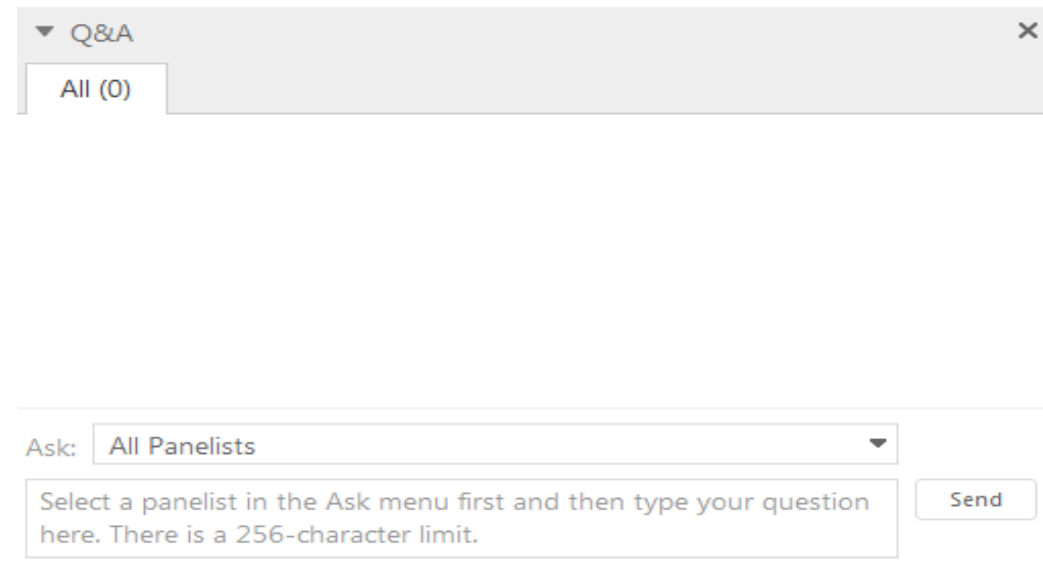




Support Planning Professional Learning Community (SPP LC)

February 22, 2017

To ask a question during the presentation use the Q&A Panel in WebEx



The screenshot shows a window titled "Q&A" with a close button (X) in the top right corner. Below the title bar is a tab labeled "All (0)". The main area of the window is empty. At the bottom, there is an "Ask:" label followed by a dropdown menu currently set to "All Panelists". Below the dropdown is a text input field with the placeholder text: "Select a panelist in the Ask menu first and then type your question here. There is a 256-character limit." To the right of the text input field is a "Send" button.

Select “All Panelists”, type your question, and click Send.

SPP LC 01.25.2017 Q&A

Case Management Training and Communications Administrator

Workforce Innovation and Opportunities Act and Lead Agencies

Workforce Innovation and Opportunities Act and Lead Agencies

Workforce Innovation and Opportunities Act and Lead Agencies

Who we are:

Chris McVey- VRS

Alyssa Klein-VRS

Bekah Kaufenberg-Satre DHS

WIOA? But this is the Person-Centered Presentation series!

WIOA Section 511 is designed to create informed choice opportunities and conversations with youth with disabilities and people who earn subminimum wages.

Informed choice and person centered planning are reliant on each other.

- A person can't have person centered planning if they do not fully understand their choices.
- Informed choice making is only useful if the life planning around the person reflects the person's choices.

Person centered and informed choice protocol

- The WIOA process **does not replace** the informed choice process case managers have with the people they work with.
- As case managers you have developed relationships with the people you work with therefore:
 - have a greater opportunity to really explore CIE
 - Address perceived barriers for people and their families and get to the other side
 - Explain what services and supports there are to support a person's success in CIE in the waiver and through lead agency support.

(For more information on the Person Centered Informed Choice protocol visit: <https://mn.gov/dhs/partners-and-providers/program-overviews/long-term-services-and-supports/person-centered-practices/>)



Vocational Rehabilitation Services and WIOA

(WORKFORCE INNOVATION AND OPPORTUNITY ACT)

