

TALES FROM THE

HELP DESK!!!!!!



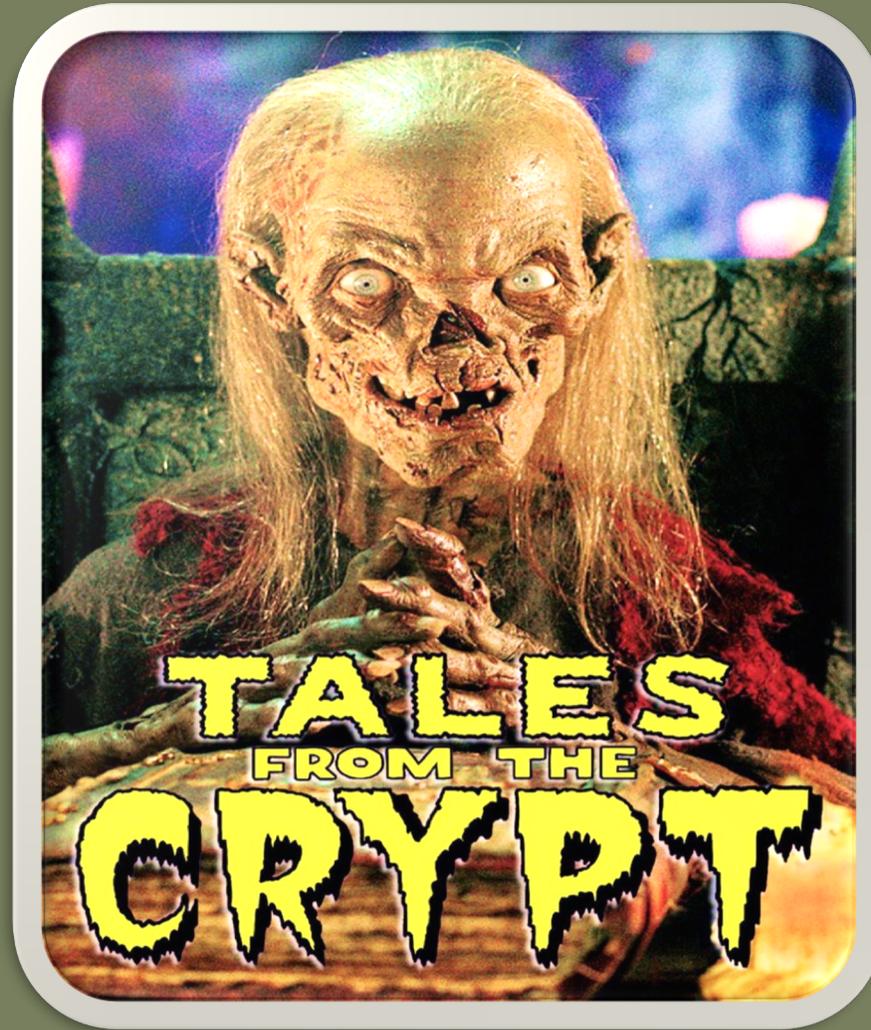
A Think College Webinar

February 12, 2019

Presented by Russ Thelin, M.S., LVRC, CRC

The UMass Boston Institute for Community Inclusion

HOW MANY REMEMBER?



ABOUT YOUR CRYPT KEEPER . . .



