

Issue Brief

WIOA Pre-Employment Transition Services and AT

WIOA requires VR agencies set-aside 15% for Pre-employment Transition Services (Pre-ETS) that include the following required activities:

- Job exploration counseling;
- Work-based learning experiences, which may include in-school or after school opportunities, experiences outside of the traditional school setting, and/or internships;
- Counseling on opportunities for enrollment in comprehensive transition or postsecondary educational programs;
- Workplace readiness training to develop social skills and independent living; and
- Instruction in self-advocacy.

While it is clear the 15% set-aside for Pre-ETS is to be devoted only to the authorized (required and optional) activities, it has been unclear who is obligated to provide assistive technology as a required auxiliary aid/service under the ADA to equitably access Pre-ETS. In particular for work-based learning experiences it has been unclear who is responsible for ensuring access -- the employer or job site, the Pre-ETS provider, VR or the school?

The following information is excerpted from Rehabilitation Services Administration (RSA) slides addressing Work-Based Learning Experiences – Examples of Potentially Allowable Costs with Reserved Funds (slides 26-27). [A full version of this presentation can be found on the RSA website.](#)

The following are broad examples of the types of costs that might be allowable for purposes of providing work-based learning experiences with the funds reserved for the provision of pre-employment transition services:

- *Interpreter or reader services or accessible informational materials necessary to ensure equal access to the work-based learning experience, as required by the ADA or section 504 of the Rehabilitation Act;*
- *Fee charged by the employer to provide the work-based learning experience, which might include the cost for:*
 - *The additional costs incurred by the employer for providing the work-based learning experience (e.g., printing of additional informational materials, the purchase of additional uniforms for the students, or the installation of screen reading software (JAWS) on an employer's computers (if needed by students who are blind or visually impaired and who are participating in the work-based learning experience offered by that employer);*
 - *The employer-provided staff or trainer who teaches the job tasks to the students; or*
 - *Other costs incurred by the employer in providing the work-based learning experience to the students, which are not individualized in nature.*

Notes: If an employer needs an accessible laptop or software for students to complete a work-based learning experience, a VR agency could purchase the necessary equipment or software, such as JAWS or Dragon Dictate, to be loaned to employers for student use in a work-based learning experience, with the ownership retained by the VR agency, if necessary for the work-based learning experience. These costs could be permissible using funds reserved for the provision of pre-employment transition services. (emphasis added)

If a student needs more individualized supportive services (e.g., job coaching, travel expenses, or assistive technology -specifically that purchased for the student), he or she would need to apply and be determined eligible for VR services and have an approved IPE as is required of any individual with a disability who needs such services.

Based on comments received during RSA's DC regional training, it is important to clarify that the VR agency and LEA must coordinate with respect to which entity will be paying for the costs of any interpreter, reader, or accessible materials required by a student participating in pre-employment transition services.

Additional clarity was provided via communication with the former Commissioner of the Rehabilitation Services Administration (RSA) that personal devices and services do not meet the definition of auxiliary aids and services under the ADA or section 504 of the Rehabilitation Act. Therefore, any assistive technology device that is personally prescribed/used and is needed for a student to access a Pre-ETS would need to be provided as part of an individualized plan for employment (IPE), the student would need to meet the eligibility criteria of section 102(a) of the Rehabilitation Act to be a VR client and the device would be paid for with non-reserved VR funds.

To summarize, it appears that RSA is making the following distinction about when Pre-ETS funding can and cannot be used for AT.

- If a student needs AT to equitably access the Pre-ETS activity, Pre-ETS funding could be used to provide such AT as an open-ended loan where VR retains ownership of the device so long as the AT is not a personal use device as defined by the ADA.
- If a student needs AT as an individualized service and/or the AT device is a personal use device as defined by the ADA (where the student must own the device), the student would need to apply for and become a VR client and regular VR funding (not Pre-ETS set-aside funding) would be used.
- If a student needed the same AT for educational/instructional purposes and Pre-ETS or employment purposes, VR and the school should explore options for cost effective collaboration or joint funding to provide such AT.

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