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**A Decade of Reflection: Enhancing Pre-Employment Transition Services**

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**Pre-ETS: Origin, Issues, and Next Steps**

In 2014, President Obama enacted the Workforce Opportunity Innovation Act (WIOA), a multifaceted legislation emphasizing students with disabilities. The Act included multiple components, for example, Competitive Integrated Employment, Business Engagement, and Pre-Employment Transition Services (Pre-ETS). Pre-ETS was included as a pivotal mechanism for facilitating the success of youth with disabilities (YWD). The Act identified critical services within Pre-ETS including job exploration, work-based learning experiences, counseling on post-secondary education, workplace readiness training, and instruction in advocacy, all aimed at supporting youth from an early age.

Senator Tom Harkin (Iowa, retired), a champion of WIOA and specifically Pre-ETS, emphasizes that the intent behind Pre-ETS was to address a service gap occurring at the intersection of vocational rehabilitation (VR), individualized employment programs (IEP), and the Individuals with Disabilities Education Act (IDEA). It became apparent that YWD with IEPs were not getting summer jobs or jobs after school or during breaks. Senator Harkin reflected upon his summer jobs and work opportunities during his school-age years by sharing, “When I was in school, I got a job at the post office during breaks.”

The Senator also noted that once YWD finished their IEP, they did not receive the same exposure to work or other opportunities as compared to high school students without a disability. He stated, “This (WIOA) is a perfect place for VR to set up a structure so that kids would get work experience during the time in their IEPs.” Senator Harkin also added that lack of work opportunities during the IEP was contributing to poor outcomes after the YWD completed their IEP. For example, YWD would fall off a cliff (i.e., not obtain employment), end-up with subminimum wage employment, and/or obtain a job with no opportunities for growth. He summarizes the intent of Pre-ETS as, “That’s what we were trying to do, to make sure that kids would get that kind of exposure before graduation.”

When asked about how WIOA reached the goal of 15% of VR funds being reserved for the provision of Pre-ETS, Senator Harkin responded, “I wanted it to be higher, closer to 20-25%.” Through negotiations, the senate committee agreed that 15% would be the required reservation. The 15% was as low as Senator Harkin would go during the legislative negotiations. “I absolutely would not go 1% lower,” he confirmed.

Approaching nearly a decade since the implementation of Pre-ETS, analyzing whether the deployment of these five services aligns with the intended purpose outlined in the WIOA is imperative. The question must be asked, are students and youth with disabilities genuinely benefiting from this service delivery design? When asked if Pre-ETS met the intended goal, Senator Harkin responded that the overall goal has been met, but the development differed from what he imagined, including variations in how well some aspects were implemented compared to others.

Assessing the efficacy of Pre-ETS services and their impact on YWD is essential as agencies grapple with allocating funds tied to the 15% set aside. A crucial aspect of this inquiry is the law's influence on state VR agencies. Important questions arise:

* Is the predominant focus on meeting the 15% set aside, or are agencies prioritizing delivering quality and individualized services to YWD?
* Does the current design of Pre-ETS enable agencies to adopt a person-centric approach, focusing on the individual needs of YWD?
* Alternatively, does the law inadvertently steer agencies toward a system-centric emphasis primarily concerned with meeting the 15% set aside?

As we conclude nearly a decade since the inception of Pre-ETS, it is paramount to evaluate current design and functionality. This reflection is essential in gauging the success and impact of the program on the intended beneficiaries — our youth with disabilities. Whether Pre-ETS is effectively addressing the needs of students as initially intended needs to be determined.

**Challenges of Pre-ETS**

**Complexity and bureaucratic challenges**

The reliance on the 15% set aside as the sole evaluative component creates complex challenges associated with Pre-ETS. This narrow focus on expenditures has inadvertently shifted the attention of state agencies away from establishing and maintaining effective and successful services for students with disabilities (SWD) and instead shifts the focus to finding means to spend the dollars. The current framework encourages states to expend their reserves on a potentially limited number of SWD, meeting the minimum expectations of the evaluative component rather than promoting a comprehensive and tailored approach. Instead of negotiated performance measures for each of the five required services, the emphasis on the 15% set aside leads to a narrow interpretation of success. Furthermore, the absence of standardized processes and requirements beyond the provision of the mandated five services leaves states with the challenge of independently developing programs for students.

The lack of standardized curricula, formal training, and structured approaches contributes to inconsistencies in service delivery across states, hindering the establishment of a cohesive and universally effective Pre-ETS framework. Addressing these issues is crucial to ensure that the evaluation and implementation of Pre-ETS go beyond mere compliance and genuinely contribute to the holistic development and success of SWD nationwide. This was something Senator Harkin also alluded to, as the application of Pre-ETS varies by state and often can depend on the administration, the director of VR, and different factors such as interpretation of Pre-ETS.

