

Notice of Interpretation: Pre-Employment Transition Services Flexibility Regarding the Use of Federal Vocational Rehabilitation Funds

Pre-Employment Transition Services

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THE NATIONAL TECHNICAL ASSISTANCE CENTER ON TRANSITION: THE COLLABORATIVE (NTACT: C)

THE VOCATIONAL REHABILITATION TECHNICAL ASSISTANCE CENTER-QUALITY MANAGEMENT (VRTAC-QM)

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TODAY'S DISCUSSION

- Background
- Notice of Interpretation (NOI)
- Auxiliary Aids and Services
- Additional VR Services
- Potential Impact of the NOI
- Impact of Pre-Employment Transition Services

BACKGROUND

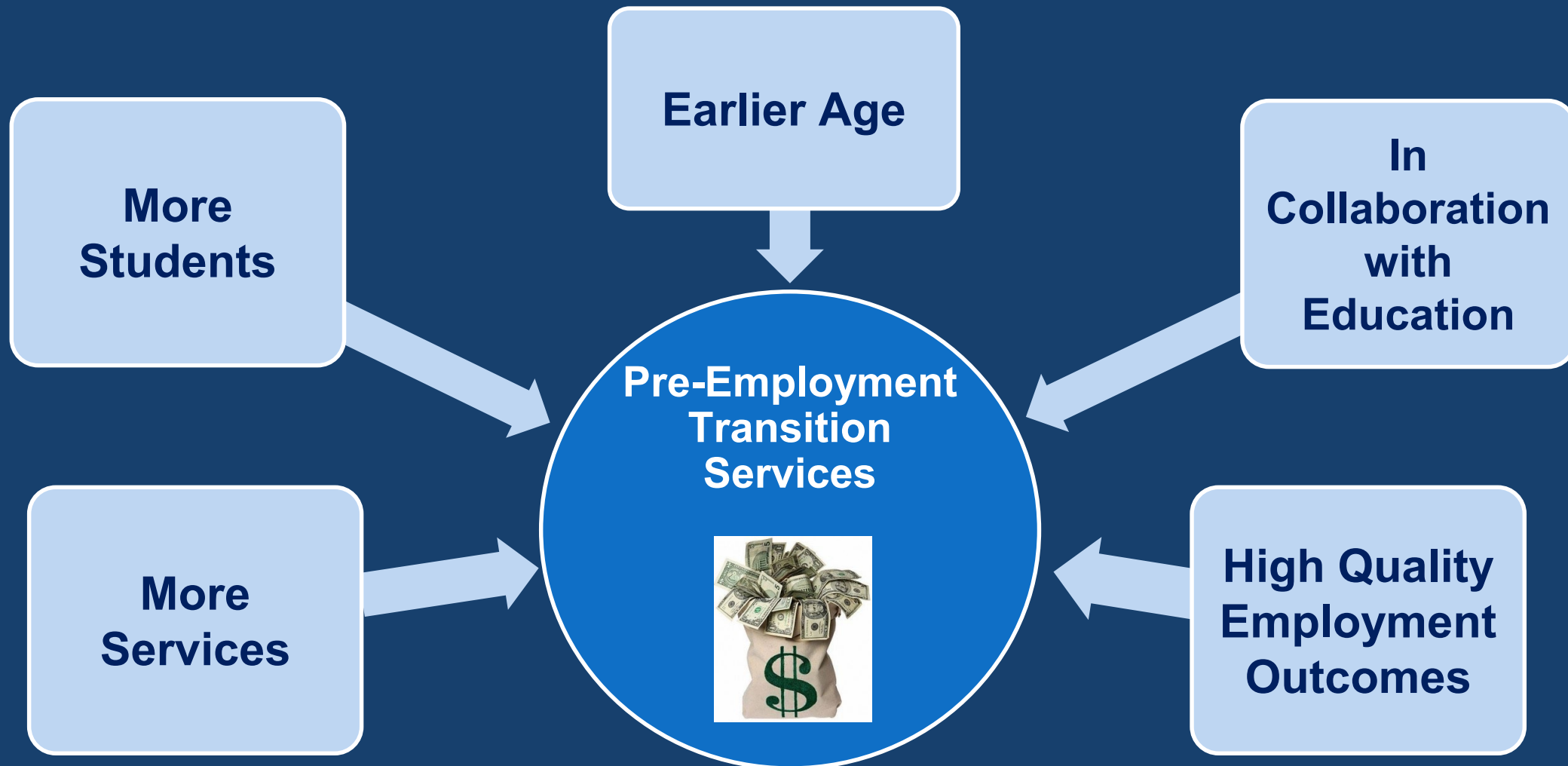
PRE – EMPLOYMENT TRANSITION SERVICES

- Improve the transition of students with disabilities from school to postsecondary education or to an employment outcome.
- Increase opportunities for students with disabilities to practice and improve workplace readiness skills, through work-based learning experiences in a competitive, integrated work settings.
- Increase opportunities for students with disabilities to explore post-secondary training options, leading to more industry recognized credentials, and meaningful post-secondary employment.

PRE – EMPLOYMENT TRANSITION SERVICES

- Represent the earliest set of services available for students with disabilities who are eligible or potentially eligible for VR services,
- Are short-term in nature, and
- Designed to help students identify career interests, which may be further explored through additional vocational rehabilitation (VR) services, such as transition services and other individualized VR services.

A BIRDS EYE VIEW



Reserve Requirement

- At least 15 percent of the Federal allotment must be reserved to provide or arrange for the provision of pre-employment transition services for students with disabilities (sections 110(d)(1) and 113(a) of the Rehabilitation Act).
- Pre-employment transition services are the only activities that a State VR agency may pay for with the minimum 15 percent reserve funds under section 110(d)(1).

Target Population

