



Overview of the Interagency Agreement to Promote Services for Students in Transition from School to Competitive Integrated Employment

New Jersey

Department of Education, Office of Special Education
Department of Labor and Workforce Development, Division of Vocational Rehabilitation Services
Department of Human Services, Commission for the Blind and Visually Impaired

2022-2023 School Year



Agenda

- Purpose of the interagency agreement between the three State agencies
- Three types of services available for students
- Referral process for obtaining these services from the State agencies
- Role of school staff in facilitating and providing services for students
- Role of State agency staff to implement this agreement





Purpose of the Interagency Agreement



- The purpose of the interagency agreement is to facilitate and coordinate **services** needed by students with disabilities to successfully transition from school to employment or other post-secondary activities leading to employment
- These services include:
 - Pre-Employment Transition Services (Pre-ETS)
 - Vocational Rehabilitation (VR) Services
 - VR Transition Services



Workforce Innovation & Opportunity Act of 2014

- Emphasizes the provision of services to students and youth with disabilities to ensure they have opportunities to receive training and other services necessary to achieve **competitive integrated employment**.



Competitive Integrated Employment



- Full or Part-time (including self-employment)
- Compensated at minimum wage (currently \$13 per hour in NJ) or above, and not less than the customary rate paid by the employer for the same or similar work performed by others
- Must be eligible for the level of benefits and opportunities for advancement provided to other employees
- Location of work allows employee to interact with other persons without disabilities





Federal Funding for Pre-Employment Transition Services



- WIOA requires Vocational Rehabilitation (VR) agencies (NJDVRS and NJCBVI) to reserve not less than 15 percent of the Federal VR allotment to arrange for or provide **Pre-Employment Transition Services** for students with disabilities transitioning from school to postsecondary education programs and employment in competitive integrated settings, and that these services be coordinated with the local education agencies (i.e., school districts).





Transition Services and Vocational Rehabilitation Services



- WIOA requires VR agencies (NJDVRS and NJCBVI) to provide the services for students and youth who have been determined **eligible** for VR services, including:
 - **Transition Services** that facilitate the transition from school to postsecondary life, such as achievement of an employment outcome in competitive integrated employment
- And other*
- **Vocational Rehabilitation Services** that are available to all eligible individuals



Formal Interagency Agreement

- WIOA requires the state VR agencies and the state education agency (NJDOE) to enter into a formal interagency agreement to facilitate and coordinate services needed by students with disabilities to successfully transition to employment
- On October 23, 2019, NJDVRS, NJCBVI, and NJDOE entered into this formal interagency agreement



According to WIOA, Students with Disabilities in NJ Includes ...



- All students age 14 through 21:
 - Who are eligible for special education and related services under the IDEA
 - Who are receiving accommodations under section 504 of the Rehabilitation Act
 - Who have a medically documented disability that presents a barrier to employment
- Students can be enrolled in a variety of educational settings such as middle and high school, non-traditional or alternative programs, approved private schools for students with disabilities, home schooling, postsecondary programs, juvenile justice facility, etc.





Out-of-School Youth Employment Services



- Youth age 16 through 24 who are out-of-school and at-risk can obtain Out-of-School Youth Employment Services (OSYES) to get back on the path to self-sufficiency through the development of job skills and career pathway planning. Information is available from the online one-stop career center at:

<https://www.nj.gov/labor/career-services/special-services/individuals-with-disabilities/index.shtml>



New Jersey is an Employment First State!



With good planning and support

Everyone can work

Think "employment first" when planning for the future with people with developmental disabilities. It works!

For a copy of Oregon's "Employment First" policy, go to www.ocdd.org or www.arcoregon.org

OREGON COUNCIL ON DEVELOPMENTAL DISABILITIES THE ARC OF OREGON

Carlos Lee provides delivery service for Bagel Spies in Eugene

The advertisement features a man in a blue shirt holding a brown paper bag with a "Bagel Spies Delivery Service" logo. Below the main text are two small inset photos: one showing a person in a wheelchair at a counter, and another showing a person in a wheelchair interacting with a woman in a white vest.

