

## TEAM Act of 2011- WIOA Impact

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A trio of bills called the Transitioning towards Excellence in Achievement and Mobility (TEAM) legislation were introduced in Congress in February of 2011. Per the original summary of the bill, “each of the three bills, the TEAM-Education Act, TEAM-Employment Act, and TEAM-Empowerment Act, are intended to strengthen accountability, clarify expectations, expand flexibility and align systems to ensure that publically-funded assistance is effectively utilized to support one uniform goal -- ensuring that every youth with a significant disability has the opportunity, encouragement and support to become gainfully employed in an integrated setting, pursue a post-secondary education, and contribute to and engage in meaningful ways in typical community settings once they leave high school. The three TEAM bills are as follows:

- The **TEAM-Employment Act** (H.R. 604) would amend the Rehabilitation Act to realign preferred outcomes for individuals with significant disabilities, and streamlines public funding by requiring the VR systems to actively engage with other state entities. Additionally, the bill would promote innovation and accountability through demonstration grants aimed at implementing reform strategies.
- The **TEAM-Education Act** (H.R. 602) would amend the Individuals with Disabilities Education Act by requiring transition components to be included in Individual Education Plans (IEPs) for all IDEA-eligible students at the age of 14, expand the definition of transition services to include customized employment strategies and self-determination activities, and clarifies that Local Education Authorities can use discretionary dollars to bring in transition expertise or contract out transition services.
- The **TEAM-Empowerment Act** (H.R. 603) would amend the Developmental Disabilities Act to establish Transition Planning and Service Divisions within the State Developmental Disability Authorities, as well as Individual Transition Plans to advance best outcomes and self-determination. Additionally the bill would increase accountability of these authorities by providing the Secretary of DHHS through the Commissioner of the Administration on Intellectual and Developmental Disabilities (AIDD) the authority to disburse assistance to states which agree to participate.”

This document analyzes the TEAM Act in light of the passage of the Workforce Innovation and Opportunity Act (WIOA) in July 2014. Summaries for each bill are taken from the original summaries for each of the bills when they were introduced, with comments provided regarding the impact of WIOA. In terms of WIOA, the most significant portion of TEAM is the Employment Act, as it proposed changes to the Rehabilitation Act, which is Title IV of WIOA. Therefore the impact on the TEAM Employment Act has been analyzed in detail. The impact of WIOA on the other two TEAM bills is also provided.

## THE TEAM-EMPLOYMENT ACT OF 2011: WIOA Impact

The TEAM-Employment Act of 2011 (H.R. 604) proposes to amend the Rehabilitation Act of 1973 to establish firmer accountability for systems charged with providing citizens with significant disabilities job training and support through state Vocational Rehabilitation (VR) agencies to ensure that the expected outcome for all individuals with significant disabilities receiving VR is economic advancement through pursuance of post-secondary education or integrated employment at minimum wage or higher. The legislation seeks to achieve these reforms by:

1. **Realigning Desired Outcomes of Publicly-Financed VR Supports toward Post Secondary Education & Integrated Employment:** This bill institutes the attainment of integrated employment or post-secondary education as the preferred outcome for all individuals including those with significant disabilities. In furtherance of this realignment of funding focus, VR programs are directed to strive toward ensuring that all individuals with disabilities to be employed in integrated settings at the greater of minimum or competitive wages with commensurate benefits, and pursue independent living and community participation. VR agencies will no longer be able to determine adults with significant disabilities as being ineligible to receive supported employment services.

**Impact of WIOA:** As detailed below, WIOA contains language that is reflective of much of this TEAM Act proposal, particularly the definition in WIOA of Competitive Integrated Employment.

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2. **Ensuring Flexibility for Individualizing and Targeting Supports:** The legislation requires a presumption of employability for all individuals including those with the most significant disabilities and provides more flexible means for individuals to access and utilize services to assist them in achieving and sustaining long-term integrated employment at minimum wage or higher.

**Impact of WIOA:** As detailed below, WIOA contains language that is reflective of this proposed language in TEAM.

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3. **Promoting Systems Change through State Innovation & Performance Accountability:** The bill authorizes demonstration grants to allow ten states annually to implement reform strategies across multiple state systems through the implementation of Employment First strategies focused on the improvement of post-secondary education and integrated employment outcomes for young adults with significant disabilities. State grantees would be required to rigorously collect comprehensive data on individual outcomes and would be held accountable under strict evaluation plans. Funds from these grants would be prohibited from being used for activities that result in the placement of participants into facility-based segregated services.