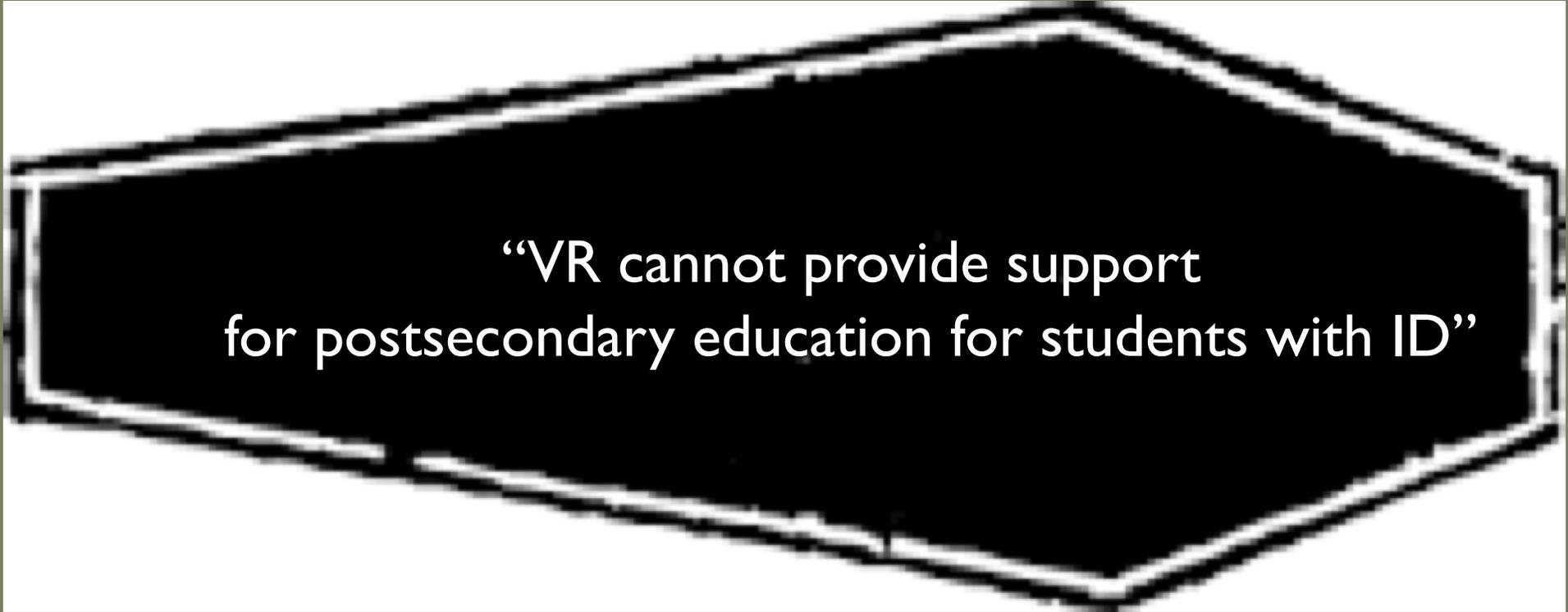
- Senior Policy Fellow at UMass Boston ICI
- 28 year history with Vocational Rehabilitation
- Technical Assistance Content Specialist in
 - Vocational Rehabilitation (VR)
 - Inclusive Postsecondary Education (IPSE)
 - Business Engagement of People w/ Disabilities
 - Organizational Improvement and Cultural Change
 - Leadership and Supervision

TODAY'S OBJECTIVES



- Address 5 common Help Desk Inquiries
- For Each of these Five Topics:
 - Review Background, Regulation, & Reality
 - Provide Opportunity for Discussion
 - Share Solution Options
- Finish with Question & Answer Time

TALE #1



“VR cannot provide support
for postsecondary education for students with ID”

TALE #1 HISTORY

- Expectations for individuals with ID have traditionally been low.
- Postsecondary education (PSE) programs for people with ID, particularly in some parts of the country, are still relatively new so information is lacking or incorrect regarding collaboration between VR and PSE programs for students with ID.
- One example of how change can occur is the advent of Supported Employment in the late 1980's
 - Previously the thinking was that individuals with intellectual/developmental disabilities were not able to be employed in integrated settings.
 - Today, Supported Employment is a go-to and recognized means for individuals to obtain and maintain employment... things change!

TALE #1 REGULATION

34 CODE OF FEDERAL REGULATION (CFR) 361

- **34 CFR 361.52:** “The vocational rehabilitation services portion of the State Plan must assure that . . . recipients of services or, as appropriate, their representatives are provided information and support services to assist applicants and recipients of services in exercising *informed choice* throughout the rehabilitation process.” (emphasis added)
- **VR Pre-Employment Transition Services. Required (34 CFR 361.48 (a)(2)(iii):** “Counseling on opportunities for enrollment in comprehensive transition or postsecondary educational programs.”

