

The Substantial Gainful Activity (SGA) Project helps state vocational rehabilitation (VR) agencies build their capacity so that more consumers can find meaningful employment. Two of our participating states, Kentucky and Minnesota, have made changes to their state VR program that have led to substantial gainful employment for their clients. This series includes some of the key resources that VR and financial professionals implementing the SGA project utilized.

OVERVIEW

The Workforce Innovation and Opportunity Act (WIOA) was passed by the United States Congress and signed into law by President Obama in July 2014. WIOA is the legislation that authorizes six workforce development programs, which are considered “core” programs under the act. These programs include:

1. **The Vocational Rehabilitation Program (VR)**
2. **WIOA Title I Adult Program**
3. **WIOA Title I Dislocated Worker Program**
4. **WIOA Title I Youth Program**
5. **Adult Education and Family Literacy Act Program**
6. **Wagner-Peyser Act Program**

Each state was required to submit a WIOA plan to the federal government, that outlines the vision and goals of its workforce development system as a whole, as well as specifying how each of the programs authorized under WIOA will operate and deliver services over the next 4 years. Copies of each state’s approved plan can be found at: www2.ed.gov/about/offices/list/osers/rsa/wioa/state-plans/index.html

The purpose of this publication is to provide a guide for review of WIOA state plans and to understand and analyze the state’s intentions and priorities in implementation of WIOA.

PLAN FORMAT OPTIONS

States had two options for submission of WIOA plans:

1. **A Unified State Plan** that outlines a four-year strategy for the six core programs listed above (including VR).
2. **A Combined State Plan** that outlines a four-year strategy for WIOA’s six core programs plus one or more of the Combined State Plan partner programs. These Combined State Plan partner programs include:
 - ▶ Perkins Career and Technical Education
 - ▶ TANF–Temporary Assistance for Needy Families
 - ▶ Employment and Training Programs under SNAP - Supplemental Nutrition Assistance Program (Food Stamps)
 - ▶ Work programs authorized under the Food and Nutrition Act of 2008
 - ▶ Trade Adjustment Assistance for Workers
 - ▶ Jobs for Veterans State Grants Program
 - ▶ Unemployment Insurance
 - ▶ Senior Community Service Employment Program
 - ▶ Employment and training activities carried out by the Department of Housing and Urban Development (HUD)
 - ▶ Employment and training activities carried out under the Community Services Block Grant Act
 - ▶ Reintegration of Ex-Offenders Program

The federal government has **specific requirements for submission of WIOA plans**. In their WIOA plans, states must respond to specific questions and information requests by the federal government.

WIOA PLAN REVIEWS: ISSUES FOR CONSIDERATION

KEY THEMES FOR CONSIDERATION

In reviewing a state’s WIOA Plan, the following are overall themes to consider:

- ▶ Are individuals with disabilities fully integrated within the complete range of the state’s workforce

development efforts to assist individuals with their employment needs, increase their wages, and advance their careers?

- ▶ Are efforts on behalf of individuals with disabilities exclusively focused on public VR or is there an expansive approach across all workforce development system programs and partners?
- ▶ Do employer services include efforts to assist employers to expand employment and career advancement for individuals with disabilities?
- ▶ What efforts are being made at reducing silos, and coordination and integration across programs, resulting in more effective and efficient services, while maintaining the integrity and mission of the public VR system, and other programs?
- ▶ Does the plan specifically and adequately address the needs of individuals with more significant disabilities?
- ▶ Is coordination with state mental health and developmental disability systems, which are the primary providers of long-term employment supports, adequately addressed?
- ▶ Is there clear emphasis on placement of individuals into competitive integrated employment, and use of fully integrated settings for assessment and career exploration activities (including during transition), and avoidance of settings that segregate and reinforce stigma?
- ▶ Does plan sufficiently address improving transition services and outcomes for youth with disabilities, which is one of the core goals of WIOA?
- ▶ Is the plan consistent with the core elements of Employment First, with priority of resources and services focused on competitive integrated employment over other alternatives?
- ▶ Has the plan been developed with a clear and expansive vision and strategy for workforce development in the state, or has the state simply responded to the required questions with minimal detail?
- ▶ Does the overall plan provide a vision and strategies that will result in significant advancement in labor force participation for the state's citizens with disabilities?