**Potentially Eligible vs. eligible for VR services**

States continue to struggle with students' Potentially Eligible (PE) status for Pre-ETS services. WIOA emphasizes early services to students in transition. However, the Act also changed how VR agencies serve students. This shift included the new status of PE that allows students to receive the five required services without having to apply for and be determined eligible for the VR program. This change in status, while intended to allow more students to receive services quickly, with the notion that they would apply for and become eligible for the VR program, has created different layers of complexity for states.

Matters were further complicated in 2020 with the addition of the VR flexibilities that allow states to use a specific set of VR services funded with the Pre-ETS reserve to assist students in accessing and participating in Pre-ETS services. This required students receiving services as PE clients to apply for and be determined eligible for VR services. Transitioning to VR services can be lengthy and delay services while the eligibility determination process is occurring. Therefore, a student is prevented from participating in a Pre-ETS service. Furthermore, suppose a SWD is determined ineligible for VR services. In that case, they can no longer be considered potentially eligible, thus eliminating the opportunity to build skills that will lead to career success.

VR agencies cannot require students with disabilities to apply for VR services. However, they are expected to strongly encourage application as early as possible in the transition process to ensure a smooth transition into the VR program. Necessary individualized transition services and other VR services can only be provided to students who have applied and been determined eligible for the VR program and have an approved Individual Plan for Employment (IPE).

**Pre-ETS vs. Transition Services**

WIOA limits Pre-ETS to the five required and four coordinated services. Limiting Pre-ETS to the five required services can lead states to experience pose challenges, which may impact the effectiveness and comprehensiveness of the program. The five required Pre-ETS services, as outlined in WIOA, include job exploration counseling, work-based learning experiences, counseling on post-secondary education, workplace readiness training, and instruction in self-advocacy. This results in a narrow focus on early aspects of career preparation. Students with diverse needs and interests benefit from a broader range of services that address individualized goals and aspirations. However, states cannot assist students in pursuing specific interests and must limit services to broad career exploration. Once a student has developed a specific career interest, the student must apply for and become eligible for VR services to pursue additional services, such as college or vocational training, to be successful.

RSA defines Transition Services (§361.5(c)(55)) as “a coordinated set of activities for a student or youth with disabilities designed with an outcome-oriented process that promotes movement from school to post-school activities, including postsecondary education, vocational training, competitive integrated employment, supported employment, continuing and adult education, adult services, independent living, or community participation”. WIOA removed this definition; however, RSA has continued to use the definition in regulation. This creates a problematic situation for VR agencies and counselors when working with YWD who are unable to receive the same services as their peers simply due to no longer seeing value in the public education system.

**Definition of SWD vs. YWD**

The definition of a SWD is an individual in an educational program who meets specific age requirements and is eligible for and receiving special education or related services under IDEA or is an individual with a disability for purposes of section 504 of the Act. WIOA defines the age range requirements of a SWD as 1) not younger than the earliest age to receive transition services under IDEA; or not younger than the earliest age, if determined by the state as being different, to receive Pre-ETS, and 2) not older than 21 years old or not older than the highest age determined by the state to receive services under IDEA, if older than 21.

The definition of a YWD is an individual with a disability that is between 14 and 24 years of age. Typically, all SWD age 14 to 21 also meet the definition of a YWD. However, not all YWD meet the definition of a SWD. WIOA requires VR agencies to distinguish between activities that constitute Pre-ETS services versus all other VR services, including more general transition services. General transition services to YWD in the same age range who are not enrolled in a recognized education agency are not considered Pre-ETS and, therefore, excluded from the 15% reserve.

**Pre-ETS services limited to SWD.**

Additionally, YWD, while in the same age range as SWD, are not eligible to receive Pre-ETS services merely because they are not enrolled in an educational program. This has a significant impact on YWD in that Pre-ETS services are not available to them. This may force a YWD to remain enrolled in an educational program to participate in Pre-ETS services. This further complicates the VR agency’s ability to provide quality customer service to YWD and their families. Also, YWD and their families may no longer see the benefit in remaining in a recognized education program, leading to YWD who could benefit from Pre-ETS being ineligible.

**Recommendations for the Future of Pre-ETS**

**1) Implement new program measures not tied to expenditures.**

* Consider a shift away from the exclusive reliance on the 15% set aside as the sole evaluative component for Pre-ETS.
* Explore and implement a more comprehensive set of performance measures that go beyond expenditures to measure the impact and outcomes of Pre-ETS.
  + Examples of potential measures include the number of services provided; the number of SWD that accepted services; and the number of SWD who applied for and were determined eligible for VR services.

