CSAVR

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9 AM

General Session 2

>> Can everyone take their seats? You're going to have a break a little bit later.

>>ANDREA GUEST: Just want to wait for everyone to get seated. We didn't mean for you to take an official break! Our first topic this morning is an overview and discussion of federal regulations on transition of preemployment transition services, a topic I'm sure there is very little interest in. We are in my state transition services and implementing preemployment transition services has been, I have to say, the greatest challenge. On the other hand, as I listened to committee meetings in our transition committee, there are a lot of innovative and creative things going on. It's pretty amazing! But I think we all have questions and want to make sure that these new and innovative programs that we're implementing are in compliance with the law and regulations so that's why I think this is a really important panel discussion this morning. Before we get started with the panel topic I'm going to turn it over to Commissioner Lebreck who wanted to say a few words.   
(Applause.)

>> Good morning, everyone. Thank you so much, Andrea for the introduction, also, Steve, thank you so much and thank you Steve for that executive decision this morning about the "booze" party, thank you! Thank you to our RSA team for all the I credible work and the coordination that it has taken. Sue Rankin White is here and can we give her a round of applause?   
(Applause.)

I know she worked incredibly hard to put all this together and coordinating the details with CSAVR and Rita thanks for the incredible work you have done to put this conference together and I can promise everyone in the room today that I will not for my next job be a conference coordinator. I have a tremendous amount of respect for people putting together conferences, it is challenging!

Thank you again for all the support you have given us at RSA during this process. I want to take a moment to acknowledge and welcome our team members for ‑‑ as part of our core partners who have joined us here today folks from ETA, OSEP as well as the Department of Labor who are here today with us to share some of the information and provide information resources to you on the regulations as well. Thank you folks for joining us here today. It's important to have that partnership and that public facing and be able to be accessible to all of our community during this time of implementation. I also want to acknowledge and echo the remarks that you heard from Steve as well as from Andrea this morning about the challenges that we all face but there are many, many opportunities. Andrea is absolutely correct it's incredibly exciting to see the innovation that is happening across the country, the conversations. We do acknowledge and recognize that folks are continuing to face challenges in your respective states both at the partnership level sometimes or just with how to implement moving forward, just getting additional clarification on issues in questions and how to move forward in making sure that the interpretation is actually correct and that you want to be supported in that process. That is partly why we have 18 individuals here today joining you to help with that, but also beyond the information that you will be hearing today in this room over the next few days, the expectation is also and the invitation is extended to you to please feel free to meet with our team members. They're here for your support to help with answering questions or provide additional clarification if you need to do so. They're here for you as well and we thought that was important to have them here for that specific purpose as we are now moving forward in the implementation process. We are incredibly excited about being able to move forward with you all in the implementation process and acknowledge and are excited to learn about the next steps in our implementation process. Windows 10 that we're going to be continuing to provide some of the technical assistance to you both from a program‑specific perspective as well as from a joint perspective. We hope that you found valuable information that you participated in the three regional trainings that we rolled out across the country and we are not done. We are in the process of continuing to provide additional technical assistance both from joint as well as programmatic life specific technical assistance and guidance to you as well as in the form of webinars that will be available to you as well and we hope that you will continue to provide with us that important feedback and comments. We really have valued the opportunity to read those comments. We have had teleconference calls with states as well looking for additional clarification and technical assistance and we will continue to do that throughout this process. We're hoping that the technical assistance that we are moving forward with also will continue to contribute to adding additional clarifications but acknowledge and want you to feel comfortable in knowing that you should reach out to us, reach out to your state liaison so they can give you further information as well as additional guidance and support as you navigate your way through the implementation process. Once again, thank you so much for supporting us, thank you specifically for supporting me, thank you for continuing to make this program an important program, a highly‑valued program and most importantly thank you for your contributions, your commitment and dedication to the disability community nationally.

Enjoy the rest of the conference. Thank you.   
(Applause.)

>>ANDREA GUEST: Thank you, Commissioner. Going to introduce our panel. To my right is ‑‑ oh, that's Tonya! Tonya Steller vocational rehabilitation specialist and Craig no one in RSA could tell me what your title was, they said call him a fiscal specialist so that's what we'll call you. Fiscal specialist for RSA and Steve is going to be facilitating and we're going to have some presentations but also throughout the day for our panel there are questions some of you submitted, you were asked on several occasions to submit questions and those were tallied and once that were similar were put together so they've come up with about four or five questions in each session that will be addressed, based on the ones that you sent in.

You can look forward to that.

I'm not sure who is going first here.

(No microphone)

>>TONYA STELLER: For those of you who have participated in those, you've seen her there, she also as we promised in the trainings coordinated a webinar that we provided on October 13th, to the special education directors, and also the technical assistance providers for OSEP so we appreciate the partnership we have had with her and that we will continue to have as we all work together as partners to implement the WIOA changes to the Rehabilitation Act. Without further ado we will provide you with an overview and we do have the questions at the end of this session. Thank you.

As you all know the Rehabilitation Act as amended by WIOA improvises the services to students and youth with disabilities to ensure that they have opportunities to participate in training and other services. It also expands not only the population of students to receive services from the VR program but the kinds of services, the types of services that the VR program can provide to students and youth with disabilities who are transitioning from postsecondary education into competitive, integrated employment. It increases opportunities to practice workplace skills, and it requires states to reserve and expend not less than 15% of their federal allotment to provide preemployment transition services for students with disabilities and that these services be coordinated with the local educational agencies. WIOA amendments create four provision that are related to the preemployment services and transition services and those four definitions are student with a disability, youth ‑‑

>> AUDIENCE MEMBER: (Away from mic.)

>>TONYA STELLER: Sorry, do you need me to go back any? Too fast? Okay, okay, thank you. So the four definitions, the critical definition are student with a disability, youth with a disability, preemployment transition services, and transition services. A student with a disability is an individual who is enrolled in educational program who meets minimum and maximum age requirements and say receiving special education services under IDEA or is an individual with a disability for the purposes of Section 504. Now to clarify based on questions we have received, the individual doesn't have to be in receipt of Section 504 services so they don't have to have a 504 plan in school they just have to be an individual with a disability.

In response to public comment we also clarified in the preamble to the VR regulations what does an educational program mean for the definition of a student with a disability? In the preamble you will see examples that include secondary education programs, nontraditional or alternative secondary educational programs such as home schooling, postsecondary education programs and also programs offered that are recognized educational programs such as those through the juvenile justice system. Educational programs include programs that provide a recognized credential of education.

The age range requirements for a student with a disability I said there are minimum and maximum age requirements. A student cannot be younger than the earliest age for the provision of transition services under IDEA or if a state elects to provide preemployment transition services at an earlier age not younger than that earlier age. The maximum age requirement is that a student not be older than 21 years of age or not years of age or not older than the special related services under IDEA. I think the highest age is Michigan with the age of 26.

(Crowd moans)

>>TONYA STELLER: I know, much older, isn't it?   
(Chuckles.)

The IDEA should be aware as to whether or not your state elected to provide preemployment transition services at an earlier age. Now to clarify based on the comments we received and the regional trainings we have been at, an individual is a student with a disability as long as they meet the age requirements and are enrolled in an educational program. Doesn't matter the level of educational program. As I shared it could be secondary education, postsecondary education, so, for a student with a disability, who has recently exited high school and they're enrolled in postsecondary education which will start in the fall they would still be considered a student that summer before their classes started in postsecondary education. We made that clarification in our last couple RSA regional trainings but I wanted to highlight that for those of you in the D.C. regional training.

So states may provide preemployment transition services as we said at a minimum age that's the transition age under IDEA services or if there are two agencies in the state, two VR agencies in the state that elect to provide preemployment transition services at an earlier age those two agencies have to agree on that earlier age so it would be applicable to both agencies and they will have to implement preemployment transition services at that earlier agreed upon age. If a state hasn't agreed upon an age or hasn't decided an earlier age for preemployment transition services, then that minimum age for the provision of transition services under IDEA would apply to both VR agencies in the state. Now, youth with a disability is an individual who is between the ages of 14 and 24 years of age and there is not a statutory requirement that that youth be enrolled in an educational program so the age range in that requirement of an educational program are the major differences between the two populations.