ISSUES FOR CONSIDERATION IN REVIEW OF SPECIFIC PLAN SECTIONS

The following outlines some of the sections of the WIOA state plan required by the federal government, and specific issues to consider in reviewing those sections. The plan sections noted are in the order contained within the plan requirements from the federal government.

Strategic Elements

SECTION: ECONOMIC AND WORKFORCE ANALYSIS – WORKFORCE ANALYSIS

Plan Requirements: The plan must include an analysis of the current workforce, including individuals with barriers to employment. This population must include individuals with disabilities among other groups in the state.

Issue for consideration:

- ▶ Does the plan adequately and accurately describe individuals with disabilities as part of the workforce analysis?

SECTION: WORKFORCE DEVELOPMENT, EDUCATION & TRAINING ACTIVITIES ANALYSIS

Plan Requirements: The Unified or Combined State Plan must include an analysis of the workforce development activities, including education and training in the state, to address the education and skill needs of the workforce and the employment needs of employers. This must include: a) an analysis of the education and training activities of the 6 WIOA core programs, and other partner programs included in the plan; b) the strengths and weaknesses of these programs; c) capacity of the entities to delivery the workforce development activities identified.

Issues for consideration:

- ▶ Does this analysis discuss how the workforce development activities address the needs of individuals with barriers to employments, including those with disabilities?
- ▶ Is the need for enhanced capacity to increase the labor force participation of citizens with disabilities addressed?
- ▶ Are the strengths and weaknesses of the programs (including VR) accurate?

SECTION: STATE STRATEGIC VISION AND GOALS

Plan Requirements: The plan must include the state’s strategic vision and goals for developing its workforce and meeting employer needs in order to support economic growth and economic self-sufficiency. This must include goals for preparing an educated and skilled workforce, including preparing youth and individuals with barriers to employment and other populations.

Issues for consideration:

- ▶ Is the state vision inclusive of all workers and potential workers, including addressing the needs of individuals with disabilities for jobs resulting in self-sufficiency and career advancement?
- ▶ Are the needs of individuals with disabilities fully addressed within the goals for preparing an educated and skilled workforce, including those with barriers to employment?
- ▶ Are the performance goals for VR adequate?
- ▶ Is progress on improving employment outcomes, wages, and career advancement for citizens with disabilities included within how the state will assess the overall effectiveness of the workforce investment system? Does such an assessment include all programs and not just VR?

SECTION: STATE STRATEGY

Issues for consideration:

- ▶ Does the state strategy include specific strategies on addressing the needs of individuals with disabilities?
- ▶ Does the plan adequately address how the VR program will be aligned with core programs and other partner programs included in the plan, to achieve fully integrated customer services?

Operational Planning Elements

SECTION: STATE STRATEGY IMPLEMENTATION - IMPLEMENTATION OF STATE STRATEGY

Issues for consideration:

- ▶ Is addressing the needs of individuals with disabilities noted and specified within state strategies?
- ▶ Under **“Alignment with Activities Outside the Plan”**, is there specific mention of how

programs and services will be aligned with the state’s mental health system and intellectual/developmental disability system?

- ▶ Under **“Coordination, Alignment and Provision of Services to Individuals”**, are the needs of individuals with disabilities specifically and adequately addressed in the description of how the workforce system core programs and partners included within the plan will coordinate activities and resources to provide comprehensive, high quality, customer-centered services?
- ▶ Under **“Coordination, Alignment and Provision of Services to Employers”**, is the need to enhance the capacity of employers to fully integrate individuals with disabilities within their workforce noted, include the need to assist employers with the new requirements of Section 503 of the Rehabilitation Act regarding affirmative practices in employing individuals with disabilities?

SECTION: STATE OPERATING SYSTEMS AND POLICIES

Issues for consideration:

- ▶ Under **“State Program and State Board Overview”**, under the discussion of the state board, are the needs of individuals with disabilities adequately represented in the state board membership?
- ▶ Under **“Assessment of Programs and One-Stop Program Partners”**, is assessment on meeting the needs of individuals with disabilities addressed within how core and partner programs will be assessed, and does this assessment go across programs, rather than being exclusive to public VR?
- ▶ Under **“Program Data - Data Alignment and Integration”**, does the plan adequately address aligning and integrating data systems across programs to streamline intake, and track participation across programs, to enhance services for all customers including those with disabilities, break down service silos, and provide accurate data on how the system as a whole is meeting the needs of individuals with disabilities?
- ▶ Under **“Priority of Service for Veterans”**, does the plan adequately describe how services for veterans with disabilities will be addressed within the workforce system including the process for veterans to receive services from Disabled Veterans’ Outreach Program (DVOP) specialists?