**2) Establish a universal and flexible Pre-ETS framework.**

* Establish a cohesive and universally effective Pre-ETS framework, ensuring consistency in planning, execution, and evaluation across states.
* Develop standardized processes and requirements beyond the mandated five services.
* Establish a set of core standards that encompass service delivery, participant engagement, and performance evaluation, but remain flexible enough to accommodate state-specific needs while maintaining a unified approach.
* Create standardized curricula for the mandated five services within Pre-ETS by collaborating with educational experts, industry professionals, and disability advocates to develop comprehensive and adaptable curricula that address the diverse needs and interests of SWD and YWD.
* Implement formal training programs for Pre-ETS service providers, to include online courses, workshops, and certifications designed to equip professionals with the knowledge and skills necessary to deliver effective services to SWD (the ACRE certification process could be used to create standardized Pre-ETS service provider training).

**3) Expand eligibility for Pre-ETS to include YWD.**

* Recognize the importance of general and pre-employment transition services for YWD who may not be enrolled in recognized educational programs.
* Develop strategies to include and support YWD in transition services, ensuring that Pre-ETS services are not contingent on educational enrollment.
* Clarify and simplify definitions and eligibility criteria used in RSA regulation, especially the distinction between SWD and YWD (WIOA ensures that definitions align with the goals of the program and do not create unnecessary barriers for YWD).
* Consider establishing policies that do not allow for a determination of ineligibility for services for youth under the age of 22.

**4) Allow for greater flexibility in spending the 15% reserve.**

* Broaden the availability of the VR flexibilities to include SWD and YWD who are potentially eligible for the VR program.
* Streamline the transition process from Pre-ETS to VR services to minimize delays.
* Remove the requirement of VR eligibility for individuals who need to access the VR flexibilities to participate in Pre-ETS services.
* Remove the provision of Pre-ETS fiscal forecasting to determine the ability of the state to transition to authorized services and allow agencies the flexibility to implement services as outlined in their state plans, thus removing an overburden on processes that do not enhance service delivery to SWD and YWD.
* Advocate for a more comprehensive and tailored approach to Pre-ETS that goes beyond meeting minimum expectations.
* Encourage states to focus on establishing and maintaining effective services for SWD, ensuring a holistic approach to their development and success.
* Expand Pre-ETS services to go beyond the five required components outlined in WIOA, thus acknowledging that students have diverse needs and interests, and a broader range of services may better address individualized goals and aspirations.
  + Include services such as college and vocational training for YWD.
* Allow allocation of administrative expenses, associated with implementing Pre-ETS, to the 15% reserve.

**Conclusion: Enhancing the Future of Pre-ETS**

Nearly a decade since the inception of Pre-ETS under the WIOA, it is imperative to reflect on the program's evolution and address the challenges hindering effectiveness. Current issues and challenges include 1) unintended consequences of the 15% set aside, 2) complexities caused by the introduction of PE status, and 3) the limitations placed on what services can be provided under Pre-ETS. While WIOA envisioned Pre-ETS as a transformative gateway for YWD, these are pressing issues that necessitate thoughtful consideration and reform. The fundamental question remains: are the five Pre-ETS services achieving their intended purpose for YWD?

In summary, the predominant reliance on the 15% set aside as the sole evaluative component has inadvertently shifted the focus of state agencies from effective service delivery to meeting expenditure expectations. The current framework encourages states to expend reserves narrowly, potentially limiting the reach of services to a fraction of SWD. The lack of standardized processes, curricula, and structured approaches further contributes to inconsistencies in service delivery, hindering the establishment of a cohesive and universally effective Pre-ETS framework. Such narrow frameworks have led to some states misusing funds on things other than what was intended, as pointed out by Senator Harkin. It has caused an unintended reaction as states prioritize spending at least 15% of the set-aside.

The introduction of PE status for students receiving Pre-ETS has added layers of complexity. While intended to expedite service delivery, the transition to VR services can be prolonged, delaying crucial support for students. Striking a balance between encouraging application and avoiding barriers to participation is vital. The limitation of Pre-ETS to the five required and four coordinated services, as outlined in WIOA, poses challenges. A narrow focus on early aspects of career preparation may not adequately address students’ diverse needs and interests. Recognizing the importance of general and pre-employment transition services for YWD who may not be enrolled in recognized educational programs is crucial.

In conclusion, the time has come to reassess, reform, and ensure that the program aligns with the original vision—a transformative force fostering the holistic development and success of YWD nationwide. This can be achieved by implementing new program measures, establishing a universal Pre-ETS framework, expanding eligibility, and allowing for greater spending flexibility. Bringing these recommendations to fruition will help allow Pre-ETS to effectively support students and youth with disabilities as they work towards individualized employment goals.