**Impact of WIOA:** This was not included in WIOA.

## Analysis of Specific Rehabilitation Act language changes proposed in the TEAM Employment Act and Impact of WIOA

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### **1. ASSESSMENT FOR DETERMINING ELIGIBILITY AND VOCATIONAL REHABILITATION**

**Proposed TEAM Act Language:** “Uses, to the maximum extent possible, information obtained from experiences in integrated employment settings in the community and other integrated community settings, and does not include information from assessments of experiences in sheltered workshops and similar segregated settings.”

**WIOA Language:** Emphasizes community settings, but does not specifically prohibit use of segregated settings for assessment for eligibility: assessment for eligibility “...to the maximum extent possible, relies on information obtained from the experiences in integrated employment settings in the community, and other integrated community settings.

**Proposed TEAM Act Language:** “Such term shall be based on the presumption that the individual is capable of attaining post-secondary education, integrated employment, or both.”

**WIOA Language:** Contains language reflective of this proposal: “For purposes of an assessment for determining eligibility and vocational rehabilitation needs under this Act, an individual shall be presumed to have a goal of an employment outcome.”

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### **2. SUPPORTED EMPLOYMENT DEFINITION**

**Proposed TEAM Act Language:** Proposed removal of language that supported employment includes “employment in integrated work settings in which individuals are working toward competitive work”

**WIOA Language:** Language is maintained with some modification. Supported employment includes “employment in an integrated work setting in which individuals are working on a short-term basis toward competitive integrated employment that is individualized and customized...” (Proposed regulations limit this working towards period to 6 months.)

**Proposed TEAM Act Language:** Remove the following language: “Supported employment includes transitional employment for persons who are individuals with the most significant disabilities due to mental illness.”

**WIOA Language:** Language has been removed.

**Proposed TEAM Act Language:** TEAM Act proposed that supported employment only include placement in individual integrated employment settings and not in enclave or segregated settings, at the greater of minimum or competitive wages that are paid for by the employer, with benefits comparable to benefits of other employees.

**WIOA Language:** WIOA’s definition of Competitive Integrated Employment is generally reflective of this. Supported Employment requires placement into “competitive integrated employment”, defined as employment where:

- a) an individual is compensated at a rate that is above minimum wage, and is not less than the customary rate paid by the employer for the same or similar work performed by other employees who are not individuals with disabilities, and provides the same level of benefits as other employees;
- b) is at a location where the employee interacts with other persons who are not individuals with

disabilities (not including supervisory personnel or individuals who are providing services to the employee) to the same extent that individuals who are not individuals with disabilities and who are in comparable positions interact with other persons;

- c) that, as appropriate, presents opportunities for advancement that are similar to those for other employees who are not individuals with disabilities and who have similar positions.

WIOA does not have any requirements in terms of individual employment, although an enclave would need to meet the definition of integration, which would pose significant challenges. WIOA does not have any requirements regarding wages paid by the employer (i.e., subcontracts with service providers and enclaves are still allowable).

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### **3. SUPPORTED EMPLOYMENT SERVICES DEFINITION**

**Proposed TEAM Act Language:** Extend period of Supported Employment Services to support and maintain an individual with a significant disability in supported employment from 18 months to 48 months.

**WIOA Language:** Extends period of Supported Employment Services to 24 months; in addition allows youth with the most significant disabilities served via the State Supported Employment State Grant to receive up to 4 years of extended supports funded by VR (note: under WIOA, 50% of each state's supported employment state grant must be used to serve youth the most significant disabilities).

**Proposed TEAM Act Language:** Supported Employment services maximize integration of the individual within the workplace, with emphasis on facilitating the use of existing natural supports supplemented as necessary with staff supports paid for through funds authorized by VR.

**WIOA Language:** Not included.

**Proposed TEAM Act Language:** Supported employment “allows for activities related to customized employment, or a set of activities implemented during the search for employment leading to an integrated employment outcome for an individual with a disability, which includes a negotiated relationship with an employer that focuses on unmet needs and other specific value-added to employers rather than open, demand job slots; and a process of discovery, job seeker exploration, development of descriptive profile documents, individualized employment planning, development of innovative representation materials, completion of an employer needs analysis, job negotiation and representation by a job developer as determined by the individual.”