SECTION: STATE OPERATING SYSTEMS AND POLICIES—ADDRESSING THE ACCESSIBILITY OF THE ONE-STOP DELIVERY SYSTEM

Issues for consideration:

- ▶ Does the language in the plan regarding accessibility of the One-Stop system fully describe how accessibility will occur, rather than simply stating that full compliance with the ADA and Section 188 will occur?
- ▶ Is there emphasis on being fully inclusive of individuals with the full range of disabilities within One-Stop service delivery?
- ▶ Are both physical and programmatic accessibility fully addressed?
- ▶ Is there a description of how the new annual required assessment of accessibility of the One-Stop Delivery System will be implemented?
- ▶ Does the plan describe how individuals with expertise in accessibility will be included in addressing accessibility, including being fully inclusive of the disability community in these efforts?
- ▶ Does the plan describe how data on services for customers with disabilities will be included as part of assessment of accessibility of the One-Stop Delivery System?
- ▶ Is the focus on accessibility primarily or exclusively focused on the VR system as means of access rather than focusing across core and partner programs?
- ▶ Is the focus on accessibility reliant on “special” grant funded efforts such as the USDOL Disability Employment Initiative, rather than having a universal approach to accessibility that is not reliant on such “special” programs?
- ▶ Does the plan adequately address how accessibility criteria are integrated within the state’s One-Stop certification policy?
- ▶ Is staff training and support for meeting the needs of individuals with disabilities fully described in terms of subject areas that will be addressed, with staff training that ensures a universal and fully inclusive approach in meeting the needs of customers with disabilities across programs and staff?
- ▶ Is there emphasis on clear state policies regarding requesting accommodations, including the obligations of training providers to provide reasonable accommodations?

Program Specific Requirements for Core Programs:

Vocational Rehabilitation

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The Vocational Rehabilitation section of the state plan is exclusively focused on services for individuals with disabilities from the state VR program. Review of the overall content of this section of the plan is recommended in order to fully understand the plans for the state’s public VR system over the next 4 years, and how the new requirements of WIOA will be integrated within these efforts. While the area of focus of review of the plan is dependent on the specific role and perspective of the individual or organization reviewing it, the following areas are noted for consideration as part of the overall review.

SECTION: COORDINATION WITH EDUCATION OFFICIALS

Plan Requirements: Must include: a) VR agency’s plans for coordination with education officials to facilitate the transition of students with disabilities from school to the receipt of VR services, including pre-employment transition services, as well as procedures for timely development and approval of individualized plans for employment for the students; b) Information on the VR formal interagency agreement with the state educational agency.

Issues for consideration:

- ▶ Are the roles and responsibilities of both VR and Education clearly specified, that will result in efficient and effective transition services and avoiding conflict at the state and local level regarding which entity is responsible for funding and providing services?
- ▶ Are referral processes specified that ensure engagement of VR for students with disabilities at the earliest age necessary to assure a successful transition from school to post-secondary education and employment?
- ▶ Do referral processes indicate specifically how students with disabilities will be targeted for transition services from VR assuring those most in need of such services will receive them?
- ▶ Does coordination with education officials specify the priority on work-based learning and student

work experiences in competitive integrated employment, avoiding the use of segregated settings, and limiting the use of student career “readiness” activities as part of career development?

- ▶ Does coordination with education officials include clarity regarding competitive integrated employment as the ultimate intended outcome of transition, and avoidance of placement in segregated facilities such as sheltered workshops?

SECTION: COOPERATIVE AGREEMENTS WITH PRIVATE NONPROFIT ORGANIZATIONS

Issues for consideration:

- ▶ Does the plan specifically note that agreements with private nonprofit organizations will assure that experiential assessment and career development activities take place in integrated work settings, and not in segregated facilities and settings such as sheltered workshops?
- ▶ Does the plan specifically note how the VR agency will assure how private nonprofit organizations will utilize best practices in delivery of employment assistance and supports, and that such services will be delivered by qualified personnel?

