What’s the Big Idea for Today

- Build awareness about impact on state IDD systems
- Identify specific potential leverage points
- Share information and resources

What Brought Us Here

Rie Kennedy-Lizotte
Director, SELN
National Association of State Directors of Developmental Disability Services (NASDDDS)
Focus of Today’s Discussion

- WIOA requirements and opportunities for partnerships between VR and IDD agencies
- New restrictions on sub-minimum wage under Section 511

Status of WIOA Implementation

- All states have submitted WIOA plans.
- Final regulations are expected by the end of June 2016.
- Currently in the final phases of full implementation

WIOA State Plans

- Each state was required to submit a state plan to the federal government by April 1st
- Plans are considered approved 90 days after submission, unless a federal agency indicates the plan is insufficient
- WIOA legislation requires addressing the relationship between public vocational rehabilitation (VR) and state IDD agencies in two places in state plan.

David Hoff
Program Director, SELN
Institute for Community Inclusion (ICI)/University of Massachusetts Boston
Time for a Poll

Interagency Cooperation

- The WIOA state plan must describe how the state VR agency will collaborate with the state Medicaid, IDD, and Mental Health agencies, to develop opportunities for community-based employment in integrated settings, to the greatest extent practicable.

SELN has compiled this language from all state plans, which is being made available to members.

SELN is also conducting cross-state analysis of this language.

Cooperative Agreement Requirements

- WIOA requires that state plan include an assurance that the state VR agency has entered into a formal cooperative agreement with the state Medicaid agency and state IDD agency with respect to the delivery of VR services, including extended services, for individuals with the most significant disabilities who have been determined to be eligible for home and community-based services under a Medicaid waiver, Medicaid State plan amendment, or other authority related to a State Medicaid program period.
- Each state plan contains a general assurance by the state VR agency of entering into the cooperative agreements required by WIOA.

Questions for Discussion

- Are cooperative agreements being put in place that specifically address new requirements under WIOA?
- What are the key areas to be addressed in cooperative agreements and MOUs between state IDD and VR?
- What type of processes are states undertaking to develop these agreements?
New requirements for individuals 24 & under before being placed in a position that pays less than minimum wage

- **Steps include:**
  1. VR Pre-employment transition services or IDEA transition services
  2. Either being determined ineligible for VR or an unsuccessful VR closure
  3. Provision of career counseling & referrals designed to assist individual to achieve competitive integrated employment

Schools no longer allowed to contract with organizations to pay individuals sub-minimum wage

- **Steps Required Annually for All Individuals Earning Sub-Minimum Wage**
  - VR agency must provide career counseling and referrals to other programs & resources designed to assist individual to achieve competitive integrated employment
  - Is informed by employer of self-advocacy, self-determination, & peer mentoring opportunities not provided by employer
Section 511: Challenges & Concerns

- Capacity of VR to enforce
- “Checklist” approach to requirements rather than abiding by actual intent
- Per proposed regulations, only applies to individuals “who are known” to VR
- Organization paying sub-minimum wage (“employer”) responsible for implementation with VR
- Monitoring & enforcement

Section 511: Why is this important to State IDD agencies?

- Many, if not most individuals earning sub-minimum wage are supported by state IDD agencies
- Many, if not most service providers paying sub-minimum wage are state IDD providers

Discussion

- What are possible and appropriate roles for state IDD agencies in supporting Section 511 implementation?
- How can Section 511 be utilized and leveraged by state IDD agencies to advance employment efforts?

Frequently Asked (or should be!) Questions

What does the phrase, “known to VR” mean?
And to whom does it apply?
Frequently Asked (or should be!) Questions

Where can we find out who is being paid sub-minimum wages in our state?

Data Source: List of 14C Providers
https://www.dol.gov/whd/specialemployment/index.htm

Frequently Asked (or should be!) Questions

What is the status and capacity of self-advocacy, self-determination, & peer mentoring opportunities in your state?

Frequently Asked (or should be!) Questions

How can self-advocates get involved in teaching their peers about pursuing competitive integrated employment and their rights under Section 511?
Resources

- **ICI Institute Brief**
  “WIA is Now WIOA”
- State plan links and guide: [www.communityinclusion/WIOA](http://www.communityinclusion/WIOA)
- Compilation of WIOA state plan interagency cooperation language
- “Section 511 - Issues and Considerations”
- Listing of CRPs with 14C certificates by state

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**For More Information**

http://www.selnhub.org/online-events