There is no requirement as I said that they be in an educational program but some students within that same age range will meet the definition of a youth with a disability. However, not all youth will be students. This distinction is important because there are specific services that each population can receive. We did receive public comment, can't you delete one of the definitions or collapse them but unfortunately since they are statutory provisions we don't have the authority to do that. Now, transition‑related services, before we start with that the VR agency can be viewed as having a continuum of services that individuals can participate in. For students and youth with disabilities. The continuum could be thought of as having preemployment transition services that are only available to students with disabilities and an application and IPE are not required. Group transition services these are available to students and youth with disabilities, and an application and IPE are not required. Individualized transition services or VR services, these are offered to individuals who are eligible for the VR program and can only be provided under an IPE, an individualized plan for employment. Preemployment transition services should be viewed as the earliest stage in this continuum but we want to stress that these services should be based on need and that one set of services doesn't have to be provided for a student to move auto to the next set.

You might have students who need group transition services and then they go into preemployment transition services or you might have individuals under an IPE receiving individualized services and receiving those other services at the same time. We wanted to clarify that. The preemployment transition services are the earliest start at job exploration. These are services that assist students with disabilities in exploring their interests and that could be further explored in VR services as they move into the VR system. They must be available statewide to all students with disabilities regardless of whether or not they have applied for VR services. They can begin once a student requests the services or they're recommended for the services, and when documentation of a disability is provided to the VR agency. We will talk more about this when Melinda presents on the RSA 911 and supporting documentation. The documentation may include an IEP, school psychological, SSA award letter, documentation if they are receiving award services under 504 it might be that plan. It is a requirement, not optional. Preemployment transition services are only those services itemized in Section 113 of the Act and the regulations that are out, 36141A of the regulations and they include required activities, authorized activities and preemployment transition coordination activities.

Again it would be important for VR agencies to distinguish between preemployment transition services and transition services because, again, the population will differ as to who can receive which of those sets of services.

The population that can receive preemployment transition services are those individuals who are eligible for the VR program so they can be provided to people who have applied, people who have been determined eligible, they can be provided under an IPE. Or they can be provided to students who are potentially eligible for the VR program and for the purposes of the VR program that means students with disabilities who may not have yet applied for VR services.

To clarify, one of the questions we received is what if someone is determined ineligible for the VR program? If an individual is determined ineligible they are no longer considered to be potentially eligible because that decision has been made.

Unless, of course, they apply. VR services cannot require but strongly recommend that students apply for VR services, so they can receive any services they need to support them in preemployment transition services. It's very important if you know the student is going to need individualized services in addition to preemployment transition services they can be provided prior to them applying. Individualized services can only be provided under an IPE, an individualized plan for employment for students just as they can only be provided under an IPE for youth with disabilities and all other individuals with disabilities that we serve.

The five required activities under Section 113 of The Rehabilitation Act and 36148A2 of the VR regulation include job exploration counselling, work based learning experiences, which include in school out of school opportunities and community‑based opportunities. Counselling on opportunities, for enrollment in comprehensive transition programs or postsecondary educational programs at IHEs, workplace readiness training to develop social skills and independent living and instruction in self‑advocacy to include peer mentoring. Given the Act's specificity about preemployment transition services that can be provided we don't have the statutory authority to require additional activities, delete requirements or to impose additional requirements. Based on questions we received in the RSA regional trainings and we have questions that are submitted on your behalf, it's important for us to clarify "group setting" and individual basis" we received a number of questions about that. As I just shared, the five required activities can be provided to individuals in a group setting, or on an individual basis. Since VR agencies may have limited information on individuals participating it may be more appropriate to provide these services in a group setting to an individual, but regardless of how preemployment transition services are provided, whether that be to an individual in a group setting or on an individual basis, the VR agency must track and report the services provided to each individual receiving preemployment transition services. The provision of preemployment transition services in group settings is different from group transition services provided under the services to groups authority. The services to groups authority is under section 103B in the Rehabilitation Act and also in the VR regulations. That section of the act does not include preemployment transition services, rather the specific preemployment transition services are in a different section of the Act and it's not services to groups it's services to an individual in a group setting. So job exploration counselling can be provided in a group setting, and it could include instruction if a classroom or community‑based setting. It can include information regarding in‑demand industry sectors and occupations, information about labor market composition, administration of vocational interest inventories, to determine what interests a student might have in pursuing work‑based experiences, identification of career pathways, their interest in career pathways, and as a student progresses through the VR process by applying and being determined eligible, VR agencies will have more information to provide more comprehensive assessments and individualized and customized services for those individuals.

Job exploration counselling can be provided on an individual basis where you include discussions pertinent to that particular student neither a classroom or in a community setting. You could be talking about the student's vocational inventory interest results or occupations specific to that student, career pathways specific to that student and then labor market information to meet their needs, what jobs are available for them or opportunities available for them. Work‑based learning experiences as we said, could include in‑school or after‑school opportunities, outside the traditional school setting including internships and these experiences should be integrated to the maximum extent possible and what that means is VR agencies should exhaust all opportunities for integrated settings before placing a student in a nonintegrated setting appropriate for their needs, consistent with their informed choice as well as their family and either their representative or guardians.

Work‑based learning experiences can be provided in a group setting, could include things such as coordinating a school‑based program, job training, informational interviews to research employers, work site tours, learning about job skills, job shadowing or mentoring opportunities. They can also be provided on an individual basis and could include paid or unpaid internships, apprenticeships to explore career choice, short‑term employment, fellowships or on‑the‑job training in the community. We did receive a question at the D.C. regional training as to why the regulation excludes preapprenticeship trainings or registered apprenticeship trainings when the Department of Labor was working with us they felt that a registered apprenticeship an individual is further along in their career path it's not exploring an interest as we view this apprenticeship as so that's why you will see that exclusion and that was one of the questions we received.

Now, executive wages or training stipends, if work‑based learning experiences are paid then students with disabilities should be paid the same amount that a student without a disability in a similar experience is receiving.

Training stipends are permissible for students who are participating in an unpaid internship or work‑based learning experience so they also feel that they're earning a wage for their involvement in a work‑based learning experience and this should be come men is your rate with the same amount that a student without a disability would receive in a similar experience. I know sometimes on college campuses there are work study opportunities so they could be used there if they're unpaid. The discussion about wages and stipends is included in the preamble and you will hear me note the preamble a number of times and we look at that as additional policy being provided to the agencies and our partners.

If a student needs further support for maintenance or transportation those are services provided inside our system so they would have to apply for VR services and under an IPE they could receive maintenance, transportation, other services as we typically support individuals with disabilities that we work with.

The next few slides that you will review, we developed them in response to inquiries where individuals were saying, can you sheriff with us what are some of the potential costs that would be allowable when we arrange or coordinator provide work‑based learning experiences? So we wanted to highlight first that the funds reserved in accordance with Section 110D of the act are to be solely used to pay for costs incurred to provide work‑based learning experiences. In the provision of preemployment transition services of course. VR agencies will need to analyze each of the costs to determine if it fits within the scope of preemployment transition services and if it was incurred solely to benefit students with disabilities. Now, some but not all of the expenditures that we may have made prior to WIOA amendments could count toward preemployment transition services they could be considered such and paid for with reserved funds but some of those services that we provided as we go through these different types of services would not qualify as preemployment transition services and would have to be paid using the nonreserved funds or some of our states have been saying the "other 85%!"

So just to highlight some of the costs we just talked about under work‑based learning experience, competitive wages, training stipends could be costs that could be incurred in the reserves used, travel costs incurred by VR counsel ors, as a result of providing services, related costs are implement from the definition of an administrative cost. Travel costs of VR counselors to attend IEP meetings or person‑centered planning meetings are considered service‑related costs and could be charged to the reserve. Other potentially allowable costs could include interpreter, reader services, accessible informational materials, necessary to ensure equal access for work‑based learning experience. As required by the ADA and Section 504 of the Rehabilitation Act. Again, if a student needs other individualized VR services such as job coaching, travel expenses or assistive technology specifically purchased for that student they would have to apply and come into the VR system, be determined eligible and those services could be provided under an IPE to students who need those services.