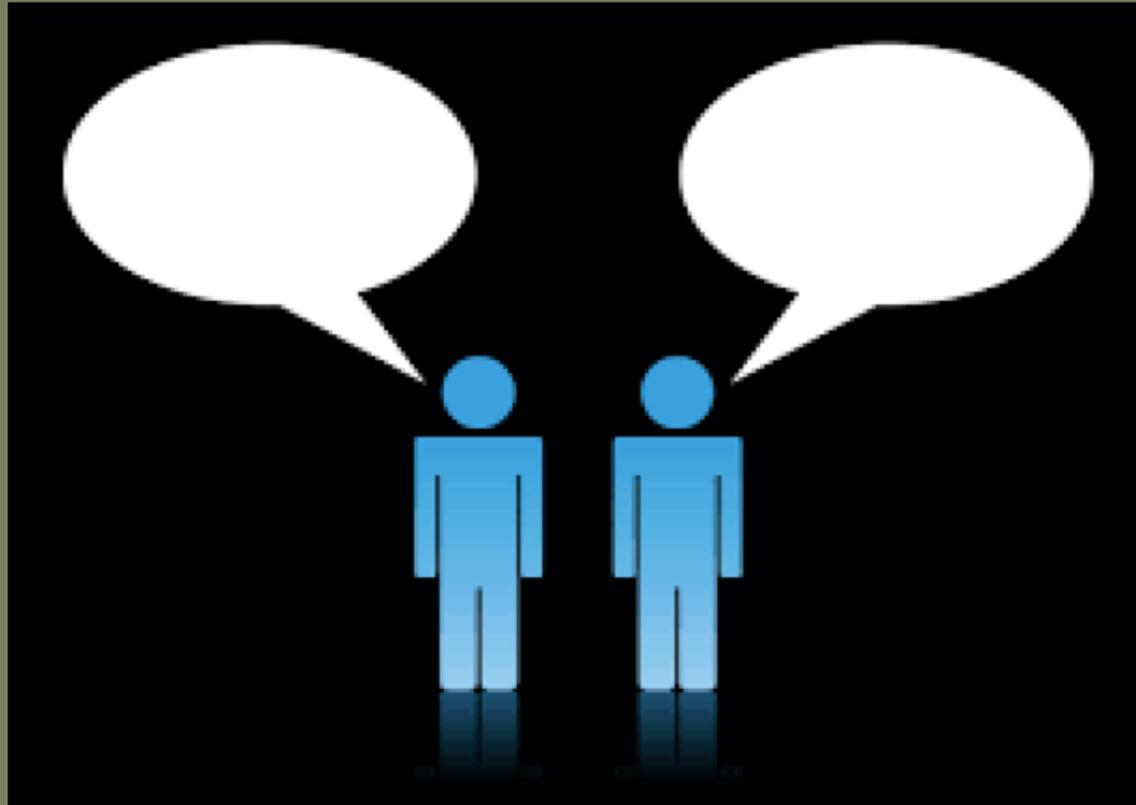
TALE #1 REGULATION

34 CODE OF FEDERAL REGULATION (CFR) 361

- **361.50 Written policies governing the provision of services for individuals with disabilities.** (a) *Policies.* The State unit must develop and maintain written policies covering the nature and scope of each of the vocational rehabilitation services specified in § 361.48 and the criteria under which each service is provided. The policies must ensure that the provision of services is based on the rehabilitation needs of each individual as identified in that individual's individualized plan for employment and is consistent with the individual's informed choice. The written policies may not establish any arbitrary limits on the *nature* and *scope* of vocational rehabilitation services to be provided to the individual to achieve an employment outcome. (emphasis added)

TALE #1 DISCUSSION

Let's Talk About This: Any thoughts?



