



**NCCD**

Nebraska Consortium for Citizens with Disabilities

STATE OF TRANSITION IN NEBRASKA  
FOR INDIVIDUALS WITH DISABILITIES

Policy Brief on Transition

By

Nebraska Consortium for Citizens with Disabilities

## **Introduction:**

Throughout the course of our lives we have periods where we move from one phase of life to another. For example, moving from elementary school to middle school or moving from our parent's home to college, are periods of transition. For any youth transitioning into adulthood, having a clear path to post-secondary education, employment and the proper supports in place is critical.

For a youth with disabilities, there often needs to be additional supports in place to insure success. For this reason, it is important for Policymakers to understand the challenges and the opportunities that are available to assist youth with disabilities transition into a successful path to adulthood. This policy brief outlines the transition process for youth with disabilities, offers suggestions for improvement and provides models from which to build.

## **Background:**

Transition services are defined as a set of activities for a child with a disability that:

(A) is designed to be a results-oriented process, focused on improving the academic and functional achievement of the youth with a disability to facilitate the youth's movement from school to post-school activities, including post-secondary education, vocational education, integrated, competitive employment (including supported employment), continuing and adult education, adult services, independent living, or community participation; (B) is based on the individual child's needs, taking into account the youth's strengths, preferences, and interests; (C) includes instruction, related services, community experiences, the development of employment and other post-school adult living objectives, and, when appropriate, acquisition of daily living skills and functional vocational evaluation. <sup>1</sup>

In Nebraska, students who have been deemed eligible for Developmental Disability Services can access day services at the age of 21 based on having completed their education at a Nebraska school. Many students remain in high school transition programs for this reason-often as other supports are not attainable. High school transition programs offer job experiences and independent-living skills training opportunities for youth with disabilities to gain work experience.

Upon completion at the age of 21, adult day services are provided by private providers who have contracted with the Nebraska Department of Health and Human Services Division of Developmental Disabilities. Services can be provided on a continuous or intermittent basis. The focus for intermittent services is most typically employment.

Young adults can use these services to seek employment or to have a job coach assist them in a job that has been secured.

## **Education and Transition:**

When young adults with disabilities are preparing to make the transition from high school to work or postsecondary school, sometimes a person-centered planning<sup>2</sup> approach to transition may be forgotten in the process of securing new services for adults.

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<sup>1</sup> <http://www.wrightslaw.com/info/trans.index.htm#sthash.XHnT9FkW.dpuf>

<sup>2</sup> <http://www.pacer.org/tatra/planning/personal.asp>

These much needed supports may include counseling regarding: vocational rehabilitation, secondary education, day training programs, Social Security, Medicaid waivers, housing, and transportation. In contrast to a young person's informal support network involving, for example, family and school, adult service systems tend to be impersonal and formal in their methods of assessment.

Case managers, Vocational Rehabilitation counselors, and other social workers often have large caseloads as well as a limited amount of time to know the individual needs and abilities of each student on their caseload. Parents are often left alone to try and figure out where to go and what to do, and the adult-oriented supports they expect they will find in their community are just not there.<sup>3</sup>

However, this presents an opportunity for innovation and the Workforce Innovation and Opportunity Act (detailed below) and future federal funding offer opportunities that Nebraska could use to help improve outcomes for youth transitioning from school.

It is critical to understand the importance that adequate schooling, preparation and graduation have on our society, specifically to those with disabilities. Education is the key factor in achieving employment. Without access to higher education, job training, and paid internships, youth with disabilities will continue to have limited opportunities for employment. Thus resulting in the on-going dependency of government programs.

According to the Census Bureau's 2013 American Community Survey, 28.8 percent of non-institutionalized adults aged 21-64 with a disability in the United States live in poverty compared to only 12.3 percent of those without a disability.<sup>4</sup>

Students with disabilities often experience more costs than their non-disabled peers. For example, they often need more time to complete their education because full-time educational schedules may be more than they can realistically handle.

Students with disabilities are often encumbered by financial obligations associated with their disability like the acquisition and maintenance of special equipment, medical expenses not covered by insurance, transportation, and salaries for aides, personal care attendants, medications, special diets, tutors, and assistive technology expenses.