Now we wanted to highlight that VR agencies in the LEAs, your schools should be working together to coordinate who will be covering what costs. If the school can provide the reader or the interpreter and the VR could fund the preemployment transition services we want it to be a collaborative partnership where you are looking at other entities that can work with the VR agencies so you're not providing and funding everything.

Remember, these services are supposed to be coordinated with the LEAs. Other potential costs that could be incurred, fees or a fee charged by an employer to provide a work‑based learning experience and it could include printing of additional materials, the purchase of uniforms, and we did want to clarify in this presentation it could also include the installation of screen readers, software, JAWS on the employer's computers if needed by students who are blind, visually impaired, participating in a work‑based learning experience offered by that employer. Other costs could include a trainer who teaches the job tasks to the students and other costs incurred for the provision of employee employment transition services that are not individualized in nature. I know manufacture you are asking what about the assistive technology provided to an employer now? If an employer needs a laptop or software for a student to participate, a VR agency could reimburse the employer for the cost needed to purchase the software or equipment, such as JAWS, Dragon, this is not being purchased to give ownership to the student it would be something that the VR agency and employer could use for multiple students participating in these activities. These costs could be permissible using funds reserved for the provision of preemployment transition services however assistive technology purchased for the student to leave with the student would have to be provided under an approved IPE.

These costs could be incurred by the employer or provided directly by the VR agency or contracted and paid directly by the VR agency for work‑based learning experience for any student regardless of the existence of a disability. These are just examples that we provided based on your request for examples. We received questions about what about a work site trainer and a job coach? What's the difference? To clarify, a work site trainer would be teaching students specific job tasks to perform that work‑based learning experience. Regardless of whether or not it's provided directly by, as I said, the employer or by VR that would be allowable and it could be contracted and paid for by the VR agency but the work site training provided is not individualized and it's not disability specific. So if an individual needs one‑on‑one intensive supports based on their disability then they should come into the VR system, they should apply, once they're determined eligible and have an IPE, those one‑on‑one intensive job coaching supports can be provided to the student with the disability using the nonpreserved funds but that's a service provided through the VR system in our system not one of the itemized services to be provided outside of the system to someone who has not applied.

Now, the third required activity counselling on opportunities for enrollment in comprehensive transition or postsecondary educational programs, these counselling services can be provided in a group setting. They might include information on course offerings, career options, the types of academic and occupational training needed to succeed in the workplace, or postsecondary opportunities associated with a career pathway. Such counselling can be provided on an individual basis and it could include advising students and families or representatives about academic cirricula, providing students information about how to apply for college and the admissions processes, completing the FAFSA or providing resources that link students to support services such as disability support services on a college campus. We have been clarifying in the RSA regional trainings that postsecondary education itself is not a preemployment transition service and the costs associated with postsecondary education such as tuition, books, fees and supplies, those are all VR services that can be provided under an IPE once someone has applied and been determined eligible for the VR program.

Workplace readiness training can also be provided in a group setting and workplace readiness training can be offered in a generalized manner, in a classroom and it can provide programming to students with disabilities to help them develop social skills or independent living skills to prepare them for employment and services could teach skills such as communication and interpersonal skills, financial literacy, group orientation and mobility skills and once they learn those skills which could also include traveling and training, they would then be able to use those skills to access other preemployment transition services, job‑seeking skills and understanding employer expectations so the soft skills that need to be taught could be provided through these workplace readiness training activities. Workplace readiness training can be provided on an individual basis and tailored more for a students needs and it could be provided an employment site through instruction. Although workplace readiness training may precede a work‑based learning experience, there is no requirement that one type of preemployment transition service happens before another type.

As such a workplace readiness training could take place on a work site while work‑based learning experience is happening and Hawaii asked that question, I thought it was a very good question that we received.

Instruction in self‑advocacy can be provided in a group setting, and these types of generalized classroom lessons could include learning about rights and responsibilities, how to request accommodations or supports, to advocate for themselves, to communicate their thoughts or concerns or needs as they prepare to participate in peer mentoring or other mentoring opportunities. Instruction in self‑advocacy can take place and be provided an individual basis through conducting interviews, more to go with educational staff, principals, nurses, clerical staff and this could happen by mentoring are individuals who work for or volunteer for boards or organizations or other entities. Students may participate in youth leadership activities offered in your communities. Now, these activities are all required to be an early start at job exploration and VR agencies shouldn't be using preemployment transition services as assessment services to determine whether further VR services are needed or if someone will be successful. Rather these are a set of services to help student explore what they are interested in pursuing.

Now, order of selection, neither the statute or regulations exempted students with disabilities from order of selection requirements. Although previous versions of the bill had, what passed, the law that passed did not. A student with a disability who needs individualized VR services in addition to preemployment transition services, as I've said a few times, must apply and be determined eligible in order to receive those VR services under an IPE. Now should a student with a disability apply for VR services, be determined eligible and be placed in a closed order of selection prior category, had he or she may not receive individualized VR transition services or VR services until their time on the order of selection comes up for them to be served.

However, he or she could receive preemployment transition services while they're on a wait list and they could receive those group transition services I talked about under the services to groups authority. That's why it's important to look at the partnerships in the community to determine if individualized VR services or similar services can be provided by other state agencies or the LEAs under an IEP or a transition plan or the work force development system how VR can partner as it provides preemployment transition services with other entities that can provide similar individualized services.

If a student with a disability is receiving preemployment transition services prior to eligibility determination and placement in a closed order of selection priority category, he or she may continue preemployment transition services while they're on the wait list. As long as the student begins receiving at least one preemployment transition service. So they would continue that one, that same service and any of the other preemployment transition services while they're on the wait list. This is similar to ‑‑ and this is actually the regulation we revised was 36136E where he had if someone is under an IPE and services have been initiated and then a state implements an order of selection those services continue. It's in the same policy where if a preemployment transition service has been initiated they continue that whole set of preemployment transition services based on their needs.

For students who have not begun receiving preemployment transition services before they're determined eligible and placed in a closed priority category those students would not be able to start preemployment transition services or receive individualized VR services, they would only be able to receive those group transition services under the services to groups authority to permanent anything else would be granting an exception to these students which we don't have the authority to do.

The next few slides what we tried to do is break all of that down into slides that gave you three scenarios of a student A, B and C. Student A begins preemployment transition services, they apply, they're determined eligible for the VR program, they're placed in a closed priority category. Student A can continue preemployment transition services, they can receive group transition services and other VR services to groups. They cannot receive individualized transition services or individualized VR services. Until their turn on the state's order of selection. That's why it's so important for the partnership with other entities.

Remember, nothing in the Act precludes or should be construed as reducing the LEA's responsibility to provide services considered special education or those services under IDEA for free, appropriate, public education. Student B applies and is determined for the VR program before they begin preemployment transition services. They're placed in a closed order of selection priority category. They can receive group transition services or other services to groups but they cannot receive preemployment transition services or individualized VR services until their turn on the order of selection comes up.