- Pre-employment transition services are provided statewide to all who meet the definition of a “student with a disability” who may need such services and are either:
 - ✓ Eligible for vocational rehabilitation services, or
 - ✓ Potentially eligible for vocational rehabilitation services (i.e., all students with disabilities, including those who have not applied or been determined eligible for vocational rehabilitation services)

A SPECIFIC SET OF ACTIVITIES

Pre-employment transition services includes a specific set of activities under section 113 of the Rehabilitation Act and 34 C.F.R. 361.48(a) including:

- **“Required” activities** (section 113(b) of the Act and §361.48(a)(2));
- **“Authorized” activities** (section 113(c) of the Act and §361.48(a)(3)); and
- **“Pre-employment transition coordination” activities** (section 113(d) of the Act and §361.48(a)(4)).

Required Activities

The five “required activities” specified in 34 C.F.R. § 361.48(a)(2), include:

1. Job exploration counseling;
2. Work-based learning experiences, which may include in-school or after school opportunities, or experience outside the traditional school setting (including internships), that is provided in an integrated environment in the community to the maximum extent possible;
3. Counseling on opportunities for enrollment in comprehensive transition or postsecondary educational programs at institutions of higher education;
4. Workplace readiness training to develop social skills and independent living; and
5. Instruction in self-advocacy (including instruction in person-centered planning), which may include peer mentoring (including peer mentoring from individuals with disabilities working in competitive integrated employment).

NOTICE OF INTERPRETATION (NOI)

**PRE-EMPLOYMENT TRANSITION SERVICES FLEXIBILITY
REGARDING THE USE OF FEDERAL VOCATIONAL
REHABILITATION FUNDS**

CLARIFY CURRENT POLICY

Notice of Interpretation: Pre-Employment Transition Services Flexibility Regarding the Use of Federal Vocational Rehabilitation Funds

Federal Register- Docket ID ED-2019-OSERS-0140

Effective February 28, 2020

Purpose:

1. **Clarify current policy** regarding the use of Federal Vocational Rehabilitation (VR) funds reserved for the provision of pre-employment transition services to pay for **auxiliary aids and services needed by all students with sensory and communicative disabilities in order to access or participate in required pre-employment transition services** under section 113(b) of the Rehabilitation Act of 1973, as amended by the Workforce Innovation and Opportunity Act; and

ANNOUNCE A CHANGE IN POLICY

Purpose Continued:

2. **Announce a change in policy** with respect to **additional VR services** needed by eligible students with disabilities that may be paid for with Federal VR grant funds reserved for the provision of pre-employment transition services and the circumstances under which those funds may be used to pay for those additional VR services.
 - to enable the eligible student to benefit from one or more pre-employment transition services, **and**
 - must be in accordance with an eligible student's approved IPE

ADA DEFINITION: AUXILIARY AIDS AND SERVICES

Title II of the Americans with Disabilities Act (ADA) implementing regulations define “auxiliary aids and services” in 28 C.F.R. 35.104 as—

Auxiliary aids and services includes –

(1) Qualified interpreters on-site or through video remote interpreting (VRI) services; notetakers; real-time computer-aided transcription services; written materials; exchange of written notes; telephone handset amplifiers; assistive listening devices; assistive listening systems; telephones compatible with hearing aids; closed caption decoders; open and closed captioning, including real-time captioning; voice, text, and video-based telecommunications products and systems, including text telephones (TTYs), videophones, and captioned telephones, or equally effective telecommunications devices; videotext displays; accessible electronic and information technology; or other effective methods of making aurally delivered information available to individuals who are deaf or hard of hearing;

ADA DEFINITION: AUXILIARY AIDS AND SERVICES (CONTINUED)



(2) Qualified readers; taped texts; audio recordings; Braille materials and displays; screen reader software; magnification software; optical readers; secondary auditory programs (SAP); large print materials; accessible electronic and information technology; or other effective methods of making visually delivered materials available to individuals who are blind or have low vision;

(3) Acquisition or modification of equipment or devices; and

(4) Other similar services and actions.

AUXILIARY AIDS AND SERVICES

- Any student with a sensory or communicative disability that requires an auxiliary aid or service to access or participate in any of the pre-employment transition services specified in section 113(b) of the Rehabilitation Act and 34 C.F.R. § 361.48(a)(2), the VR agency may pay for such costs if no other public entity is required to provide such aids or services.

EXAMPLES OF AUXILIARY AIDS AND SERVICES

- Qualified interpreters (including sign language);
- Note-takers and readers;
- Assistive listening devices;
- Videophones;
- Audio recordings;
- Braille materials and displays;
- Screen reader software;
- Magnification software;
- Large print materials.

WHAT IS NOT CONSIDERED AN AUXILIARY AID OR SERVICE

Auxiliary aids and services DO NOT include:

1. Personal devices (e.g. computers, laptops, tablets);
2. Prescribed devices (e.g. eyeglasses, hearing aids, wheelchairs);
3. Readers for personal use or study;
4. Home or vehicle modifications;
5. Attendant care or other ADL services required.

ALLOWABLE COSTS FOR POTENTIALLY ELIGIBLE STUDENTS WITH DISABILITIES

Potentially Eligible Students with Disabilities

- Allowable costs to be charged to the Reserve:
 - Five required pre-employment transition services 34 C.F.R. § 361.48(a)
 - Auxiliary aids and services
 - Can pay for auxiliary aids and services needed by a student with a sensory or communicative disability in order to access pre-employment transition services.