Youth with disabilities and their families would benefit from options counseling related to employment earning and the impact on their eligibility to needed programs such as SSI and Medicaid. The state would be wise to explore the impact of aligning Ticket-to-Work programs within high school transition programs.

The Enable Accounts program, being piloted in Nebraska this past year, where an individual with a disability acquired before the age of 26 can shelter part of their assets in an account akin to college savings accounts, may help limit the impact of wages on needed benefits.

Students with disabilities lag behind students without disabilities in terms of postsecondary academic preparedness. They are significantly less likely to even start postsecondary education than their peers without disabilities (27 percent of students with disabilities transition to postsecondary education compared to 68 percent of their peers without disabilities).<sup>5</sup>

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<sup>3</sup> Parent Brief -*Promoting Effective Parent Involvement in Secondary Education and Transition* - February 2004

<sup>4</sup> <http://www.harkin.senate.gov/documents/pdf/500469b49b364.pdf>

<sup>5</sup> <http://www.ncd.gov/publications/2003/Sept152003>

It is also worth noting, substantial data show that special education programs can “feed” our prison systems when there is not enough support provided to youth with disabilities.<sup>6</sup> As Nebraska looks to reform its current Corrections System and continues to improve its Juvenile Justice systems, it is important to consider research on “the school to prison pipeline.” Researchers have found that over 40 percent of youth with disabilities reside in juvenile justice facilities compared to 12 percent of the students in traditional educational settings.<sup>7</sup>

Further research on the percentage of youth and adults with disabilities that are incarcerated in Nebraska and the graduation rate of individuals who have been eligible for special education from Nebraska public schools is probably warranted and aligns with existing legislative reviews. Educational outcomes need enhanced oversight and innovation to ameliorate long-standing barriers to employment and demand to public programs.

### **Employment and Transition:**

Obtaining competitive, integrative employment for individuals with disabilities is a topic that is gaining much discussion at the local, state and national levels. The unemployment rate for individuals with disabilities is more than double of those without disabilities.<sup>8</sup> Current research supports that having a transition process in place to help youth with disabilities find internships and connect with other post-secondary employment and colleges improves employment outcomes.<sup>9</sup> There are proven models such as Project Search<sup>10</sup> and recent legislation that offers opportunities to improve the transition process for youth with disabilities in Nebraska.

### **Legislation, Policy and Current Practices Impacting Transition:**

#### **Ticket to Work Program<sup>11</sup>**

The Social Security Administration has a number of programs that assist adults with disabilities to continue to work and receive needed disability benefits. In Nebraska, Easter Seals has historically provided the ‘Ticket to Work,’ a vital program which helps insure that individuals with disabilities do not lose the very benefits that keep them in their community when they obtain competitive employment.<sup>12</sup>

This program could be incorporated in the state’s One-Stop Career Planning Centers under the Workforce Innovation Opportunity Act, as it is identified as an optional service.<sup>13</sup>

#### **CMS’ new rule re-defining Home and Community Based Services:**

In January of 2014, the Centers for Medicare and Medicaid Services (CMS) issued their final rule on Home and Community Based Services (HCBS) within state Medicaid Programs relating to services being provided through Waiver programs.

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<sup>6</sup> <https://www.aclu.org/racial-justice/what-school-prison-pipeline>

<sup>7</sup> <http://tes.sagepub.com/content/35/4/265.full.pdf+html>

<sup>8</sup> <http://www.dol.gov/odep/> (2014)

<sup>9</sup> <http://sixbyfifteen.org/six-goals-by-2015/transition/>

<sup>10</sup> <http://www.projectsearch.us/>

<sup>11</sup> <http://www.chooseworkttw.net/about/how-it-works/index.html>

<sup>12</sup> <http://www.nebraskatickettowork.org/>

<sup>13</sup> [http://www.leadcenter.org/system/files/resource/downloadable\\_version/WIOA\\_POLICY\\_BRIEF\\_10.22.14.pdf](http://www.leadcenter.org/system/files/resource/downloadable_version/WIOA_POLICY_BRIEF_10.22.14.pdf)