In example C is a student who applies and is determined eligible for the VR program for VR services regardless of whether or not they've begun receiving preemployment transition services. Since they're eligible they're placed in an open operator category and they can receive the full range of VR services so that includes preemployment transition services, group transition services and individualized VR services including transition services under an IPE. Next we'll discuss authorized activities under preemployment transition services and per the statutory provisions if funds reserved for the provision of preemployment transition services remain after all necessary required activities have been provided to students with disabilities, the VR agencies can provide authorized activities. These are activities that should improve the transition of students with disabilities from school to postsecondary education, employment. They should also support the arrangement and provision of required activities. States must determine whether or not funds reserved for the provision of preemployment transition services are sufficient to meet the need of students to receive required activities prior to providing those are authorized activities. During public comment we received many requests or suggestions, can you tell us what the threshold is? How much do we need to spend on required activities before we can move on to authorized activities? Since this will vary from state‑to‑state and agency‑to‑agency, we did not establish a threshold, we could not. Rather we did provide guidance in the preamble as to how states can demonstrate that they've done the preplanning and the fiscal forecasting to identify the population that's in need of these services and the amount of money it will take to provide those required activities to that population. So the example we provided in the preamble and you can review on the slide is the comprehensive state wide needs assessment. You can use the tool to assess this requirement and I understand states haven't updated their state wide needs assessment especially with the last submission of the state plan so fiscal forecasting or other planning mechanisms can be used to demonstrate that you have looked at who needs these services, how much is needed and then states we consider meeting that requirement and you can move on to providing authorized activities.

It could happen concurrently, you could provide activities while you are providing required activities. The nine authorized activities include implementing effective strategies to increase the likelihood of independent living and inclusion in communities and competitive integrated employment. It could include developing strategies for individuals with intellectual disabilities to participate in postsecondary education experiences to advance and retain competitive, integrated employment. Providing instruction to VR counselors, school staff and other persons supporting students with disabilities. Disseminating, innovative, effective practices or approaches to achieve the goals of preemployment transition services, coordinating activities with transition services provided by the LEA under IDEA or LEAs. Applying evidence‑based findings to improve policy and practice and procedures in the preparation of personnel to better support students with disabilities participating in preemployment transition services.

Developing model transition demonstration projects, establishing or supporting multi state partnerships that involve LEAs, VR agencies, developmentally disability agencies or private businesses, employers, and other participants to achieve the goals of preemployment transition services. And finally, disseminating information and strategies to improve the transition of individuals to postsecondary education activities and these are for students who are typically unserved or under served so this last activity of your comprehensive statewide needs assessment could determine who that population is within students with disabilities.

Now, the next few slides provide you with examples as Andrea said we have many states who have been doing some innovative things and exciting activities that they have started to implement so the next few slides are from states who have shared VR practices with us. The first is an annual online survey and listening sessions with families of students in receipt of preemployment transition services that they conduct to gather information and data to inform training that's currently under development for professional individuals supporting students with disabilities.

This is done by PACE or staff, so they are preparing to train their own staff and other vendors. Parent workshops for families of students who are blind, visually impaired or dev/blind including topics such as self‑advocacy, leveraging IDEA and the resources available for planning, coordination of preemployment transition services to develop independent living skills and soft skills necessary for employment. Outreach and training materials for students with disabilities and their families including accessible family‑friendly resources, addressing topics, such as self‑advocacy, working with vendors and providers to set high expectations for students with disabilities participating in preemployment transition services and these resources can be provided through videos, podcasts, and handouts, just as a caveat we wanted to share with you as was shared with this agency that VR staff and Pacer staff time to develop the materials and costs incurred for printing the materials can be reported as an authorized activity with costs charged to the funds reserved for the provision of preemployment transition services however clerical time or other costs that meet the definition of administrative costs could not be paid with the funds reserved for the provision of preemployment transition services. Other examples of authorized activities that we have received include training for providers, specific vendors who ‑‑ we want them to maintain high expectations for working with students with disabilities and understanding how to effectively partner with families of students with disabilities. Another example is VR and LEA staff, training specific to special education services, advocating for students with disabilities within special education, using the IEP and transition planning to build self‑advocacy skills in students with disabilities and this training could be provided in‑person or through a webinar.

Again, another caveat. Any of the required or authorized activities that are provided must have a connection to students with disabilities, so care must be taken as these are set up to specify that this is for students with disabilities, that the population not be broader and include youth if you want to use your funds reserved for the provision of preemployment transition services.

So preemployment transition coordination activities include IEP meetings when invited and we did clarify in the preamble that VR agencies we understand that some of your geographic areas makes it difficult for VR counselors to participate in every IEP meeting so to minimize travel costs and maximize your staff's time, these could be provided through alternate means, video conferences, tele conferences, working with the local work force development boards to provide opportunities for students with disabilities, these activities include working with the schools to coordinate and ensure the provision of preemployment transition services and attending person‑centered planning meetings for those students in receipt of services under Title IX of The Social Security Act. It is important to discuss special education and inviting VR counselors to sit at the table and talk about the coordination of preemployment transition services and we will continue to stress that through our partnership. Next we will discuss the twinges of transition services and although WIOA deleted transition services from the Act, this term continued to be present in the act so we did retain the definition and we revised it to include students and youth with disabilities now that we have the two definitions, and based on public comment we also included outreach to and engagement of parents as appropriate, also the representatives of students with disabilities since we are starting to work with students at a much earlier age.

It's important to note as you all know, transition services are defined similarly for the state VR program and under part B of the IDEA and Gene has slides to address those services that they will be discussing. In considering the VR program as offering a continuum of services, transition services could be viewed as the next set of VR services and they can be provided in group transition services individualized transition services. Group transition services as I shared earlier are described in 103B of the act and in the VR regulations and that is the services to groups authority or what we refer to as the services to groups authority. These services can be provided to students and youth who have not applied for VR services and they're to benefit a group of students or youth with disabilities. They're not individualized services directly related to an IPE. Now examples of group transition services include group tours of universities or vocational training programs, employer or business site visits to learn about career opportunities in the student's area, career fairs, maybe coordinated by the work force development system and employers to facilitate mock interviews, resume writing or other general services applicable to groups of students and youth with disabilities.

Job exploration including presentations from employers could also be included here in the community or group mentoring opportunities.

Now, the differences again between preemployment transition services and group transition services are that preemployment transition services are only those specific services listed in Section 113 of the Act and 36148A of the VR regulations.

Transition services, the group transition services are in Section 103B of the Act and section 36149A7 of the VR regulations. Preemployment transition services as we talked about earlier are tracked and reported at an individual level regardless if they're provided in a group setting or to an individual whereas group transition services are not reported down to the individual level. Preemployment transition services in a group setting or an individual basis can be charged to the reserve whereas services to groups, those transition services to groups cannot be charged to the reserve requirement.

As the next step in the continuum of VR services we have individualized services which include transition services that are individualized. These are provided to students who have applied, been determined eligible for the VR program. These can be provided to youth by the way. They have an approved IPE. So any allowable service under Section 103A of the act and 36148 what is now B can be provided under the IPE to a student or youth eligible for the VR program. We did clarify in the preamble that transition services as they have, always, may include job‑related services, vocational training, job search, job development, job placement, job retention or job follow‑along services.

Now, another important change to note is third‑party cooperative arrangements. Prior to the amendments made by WIOA to the Rehabilitation Act, only individuals who are applicants of or eligible for the VR program could receive services under third‑party cooperative arrangements.

But given the new provision of under Section 103B of the services to groups authority for those general transition services, and Section 113 of the Act for the preemployment transition services to be provided to students with disabilities, some students and youth who have not applied for VR services may receive these services under third‑party cooperative arrangements. So these students and youth with disabilities are considered to be recipients of VR services for the purposes of contracting the provision of either the services to groups or the preemployment transition services with another state agency or a local public agency.

So VR agencies can enter into third‑party cooperative arrangements for the provision of the preemployment transition services or group transition services. We wanted to make sure that that clarification was provided to you.

This is as long as the third‑party cooperative arrangement requirements are met so just as a refresher, we have provided you with the third‑party cooperative arrangements requirement which include that the cooperating agency must furnish all or part of the nonfederal share, that the newer modified services under the third‑party arrangement must have a VR focus, the services are to be provided only to applicants of or recipients of VR services and the DSU must maintain administrative supervision, state plan requirements apply and these services must be provided state wide unless a waiver has been approved in your state plan.

Something else that is new an IPE with a projected outcome, an IPE may have an outcome based on the informed choice of the student with a disability who is eligible for the VR program. It may be amended during the career development process but must be revise to do a specific vocational goal at the end of the process. Once the process is complete. So a specific goal may include a certified nursing assistant or as a broader goal could be a medical practitioner. If the student isn't sure what do I want to do in the medical field?