TALE #1 REALITY

- Regulatory language is valuable to know, but don't "weaponize" it. It will not help.
- The value of PSE completion in today's labor market is supported by the following findings:
 - "Individuals with at least some postsecondary education have captured 11.5 million of the 11.6 million jobs created since 2007, whereas individuals with a high school diploma or less education have faced a net loss of more than 5.5 million jobs since 2007. Today, there is consensus among experts and practitioners that postsecondary education or training is the new minimum for succeeding in today's economy."*

*Carnevale, A. P., Jayasundera, T., & Gulish, A. (2016). *America's divided recovery: College have and have-nots*. Retrieved from Georgetown University Center on Education and the Workforce website: <https://cew.georgetown.edu/wp-content/uploads/Americas-Divided-Recovery-web.pdf>, and Watson, A. (2017, September). Employment trends by typical entry-level education requirement. *Monthly Labor Review*. Retrieved from <https://doi.org/10.21916/mlr.2017.22>

TALE #1 REALITY *(CONT.)*

- Engaging VR to support postsecondary education programs for people with intellectual disabilities is going to require programs to:
 - Have lots of communication.
 - Have competency-based certifications, particularly skills most sought after by business.
 - Talk the language that VR understands.

TALE #2

“VR does not provide funding
of postsecondary education for students with ID.”

TALE #2 BACKGROUND

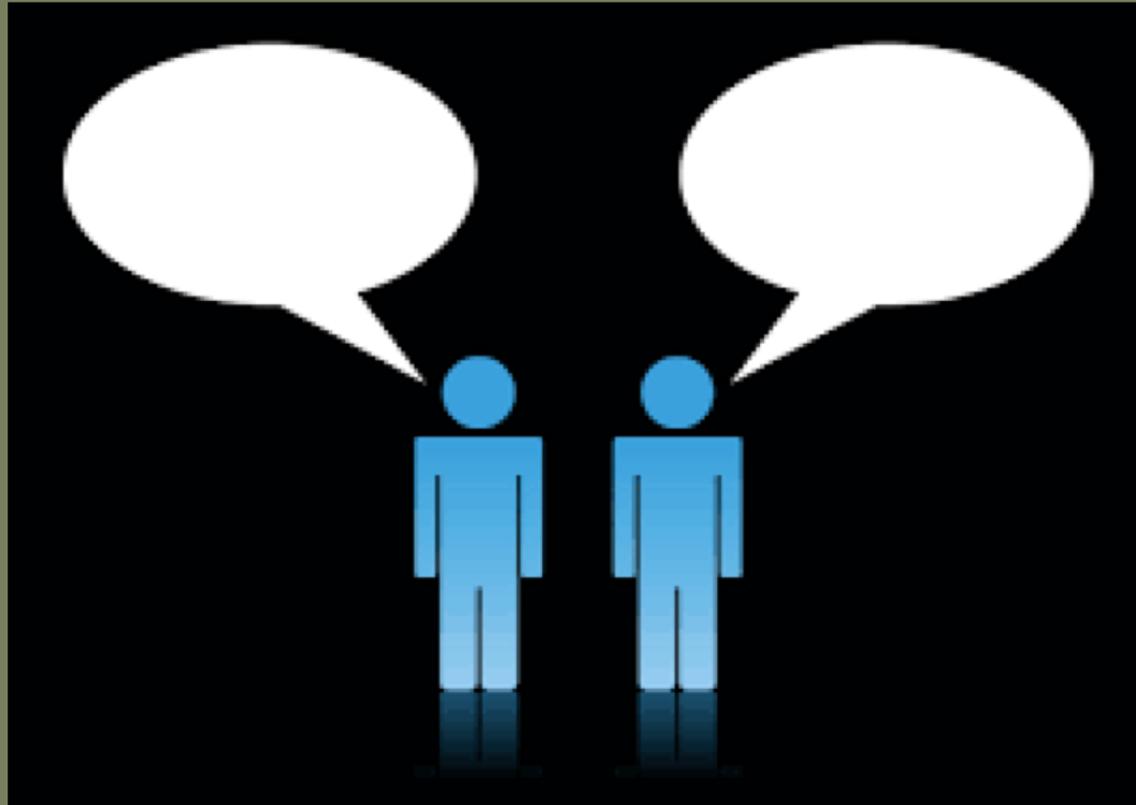
- States have funded postsecondary education (PSE) for people with disabilities for decades.
- There appears to be no real correlation between a state's degree of support for PSE, and their support of PSE for students with ID.
- Still, state VR agencies struggle to justify funding PSE for students with intellectual disability due to
 - it still being a relatively new model,
 - associated misperceptions,
 - agency culture, and
 - cost.