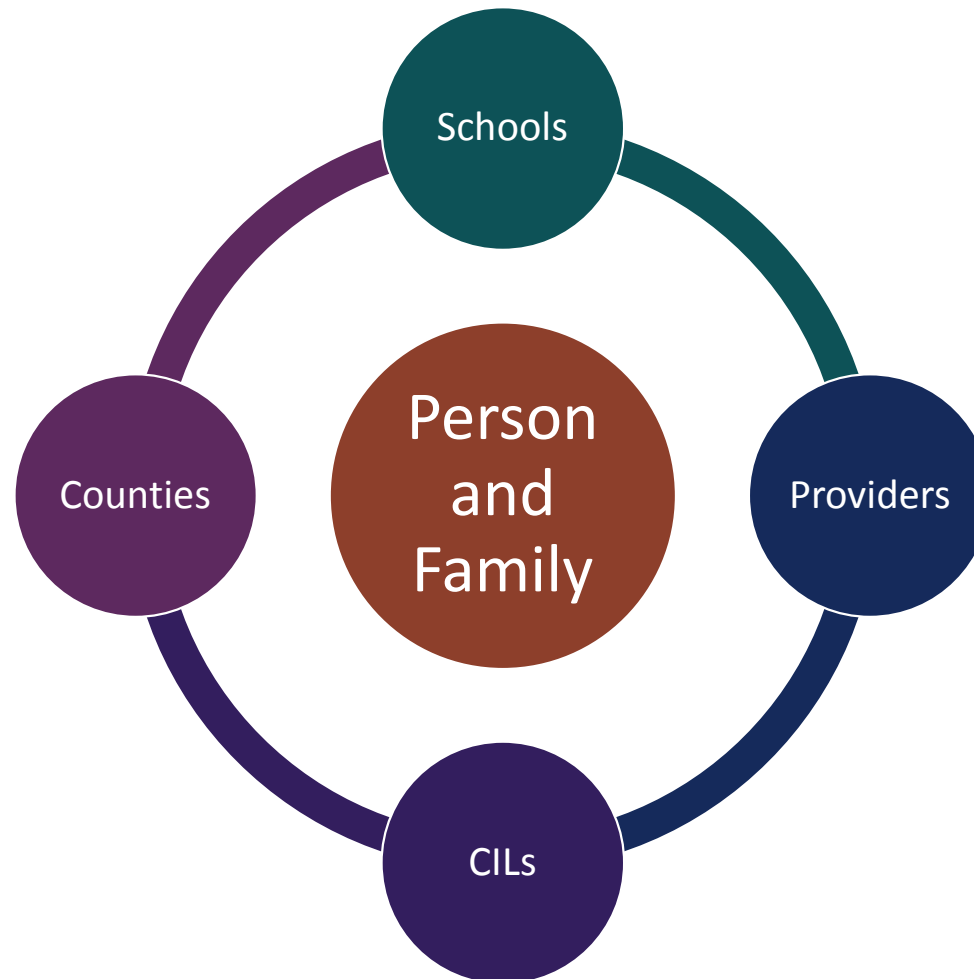
Vocational Rehabilitation Services (VRS)

- State employment services program for persons with disabilities
- Serves youth and adults
 - Youth: A counselor is assigned to each high school in the state
 - Adults: Contact the office nearest you. Most offices are located in MN Workforce Centers.
- <https://mn.gov/deed/vrs>

WIOA

- President Barack Obama signed the **Workforce Innovation and Opportunity Act (WIOA)** into law on July 22, 2014.
 - Amends the Rehabilitation Act of 1973
 - Key changes impacting persons with disabilities:
 - Pre-employment transition services (Pre-ETS)
 - Limitations on the use of subminimum wage
- Final regulations published 08-19-16
 - <https://federalregister.gov/a/2016-15980>

More collaboration than ever before



WIOA and Youth

1. Pre-Employment Transition Services (Pre-ETS)

Pre-Employment Transition Services (Pre-ETS)

- VRS in collaboration with the local educational agencies involved, must provide, or arrange for the provision of, pre-employment transition services for all students with disabilities in need of such services.
- Pre-employment transition services must be made available statewide to all students with disabilities, regardless of whether the student has applied or been determined eligible for vocational rehabilitation services.

5 Required Pre-ETS Activities

- Job exploration counseling
- Work-based learning experiences
- Postsecondary education counseling
- Workplace readiness training
- Instruction in self-advocacy



Definitions and resources at: www.wintac.org

Pre-ETS Target Population

- “Student with a disability” means an individual with a disability in a secondary, postsecondary, or other recognized education program who—
 - Is eligible for, and receiving, special education or related services under Part B of IDEA or is an individual with a disability, for purposes of section 504.
 - Age range: Grade 9 through age 21

Ensuring access to Pre-ETS

- IDEA/ Special Education Transition Services:
 - Provided to all students in special education
 - Often include Pre-ETS
- Vocational Rehabilitation Services:
 - Will fill in the “gaps” that special education isn’t able to provide
 - Will continue to provide services who apply for VRS and are in an open priority category
 - Will also have contracts across the state to provide broader Pre-ETS services to those who haven’t applied for VRS

Based on Need

- Pre-ETS, as is true for any vocational rehabilitation service, must be provided solely on the basis of the individual's need for that service.
- None of the provisions mandate that all five Pre-ETS activities be provided to each student with a disability if all the activities are not necessary.