Now, Genee will cover the special education and related services as well as requirements of the formal inner agency agreement between the VR agencies and the SEAs.

>>GENEE NORBERT: Thank you, Tonya. Can you hear me now? I'm going to give Tonya a brief break! I have enjoyed being involved in the regional trainings and I am happy to be here with you all today and we think this partnership is key to ensure that the WIOA regulations are implemented successfully. We have a joint training planned in a few months at a conference which is the National Technical Assistance Center for transition and we're going to continue to provide training to both VR and special ed in the future to ensure that the regulations are implemented successfully and that special ed and VR are getting similar trainings and messages about those regulations.

I'm going to start with the special education related services and as you know, special ‑‑ the VR programs may provide similar services such as speech and language pathology and audiology services, interpreting services, psychological services, physical and occupational therapy, orientation and mobility services, medical services for diagnostic or evaluation purposes, school health, school nurse services, work experiences, job coaching and support services, and a few other services that I didn't mention but are on the slides. On the following slides we will discuss the financial responsibilities of the VR agencies and LEAs. LEAs are responsible for providing and paying for any transition service that is considered special education or related services necessary for providing free, appropriate public education. Nothing under Title I under the Rehab Act should be considered as reducing an LEAs obligation to provide those services under IDEA and that's something we stress during your presentation to special education directors and we will ensure that that message is funneled down to the LEAs as well.

Preemployment transition services and transition services can be both vocational rehabilitation services under the VR program and special education services under IDEA. So who pays for what? Decisions as to which agency, the VR agency or the local education agency is responsible for providing or paying for preemployment transition services considered to be both a special education or VR service must be made at the state level.

That moves us into the formal interagency agreement. The formal agreement with the SEA and LEAs as appropriate should be the mechanism that describes criteria for determining financial and programmatic responsibilities and may include purpose of the service, customary services and eligibility for services. A response to public comment regarding programmatic and fiscal responsibility the department included the criteria and the examples in the preamble to the VR regulations. VR and SEA and LEAs should discuss whether the service is related to an employment outcome or educational attainment or if it is considered a special education or related service. For example, rehabilitation counselling that is necessary for the provision of FAE should be provided by the school whereas rehabilitation counselling necessary for an employment outcome may be provided by the VR agency. In regards to customary services, is the service one that the school provides under IDEA? For example, if the school ordinarily provides job exploration counselling to students, that does not mean that the school should stop providing that service simply because the service could also be provided as a preemployment transition service. Finally in regards to eligibility for special education or related service, is the student with a disability eligible for transition services under IDEA? The population of students with disabilities served by the VR program is broader under IDEA because it includes students with disabilities who are receiving 504 services. As such, VR agencies may provide preemployment transition services and group transition services to these students whereas the schools may not do so under IDEA. It encourages agencies to develop formal interagency agreements with clearly defined parameters for collaborating and coordinating the delivery of preemployment transition services and transition services as well as clearly defined responsibilities for VR agencies. And the SEA. The agreement between the VR agency and the SEA must include information that addresses the following new requirements: Preemployment transition services, options to provide consultation and technical assistance to education agencies through alternate means and, again, alternate means includes video tele conferences and tele conferences, as Tonya mentioned earlier and coordination necessary to satisfy documentation requirements for students with disabilities who are seeking sub minimum wage employment. And an assurance that neither the SEA nor the LEA will enter into a contract with an entity holding a special waive certificate under Section 14C under the fair labor standards act for the purpose of operating a program in which a youth with a disability is engaged at work at a sub minimum wage and we have received many new e‑mails about this provision and I will hand it back over to Tonya.

>>TONYA STELLER: So the next few slides are focused on the state plan requirements. The first being the comprehensive state wide needs assessment which we talked about using that assessment to determine if the population who needs the required activities have been identified and the funds that will be needed to provide those required activities. This should include the VR needs of youth and students with disabilities, including as I said, that need for preemployment transition services for students or other transition services, an assessment of their needs and the extent to which services should be coordinated with transition services under IDEA so those are new requirements for the comprehensive state wide needs assessment. A description of transcription coordination in the state plan and many of you are familiar with this because you submitted a state plan but just to highlight the VR agency must describe in the VR services portion of the combined state plan, plans, policies and procedures for coordination between VR agency and education officials to facilitate the transition of students and youth with disabilities from the receipt of educational services in the school to the receipt of VR services under the VR program.

It must also include the plans, policies and procedures that provide the development and approval of an IPE, an individualized plan for employment as early as possible in the transition planning process and not later than the time a VR eligible student leaves the school setting.

It should also include the strategies that the state will use to improve and expand VR services for students and youth with disabilities, again, including preemployment transition services and transition services in the applicable statutory and regulatory citations we have been using throughout the presentation around the slides and you have our notes in the note section if you print off the PowerPoint presentation.

Lastly before I turn it over to Craig to review the fiscal requirements of preemployment transition services written policies. When we went out, I know there were five agencies that we were able to provide technical assistance visits to, which we really appreciate those agencies for having us, many of the conversations centered around written policies. VR agencies must write or implement policies governing the nature and scope of the provision of VR services that includes the provision of preemployment transition services and the criteria under which each service is provided.

I know my team specifically has received a draft from the state of Indiana so we know that states are starting to two those policies and to submit them to your state liaison should you wish for your state liaison to, and that team to support and assist you.

>>CRAIG MCMANUS: Thank you, Tonya and Genee. I'm going to be handling the overview portion of the services and we are going to begin with the reservation and expenditure of funds requirement. As folks know by now the state must reserve and expend at least 15% of its VR state allotment for the provision of preemployment transition services to students with disabilities.

The funds reserved and expended must be used solely for the provision of preemployment transition services as well as for coordination, activities which are described in Section 113B, C and D of the Rehabilitation Act as well as 36148A2, 3 and 4 of the VR regulations.

States have been focused, we think on the reserve portion of this requirement up to this point. We just want to remind folks and indicate and reflect that Section 113A of the Rehabilitation Act pulls in the expenditure portion of that so to look at how a state will meet its requirements they most reserve and expend 15% of their allotment for the provision of the preemployment transition services.

Okay. Although all federal funds drawn down for use including those for the provision of preemployment transition services, have to be matched at 21.3%. There is not a specific requirement that nonfederal funds used for match purposes be expended specifically for preemployment transition services. The funds preserved and not expended for the provision of preemployment transition services in the year of appropriation may be carried over into the subsequent year to the extent they have been matched by the he of the year of appropriation which is the fourth quarter as it true for any VR fund.

It's important to remember that the amount to be reserved for the provision of preemployment transition services based upon a calculation of the state's allotment at the time of the year of appropriation or September 30th. This means the state must use for at least ‑‑ must use and expend at least 15% of the state's allotment as it exists on September 30th of the year of appropriation. However, as long as the state has provided the subsequent ‑‑ I'm sorry, the required nonfederal share as of the end of the year of appropriation they may carry over those funds for the obligation and expenditure in the succeeding fiscal year. So what this means is as long as the award has been matched both the year of appropriation and the succeeding fiscal year which is the entire two‑year period of performance to obligate and expend the fun of preemployment transition services.

Okay. When there are two VR agencies in a state, the reservation and expenditure of funds requirement for the provision of preemployment transition services a state matter that must be resolved at the state level. This will necessity coordination between both the general and the blind agencies to make sure that this requirement is met. There is a possibility as an example, that both agencies don't have to specifically meet their respective 15% portions of their specific portions of the state allotment, meaning if you have in your state a general agency that provides subsequent or sufficient expenditures for the reserve to cover the entire state's allotment, the blind and the general combined, then the blind agency will not be required to provide the full 15% for its portion of the state allotment.

Okay. We've talked about the amount of federal funds to be reserved and expended is based on the total amount of federal funds available at the end of the year of the appropriation. This is to take into account any adjustments that are made to the grant award due to the reallotment process where folks may increase or decrease their state allotment as well as their ‑‑

>> AUDIENCE MEMBER: Can you slow down a little bit?