SECTION: ARRANGEMENTS AND COOPERATIVE AGREEMENTS FOR THE PROVISION OF SUPPORTED EMPLOYMENT SERVICES

Issue for consideration:

Does the plan specify cooperative agreements in place with the state’s mental health and intellectual developmental disability agencies (and other appropriate entities), that assure: a) the availability of long-term post-placement support for individuals requiring such supports; b) a cooperative relationship between public VR and these other entities resulting in easy and effective access to necessary services?

SECTION: COORDINATION WITH EMPLOYERS

Issues for consideration:

- ▶ Does the plan specify how employer outreach efforts will be coordinated and leveraged with other core programs in the workforce development system?

- ▶ Does the plan specify agency plans for leveraging Section 503 of the Rehabilitation Act and the increased requirements for federal contractors to take affirmative actions in employment of individuals with disabilities?

- ▶ Does the plan discuss plans for coordination with employers in the public sector as well as the private sector?

- ▶ Are the plans for coordination for employers regarding transition services specific regarding strategies that will be utilized to assure students with disabilities have the opportunity to gain real work experience in competitive integrated employment prior to existing school?

SECTION: INTERAGENCY COOPERATION

Plan Requirements: This section must indicate how public VR will collaborate with the state Medicaid, intellectual/developmental disability, and mental health agency.

Issues for consideration:

- ▶ Does the plan simply assure that agreements are in place or does the plan provide specific details regarding how agreements will advance employment and economic well being for individuals served by the respective agencies?
- ▶ Are the following issues addressed?
 - » Clear responsibilities for funding and provision of services
 - » Referral processes between agencies
 - » Data sharing agreements
 - » Efficient and effective transition from short-term supports provided by public VR and long-term supports provided by other agencies
 - » Working cooperatively with the state intellectual and developmental disability and mental health agencies in the provision of pre-employment transition services and transition services
 - » The roles of the state intellectual and developmental disability and mental health agencies in implementation of Section 511 of WIOA which place new restrictions on payment of subminimum wage

SECTION: COMPREHENSIVE SYSTEM OF PERSONNEL DEVELOPMENT

Issue for consideration:

- ▶ Does the plan specify how the public VR personnel will maintain knowledge on best practices in the field of employment of individuals with disabilities, including how to meet the needs of those individuals with the most significant disabilities?

SECTION: STATEWIDE ASSESSMENT

Issues for consideration:

- ▶ Is the statewide assessment truly reflective of the rehabilitation needs of individuals with disabilities in the state, including those with the most significant disabilities?
- ▶ Does the statewide assessment sufficiently discuss the needs of community rehabilitation providers, and areas for improvement, including prioritizing competitive integrated employment, assuring use of best practices, and eliminating the use of segregated settings for experiential assessments and career exploration?
- ▶ Does the statewide assessment provide sufficient details regarding the needs of youth with disabilities in terms of transition, and how such services will be coordinated with services provide by education agencies under the Individuals with Disabilities Education Act (IDEA)?

SECTION: ANNUAL ESTIMATES

Issues for consideration:

- ▶ Does the methodology used for annual estimates of those eligible for VR services accurately reflect the number of individuals eligible?
- ▶ Are the number of individuals to be served and service costs reflective of efficient and effective service provision, and sufficient to materially impact the need for increasing employment, wages, and career advancement of the state's citizens with disabilities?

SECTION: STATE GOALS AND PRIORITIES

Issues for consideration:

- ▶ Are the goals and priorities listed truly reflective of the needs of citizens with disabilities within the state?
- ▶ Are the goals and priorities focused on significant increases in the labor market participation, wages, and career advancement of citizens with disabilities?
- ▶ In terms of the goals and priorities focused on service enhancements: will they result in more efficient and effective service delivery in terms of intake, plan development, job placement, and access to services and supports, as well as leveraging of services and programs from other entities?

SECTION: ORDER OF SELECTION

Issue for consideration:

- ▶ Are plans for order of selection sufficient and specific enough to assure those with the most significant disabilities and highest level of need for services are prioritized?

SECTION: GOALS AND PLANS FOR DISTRIBUTION OF TITLE VI (SUPPORTED EMPLOYMENT) FUNDS

Note: This portion of the plan focuses only the use of the [State Supported Employment Grant Funds](#) which range from \$300,000 to \$2.8 million annually per state, and does not focus on use of Title I funds which can also be used for supported employment.