- Competitive employment in the general workforce is the first priority and preferred outcome for all people with disabilities
- In April 2012, New Jersey became the 14th state to adopt an Employment First initiative
- Employment First is consistent with the priorities of WIOA





Job Exploration Tool
 Tell us about yourself and we'll tell you how and where you'll fit.

Workplace Readiness Skills



Pre-Employment Transition Services



WHAT IS THE MEANING OF THE TERM self-advocacy
 ... and how to pronounce it ?



The Five Required Pre-Employment Transition Services (Pre-ETS)



1. Job exploration counseling
2. Work-based learning experiences
3. Counseling on opportunities for enrollment in postsecondary education programs
4. Workplace readiness training
5. Instruction in self-advocacy



1. Job Exploration Counseling

- Provided on an individual or group basis, in a classroom or in a community setting
- Includes information on in-demand industry sectors and occupations, and non-traditional employment
- Includes administration of vocational interest inventories, and explanation of results
- Identification of career pathways of interest to students
- Local labor market information that applies to the student's particular interests



2. Work-Based Learning Experiences



- May include in-school, after school, paid, unpaid, and volunteer, and community-based opportunities
- **Must be in the community to the maximum extent possible**
- Internships, Job Sampling Opportunities, On-the-Job Training and Mentoring Opportunities in the community
- Worksite Tours and Job Shadowing



3. Counseling on Opportunities for Enrollment in Postsecondary Education Programs



- Offered on an individual or group basis
- Assisting students with enrolling or remaining enrolled in postsecondary education or training by helping them to:
 - Understand how to successfully transition to a postsecondary education or training program



3. Counseling on Opportunities for Enrollment in Postsecondary Education Programs



- Identify postsecondary education and training options
- Understand how their career goals line up with education and training options
- Complete steps for enrolling in a postsecondary education or training program
- Learn about and apply for postsecondary financial aid options



3. Counseling on Opportunities for Enrollment in Postsecondary Education Programs



- Learn about various supports and assistive technology used by students with disabilities at college under section 504
- Learn about information on course offerings, career options, and the types of training needed to succeed in the workplace
- Make decisions about changing majors and/or education or training programs

504
Coordinator



4. Workplace Readiness Training

- Offered on an individual and group basis
- Builds students' social and independent living skills necessary for employment
- Examples:
 - Communication and interpersonal skills
 - Financial literacy
 - Job seeking skills



5. Instruction in Self-Advocacy

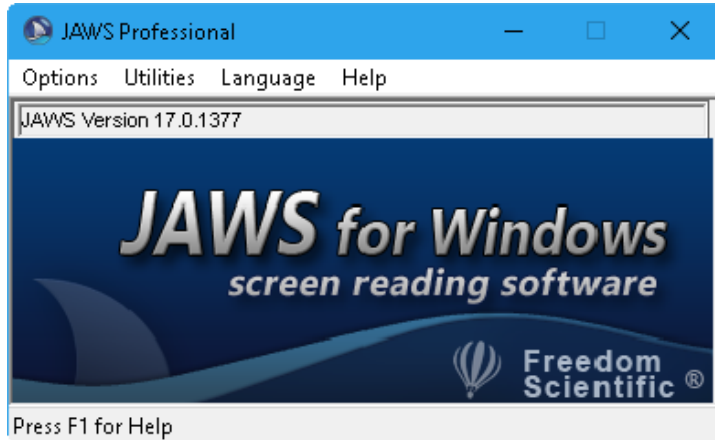
- Provided on an individual or group basis, in a classroom or in a community setting, and includes peer mentoring
- Includes learning about
 - Disability and its impact
 - Rights and responsibilities
 - How to request accommodations, services, and supports
 - How to utilize mentors to get support from school staff and others at a worksite and in organizations



Auxiliary Aids and Services



- If any student with a disability requires an auxiliary aid or service to access or participate in any of the Pre-Employment Transition Services, NJDVRS or NJCBVI must pay for such costs if no other public entity is required to provide such aids or services



The Referral Process to Obtain Pre-ETS



- Students with disabilities includes those who are:
 - Eligible for special education
 - Receiving accommodations under Section 504
 - Have a documented disability
- Students with disabilities are all considered “**potentially eligible**” for vocational rehabilitation according to WIOA if they are considering the goal of competitive integrated employment