>>CRAIG MCMANUS: I will do my best, thank you. So we are talking about adjustments in the year of appropriation so that could include an increase in the allotment due to the funds received in the reallotment process or a decrease to the state's allotment due to relinquishing funds to the reallotment process. In addition any deficits that are taken as penalties may reduce a state's allotment in the year of appropriation.

Now, in contrast, any reduction to the state's allotment that occurs after the career of appropriation, typically that's through a voluntary deobligation or through a deobligation that would occur at the time of grant close out will not impact the requirement or the amount of funds to reserve and expend for preemployment transition services because it occurred after the year of appropriation. So it has to occur prior to the end of the year of proportion to make an impact on the amount of preserve. So the next three slides that we have are really examples of impacts or adjustments to the state's VR allotment and we will look at how those will impact the amount of the Federal Reserve.

So the first example is looking at funds that are received in the reallotment process. So we're looking at a VR agency in 2017 receiving a VR award of $100. During the reallotment process the grantee requests and receives an additional $20 of VR funding. This results in the 2017 VR award for the agency as of September 30th, 2017 to be $120. So the new amount required to be reserved and expended for the provision of preemployment transition services now at least $18 which is calculated by taking the 15% times the new allotment of $120. So you will notice that the increase in the amount of funds that the VR agency realized prior to the end of the year of appropriation resulted in a proportion natural increase to the amount of funds that were required to be reserved and expended for the provision of preemployment transition services.

This next example is sort of the opposite of that one, what happens to a state agency who relinquishes funds in the process? We are going to use the same example of receiving $100 through the reallotment process this grantee relinquishes $20 and it results in a new state allotment as of September 30th, 2017 of $80. This will result in the new amount to be reserved and expended for the provision of preemployment transition services to be at least $12. That's calculated by taking 15% of $80. You will notice in this example that the reduction prior to the end of the year appropriation results in a proportion natural reduction to the amount of money that has to be extended for preemployment transition services. Now, the last example has to do with what happens during deobligation and grant close out.

Now, the state let's say needed to meet their entire obligation by September 30th, 2017 and those funds are available for carryover into the next fiscal year. The amount of unobligated funds at the time remaining is $20 and those funds are deobligated at the time however the amount that is required to be reserved and expended for the preemployment transition services still at least $15 and it is based on that $100 amount. The key is because those funds were deobligated after the year of appropriation and they did not impact the state allotment they will not have a bearing on the calculation of the reserve amount. Tonya briefly mentioned a couple slides about third‑party cooperative arrangements and in tomorrow ‑‑ Tuesday afternoon's last presentation we will go into further depth into third‑party cooperative arrangements as well as the preemployment transition services as well as third‑party cooperative arrangements in general and then we wanted to close with just notifying the resources that we pulled from or that are available out for folks.

Prior to the final VR regulations in place is guidance related to the reserve and expenditure requirements for the provision of preemployment transition services and it includes ‑‑ it included in October 2014 a webinar detailing the new requirements outlined in the federal fiscal year 2015 grant award notification and in 2015, 16 and 17 grant award notifications there were attachments outlining the details on the preemployment transition services reserve requirement and back in April 2016, RSA published on its web site a series of fiscal frequently asked questions related to the provision of preemployment transition services and the reservation of funds requirement for this purpose. Now Windows 10 there are probably a significant amount of questions that may have been generated through this presentation and I think as we said we have some that have been asked of RSA that we have been prepared to answer. Windows 10 you may have others and we encourage you to direct those to your RSA state liaison so we can work together to provide the responses that you need.

>> STEVE WOODERSON: Let's give them a big round of applause. Thank you very much.   
(Applause.)

That's a lot of information. I know it's maybe a bit of drinking through the fire hose but I know there are questions that we have. But in all seriousness, please understand that these are the things that we have been asking about that we asked them to prepare for so that's a lot of work and a lot of information that you put together so we're very, very thankful for that. I know there are questions from the floor. We want to be able to give you an opportunity ‑‑ we have two mics, toward the front. Ask folks to be prepared to run them, if necessary, but ideally if you could come to the mics and let's see if we could get a few direct questions, if you would be so kind as to be expedient in your question and ask the questions that we need to hear answers to. Who will be first? Lisa?

>> LISA HINSON‑HATZ: Maybe we could start with the few questions?

>> STEVE WOODERSON: I've got those but they've been pretty well addressed.

>> LISA HINSON‑HATZ: Okay.

>> STEVE WOODERSON: I will ask a couple that are here but ‑‑ we will get to those for sure. Are there questions out there that we want to start with? Yes, sir? If you would go to the mic?

>> AUDIENCE MEMBER: Just for ‑‑

>> STEVE WOODERSON: Is the mic on? I've never not been able to hear you before, believe me.

>> AUDIENCE MEMBER: One point of clarity, you talked about transportation and as it pertains to transportation specifically associated with one of those required activities, for instance, an internship, college tour, those are acceptable activities but the student needs to get there and we want to assist them in that way. Now did I hear you say that if you're going to provide transportation under those types of situations that it has to be under an IPE also?

>>TONYA STELLER: That is correct so when we talk about transportation that is one of the individualized services that I did give an example where the student has to be determined eligible for the VR program and have an IPE to provide that but I also highlighted during the presentation that's why your coordination with the LEA is violate to the implementation of these regulations and requirements because if a student is attending a school then your LEA can help with the transportation while you're arrange that go preemployment transition service. Now if you're talking specifically about a service to groups under the services to groups authority we gave examples of those services like you just said to visit a college campus, those could be provided but if you're from a VR agency and wondering if it's reserved or nonreserved services to groups is nonreserved funds it's not part of preemployment.

>> AUDIENCE MEMBER: I thought I heard you say that but my ears haven't popped ‑‑

>>TONYA STELLER: That's wishful thinking but ‑‑

>> AUDIENCE MEMBER: I was hoping that's what I didn't hear.

>>TONYA STELLER: I know it's not easy being the bearer of bad news but what we did talk about in the regional training when you asked a similar question was that is   
(Laughter.)

I know you keep trying to get a different answer! My husband has selective hearing, too.   
(Laughter.)

What we did say in the regional training is that's why we want to give kids the opportunity for earning competitive wages right or a stipend if that work‑based learning experience is unpaid. The stipend cannot have the tie to maintenance and transportation but just as we use our wages for other costs that we incur to get to and from where we are going for work, that's why it's important they earn a competitive wage or have a training stipend but remember I am saying you can't say this is to cover transportation and maintenance, please, I want to make that clear. I don't know if Craig has anything to add to that? Do you think I covered it?

>>CRAIG MCMANUS: I think so.

>> AUDIENCE MEMBER: I have a comment here. You're probably wondering, we are going to make these presentations available on our web site following the conference.   
(Applause.)

>> AUDIENCE MEMBER: We were literally still working on these Friday afternoon as we were walking out the door and we didn't have time to get them up and also similar to what we did for the PowerPoints for the regional trainings, you know accident we provided notes as supplementary information where we provided actual citations and some of the language and additional information that we thought would be helpful and we have done that in these same ones so we will get that up before we get back. Also other presentations where we can over the scripted questions that you all posed including these that Steve claims we answered already, which is good, but we're going to post those up as well and we were just finishing those also and I want to acknowledge team RSA here for an absolutely stellar job. That was no pun intended here!   
(Laughter.)

For the work that they did in preparation for getting to you today and for trying to be responsive with getting your questions from the regional meetings addressed in some of the additional slides that we provided. Just one more thing I want to acknowledge, one of our staff was unable to come with us and in his stead, I just want to recognize Craig McManus who will be filling in multiple occasions in place of David Steele.   
(Applause.)

>> STEVE WOODERSON: Right hyped you.

>> AUDIENCE MEMBER: Our team from Iowa, we want to thank you. You mentioned that services to groups, the preemployment transition services when it's delivered to a group of students you just said could not be used toward the reserve funds?