2. Limitations on the use of Subminimum Wage

WIOA Section 511: Limitations on use of subminimum wage

- Youth **age 24 and under** cannot earn a subminimum wage without accessing VR services first
- Effective **July 22, 2016**
- Reduces the “tracking” of transition aged youth into earning subminimum wages
- Ensures the informed choice process includes consideration of, and experience with, competitive integrated employment

WIOA Requirements

- WIOA does not prohibit youth ages 24 or younger from *choosing* to earn a subminimum wage but it **requires** those who are seeking this option to complete and receive documentation of...

Youth seeking subminimum wages must:

- Complete Pre-ETS or IDEA transition services while still in high school and eligible for special education services, and
- Apply for VRS and be determined ineligible or found eligible but unsuccessful* in competitive integrated employment and their VRS case was closed, and
- Youth receive career counseling, information, and referral to other resources that could assist in securing competitive integrated employment.

*Defining “unsuccessful”

- “The youth with a disability was unable to achieve the employment outcome specified in the Employment Plan, despite working toward the employment outcome with reasonable accommodations and appropriate supports and services, including supported employment services and customized employment services, for a reasonable period of time.”

Right of Refusal

- Youth or their parent or guardian may refuse to apply for VRS. But **refusing** to participate in the required activities or opting out of the vocational rehabilitation process entirely will make the youth **ineligible** to earn a subminimum wage.
 - Note that VRS has no enforcement authority over subminimum wage license holders- this is done by US Department of Labor.

Informed Choice

- Informed choice process is at the heart of this work
- Implementation guide created by DEED, DHS, MDE
 - Outlines steps
 - Online toolkit and resources
https://mn.db101.org/partners_2.htm (at bottom of page)
 - Special educators, VRS counselors, county social workers all play a role

Contracting Restrictions

Neither a local educational agency, nor a State educational agency, may enter into a contract or other arrangement with an entity for the purpose of operating a program for youth under which work is compensated at a subminimum wage.
(§397.31)

Coordination with Counties

- 2016 DHS Bulletin: “In cases where no other funding is available, waivers can fund supported employment services (SES) for youth in transition.”
- <http://www.dhs.state.mn.us/main/groups/manuals/documents/pub/dhs-288317.pdf>

Where we need to start together:

- Students seeking a subminimum wage and graduating in 2017
 - Work with schools and counties to identify all students in this category
 - Discuss work options with students and parents/ guardians
 - Provide Pre-ETS as needed
 - Take applications, determine eligibility, create plan
 - Documentation process

- What does this mean for lead agencies?
- What should lead agencies be doing to support this work with youth?

Lead agency role:

- Expect the youth on your case load to work competitively in adulthood. Start talking about competitive work early and stay that course when talking to families.
- The #1 indicator a child with a disability, regardless of the significance, will work as an adult is having parents who believe their child will work. Help build this expectation in parents.
- Talk to families with tweens about increasing what their child is doing around the house and how to build work skills.
- Engage early in IEP planning. The earlier team planning starts, the more likely the youth will have a smooth transition into adulthood. Work towards coordinated CSSP and IEP plans.

Youth on your case load wants competitive integrated work:

- Ensure all CSSP goals and service authorizations in the person's support plan reflect the competitive, integrated employment goal
- Ask the person's school to include the competitive, integrated employment goal in individualized education program (IEP) meetings
- Attend IEP meetings for two years prior to the person's high school graduation
- Coordinate agency plans

The youth on your case load is currently considering subminimum-wages:

- Help the family understand the importance of a livable wage and the WIOA requirements
- Help connect the person with VRS to receive services well before he or she graduates so they can start the WIOA process
- Attend IEP meetings two years prior to the person's high school graduation

Coordinate Coordinate Coordinate...