**WIOA Language:** Includes definition of customized employment, as part of supported employment. Primary emphasis in definition is on employer negotiation:

“The term customized employment means competitive integrated employment, for an individual with a significant disability, that is based on an individualized determination of the strengths, needs, and interests of the individual with a significant disability, is designed to meet the specific abilities of the individual with a significant disability and the business needs of the employer, and is carried out through flexible strategies, such as

- a) job exploration by the individual;
- b) working with an employer to facilitate placement, including
  - customizing a job description based on current employer needs or on previously unidentified and unmet employer needs;
  - developing a set of job duties, a work schedule and job arrangement, and specifics of supervision (including performance evaluation and review), and determining a job location;

- representation by a professional chosen by the individual, or self representation of the individual, in working with an employer to facilitate placement; and
- providing services and supports at the job location.

#### **4. TRANSITION SERVICES DEFINITION**

**Proposed TEAM Act Language:** Team Act proposed language that transition services should “include school-based preparatory experiences, career preparation, and integrated work- based learning experiences (inclusive of in-school, after school and work experiences outside the traditional school setting where other youth without disabilities are engaged in similar activities); youth development and leadership; connecting activities; training in self-advocacy, self-determination skills, and peer mentoring; family involvement and supports. Such term does not include the use of facility-based employment and activity settings, such as sheltered workshops, day habilitation centers, and enclave work settings. Additionally, the coordinated set of activities should lead to the attainment of at least one of the following outcomes: post-secondary education, long-term integrated employment (including supported employment or customized employment), asset development, independent living, and community participation.”

**WIOA Language:**

- a) Within the requirements for pre-employment transition services is language reflective of the services in TEAM:
  1. Job exploration counseling;
  2. Work-based learning experiences, which may include in-school or after school opportunities, or experience outside the traditional school setting (including internships), that is provided in an integrated environment in the community to the maximum extent possible;
  3. Counseling on opportunities for enrollment in comprehensive transition or postsecondary educational programs at institutions of higher education;
  4. Workplace readiness training to develop social skills and independent living; and
  5. Instruction in self-advocacy (including instruction in person- centered planning), which may include peer mentoring (including peer mentoring from individuals with disabilities working in competitive integrated employment).
  
- b) Under Section 511, WIOA prohibits schools from subcontracting with entities in order to pay individuals sub-minimum wage as of July 2016. This places major limits on the use of facility-based or other segregated programs as part of transition services, although does not prohibit use day-habilitation programs where individuals are not paid. Enclaves are still permitted under WIOA. In terms of outcomes, there is no language in WIOA specific to the expected outcomes of pre-employment transition services.
  
- c) The WIOA statute removed the definition of “transition services” that had been in the previous reauthorization. However, the proposed WIOA regulations added it back in, and has new language that did not previously exist, that transition services “promote or facilitate the achievement of the employment outcome identified in the student’s individualized plan for employment”. In addition, in terms of outcomes, WIOA has new language that requires the state plan specify “the methods to be used to improve and expand vocational rehabilitation services for students with disabilities, including the coordination of services designed to facilitate the transition of such students from the receipt of educational services in school to post-secondary life (including the receipt of vocational rehabilitation services under this title, post-secondary education, employment, and pre-employment transition services).”

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## **5. INTEGRATED EMPLOYMENT DEFINITION:**

**Proposed TEAM Act Language:** “Work compensated at the greater of minimum wage or competitive wages with related employment benefits, occurring in a typical work setting where the employee with the disability interacts or has the opportunity to interact continuously with non-disabled co-workers, has an opportunity for advancement and mobility, and is preferably engaged in full-time employment.’

**WIOA Language:** With the exception of the full-time employment reference, definition of Competitive Integrated Employment in WIOA is fully reflective of this definition, and has language that specifies stronger integration requirements than TEAM.

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## **6. ASSET DEVELOPMENT DEFINITIONS**

**Proposed TEAM Act Language:** TEAM proposed definitions for both Asset Development and Asset Development Services

**WIOA Language:** Not included

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## **7. DEMONSTRATION AND TRAINING PROGRAMS**

**Proposed TEAM Act Language:** TEAM act proposed a series of 10 cross-agency system change demonstration grants. Within this section definitions for customized employment, employment first, braided funding, person-centered planning process, and youth with a significant disability (age 14 to 27) were proposed.