The Referral Process to Obtain Pre-ETS (Continued)



- To receive Pre-ETS, students with disabilities **do not need to apply to or be determined eligible for NJDVRS or NJCBVI**
- They simply need to be **referred** to one of these agencies for Pre-ETS



Students who are Blind or Visually Impaired

- Students who are referred to NJCBVI for Pre-ETS, Transition Services, and other VR Services should **not** also be referred to NJDVRS, since this would be unnecessary and a duplication of services and efforts



Services for Students who are Deaf and Hard of Hearing



- DVRS has counselors called Deaf Language Specialists (DLS) for students who are Deaf and Hard of Hearing and use ASL as their primary mode of communication.
- DVRS has a contract with three Regional Career Centers (RCC) in the North, Central and Southern parts of the state. They provide the following services:
 - Students and Youth: Pre-Employment Transition Services and Out-of-School Youth Services
 - Adults: Job Readiness Training, Assistive Technology Demonstrations, Vocational Assessments, Job Placement and Job Coaching



To Refer a Student for Pre-ETS from ...



NJDVRS

- Complete the online Pre-ETS student referral form found here:

<https://nj.gov/labor/career-services/special-services/individuals-with-disabilities/index.shtml>

- Please check off “Referral to RCC” on page 2 of the Pre-ETS referral form if the student is Deaf or Hard of Hearing so they can be assigned to the appropriate counselor.

NJCBVI

- To request Pre-ETS for a student who is blind, deaf-blind, or visually impaired, please contact the student’s NJCBVI teacher of the blind or visually impaired for a referral (if applicable) or contact a regional NJCBVI office listed here:

<https://www.state.nj.us/humanservices/cbvi/facilities/>



Coordination is Needed to Provide Pre-ETS



- Since students may have already received one or more of the Pre-ETS from their middle or high school, when a student requests Pre-ETS from NJDVRS or NJCBVI, the student will only be able to receive those Pre-ETS that;
 1. The student continues to have a need for, and
 2. Is not expected to receive from the school



Coordination is Needed to Provide Pre-ETS



- IEP teams must collaboratively work with local NJDVRS and NJCBVI offices to ensure the coordinated provision of needed Pre-ETS
- Pre-Employment Transition Services do NOT replicate or replace services provided by the school; rather, they supplement and complement the transition services provided by the school



The Role of School Staff

- On at least an annual basis, IEP teams should determine the following for each student with disabilities:
 - Which Pre-ETS has the student already received from either the school or NJDVRS/NJCBVI?
 - Which Pre-ETS if any does the student continue to need?
 - If the student needs Pre-ETS, who will be responsible for providing these services; the school or NJDVRS/NJCBVI?



Criteria to be Used When Determining Who is Responsible for Pre-ETS



- The following criteria should be used when determining who is responsible both financially and for providing a Pre-ETS:
 - **The purpose of the service.** Is it related more to an employment outcome or education? That is, is the service usually considered a special education or related service, such as transition planning necessary for the provision of a free appropriate public education?



Criteria to be Used When Determining Who is Responsible for Pre-ETS



- **Customary Services.** Is the service one that the school customarily provides under part B of the IDEA? For example, if the school ordinarily provides job exploration counseling or work experiences to its eligible students with disabilities, the mere fact that those services are now authorized under WIOA as Pre-ETS does not mean the school should cease providing them and refer those students to the VR program. However, if summer work experiences are not customarily provided by a school, NJDVRS and/or NJCBVI and the school may collaborate to coordinate and provide summer work-based learning experiences.



Criteria to be Used When Determining Who is Responsible for Pre-ETS

- **Eligibility.** Students with disabilities who receive accommodations under section 504 and are not eligible to receive special education and related services (including transition services) under the IDEA can receive needed Pre-ETS from NJDVRS and NJCBVI.





Vocational Rehabilitation Services and VR Transition Services



Vocational Rehabilitation Services



- To prepare for and succeed in a job, or to participate in Pre-ETS, some students with disabilities may need **other VR services not included** in the five required Pre-ETS.
- If other VR services are needed, school staff and families should assist students aged 14 through 21 to **apply for eligibility** with NJDVRS or NJCBVI.
- If students are determined eligible, they can receive needed **VR services, Transition services, and Pre-ETS** while still in school, *and* needed **VR services** as an adult after finishing high school.



