

# Policy Note



## Using the Vermont Progressive Employment Model to Meet Pre-Employment Transition Services Provisions in WIOA

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**O**n July 22, 2014, President Obama signed into law the Workforce Innovation and Opportunity Act (WIOA), which replaces the Workforce Investment Act of 1998 (WIA) and amends the Rehabilitation Act of 1973 (Rehabilitation Act).

This paper provides a focused, preliminary analysis of the July 2014 amendments to Title I of the Rehabilitation Act regarding the Vocational Rehabilitation Services (VRS) Program.

This paper is considered a “preliminary” analysis because the US Department of Education’s Rehabilitation Services Administration has not yet promulgated regulations, policy directives, or guidance relative to implementation of the amendments, even though the new law took effect for the VR program as soon as the President signed it.

Our discussion here is focused because it is limited to an analysis of a new service authorized in the legislation—Pre-Employment Transition Services—and its compatibility with an emerging practice in public VR services—Vermont Progressive Employment.

### What is Vermont Progressive Employment (VTPE)?

Vermont Progressive Employment (VTPE), as defined by its originators, VocRehab Vermont, is an employment strategy that provides individuals who have little or no work history, low skill levels, corrections involvement, or other significant barriers to employment an opportunity to develop skills that may lead to paid employment. These work-based experiences often build clients’ momentum and provide a means to increase their skill levels and confidence. VTPE can include company tours, job shadowing, short-term work experience, on-the-job training, and temp-to-hire.

While this service delivery model is called “progressive employment,” the work-based experiences do not necessarily have to be progressive in nature, i.e., sequentially building upon earlier experiences. Rather, VTPE presents a menu of work-based experiences from

which the consumer or VR staff member can select based on informed choice and what best fits the individual.

This means that VTPE is a series of placement options geared to the skill level of the individual. It is a way to develop interpersonal and customer skills, and to build a resume and professional references. It also provides an opportunity for participants to explore possible careers in short-term placements.

VTPE can be a useful tool for VR staff, consumers, and businesses to evaluate existing work skills, and to identify training and accommodation needs for a client to successfully perform the duties of a position within the work setting. An underlying principle of progressive employment is that “small successes can lead to further success.”

### What are Pre-Employment Transition Services (PETS)?

Transition services have traditionally been a major service delivery component for the public VR program. The transition population (consumers ages 14–24, as defined by RSA) comprises the largest single population served by the system, representing approximately 36% of its caseload nationally.

Transition services are defined in federal regulations as “a coordinated set of activities for a student, designed within an outcome-oriented process that promotes movement from school to post-school activities including post-secondary education, vocational training, integrated employment (including supported employment), continuing and adult education, adult services, independent living, or community participation.”

Despite this historical focus on transition services by VR, the 2014 amendments clearly envision an expanded role and expanded responsibilities for state VR agencies. This is made explicit in WIOA through the requirement that VR agencies provide “Pre-Employment Transition Services” (PETS for short).

Additionally, the legislation requires that state VR agencies spend at least 15% of their federal VR program funds on this service delivery category. Therefore, PETS appear to be a new subset of “Transition Services.”

Specific to the newly created PETS, a number of activities are required under the amended Section 113 of the Act (Section 422 of WIOA):

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 to the maximum extent possible; (emphasis added)
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, which may include peer mentoring.

In addition, another set of activities are considered to be authorized if funds are available after providing the required activities. The authorized activities (directly quoted by the legislation) are as follows:

1. implementing effective strategies to increase the likelihood of independent living and inclusion in communities and competitive integrated workplaces;
2. developing and improving strategies for individuals with intellectual disabilities and individuals with significant disabilities to live independently, participate in postsecondary educational experiences, and obtain and retain competitive integrated employment;
3. providing instruction to vocational rehabilitation counselors, school transition personnel, and other persons supporting students with disabilities;
4. disseminating information about innovative, effective, and efficient approaches to achieve the goals of this section;
5. coordinating activities with transition services provided by local educational agencies under the Individuals With Disabilities Education Act (20 U.S.C. 1400 et seq.);

6. applying evidence-based findings to improve policy, procedure, practice, and the preparation of personnel, in order to better achieve the goals of this section;
7. developing model transition demonstration projects;
8. establishing or supporting multistate or regional partnerships involving states, local educational agencies, designated state units, developmental disabilities agencies, private businesses, or other participants to achieve the goal of this section; and
9. disseminating information and strategies to improve the transition to postsecondary activities of individuals who are members of traditionally un-served populations.

WIOA mandates that PETS be specifically provided (and therefore only provided) to “students with disabilities.” This is newly defined in the legislation as students served under the Individuals with Disabilities Education Act (IDEA), and Section 504 of the Rehabilitation Act of 1973, who are not younger than the earliest age for the provision of transition services under IDEA and are not older than 21. (Exceptions to these age thresholds would apply if the state has expanded those age parameters through state law.) This is a narrower, defined target population than what RSA has traditionally considered a “transitioning consumer.”

### **Is the definition of PETS compatible with the VTPE model?**

The simple answer is “Yes.” Clearly, VTPE services could meet the definition of work-based learning experiences as specified in Section 113(b)(2) as one of the required PETS activities:

“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 to the maximum extent possible.”

In fact, the spectrum of work-based experiences provided in VTPE could be considered core experiences for a student with a disability as the student ages. For example, the student might participate in company tours and informational interviews in their early secondary school years,

move on to job shadowing and short-term work experiences later in the student's high school matriculation, and undertake on-the-job training and temp-to-permanent work immediately after completing high school.

With that said, there may be a need to develop a separate PETS progressive employment program (or at least a separate track) versus an adult progressive employment program. The PETS progressive employment program would have some unique features, such as a different marketing approach to employers and some additional program structure to protect vulnerable minors in the worksite.

### How VTPE meets WIOA's "training and services to employers" requirements

Section 418 of WIOA (109 as amended) represents a set of newly authorized services under the Rehabilitation Act, and is highly consistent with the dual customer approach that has been the focus of the public VR program in recent years. This approach involves seeing both employers and job seekers as equally important VR customers.

This section specifies working with employers to:

*provide opportunities for work-based learning experiences (including internships, short-term employment, apprenticeships, and fellowships), and opportunities for pre-employment transition services.*

This requirement is consistent with VTPE's approach to providing PETS.

### Conclusion

The VTPE model is transferable to WIOA requirements under PETS to provide work-based learning experiences. Further consideration should be given to a need to develop a separate track for PETS progressive employment in order to (1) ensure age-appropriateness and a true progressive nature of work-based learning experiences, (2) provide adequate safety to vulnerable minors at the worksite, and (3) market to businesses the idea of having students with disabilities at the worksite.

### Resources

#### Progressive Employment – Key Principles, What It Is and What It Isn't

[http://vr-rrtc.org/demandside/wp-content/uploads/PE\\_whatitis\\_1.pdf](http://vr-rrtc.org/demandside/wp-content/uploads/PE_whatitis_1.pdf)

#### State VR Services Program Regulations: §361.5(b)(55)

<http://bit.ly/1BjU8Y5>



[www.exploreVR.org](http://www.exploreVR.org)

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The VR-RRTC on Demand-Side Strategies, featured on Explore VR, conducts research, training, and technical assistance activities. Our goal is to engage employers and respond to their needs as customers.