TALE #2 REGULATION

- There is intent language in VR regulations that references how VR support is expected, and is to align with the Higher Education Act of 2008.
 - “Similarly, we clarify here that the vocational and other training services specified in final § 361.48(b)(6) encompass tuition and other services for students with intellectual or developmental disabilities in a Comprehensive Transition and Postsecondary Program for Students with Intellectual Disabilities, as defined by the Higher Education Act of 2008.”

TALE #2 DISCUSSION

Let's Talk About This: Any thoughts?



TALE #2 REALITY

- Services provided by VR agencies are, by legal definition, to be;
 - provided on an individualized basis,
 - determined between each person and their VR counselor, and
 - established through comprehensive assessment of rehabilitation needs based on “strengths, resources, priorities, concerns, abilities, capabilities, interests, informed choice, and economic self-sufficiency.”
- Per the Act and subsequent federal regulations, state VR programs cannot legally “categorically deny” provision of any service.

TALE #3

“VR tells us that they will pay for one student but not another student in our program.”

TALE #3 BACKGROUND

- This "tale" is a little more situational, and not as clear cut as other situations we have reviewed.
- Reasons behind why one individual with ID is funded for a PSE program, while another is not, can be varied, and the most common reasons are:
 - Services are individualized and based on comprehensive assessment of rehabilitation need
 - Financial Needs Assessment (where applicable)
 - Order of selection

TALE #3 REGULATION

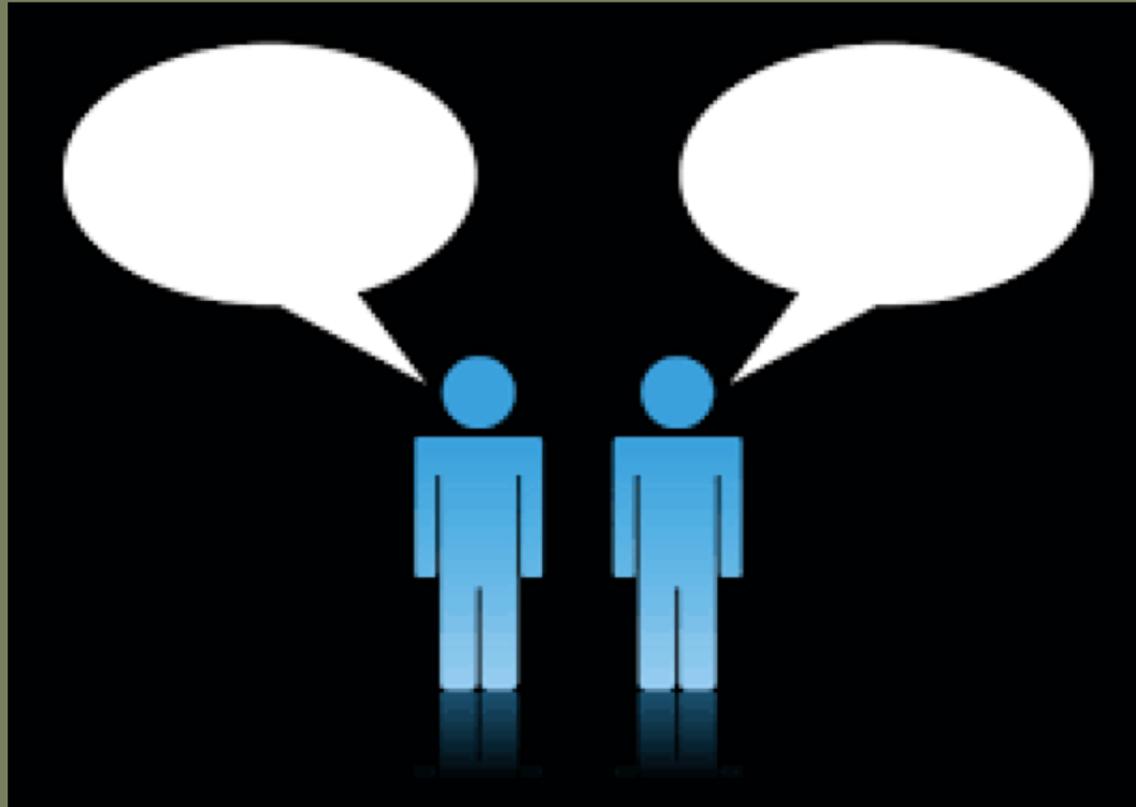
- Individualized services & comprehensive assessment of rehabilitation need
- Financial Needs Assessment
 - Federal Regulation provides for states to apply an individualized needs test for paid VR services.
 - It is NOT a factor in whether a person is eligible for VR services or not.
 - It is not mandatory that states do this, but it must be applied consistently statewide, without variation
 - The assessment is applied to household income, and calculated on a sliding scale.
 - Some forms of income are exempted, as are some services