ALLOWABLE COSTS FOR ELIGIBLE STUDENTS WITH DISABILITIES WITH AN IPE

Eligible Students with Disabilities in accordance with an approved IPE

- Allowable costs to be charged to the Reserve:
 - ❑ Five required pre-employment transition services (34 C.F.R. § 361.48(a))
 - ❑ Auxiliary aids and services
 - ❑ **Additional VR services needed by an eligible student with a disability in order to benefit from pre-employment transition services in accordance with their IPE that are:**
 - ✓ **Necessary for the provision or receipt of pre-employment transition services**
 - ✓ **Reasonable**
 - ✓ **Allowable**
 - ✓ **Allocable**

EXAMPLES OF ADDITIONAL VR SERVICES

- Other VR services that may be needed by an eligible student with a disability in order to benefit from pre-employment transition services in accordance with their IPE may include:
 - ❑ Assessment Services
 - ❑ Maintenance
 - ❑ Transportation
 - ❑ Personal Assistance Services
 - ❑ Rehabilitation Technology and O & M
 - ❑ Family Services
 - ❑ Coaching Services

VR SERVICES MOST OFTEN OUTSIDE THE SCOPE OF PRE-EMPLOYMENT TRANSITION SERVICES



- VR services that are most often outside of the nature, scope and purpose of those services; and **may not be charged** to the funds reserved:
 - ❑ **Vocational and Other Training Services**
 - ✓ Unless a SWD needs books, tools or other training materials for a pre-employment transition services such as workplace readiness training or work-based learning experiences
 - ❑ **Advanced Training**
 - ❑ **Transition Related Services**
 - ❑ **Medical Services**
 - ❑ **Employment Related Services**

ADDITIONAL VR SERVICES NOT ALLOCABLE TO PRE-EMPLOYMENT TRANSITION SERVICES RESERVE FUNDS

- Job placement assistance
- Job search assistance
- Supported employment services
- Tuition, fees, and related costs associated with attending a post-secondary institution

POTENTIAL IMPACT OF THE NOI

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- VR agencies are beginning to revise policies and procedures and updating their case management and financial management systems to account and track for these additional services that may be charged to the reserve.
- Potentially more students with disabilities will be encouraged to apply for VR in order to access the additional VR services they may need in order to participate in pre-employment transition services.
- Students who have begun to receive pre-employment transition services prior to application can continue to receive pre-employment transition services even if they are placed on the agencies wait list in accordance with their disability priority category assignment. For these students with disabilities, applying earlier may assist them in getting the VR services they need (prior to graduation) once their category is open and they are able to be served.

POTENTIAL IMPACT OF THE NOI (CONTINUED)

- Will provide VR agencies with a more accurate account of the amount of funds VR is expending on students with disabilities who are provided pre-employment transition services.
- Some states have been doubling the number of students with disabilities served each year and in order to be able to continue to make these services available to all students with disabilities they are redesigning their programs and looking for more cost-effective strategies.

IMPACT OF PRE-EMPLOYMENT TRANSITION SERVICES

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- For the first time ever, VR is serving more individuals under the age of 25 than those adults.
- VR is adjusting to be more skilled and prepared to work with this younger population.
- VR agency resources continue to be stretched.
- VR agencies are implementing an Order of Selection and applicants and eligible individuals who are not able to be served are on a wait list. This is increasing as the numbers of students served as potentially eligible rises and they are not subject to the wait list.
- VR must become proficient in leveraging other partner resources such as Education and Labor including their WIOA Youth Program (Title 1 Youth).

VR CONTINUUM OF SERVICES

Pre-ETS Services

- Earliest set of services for potentially eligible or eligible students with disabilities
- Short term in nature to help identify career interests
- Specific set of five required activities provided directly to students with disabilities under pre-employment transition services
- States must reserve a minimum of 15 percent of Federal allotment to provide Pre-employment transition services

Transition Services

- Available for eligible students with disabilities through an IPE
- Help further develop and pursue career interests through post-secondary education, vocational training, job search, placement, retention, follow-up and follow-along services

Employment Related

- Typically provided once eligible students with disabilities have further identified, developed, and pursued career interests, offered through transition services, and are pursuing specific employment outcomes through an IPE
- Assist in preparing for, securing, retaining, advancing in or regaining an employment outcome

RESOURCES

Information and Resources on the Pre-
Employment Transition Services portion of
the WINTAC Website

[WINTAC Pre-ETS](#)

THANK YOU

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