

Section 511 – What Schools and Planning Teams Need to Know from an IVRS Perspective

The State of Iowa adopted the provisions of the Employment First philosophy and has been a leader in designing employment in competitive integrated environments for the past few years. Employment First expects that all individuals, including those with the most significant disabilities, work in a competitive integrated environment and are compensated according to the Fair Labor Standards Act earning minimum wage or the commensurate wage of the industry. Employment First recognizes that those individuals with the most significant disabilities may require extra time, resources, experiences and supports to be successful. In order to achieve employment in a competitive integrated environment, a purposeful and planned approach to transition is necessary to facilitate those opportunities for youth 24 and under with the most significant disabilities.

Questions/Answers:

- **What must the local education agency, the state education agency, and Iowa Vocational Rehabilitation Services do according to section 511 of the Workforce Innovation and Opportunity Act?** Collaboratively the LEA, AEA, and IVRS should provide a rich opportunity of transition services that enhances the student with the most significant disability to explore, discover, experience and attain competitive integrated employment. The student must receive and complete each category of required activities of pre-employment transition services (i.e. job-exploration counseling; work-based learning experiences which includes the unpaid work experience program offered by LEAs, and does require supported employment services to be provided at some point; counseling on the programs offered in institutions for higher education such as REACH; workplace readiness training to develop social skills and independent living; instruction in self-advocacy which may include peer mentoring).
- **Who is required to document the services?** Completion of services must be documented by the appropriate school official responsible for the provision of transition services. The IVRS staff must also document said services and prepare the final documentation of the completion of the pre-employment transition services.
- **What if the student or the parent believes the student should transition to a community program for the purposes of extended employment (i.e. sheltered employment at subminimum wage)?** In order for the student, with the most significant disability, to select extended employment at subminimum wage compensation the student must have received:
 - Pre-employment transition services (IDEA 20 USC 1400 et seq; 614(d) 20 USC1414(d));

- Has been found ineligible for IVRS services and has documentation consistent with the provisions of the Rehabilitation Act of 1973 as amended, Sec. 511; or
- Has been determined to be eligible for IVRS services and:
 - Has an IPE for employment;
 - Has been working toward an employment outcome as specified in the IPE with appropriate supports and services, including supported employment services, for a reasonable period of time without success; and
 - The IVRS case has been closed; and
 - The student has been provided career counseling, and information and referral to Federal and State programs and other resources in the individual's geographic area that offer employment-related services and supports designed to enable the student to explore, discover, experience and attain competitive integrated employment; and
 - Such counseling and information and referrals are not for employment compensated at a subminimum wage provided by a community rehabilitation program; and
 - The employment-related services are not compensated at a subminimum wage.
- **What are the services provided by “career counseling”? Could the school counselor provide this?** The career counseling that is provided must facilitate independent decision-making by the youth with the disability and his/her parent(s) to make an informed choice regarding employment and career advancement through a counseling program of self-advocacy, self-determination and peer mentoring. Such counseling can be provided by the IVRS Counselor in conjunction with the school counselor. Nothing in the Act prevents both entities from providing this service, but both entities must document the service was provided.
- **May a local or state educational agency enter into a contract or other arrangement with a community rehabilitation program for the purposes of operating a program for students to participate in extended employment in a non- integrated employment setting for which the work is compensated at subminimum wage?** No. Such “placements” are not allowed. There is nothing in the legislation that prevents the use of such programs for a short-term assessment tool in order to identify strategies of support with the goal of providing opportunities for work in competitive integrated employment. Such short-term placements cannot be contracted by the school district unless the placement meets the qualifications of competitive integrated work. IVRS will not

provide such assessments or services in a non-integrated environment that is at subminimum wage. When these environments are used by the schools as an assessment tool it must be of short duration and does not directly result in employment/placement compensated at a subminimum wage.

- **What is the documentation that is required if a parent insists on pursuing extended employment with a community rehabilitation program?** If the student receives and completes each category of required activities of pre-employment transition services, (i.e. job-exploration counseling; work-based learning experiences which includes supported employment; counseling on the programs offered in institutions for higher education such as REACH; workplace readiness training to develop social skills and independent living; instruction in self-advocacy which may include peer mentoring), such completion of services must be documented by the appropriate school official responsible for the provision of transition services. The IVRS staff must also document said services and prepare the final documentation of the completion of the pre-employment transition services.
- **May IVRS or a school use a CRP when they are no longer segregated and have hired people who do not have disabilities to perform the contract work as part of their business services?** IVRS has sought clarification from the Federal Government but has not received direction. LEAs and AEAs may want to consult with the DE attorney on this matter. At this point in time, IVRS will consider placing an individual with a disability if the following conditions are met (the following is subject to change should clarification from the Federal Government be obtained):
 - The individual with a disability has 51% of their immediate co-workers to be non-disabled. If the individual with a disability is working on a line and those on the line surrounding him/her have disabilities it is not considered integrated. The co-workers working in close proximity must be individuals without disabilities (51%);
 - The work performed is compensated at least at minimum wage and commensurate with what individuals who do not have disabilities are compensated;
 - The CRP is providing business services and not work services so the work is performed in the community and not in a segregated building where work services are provided.