TALE #3 REGULATION

- **Order of Selection**: allowed under the Rehabilitation Act for states to employ when resources are not sufficient to serve all eligible individuals.
 - Resources means more than just \$\$ to provide paid services, but also includes staff time.
 - Still requires VR to determine an eligibility, categorize each eligible student into one of 3 defined categories, then services are provided based on category
 - *1. Most Significantly Disabled 2. Significantly Disabled 3. Not Significantly Disabled*
 - Order of Selection prohibits denying services to individuals based on disability type, only category of significance
 - If resources are limited enough, VR agencies can close all categories for new services and serve only existing clients in the categories open for services

TALE #3 DISCUSSION

Let's Talk About This: Any thoughts?



TALE #3 REALITY

- **Financial Needs Assessment:** while it is not mandatory for states to apply a financial needs test, most states do so.
 - Know the financial needs policy is unique for each state and will dictate at what age a student is considered a “family of one” and what the formula is for meeting the financial needs threshold
- **Order of Selection:** with no significant increases of VR funding, increases in referrals, and rising costs of services, more and more states are utilizing Order of Selection

TALE #4

“VR states that because we don’t result in an Industry Recognized Credential, they cannot pay for our program.”

TALE #4 HISTORY

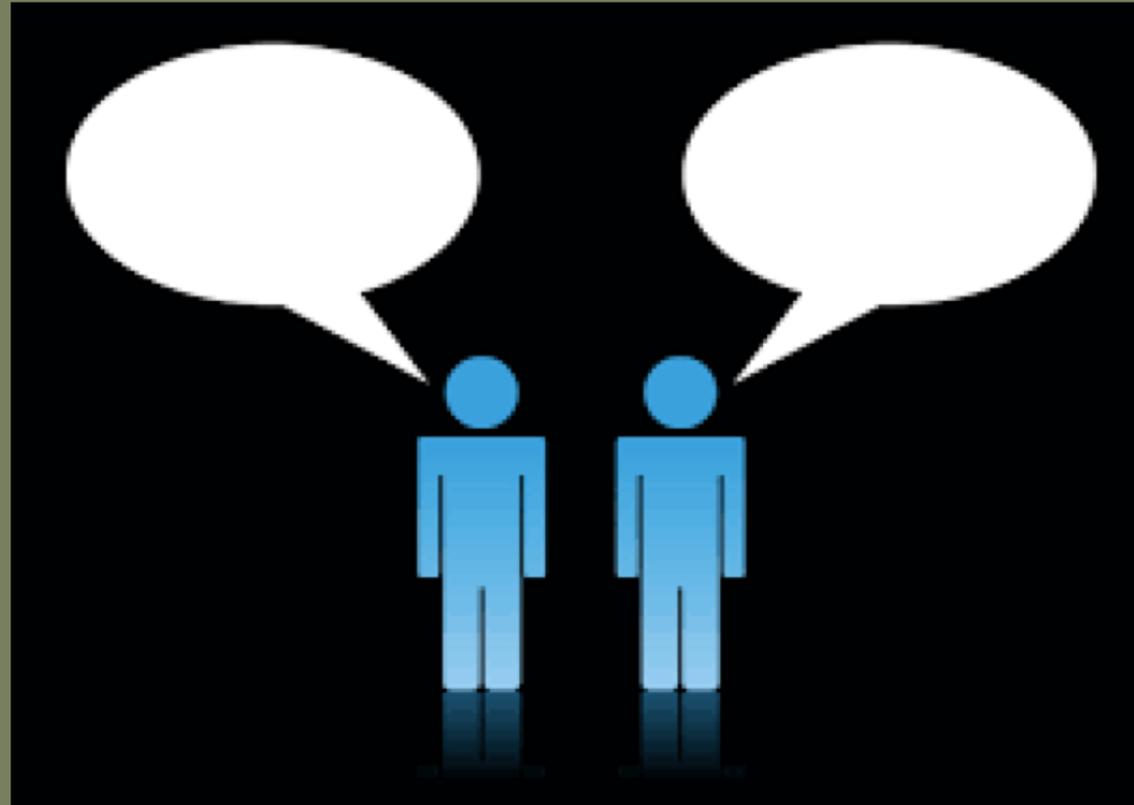
- Prior to the advent of WIOA (Workforce Innovation and Opportunity Act),
 - there was no particular legal emphasis on the workforce development system to meet a defined Recognized Postsecondary Credential or Industry Recognized Credential standard, and
 - the expectation existed for systems, including VR, to assist individuals to prepare for, enter into, and sustain meaningful employment, and meet employer needs.
- WIOA's predecessor, the Workforce Investment Act (WIA) was authorized 16 years prior with no amendments occurring between the two acts (1998-2014).
- The driver of this change to WIOA language is the progression of labor market demands for increased/more refined skills from the talent pool to meet business needs.