Issues for consideration:

- ▶ Given the limited amount of funds available under the Supported Employment State Grant, does the plan for supported employment funds demonstrate effective targeting of these funds where they are most needed and effective use of these funds?
- ▶ Fifty percent of each state's supported employment grant funds must be used for youth with the most significant disabilities. Does the plan specify the definition of "youth with the most significant disabilities" and how these funds will be effectively used and leveraged for

unmet needs? Given the option of now providing extended supports for up to 4 years for such youth, does the plan specify how use of funds for extended supports will be done efficiently and effectively and only when other funding sources are not available?

SECTION: STATE'S STRATEGIES

Issues for consideration:

- Does the plan include specific strategies for expanding and improving services to individuals with disabilities that will result in improved employment outcomes, wages, and career advancement for the state's citizens with disabilities, including those with more significant disabilities?
- Are the plans for outreach and serving individuals who are minorities sufficient so that those served by the public VR are reflective of the diversity of the population within the state?
- Do the plans for improving and expanding VR services for students with disabilities, specify:
- How students with disabilities will receive VR services at an early enough age to assure a smooth transition to post-secondary education and employment?
- How students will be targeted for pre-employment and transition services, to assure those most in need of such services will receive them?
- Specific plans for the various components of pre-employment transition services including: job exploration counseling; work based learning experiences; counseling on post-secondary opportunities; workplace readiness training; instruction in self-advocacy?
- Priority on work-based learning and student work experiences in competitive integrated employment, avoiding the use of segregated settings, and limiting the use of student career "readiness" activities as part of career development?
- How coordination will occur with Title I youth services for in-school and out-of-school youth, and other youth services available from other programs of the workforce development system?

- How the state will assure that all students in need of pre-employment transition services will receive them, through both systematic outreach, and leveraging of resources, in line with the requirements of WIOA that resources for pre-employment transition services are not limited to just 15% of Title I funds?
- Working with education agencies students and families to assure that transition from school to a segregated setting such as a sheltered workshop is not a transition outcome?
- Does the plan sufficiently address the needs for improving community rehabilitation programs (CRPs) including prioritizing competitive integrated employment within CRPs, assuring use of best practices, and eliminating the use of segregated settings for experiential assessments and career exploration? Does the plan also address the need to ensure consistent high quality personnel in the delivery of services at CRPs, to assure they are highly competent and effective in addressing the employment and career advancement needs of individuals with disabilities?
- Does the plan specify how public VR will ensure ready access to benefits planning and assistance to reduce concerns over loss of public benefits when going to work?

SECTION: QUALITY, SCOPE, AND EXTENT OF SUPPORTED EMPLOYMENT SERVICES

Issues for consideration:

- Does the plan specify how individuals with the most significant disabilities will be targeted for supported employment services?
- Is the detail regarding the quality, scope, and extent of supported employment services comprehensive and reflective of best practice, and designed to assure that individuals with most significant disabilities will succeed in competitive integrated employment?
- Is customized employment, which is now part of the definition of supported employment services, discussed in terms of the specifics of customized employment, how customized employment services will be made available and integrated within supported employment?

References

Workforce Innovation and Opportunity Act (WIOA) Requirements for Unified and Combined State Plans—
U.S. Department of Labor – February 18, 2016

www.doleta.gov/WIOA/docs/WIOA_State_Plan_ICR_OMB_Passback_Plus_Supplement.pdf

*H.R. 803 - Workforce innovation and Opportunity Act of 2014—*U.S. Congress

<https://beta.congress.gov/bill/113th-congress/house-bill/803/text>



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WIOA State Plans: Guidelines for Review is a publication of ExploreVR, the data hub for a group of vocational rehabilitation research projects at the Institute for Community Inclusion (ICI) at the University of Massachusetts Boston. ExploreVR is funded in part by the National Institute on Disability, Independent Living, and Rehabilitation Research (NIDILRR) within the Administration for Community Living (ACL) of the US Department of Health and Human Services (HHS) and the Rehabilitation Services Administration (RSA) of the US Department of Education, grant #H133B070001 and grant #H133B120002. The SGA Project is a model demonstration project funded by RSA under grant number H235L100004.

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