**WIOA Language:** The systems change demonstration grant language was not included. There is language in WIOA that prioritizes demonstration projects focused on transition, and increasing competitive integrated employment for individuals with significant disabilities. As noted, there is a definition of customized employment in WIOA. In addition, there is a definition of youth with a disability, age 14 to 24. There is no definition of employment first, braided funding, or person-centered planning process.

## **TEAM-EDUCATION ACT OF 2011: WIOA Impact**

*The legislative scope of WIOA does not allow for changes in IDEA or IEP requirements. However, parts of WIOA reflect language that is in the TEAM Act.*

**The TEAM-Education Act (H.R. 602) would amend IDEA to encourage and empower schools districts, states educational authorities, students with significant disabilities, their families and transition teams to plan for and achieve employment in an integrated setting at minimum wage or higher after high school.**

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- 1. Adds requirements to ensure Individualized Education Plans (IEPs) holistically address the transition needs of students:** Under this bill, the IEP changes the age when transition planning must be included in a student's IEP starting at age 14, and allows the State Intellectual/Developmental Disability (I/DD) Agency to participate on the IEP & transition planning team for students expected to be eligible for adult I/DD services. The bill further requires the IEP to include comprehensive transition planning and services, including objectives for developing the skills, knowledge-base, training and experience to successfully obtain integrated employment, economic self-sufficiency, independent living and community involvement. Additionally, the bill offers advocacy training for students and families to help them prepare better for articulating the wishes of the student during the IEP process.

**Impact of WIOA:** WIOA, via the definition of “youth with a disability” makes it clear that public VR can begin working with young people at age 14. In addition, WIOA’s requirements for pre-employment transition services (below) to an extent reflect the required services in TEAM:

6. Job exploration counseling;
  7. Work-based learning experiences, which may include in-school or after school opportunities, or experience outside the traditional school setting (including internships), that is provided in an integrated environment in the community to the maximum extent possible;
  8. Counseling on opportunities for enrollment in comprehensive transition or postsecondary educational programs at institutions of higher education;
  9. Workplace readiness training to develop social skills and independent living; and
  10. Instruction in self-advocacy (including instruction in person-centered planning), which may include peer mentoring (including peer mentoring from individuals with disabilities working in competitive integrated employment).
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- 2. Allows for IDEA Part B discretionary dollars to be used by school districts to hire or contract with professionals possessing transition expertise for youth with significant disabilities:** The legislation clarifies that school districts are allowed and encouraged to use IDEA discretionary funds for either hiring transition experts within or contracting out transition services as needed, based on stringent criteria that these contracts be focused on the preparation and confirmation of integrated, competitive employment or other desired post-secondary education outcomes.

**Impact of WIOA:** No impact as a result of WIOA.

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3. **Modifies the Definition of *Transition Services*:** Ensures that the definition of transition services includes customized employment services and training in advocacy and self-determination activities to better prepare youth for job preparation and advocating on their own behalf. Additionally, the bill clarifies that transition services do not include facility-based or other segregated programs.

**Impact of WIOA:** As a result of WIOA, customized employment is now included within the definition of supported employment. Given that supported employment is part of the definition of transition services under IDEA, customized employment is now included in transition services. Training in advocacy is one of 5 required pre-employment transition services. Under Section 511, WIOA prohibits schools from subcontracting with entities in order to pay individuals sub-minimum wage as of July 2016. This places major limit on the use of facility-based or other segregated programs as part of transition services, although does not prohibit use day-habilitation programs where individuals are not paid.

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4. **Establishes Support for Local Transition Coordinators:** Provides \$50 million to Local Educational Agencies (LEAs) to pilot the hiring of internal transition services coordinators who would be responsible for facilitating relationships with public and private entities on behalf of the student and the student's family to ensure the successful provision of desired transition services necessary to achieving the student's transition objectives.

**Impact of WIOA:** In terms of area coordination of transition, WIOA requires each area office of the public vocational rehabilitation system to undertake pre-employment transition coordination including:

1. Attending IEP meetings for students with disabilities, when invited;
2. Working with the local workforce development boards, one-stop centers, and employers to develop work opportunities for students with disabilities, including internships, summer employment and other employment opportunities available throughout the school year, and apprenticeships;
3. Working with schools, including those carrying out activities under section 614(d) of the IDEA, to coordinate and ensure the provision of pre-employment transition services under this section;
4. When invited, attending person- centered planning meetings for individuals receiving services under title XIX of the Social Security Act (42 U.S.C. 1396 *et seq.*).

