



**Workforce Innovation & Opportunity Act (WIOA)
Q & A – Fall 2016**

1. *Can a student/youth participate in sheltered work that is paid above minimum wage?*

Yes. The provisions of Section 511 only apply to compensation at subminimum wage and NOT the location. If a CRP (or other 14c certificate holder) pays the individual minimum wage (or higher), Section 511 does not apply.

2. *Although some students with the most significant disabilities receive work experience opportunities, it is often believed that these students need a sheltered workshop setting for the long term. What needs to be done to plan for sheltered workshop as an option?*

Because Iowa is an Employment First state, it is believed that every student has the ability to work when given the appropriate supports. In addition, WIOA calls for employment in a competitive integrated setting as the first option. All students with disabilities should be provided the opportunity to participate in Pre-Employment Transition Services (Pre-ETS), including supported employment opportunities in the community. The focus should be on the supports needed by the student to be successful in competitive integrated employment in the community rather than completing the necessary documentation to provide subminimum wage work.

If, after substantial attempts have been made to assist a student with being successful in a competitive integrated employment setting, the necessary documentation would need to be completed. This would include transition services which have been provided by the LEA, as well as documentation necessary for Vocational Rehabilitation. This documentation would then be given to the student to share with the sheltered workshop; however, the sheltered workshop environment should be viewed as a short-term option while the student continues to work on the goal of competitive integrated employment for the long-term.

3. *What should be done if a student needs a subminimum wage setting and there are none offered in the local area?*

A situation of this type would best be handled by a local team while keeping an Employment First mindset. Things that should be considered by the local team could include, but are limited to:

- Identification of gaps in the local area and devise creative solutions to fill those gaps.
- What things might be brought into the local area to fill these gaps?
- Are there programs that could be brought into the local area to fill these gaps?
- Keep the focus on community-based experiences so students are exposed to this type of employment.

4. *What is the minimum wage that is referred to as part of Section 511?*

Minimum wage is based upon the federal minimum wage unless the local minimum wage is higher. In that case, the individual would be paid at the higher level for their area.

5. *Why did WIOA shut down the local sheltered workshops? This has put a large burden on the rural communities, specifically.*

The legislation did not “shut down” the workshops. The focus of the legislation is to provide individuals with disabilities employment options in a competitive integrated setting.

6. *With the challenges of transportation, limited employment opportunities, etc. in rural areas, how do we help families whose student is only able to find employment for 1-2 hours per day?*

There are many challenges in this regard around the state. It could be that wrap-around services or day habilitation programs will need to be considered in these situations. The local team might also be able to identify gaps and programming that could be brought into an area, if there is a need.

7. *What is the difference between the Pre-ETS activities (job exploration counseling, work-based learning, workplace readiness, etc.) and the current LEA requirements under IDEA?*

The focus here is on the collaboration between VR and the LEA in regards to Pre-ETS. It is likely that this will look different within each school district. Voc Rehab, in conjunction with other local collaborative team members (i.e. LEA, AEA, IWD, etc.) should work together to determine what VR can do to enhance current practices. The local team can identify gaps within the local school district and work to develop new programs to meet the local needs, if necessary.

8. *How should the school provide documentation to VR related to a student's disability when that student is taking part in Pre-ETS?*

If a student is known to have a disability, the school can provide copies of the IEP, 504 Plan, health plan, etc. to the local VR counselor. Another option would be for school staff (principal, teacher, other school staff) to send an e-mail verifying that the student has a disability.

9. *What is the incentive for businesses to employ students with disabilities?*

The incentive for businesses will likely look different in each situation. It is very important for the person who is doing job development to learn as much as they can about the business and to look for opportunities to have a positive impact on the business, as well as offering competitive integrated employment for the individual. It is our job to demonstrate to employers that individuals with disabilities have work skills which can be of benefit to the business, as well as to the community overall. To this end, it is imperative that we work to find good matches; this will lead to positive outcomes for the individual as well as the business and community. Although not all job matches will work out, placing a person in a job that doesn't fit them could very well create long-lasting negative feelings and the business may not be as interested in another candidate down the road – even if that match is “perfect”.

There are also tax incentives that businesses may be eligible to receive for hiring an individual with a disability. IVRS works with employers to assist them in understanding these incentives.

10. Who is working with the businesses in the communities to provide them with information on the WIOA legislation?

Vocational Rehabilitation has a business specialist who is providing training to businesses on the changes brought about in WIOA, as well providing training to VR staff and other partners. In addition, there are some business requirements included in this legislation.

By including businesses, along with LEAs, AEAs, IWD and others, on your local team, they can be a part of the discussion when the team is working to find or create local solutions. Your local or regional workforce investment boards also have a great deal of business representation and they are included in the State Unified Plan.

11. In what situations is the school district responsible for providing the support a student might need for summer employment or employment experiences that fall outside the hours of a typical school day?

If the IEP team has determined that a student has a need to gain work experience, this becomes an instructional component of the IEP and the school district is responsible for providing this. Districts must evaluate, through the IEP process, whether the student needs employment preparation services and address any needs that are identified, as appropriate, per IDEA requirements. This would include extended school year services and/or services taking place outside of the typical school day, in order to provide FAPE. These services are to be provided when the student needs them, for as long as the student needs them, as long as the student is eligible to receive special education services. The district has the option to provide these services with their own personnel or they may contract with another entity to provide these services.