- It will take full teams and everyone on deck to built opportunities and options for youth with disabilities to leave school working
- Coordinated planning should start at least two years prior to a youth leaving school
- Help other professionals you work with understand the importance of youth with disabilities having work as an option and work experiences
- Make sure CSSP goals are coordinated with a person's other agency plans including IEPs and IPEs

WIOA and Those Currently Earning a Subminimum Wage

On behalf of Vocational Rehabilitation Services (VRS), the eight Centers for Independent Living (CILs) in Minnesota will be responsible for ensuring that career counseling, information, and referral services are provided and documented for Adults:

- Over age 25 or older
- Or 24 years of age or younger who started working before July 22, 2016
- Working under a for subminimum wages which means they are earning less than the current Federal Minimum wage

Career Counseling, Information, and Referral services

- **The definition of Career Counseling is:** Career counseling includes job exploration and information regarding education, experience, interests, knowledge, skills and abilities for different jobs and matching the individual's strengths, resources, priorities, concerns, abilities, capabilities and interests.
- **The definition of Information & Referral is:** Information and referral includes but is not limited to information about federal, state and local programs and other resources that offer services to help individuals with disabilities prepare for, secure, and maintain competitive integrated employment.

What Changed?

- New work rules started on **July 22, 2016**
- Laws have changed to help ensure that individuals with disabilities who are earning subminimum wage have the opportunity to:
 - Explore competitive employment
 - Be given a choice of employment options
 - Explore options and resources available for employment

WIOA, Section 511: New Regulations Impact

- CIL staff will meet 1:1 annually with individuals to provide career counseling, information, and referral services with the goal of having a meaningful conversation about work, using a person-centered approach. When a person makes an informed choice, he or she understands:
 - All options for seeking competitive integrated employment
 - Methods to overcome barriers to competitive integrated employment
 - Potential risks and benefits of competitive integrated employment

Adults do not need to participate if:

- Currently employed earning the federal minimum wage or above
- Involved in a recreation program (without an employment component) and not receiving subminimum wages



Documentation

- CIL staff will obtain documentation of their decision in pursuing competitive, integrated employment – Yes or No (or Refusal)
- One copy will go to the individual, one copy will go to the 14 (c) employer, and one copy will be sent to VRS

If someone says “No”

- The individual can continue to earn subminimum wage and no changes to their employment are made
- CIL staff will fill out form career counseling, information, and referral service document and sign to acknowledge the career counseling, information, and referral service conversation happened.
- Documentation must indicate that there has been a unique conversation and identify the reason(s) the individual is choosing “No” at this time. The documentation should also include comments made by the individual

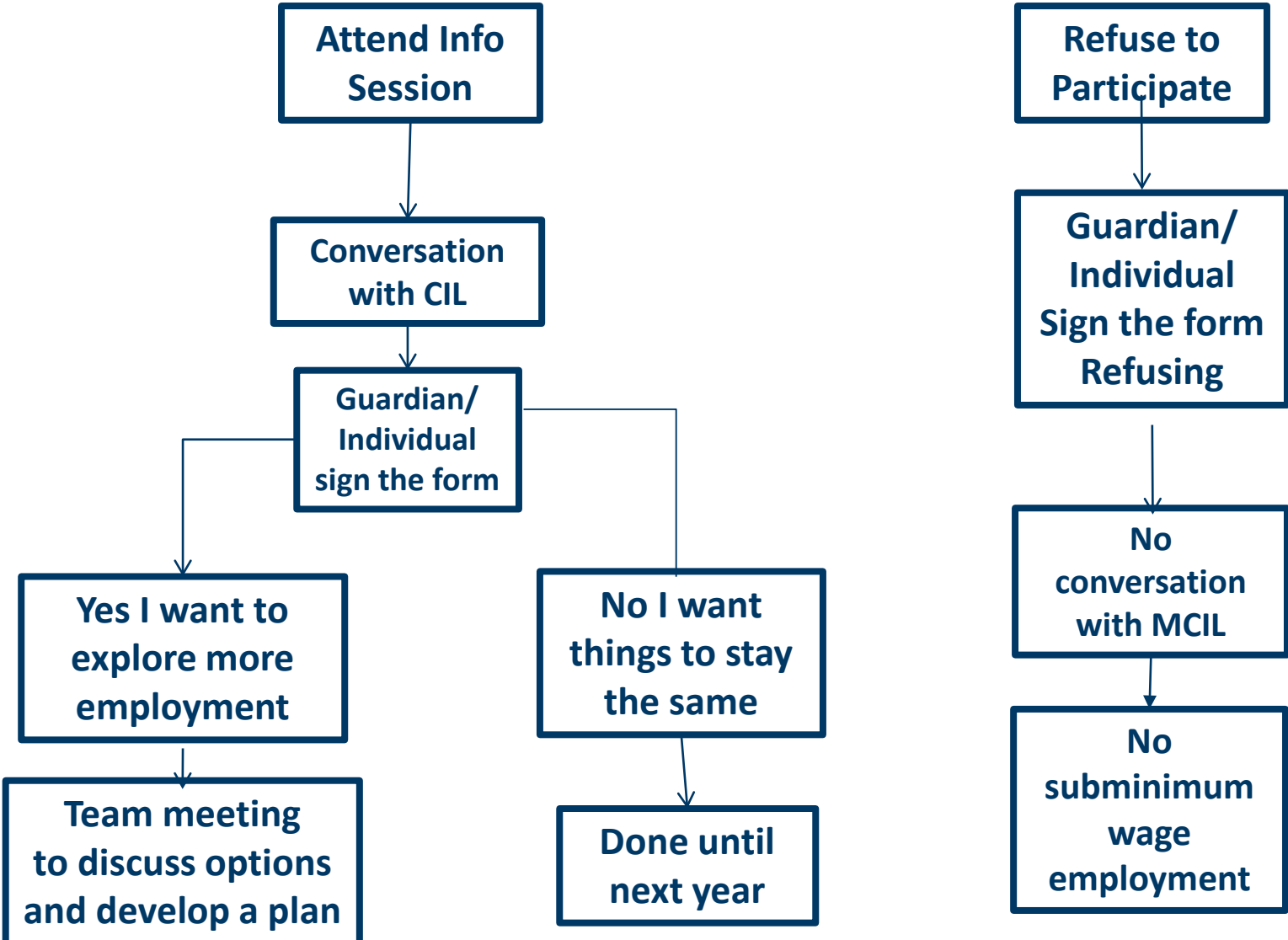
If someone says “Yes”