TALE #4 REGULATION

- WIOA defines “recognized postsecondary credential” as “a credential consisting of an industry-recognized certificate or certification, a certificate of completion of an apprenticeship, a license recognized by the State involved or Federal Government, or an associate or baccalaureate degree.”
- Sub-regulatory guidance from Department of Labor (DOL;TEGL #10-16) cites:
 - “WIOA, signed into law on July 22, 2014, is designed to help job seekers access employment, education, training, and support services to succeed in the labor market and to match employers with the skilled workers they need to compete in the global economy.”
- DOL Employment & Training Administration (DOL-ETA) has stated that “the DOL does not keep a comprehensive list of WIOA-recognized certifications. Rather, it is left to states to make determinations based on the types of credentials that DOL describes in our guidance.”

TALE #4 DISCUSSION

Let's Talk About This: Any thoughts?



TALE #4 REALITY

- An industry recognized credential is any credential that helps potential employees meet the needs of business and industry
- A study of the U.S. Chamber of Commerce shows that:
 - 8 in 10 employers surveyed indicate that a college education is necessary if one wants to be successful in the workplace, and
 - The 5 skills that are identified as most important in acquiring and finding success in the workplace are:
 - ✓ Ability to learn new things, problem solving, ability to work as part of a team, good interpersonal and communication skills, and the ability to evaluate and integrate information
- To the degree that your program establishes competencies in these areas, it is an industry recognized credential.

TALE #5

“Is VR responsible for provision of ADA accommodations for students?”

TALE #5 HISTORY

- Prior to 1990 and the Americans with Disabilities Act (ADA), Vocational Rehabilitation was a “go-to” resource for funding accommodation provision for individuals with disabilities to succeed in postsecondary education.
- At the time, responsibility to provide needed accommodations was less clearly defined.
- With the passage of the Americans with Disabilities Act (ADA) in 1990, the determination and provision of accommodations falls clearly on the school the student is attending.