Who Pays for Vocational Rehabilitation Services?

- NJDVRS and NJCBVI will look at the income of eligible individuals (and their parents if under age 18) to determine if they will be required to share the cost of some VR services. These are called “cost” VR services.
- Other “no-cost” VR services are fully funded by the public agency (DVRS or CBVI) regardless of the income of eligible individuals (and their parents if under age 18).



“Cost” Vocational Rehabilitation Services



- Examples of “cost” VR services include:
 - College Training
 - Physical and Mental Restoration
 - Assistive Technology Devices



“No-Cost” Vocational Rehabilitation Services



- Examples of “no cost” VR services include:
 - Diagnostic Evaluations
 - Supported Employment (e.g., job coaching)
 - Time-limited Placement and Coaching
 - Job Placement
 - Job Accommodations
 - Skills Training



Transition Services



- Students who have been determined eligible for NJDVRS or NJCBVI can also receive needed **Transition Services** from these agencies. These are individual or group services needed to assist students with the continued development of post-secondary employment options
- Transition Services provided by NJDVRS and NJCBVI supplement and do not replace the transition services provided by a school district



NJDVRS and NJCBVI Transition Services

- Diagnostic evaluation and assessment
- Counseling and guidance services
- Job placement assistance
- Supported employment services
- Project Search www.projectsearch.us



Project SEARCH





Referral for Transition Services and Other Vocational Rehabilitation Services



- Students with disabilities can be referred to NJDVRS for an eligibility determination by completing an online referral form found here:

<https://www.nj.gov/labor/career-services/special-services/individuals-with-disabilities/>

- Students who are blind, deaf-blind, or visually impaired and already receiving Pre-ETS from NJCBVI can request an application for VR and Transition Services from the student's NJCBVI Transition Counselor.



The Role of School Staff

- Assist students with the referral process to receive needed services from NJDVRS and NJCBVI
 - Pre-Employment Transition Services (Pre-ETS)
 - Transition Services
 - Vocational Rehabilitation (VR) Services



Consultation and Technical Assistance

- IEP teams must annually **consider the need** for individualized consultation and technical assistance from NJDVRS, NJCBVI, (and other agencies that provide services for individuals with disabilities) when students are turning age 14 and older
- When requested, staff from these agencies (called Transition Counselors) can share their expertise with IEP team members on a broad range of topics related to preparing a student for competitive integrated employment
- NJCBVI also offers individualized consultation and technical assistance from Amanda Gerson, the State Coordinator of VR and Transition Services



Transition Counselors

- Each local NJDVRS office has a Transition Counselor to work with school districts within the county.
- Your county's NJDVRS Transition Counselor is your primary contact person for providing consultation and technical assistance and assisting with referral of students for services while in school and after graduation from high school.
- NJCBVI assigns a Transition Counselor to each student aged 14 through 21 who is blind, deaf-blind, or visually impaired and known to the agency.



Develop and Use a Protocol

- Working collaboratively with local partners at NJDVRS and NJCBVI, develop and use a protocol that specifies procedures for how your school and these agencies will work together to help students prepare for a successful future in the workforce.



Order of Selection



- If NJDVRS or NJCBVI anticipates that it will not have sufficient funding to serve all its eligible and potentially eligible clients within a year, then an “order of selection” may be implemented so that individuals who are categorized as having the most significant disabilities will be given priority for receiving services, and other individuals may need to wait to receive services until funding becomes available.





Limitations on the use of Subminimum Wage Employment



What is Subminimum Wage Employment?



- Section 14(c) of the Fair Labor Standards Act authorizes employers, after receiving a certificate from the U.S. Dept. of Labor, to pay special minimum wages - wages less than the Federal minimum wage (currently \$7.25 per hour) - to workers who have disabilities for the work being performed.
- Known as “Sheltered Workshops”, these employers must measure the production rate of each employee with disabilities in comparison to the typical production rate of employees without disabilities to determine wages for employees with disabilities. For example, employees without disabilities can assemble 100 items per hour, (typical production rate) and earn \$16 per hour. Mary, an employee with disabilities, can assemble 25 items per hour, or 25% of the typical production rate, so her wages = \$4 per hour ($\$16 \times .25 = \4).