- The CIL staff, along with the person’s guardian/legal representation and team members, will identify the resources that are available, which may include but not limited to:
 - 14 (c) subminimum wage certificate holder
 - Waiver/County Supported Employment funds/other County resources
 - Extended Employment
 - VRS
 - ARMHS
- CIL staff will coordinate a meeting with the individual and their support team to identify and implement the next steps towards competitive, integrated employment.

If someone “refuses”

- If someone refuses to participate in the career counseling, information, and referral service process, the IL staff will explain that the consequence of that refusal is that the individual will no longer be able to be paid a subminimum wage

WIOA Process



Lead agency role when people chose competitive, integrated work:

- Lead agency case manager should attend the meetings coordinated by the CIL when people say they want to work.
- If the person wants competitive, integrated work, the lead agency must ensure all goals and service authorizations in the person's support plan reflect the competitive, integrated employment goal.
- The person can continue to earn subminimum wages while they look for a competitive integrated job.

Lead agency role when people who want to continue to earn subminimum-wages:

- Address with the person any perceived barriers to competitive, integrated employment
- Provide information about employment options.
- The lead agency can continue to authorize day training and habilitation (DT&H), prevocational or supported employment services, and the person can earn a subminimum wage while receiving those services.

Where to find help now

- [Person Centered Thinking 2-day Trainings](#)
 - <http://rtc3.umn.edu/pctp/training/newdates1.asp?training=1>
- [Person Centered Practices Webpage](#)
 - <http://mn.gov/dhs/partners-and-providers/continuing-care/provider-information/person-centered-practices/>
- [Olmstead Plan Webpage](#)
 - <http://mn.gov/dhs/general-public/featured-programs-initiatives/olmstead-plan/>
- DHS Training Archive page
 - http://www.dhs.state.mn.us/main/dhs16_143138
- [Bulletins](#)
 - http://www.dhs.state.mn.us/main/id_000305
- [Lead Agency Review Website](#)
 - <http://www.minnesotahcbs.info/>
- [E-List Announcements](#)
 - http://www.dhs.state.mn.us/main/id_000677#
- [CBSM Main Page](#)
 - http://www.dhs.state.mn.us/main/id_000402

Please take a moment to let us know your thoughts.

- Take our [Survey](#):

<http://surveys.dhs.state.mn.us/snapwebhost/s.asp?k=148771558148>

Audio from today's session will be available beginning tomorrow morning by dialing:

855-859-2056

Conference ID:

71969501

If you have questions following the session, email to
DSD.responsecenter@state.mn.us

Thank you for attending!

Thank you!