### **TEAM-Empowerment Act of 2011 – WIOA Impact**

*The legislative scope of WIOA does not allow for changes in the Developmental Disabilities Bill of Rights Act of 2000, and WIOA has little impact in terms of the proposed changes to the DD Act under TEAM. The one exception is the requirement is # 4 regarding cooperation with other agencies.*

**The TEAM-Empowerment Act of 2011 (H.R. 603) would amend the Developmental Disabilities Bill of Rights Act of 2000 to establish greater accountability of the DD System through the enhancement of existing infrastructure to support youth with significant disabilities transitioning into adulthood to ensure that any publicly-financed supports are aimed at successfully transitioning youth into adulthood through integrated employment, post-secondary education, economic advancement, independent living, and meaningful community & civic engagement.**

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1. **Establishes Transition Planning & Service Divisions within State I/DD Authorities:** The bill establishes a Transition Planning and Services Division within each State I/DD agency to provide the capacity and expertise required to successfully transition youth with significant disabilities from high school into meaningful community engagement and integrated employment. This division will assist with the development of individual transition plans (ITPs) and provide Transition Brokers to help individuals and families navigate various systems of complex supports to ensure better coordination and efficient use of resources.

**Impact of WIOA:** No impact as a result of WIOA.

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2. **Creates Individualized Transition Plans to Better Focus Resources toward Helping Citizens Meaningfully Engage in the Community through Post-Secondary Education & Employment:** Creates individualized transition plans (ITPs) for youth with significant disabilities once they exit high school until age 26, to ensure a seamless transition from high school into the I/DD system and to ensure that funds provided to support individuals with significant disabilities are aimed at promoting integrated employment, post-secondary education, economic advancement and community engagement through optimal self-sufficiency. ITPs will address the needs of the individual including career planning, development and leadership, connecting (community) activities, and family involvement, as well as economic self-sufficiency.

**Impact of WIOA:** No impact as a result of WIOA.

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3. **Advances Self-Determination & Optimal Self-Sufficiency among Citizens with Significant Disabilities:** The division will also provide training regarding self-advocacy, self-determination, and peer mentoring for individuals with intellectual or developmental disabilities. This includes providing individuals and their families with accurate and understandable information about federal and state supports, services, and programs, including educational resources about insurance and benefits programs, savings tools, and asset or income limits that may affect State and Federal means-tested programs.

**Impact of WIOA:** No impact as a result of WIOA.

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4. **Promotes Greater Coordination among All State Agencies Providing Publicly-Financed Supports to Citizens with Significant Disabilities:** Additionally, participating State DD Agencies will facilitate a Memorandum of Understanding between key State agencies involved in the provision of services to individuals with Intellectual and Developmental Disabilities to foster effective multiagency collaboration. The intent of the MOU is to streamline services and programs, promote efficiencies and establish a uniform focus on better outcomes related to optimal self-sufficiency and advancement of citizens with significant disabilities.

**Impact of WIOA:** WIOA requires a formal cooperative agreement regarding individuals eligible for home and community-based waiver programs, between the state public VR agency, the State Medicaid agency, and the state ID/DD agency. The intent of this cooperative agreement is to address the delivery of vocational rehabilitation services, including extended services, for individuals with the most significant disabilities who have been determined to be eligible for home and community-based services under a Medicaid waiver, Medicaid State plan amendment, or other authority related to a State Medicaid program. In addition, WIOA maintain the previous requirement that the state VR plan describe how the state VR agency will collaborate with the State agency responsible for administering the State Medicaid plan under title XIX of the Social Security Act (42 U.S.C. 1396 *et seq.*), and the State agency responsible for providing services with developmental disabilities, to develop opportunities for community-based employment in integrated settings, to the greatest extent practicable.

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5. **Ensures Greater Accountability among State I/DD Authorities:** The bill ensures greater accountability of the state I/DD agencies by providing the Secretary of DHHS through the Commissioner of the Administration on Developmental Disabilities (ADD) the authority to disburse assistance to states which agree to participate. The bill provides \$50,000,000 in funding for fiscal year 2012 and each subsequent fiscal year.

**Impact of WIOA:** No impact as a result of WIOA.

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