



# STATE OF CONNECTICUT

DEPARTMENT OF EDUCATION



**TO:** Directors of Special Education and Pupil Personnel Services and Transition Contact Persons

**FROM:** Jay Brown, Education Consultant

**DATE:** May 31, 2018

**SUBJECT: Workforce Innovation and Opportunity Act (WIOA) LEA Requirements**

The Connecticut State Department of Education (CSDE) and the Department of Rehabilitation Services (DORS) entered into a Memorandum of Understanding (MOU) agreement in order to cooperate in a shared commitment to coordinate the timely provision of transition services to youth with disabilities throughout Connecticut. The Individuals with Disabilities Education Act (IDEA, 2004) and the Workforce Innovation and Opportunity Act of 2014 (WIOA) require interagency cooperation for transition preparation, planning and implementation for students with disabilities receiving special education services.

This interagency cooperation includes, but is not limited to identifying an LEA contact person in each secondary school to collaborate with a DORS/Level Up counselor assigned to that school; the completion of a *BRS Referral Protocol* by each school and Level Up counselor to share information necessary to collaborate to provide pre-employment transition services annually; and to provide documentation of the provision of transition services by the LEA to DORS for Section 511 students no later than June 15<sup>th</sup> of the year in which such students will exit or graduate. All documentation should be submitted by LEAs not Approved Private Special Education Programs or Regional Education Service Centers.

### **Level Up Contact Person and the *BRS Referral Protocol* –**

Each fall, the DORS/Level Up counselor assigned to each district school will contact either the transition contact from the previous year or the Director of Special Education to identify who the school contact person will be for the current year. A meeting will be set up at a mutually agreed upon time and location to complete the *BRS Referral Protocol* which documents the contact information of each person and is the framework used to initiate a discussion about how Level Up services will be provided to appropriate students with disabilities in each school. A copy of this Referral Protocol must be filed with the Department of Rehabilitation Services by the end of the calendar year.

### **Section 511 – Subminimum Wage and the LEA Documentation of Transition Services**

Section 511 of the Workforce Innovation and Opportunity Act of 2014 (WIOA), is intended to place limits on the payment of subminimum wage to individuals with disabilities. The CSDE plays a critical role in the implementation and enforcement of Section 511. The individuals to whom Section 511 applies are students who are known to the local education agencies (LEAs) who desire to seek subminimum wage employment upon leaving school and are also known to the Department of Rehabilitation Services (DORS) which includes the Bureau of Education and Services for the Blind

(BESB) and the Bureau of Rehabilitation Services (BRS). In Connecticut these students are eligible for receiving adult services from the Department of Developmental Services (DDS).

### **LEA Requirements for Section 511 Students**

Prior to a decision to place any student 21 and younger into subminimum wage employment, the LEA in which the student is enrolled will ensure that all of the following steps have been completed:

The student:

- a. Has received transition services under the Individuals with Disabilities Education Act (IDEA); and if appropriate,
- b. Has received pre-employment transition services called Level Up Services funded by DORS; and
- c. Has been referred to DORS and has either been found ineligible for services, or has been found eligible and has been unable to achieve the employment outcome specified in his/her Individualized Plan for Employment (IPE) after a reasonable period of time.

### **LEA Documentation of Transition Services for Section 511 Students**

As required by Section 511 regulations the LEA must supply documentation of the provision of transition services provided under the IDEA to DORS for students who are known to be seeking employment at subminimum wage. This documentation must specify the student's IEP goals related to competitive integrated employment and any additional specific transition services that have been provided to assist the student in achieving those goals.

Please see the attached *Section 511 LEA Documentation of Completed Transition Services* form that must be completed for each DDS student who will be graduating or aging-out in June of 2018 that the LEA is aware of who will be seeking subminimum wage employment after leaving high school. This form must be completed as soon as possible and submitted no later than June 15, 2018 with a copy of the current IEP that documents the provision of transition services by the LEA to André Pope at DORS using the contact information on the form.

Most of these students already should have been identified by DDS over the summer; students and their families were notified to contact DORS/BRS/Level Up to discuss the need and process for receiving documentation regarding their current ability to engage in competitive employment with a Level Up counselor; and have received documentation that allows them to be able to participate in a subminimum wage employment situation upon exiting from high school. These students and their families already should have completed a Release of Information Form (ROI) within this school year for DORS which is on file in that office. As such, no additional permission is required for this purpose.

### **Documentation of Transition Services for DDS Students Outplaced in APSEPs or RESCs**

For students who are consumers of DDS and who are outplaced either in an Approved Private Special Education Program (APSEP) or in a Regional Education Service Center (RESC), the sending LEA is responsible for submitting the Section 511 documentation to DORS since the LEA is responsible for

the development and implementation of the student's IEP that contains transition services. LEAs are encouraged to collaborate with the APSEPs and RESCs to ensure that the most up-to-date and accurate information is submitted along with the **Section 511 LEA Documentation of Completed Transition Services** form in a timely manner.

### **DDS Students who have not been Referred to DORS/Level Up**

If an LEA encounters a DDS consumer who has not been referred to DORS/Level Up for an evaluation and has not received documentation from DORS indicating the ability to seek subminimum wage employment upon exiting from high school, please contact the District Director of the DORS Regional Office nearest to your LEA for further instructions:

- ◆ **Northern Region** – Lynn Frith, District Director – [lynn.frith@ct.gov](mailto:lynn.frith@ct.gov); 860-697-3535
- ◆ **Southern Region** – Jessica Corneau, District Director – [jessica.corneau@ct.gov](mailto:jessica.corneau@ct.gov); 203-974-3019
- ◆ **Western Region** – Cindy Rafael, District Director – [cindy.rafael@ct.gov](mailto:cindy.rafael@ct.gov); 203-578-4551

### **Section 511 LEA Documentation Forms**

Attached you will find a summary of the LEA requirements for documenting transition services provided by the LEA as identified in WIOA/Section 511 (34 CFR part 397). All of this information is included in the attached *Section 511 LEA Documentation of Completed Transition Services* form which was developed by a stakeholder workgroup consisting of LEA, DORS, DDS and CSDE personnel.

### **Actions Required by LEA for DDS Students Exiting School in 2018 who are Known to be Seeking Subminimum Wage Employment**

#### **No later than - June 15, 2018, LEAs must:**

1. Complete the *Section 511 LEA Documentation of Completed Transition Services* form and attach the student's most recent IEP.
2. Submit the completed form and the student's IEP to André Pope via mail or fax – confidential student information may not be submitted by email unless it is encrypted.
3. Provide the parent or guardian of the student with a copy of the submitted form and IEP.

If you have questions, please contact **Jay Brown**, Academic Office/Bureau of Special Education at [jay.brown@ct.gov](mailto:jay.brown@ct.gov) or 860-713-6918.

cc: Kathleen Marchione, DORS, BRS Bureau Chief  
Robin Wood, DDS, Director of Family Support Strategies & Advocacy

Enclosures: (2)