Limitations on the use of Subminimum Wage Employment



- Although a goal of WIOA is to increase the number of students who achieve **competitive integrated employment**, and despite our best efforts to prepare students for this outcome, some individuals may choose to pursue work at subminimum wages in segregated settings.



WIOA, Section 511 (1 of 4)

- Schools should share the following information with any student and family when the student chooses to pursue work at subminimum wages:
- **WIOA prohibits** schools from contracting with businesses that pay workers subminimum wage (e.g., sheltered workshops) so that students can participate in work at subminimum wages, including no wages.



WIOA, Section 511 (2 of 4)

- After exiting high school, NJDVRS and NJCBVI can only refer individuals aged 24 and under for subminimum wage employment if the following has happened:
 - The 5 core Pre-ETS were offered or provided to the individual, or transition services under the IDEA as documented in the IEP
 - Application for VR services with the result that the individual was determined **ineligible** for VR services, or



WIOA, Section 511 (3 of 4)

- Determined **eligible** for VR services, and **all** the below:

- Had an approved IPE that included a specific employment goal consistent with competitive integrated employment
- The individual was unable to achieve an employment outcome in competitive integrated employment despite working toward the employment outcome with reasonable accommodations and appropriate supports and services, including supported employment services and customized employment services, for a reasonable period of time
- The individual's case was closed

 **Eligible**



WIOA, Section 511 (4 of 4)

- ❑ NJDVRS or NJCBVI provided career counseling and information and referral services to federal and state programs and other resources that offer employment-related services and supports designed to enable the individual to explore, discover, experience and attain competitive integrated employment, and the counseling and information and referrals were not for employment at subminimum wage



The Role of School Staff and Section 511

When a student chooses to pursue work at subminimum wages, schools are responsible for the following:

- Provide NJDVRS or NJCBVI with documentation that the student has received transition services under the IDEA
- Provide documentation in a manner that complies with confidentiality requirements of the Family Education Rights and Privacy Act and the IDEA



The Role of School Staff and Section 511 (Continued)



- Documentation must contain at a minimum all the following:
 - Youth's name
 - Description of the service or activity completed
 - Name of the provider of the required service or activity
 - Date required service or activity completed
 - Dated signature of educational personnel documenting completion of the required service or activity
 - Signature of educational personnel transmitting documentation to NJDVRS or NJCBVI
 - Date and method (*e.g.*, hand-delivered, faxed, mailed, emailed, etc.) by which document was transmitted to NJDVRS or NJCBVI



The Role of School Staff and Section 511 (Continued)

In the event a youth with a disability or, as applicable, the youth's parent or guardian, refuses, through informed choice, to participate in the activities required by Section 511, such documentation must, at a minimum, contain the -

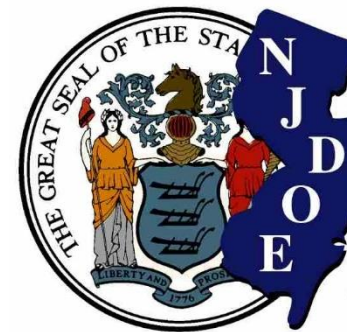
- Youth's name
- Description of the refusal and the reason for such refusal
- Dated signature of the youth or, as applicable, the youth's parent or guardian
- Dated signature of the educational personnel documenting the youth's refusal
- Dated signature of educational personnel transmitting documentation of the refusal to NJDVRS or NJCBVI
- Date & Method (*e.g.*, hand-delivered, faxed, mailed, emailed, etc.) by which documentation was transmitted to NJDVRS or NJCBVI



Promotion of Pre-ETS, Transition Services and Vocational Rehabilitation Services



- Representatives of NJDVRS, NJCBVI, and NJDOE meet monthly to plan and coordinate promotional activities
 - Collaborate to develop and conduct presentations for school staff, students, parents, and others
 - Collaborate on the development and publishing of resources





Thank You!



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