>>TONYA STELLER: No, let me clarify, thank you for asking that question. I don't want anyone to walk away with that perception. What I was trying to do is clarify the difference between preemployment transition services and these services to groups, general transition services under that authority. So preemployment transition services wasn't included in the statutory provisions for services to groups but we understand just as you all do that you're going to be providing these services in classrooms so although we couldn't put it in the services to groups authority because it's not there in the legislation we did have policy discussions about well group setting versus an individual setting so that's why it is permitted in a group classroom but we're careful to say group setting instead of services to groups and you can charge preemployment transition services provided in a group setting ‑‑ that can be charged to the reserve.

>> AUDIENCE MEMBER: That makes sense.

>>TONYA STELLER: But you have to track the credit individual for those services.

>> AUDIENCE MEMBER: And we do. You were talking about job coaching and one of the things that we do in our state for our continuum, early in the high school career and like 14‑16 and it may go a little longer, we may place students with work‑based learning where they need a job coach to learn the job readiness skills but they're not in their career, they're just still in that exploration phase and we heard you say that job coaching could not be provided as a preemployment transition service under those conditions when the job coach is there to teach them the work readiness skills?

>>TONYA STELLER: No, let me clarify. You can have a trainer, so we talked about those costs incurred if an employer has a work site trainer or a VR making to a trainer or contract with someone to be a trainer. They're teaching the job tutees and the tasks that anyone who is going into learn that job would learn. But if someone needed one‑on‑one supports to representatively show you each step and walk through each step that intensive job coaching is what I said somebody would have to have an IPE to be provided. This is a little begin to expand of a system shift for everyone. You had shared that what you're looking at are services that are provided more in line with workplace readiness on a job site so I would ensure as we shared in the slides for states to look at what service are we providing and does it fit within the scope of preemployment transition services? We had a call with Project Search and I know tomorrow in the transition committee we're talking about Project Search, looking at who is teaching the job task, duty? And Project Search Aaron shared with us we have teachers going in and doing that but we call them a job coach well if it's the teacher it's the self‑advocacy service that you report under the preemployment transition service it's not truly a job coach. We're trying to make a differentiation between the one‑on‑one support services, that's job coaching.

I would encourage you to look at what specific service is being provided and if it fits in the scope.

>> AUDIENCE MEMBER: I was wondering if you could elaborate a little bit more about the administrative cost piece of the PTS legislation. I know how we look at it as an agency but what are your views? If we go to an outside entity to carry out our PTS services, tracking the difference between administrative costs and employees of that entity working with the students, the tracking of that whole thing can get really complicated.

>>CRAIG MCMANUS: Okay. So I think part of maybe even two of the questions that have been asked of us to respond to had to do with some questions related administrative costs that identified DSU personnel that were working providing these preemployment transition services. When we discuss administrative costs we of course point folks directly to Section 71 of the Rehabilitation Act as well as 3615C2 of the VR implementing regulations. When we are talking about the provision or the contracting for preemployment transition services, I don't think RSA has made a formal announcement and I'm looking to Carol here because I believe we have said a few times, Carol, you know where I'm going I think we have the green light here to say when we contract, state VR agency contract for preemployment transition services we are not going to hold you to that specific administrative cost of limitation. We are talking about administrative costs limitations for the DSU for the operation of its program.

That is not going to be the same thing for the provision or the contracting for the provision of preemployment transition services through CRPs or other vendors. Of course as a fiscal person those have to be reasonable, necessary, allowable under the program so it's want a free‑for‑all but we understand as Michelle asked, the challenges associated with identifying, breaking out, nuancing out the difference between the direct service provision and the administrative costs. So that administrative restriction that we talked about for preemployment transition services will be specific to the DSU operations not for contracted costs.   
(Applause.)

>> STEVE WOODERSON: You've gotten the biggest applause of the day, dude!   
(Laughter.)

So can I talk to costs that apply to preemployment services, is that weaved into your response?

>>CRAIG MCMANUS: Yes and no. We understand that supervisors may be providing some of these authorized services and the answer of course follows the flow of things to the extent that that supervisor's salary, benefits and travel costs are related to the provision or arrangement of the preemployment transition services that portion would be allowed to be paid for with reserve funds. We know supervisors do other things, primarily of which is supervising so the supervising individuals under that person in the DSU in their unit is a supervisory cost and administrative cost that would not be possible to be paid for out of the fund.

>> STEVE WOODERSON: That was the second question specific to the coordinator so same bucket?

>>CRAIG MCMANUS: Same bucket and this piggy backs on what Tonya said. I think what we want to say is we understand a lot of state agencies have different job classifications, civil service requirements, different titles that mean different things. It's a new era where we have to sift past and look beyond what the title is, we have to look at what the folks are doing, we have to make sure that if we're charging a preemployment transition services reserve for these activities we have to make sure they meet the authorized, required activities.

>> AUDIENCE MEMBER: I'm Esther Bennett. You mentioned that a registered apprenticeship would not count as a preemployment transition service and I get that. You mentioned that a preapprenticeship training would also not count. Can you explain why?

>>TONYA STELLER: As the regulations were ‑‑ you dropped the mic on that one!   
(Laughter.)

As the VR regulations were moving through the Department of Education it also went through Labor and within the department we have OCTA so that was an exclusion that was made by other departments but as you see we included apprenticeships under preemployment transition services so if that's an apprenticeship that you are working with an individual to explore career pathways, that counts as a preemployment transition service but labor put the exclusion in for their registered apprentice ship so if you're coordinate that go and working with Labor, that may not count since they've put the exclusion in the regulation, but I would ‑‑ if you are collaborating with an entity and you develop an apprenticeship, it would only be a preapprenticeship if you're working with OCTA, but I would encourage you to work with a liaison if there is an apprenticeship that you want to put in place and you feel like it meets the scope please have that conversation. I don't want you to just look at it and say oh, no apprenticeships, please have that conversation. I would encourage it.

>> STEVE WOODERSON: There's a million questions out there, just step up to the mic and ask. Go ahead, Beth. I've got one, too. Hey, Beth.

>> AUDIENCE MEMBER: I'm not sure if this is a question that you want to address now or later when you're talking about the performance accountability system. I've been in this field for a way long time and years ago VR agencies used to use services to groups much more frequently and they got away from it and I really hope that now realizing how you can provide transition services to youth through that authority it will be resurrected and used more frequently. Recognizing that you can't charge it to the 15% set‑asked, you said that you don't have to track those people individually, under transition services to groups but doesn't it make sense to track them in some way so that they could be considered reportable individuals for the performance accountability system?

There is probably ‑‑ I don't want to see you impose any documentation requirements because I know the controversy around that. But I mean, there does make sense in keeping track of those people as well for reporting purposes under the common measures in the system. I still disagree with your example of student B and the order of selection but I'm willing to accept it.   
(Laughter.)

I also wanted to mention thank you, Tonya, this was a much more robust presentation than what I heard in August and I did appreciate it.

>>TONYA STELLER: Thank you very much, Beverly, I appreciate your comment, thank you, thank you. The presentation did evolve as we moved from D.C. to Chicago to Sacramento and we have seen comments come in well, we didn't hear that or that wasn't as in‑depth. We have all of you to thank for that. The D.C. regional training, everybody who attended that, you came right as the regs went live and you hadn't had time to review and digest it if you weren't involved with the regulation so by the time we were in Sacramento, everybody had talked with one another and read the regulations and the questions did get deeper and deeper so all of you from D.C. to Sacramento helped to inform this presentation so thank you all very much for your questions.

>> AUDIENCE MEMBER: I'm Linda from Wisconsin and I'm wondering if there have been decisions about the think college and how those programs are providing the required and authorized services of preemployment but because it's funded through a tuition. Any decision on that?

>>TONYA STELLER: We have started to have the conversations about think college and if it is a certified or recognized education program, fits post second carry, with that credential that would be considered postsecondary education ask the cost for tuition, books, fees and supply could be under an IPE using nonreserved funds so you can look at partnerships and working with think college and if it's appropriate for their students who are applicable and eligible for the VR program.

