minimum wage with no results prior to entry into a subminimum wage situation.
- DVR provide documentation, in consultation with the schools, to the youth with disabilities demonstrating that they have completed appropriate PETS services and IDEA services and the youth was unable to achieve the employment goal.
- This documentation must be provided to the youth no later than 90 after the services were provided.

### What does WIOA say about students with significant disabilities?

WIOA requirements also outline the provision of ***community-based, integrated experiences for students with significant disabilities***. Such opportunities are the shared responsibility of LEA's and DVR; however, schools are expected to continue to build individualized transition plans for all students with disabilities, including postsecondary goals and aligned transition services. While this has been the case for a number of years based on federal IDEA transition planning requirements, expectations for community experiences for students with more significant disabilities is now heightened under WIOA.

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### What steps should schools take to ensure compliance with WIOA?

#### Transition Planning

- Meet in school and district teams to ensure that all staff working with students who have disabilities know about and understand the new requirements under WIOA.
- Review transition plans (PTP's) to ensure that transition services do not include the provision of job training experiences at subminimum wages.
- Discuss the changes in requirements with students and families to help them understand that they must now plan for attendance in postsecondary education, integrated employment in the community, or both, and that schools must support all students to work toward these outcomes under the new requirements.
- Prepare middle and high school special education staff to engage in community-based vocational assessments, such as Discovery.
- Prepare middle and high school special education staff to provide individualized integrated employment supports (Customized Employment) through increased connection with employers, job development, and job training for students.
- Beginning in 2017 use the Academic and Career Plan in IEP, 504 and other accommodation plans to identify individualized employment goals and coordinated activities.

#### Collaboration with DVR

- Contact your local DVR representative to refer students with disabilities for services **2 years prior to graduation/exit or earlier** if additional planning and services may be required due to complex disabilities.
  - Link to assigned DVR Counselor by school:  
[http://dwd.wisconsin.gov/dvr/pdf\\_files/school\\_liaisons.pdf](http://dwd.wisconsin.gov/dvr/pdf_files/school_liaisons.pdf)
- Work in collaboration with the assigned DVR counselor over the 2015-2016 school years to provide integrated and competitive work related activities and identify community resources.
- Continue to use the Transition Action Guide (TAG) to assist in the improvement of communication, coordination, and services for students with disabilities transitioning from school to work.
  - Link to the TAG: [http://dwd.wisconsin.gov/dvr/pdf\\_files/tag.pdf](http://dwd.wisconsin.gov/dvr/pdf_files/tag.pdf)
- Contact your local DVR representative for coordination, technical assistance, funding and new services for students with disabilities.