TALE #5 REGULATION

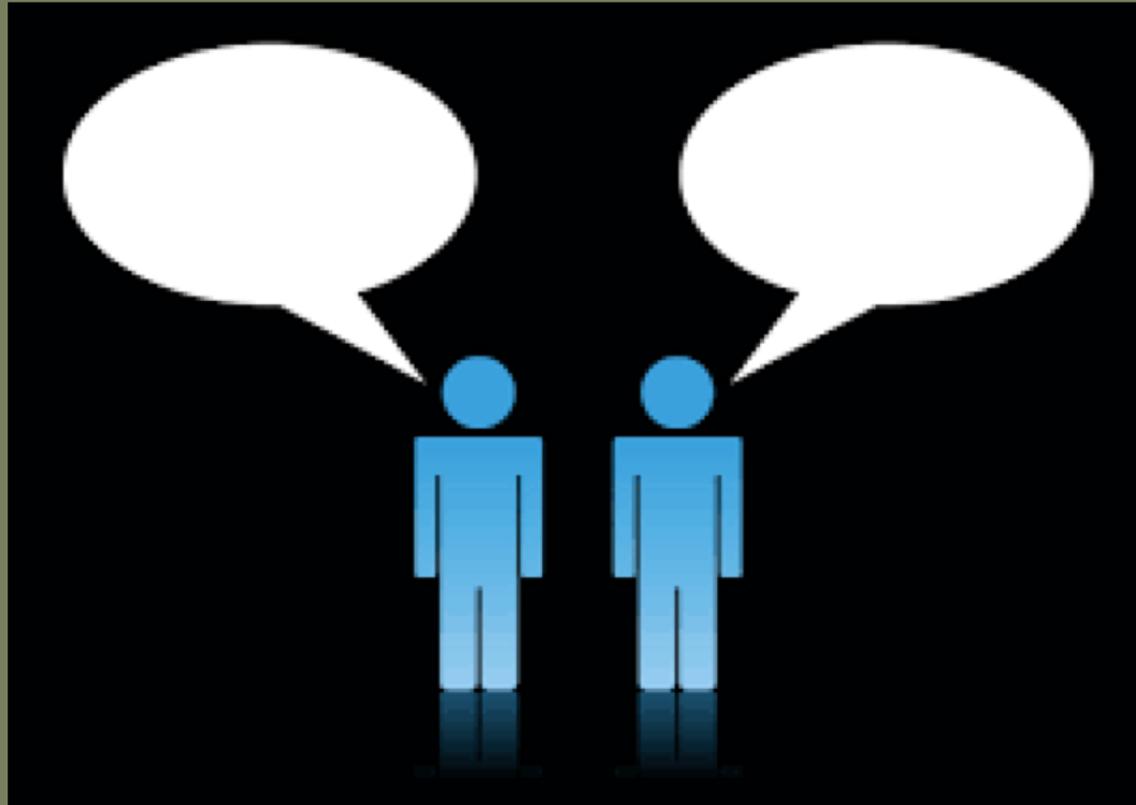
Title II of the ADA states that qualified individuals with disabilities may not be excluded from participation in, or denied the benefits of, the services, programs, or activities of, nor subjected to discrimination by, public universities and colleges. This includes that individuals with disabilities must be provided with:

- Aids
- Benefits, or
- Services,

that provide an equal opportunity to achieve the same result of the the same level of achievement as others.

TALE #5 DISCUSSION

Let's Talk About This: Any thoughts?



TALE #5 REALITY

- VR can no longer be viewed as the primary resource to provide accommodations to college and university students in need of them.
- While there is no requirement for Vocational Rehabilitation to provide accommodations for college students in need of them, it does not prohibit them from providing them in unusual circumstances.
- I have seen a few situations where the partnership between the school and VR determined it appropriate for VR to provide some limited form of accommodation; this is the rare exception, and not the rule.

QUESTIONS?





An online community for review and discussion of issues, strategies, and results related to the partnership between VR agencies and IHEs

THE VR AFFINITY GROUP

<https://thinkcollege.net/technical-assistance/affinity-groups/vocational-rehabilitation>



For more information contact

Russ Thelin at:

russell.thelin@umb.edu



ThinkCollege

CHANGING EXPECTATIONS. INCREASING OPPORTUNITIES.



NEED ADVICE?

thinkcollegeTA@gmail.com

TO LEARN MORE

www.thinkcollege.net

Russ Thelin,
M.S., LVRC, CRC
Senior Policy Fellow
russell.thelin@umb.edu



www.facebook.com/thinkcollege



www.twitter.com/thinkcollegeici