>> STEVE WOODERSON: Alice is making her way. What about the disability documentation for potentially eligible?

>>TONYA STELLER: Thank you for asking that because it kind of dovetails to what Beverly brought up about documentation and we received a number of questions about what kind of documentation do you need for students who are potentially eligible for the VR program and why do you need that documentation? So we department to share with you that although less documentation is needed, for students who are potentially eligible for the VR program, Melinda Kaufman will be talking about the RSA requirements and there are some requirements for those potentially eligible to ensure they have a disability and they are, in fact, potentially eligible for the VR program and that VR agencies have sufficient documentation to complete and report on the RSA 911 and has Beverly brought up the data requirements. That includes a unique identifier, a Social Security Number if available, date of birth, race and ethnicity, the student's disability, the start date of preemployment transition services, the preemployment transition service or services provided, including the provider and the amount expended.

So this means that the expenditure for the five required activities must be tracked by student for the activity they receive so that's on the SF425 and then you have your requirements on the RSA 911. We will be listing the data elements and requirements on the table and you probably heard I brought up they could be the IEP, the school psychological or 504 plan, the services provided there, but we wanted to clarify that a case note documenting counselor observation or review of school records or the statements of education staff could also be a form of supporting documentation, or some of our states have started to develop a referral form for preemployment transition services with the identification of the student's disability and those other six or seven required data elements signed by a school staff and parent if parental consent is needed in your state if the student is under age, and remember those are provided bylaw as well as your policies so we have discussion of a parental consent in the preamble where you can review that discussion.

>> STEVE WOODERSON: So the information is available through WINTAC and on the RSA web site.

>> AUDIENCE MEMBER: Hello, I'm Cherelle, I wanted to express my gratitude and thanks to RSA for putting this presentation together I was part of the D.C. group and so much has happened by the time you got to Sacramento, huh?   
(Laughter.)

So thank you so much for that. One thing that I would ask is if there is a way to capture the Q and A piece that we're discussing now because I'm southern, not only do I talk slow but I write slow so if there is a way that we could possibly capture the answers to the questions because there has been some really great questions asked touring this session when you provided good information for, if we could capture those to maybe go out too, that would be helpful.

>> STEVE WOODERSON: You're covering that, we've also got the captioner that we will be able to refer back to for some specifics so thank you.

>> AUDIENCE MEMBER: Thank you.

>> STEVE WOODERSON: Alice?

>>TONYA STELLER: I'm sure that Craig and I are fast talkers. I'm sorry we started out fast.

>>GENEE NORBERT: I don't know if anyone mentioned the notes will be included as well so there was information that we read that was not included on the slides but the notes will be included in the presentation as well.

>> AUDIENCE MEMBER: Third time is the charm, yea! Good morning, thank you for the presentation. In New Jersey for the general agency my first indication of data is over 76,000 students just with IEPs and I know in New Jersey we don't have the most by any means because we are small however we have over 600 school districts. So the question I have is around do you differentiate between required and authorized activities, school district by school district or do I as the state have to provide all required activities to 76,000 kids before we even venture into the authorized activities piece?

>>TONYA STELLER: It's a good question, Alice. The authorized activities are itemized in the Act and the VR regulations so they will not change from required or authorized will not change from LEA to LEA as you implement them. And you only have to provide to students what's needed, so it isn't that VR has to provide all 5 required activities to every single student in your state. That's going to depending on student need. We have heard a couple states concerned about well this school wants to provide self‑advocacy to everyone which is a great class but is it needed by everyone? Is that activity needed by that individual student? So I would encourage you to look at what's noting asked of the VR agency, if those services could be provided in conjunction with the LEA, perhaps the LEA is already providing a number of those services. I know that states want ‑‑ VR agencies need to he can spend their reserve but looking at what is the school providing, how can we partner to provide those services. Does that answer your question? What did I miss?

>> AUDIENCE MEMBER: That helped. But let me give you an example. So school A who happens to be in a neighborhood where there is sufficient funds to provide lots of good stuff to students may already be providing let's say four of the five required activities but then they want authorized activities and they're right next to a school which is a very poor school which has 33,000 kids and 28% are probably classified and they do nothing. My challenge has been when we were asked to provide services as I look at it and try to be equitable, a little bit, and do what's right, is it appropriate for me to really concentrate on the schools that demonstrate the most need of support for their students versus schools who in theory are doing a decent job and don't demonstrate the need for that hard core support that the VR agency can provide?

>>TONYA STELLER: Remember before a VR agency moves on to authorized activities a state will need to demonstrate that its provided all required activities that are needed in the state. So I would encourage you to look at ‑‑ and I would have to go back, I don't know that ‑‑ you didn't just do a new CSMA but as you're doing a comprehensive state wide needs assessment but look at the target population, how many students are going to need required activities ares what are the funds needed and once you have targeted that amount then you can move on to authorized. So if you're getting pressure from LEAs you may say well we haven't reached the population that we have identified as needing required activities so I can move on to authorized.

>> AUDIENCE MEMBER: That's much more helpful, thank you.

>> AUDIENCE MEMBER: I'm Meredith from Wisconsin. In the situations where students have received preemployment transition services through the school and applied to VR and are placed on a wait list does that count as received of preemployment transition services then to receive purchased services through the wait list?

>>TONYA STELLER: If the VR is collaborating with the LEA even if the LEA is paying for it VR can wort that that student is receiving preemployment services, so the student is known that VR so even if VR is not paying for it the LEA can pay for it and provide it and the VR agencies still report it as being provided by another entity.

>> AUDIENCE MEMBER: Good, thank you.

>> STEVE WOODERSON: Next question?

>> AUDIENCE MEMBER: I'm Christine from WINTEC. Could you explain how a state would determine the amount of a training stipend they may provide through work‑based learning? Windows 10 it has to be the same for students without disabilities and it can't have unallowable costs but is there a formula?

>>TONYA STELLER: We have not set up a formula for that. States could consider, if the internship is unpaid and that's why a training stipend would be provided what would the going rate or wage be? Then a training stipend could meet those competitive wages but it can't include that bundling up, maintenance, transportation, so come miss certificate rate with what other individuals are receiving and I would encourage you to look at what are the benefits being paid and the VR could supply that.

>> STEVE WOODERSON: I think the only other question that we have that hasn't been addressed is around the whole order of selection, business, if you will. Seems as though there were questions that started in D.C., rolled to Chicago and Sacramento. I know you spent a fair amount of time address that go but is there any way you can put a lid on that, summarize where we stand now as far as kids coming in for preemployment and then going on to the wait list?

>>TONYA STELLER: Yes, thank you. So an individual who has begun receiving preemployment transition services prior to being determined eligible for the VR program and placed in a closed order of priority category, order of selection priority category can continue that service and any other preemployment transition service while they're on the wait list in addition to the group transition services while they're on a wait list.

>> STEVE WOODERSON: Time for a couple more questions. Just exhausted, huh? It's a lot of information. Well, I'm going to turn this back over to Andrea who is presiding and thank you to the panel for fielding our questions.   
(Applause.)

>>ANDREA GUEST: Wow, that's all I can say! Joe Xavier we do need those bottles of wine under our tables, at least I do!   
(Laughter.)

I want to thank our panel, again, they did a tremendous job. I know there's tons of information   
(Applause.)

It's Tonya, Genee and Chris ‑‑

>> AUDIENCE MEMBER: Craig!

>>ANDREA GUEST: Craig.

>>TONYA STELLER: That's why we call him "that fiscal guy".

>>ANDREA GUEST: My brain is exploding and our transition committee will meet tomorrow and Tonya you will be there.

>>TONYA STELLER: And Craig, too.

>>ANDREA GUEST: We won't have time to get through all the questions again but we will cover topics related to preemployment and transition and with that, I think we're ready for coffee break! Don't forget to introduce yourself to the new directors and enjoy the view.

(Coffee break.)