The rule reflects CMS' intent to ensure that individuals receiving services and supports through Medicaid's HCBS programs have full access to the benefits of community living and are able to receive services in the most integrated setting.<sup>14</sup> The rule applies to all HCBS settings including non-residential, employment and training settings.<sup>15</sup>

### **The Workforce Innovation and Opportunity Act (WIOA):**

On July 22, 2014, the Workforce Innovation Opportunity Act passed with bi-partisan support in both the Senate and House and was signed into law. Under the law, Congress reauthorized the Workforce Investment Act of 1998 and the Rehabilitation Act through 2020.<sup>16</sup>

While WIOA will help all workers have further access to education, job training and support, it has an emphasis on helping individuals with disabilities to find and maintain competitive, integrative employment with a specific focus on assisting youth with disabilities transition into adult life.

WIOA builds off of the general workforce development system and One-Stop Career Centers to meet the needs of job seekers with disabilities. There are many new requirements that must be considered by Local Development Boards and the state to insure that there are career pathways for individuals with disabilities to enter the workforce, and remain in the workforce.

The law also has new requirements of Vocational Rehabilitation including that 15 percent of federal funds be allocated to transition services for youth exiting high school and requires formal agreements between Vocational Rehabilitation and the state Medicaid and Division of Developmental Disabilities.

While the federal legislation lays the groundwork for enhanced employment opportunities for individuals with disabilities, many important decisions will need to be addressed at both the local and state level and warrants further attention and oversight.

#### Changes under WIOA

- *Competitive Integrated Employment* is now defined as full-time or part-time work at minimum wage or higher, with wages and benefits similar to those without disabilities performing the same work and fully integrated with co-workers without disabilities.
- 15% of Vocational Rehabilitation's federal funds must be used for pre-employment transition services for youth with disabilities leaving high school.
- Cooperative agreements must be established between the state Medicaid agency, the Division on Developmental Disabilities, and Vocational Rehabilitation.
- A series of steps must be taken before any individual under the age of 24 can be placed in a job paying less than minimum wage.
- Schools may not contract with sheltered workshop providers for transition services.

Source: The Institute Brief, August 2014

<sup>14</sup> <http://www.medicaid.gov/medicaid-chip-program-information/by-topics/long-term-services-and-supports/home-and-community-based-services/downloads/final-rule-fact-sheet.pdf>

<sup>15</sup> <http://www.medicaid.gov/medicaid-chip-program-information/by-topics/long-term-services-and-supports/home-and-community-based-services/downloads/final-q-and-a.pdf>

<sup>16</sup> [http://selnmembers.org/components/com\\_wordpress/wp-content/uploads/2014/10/wioa-brief\\_ib-31\\_8-2014.pdf](http://selnmembers.org/components/com_wordpress/wp-content/uploads/2014/10/wioa-brief_ib-31_8-2014.pdf)

For example:

- Under WIOA, Governors may reserve up to 15 percent of general workforce development funds for statewide employment and training activities (the remainder of funds go to local workforce development areas). Among the activities specified as allowable in the use of these statewide funds is improving coordination of employment and training activities with programs for individuals with disabilities. Programs under state intellectual and developmental disability agencies, State Independent Living Councils, and Centers for Independent Living, are cited as specific entities.
- Local Workforce Development Boards will have to ensure there are sufficient service providers in the local area with expertise in assisting individuals with disabilities with their career and training needs.
- Employment Networks under the Social Security Administration's Ticket to Work Program<sup>17</sup> are specified as optional One-Stop Career Center partners.
- Standing Committees are now an option for Local Workforce Development Boards. One of the three standing committees specified in the legislation is one on the provision of services for individuals with disabilities.
- Annual assessment of physical and programmatic access of One-Stop Centers for people with disabilities is now required by federal statute.
- Disability is to be a consideration in development of state performance requirements in the use of workforce development funds (the funds used to assist all job seekers).<sup>18</sup>
- Under the new law, payment for One-Stop infrastructure and other costs will be determined at the local board level. However, if agreement cannot be reached, the governor will develop the requirements for payment of One-Stop costs by One-Stop partners. Under WIOA, public VR can be required to use a maximum of 0.75 percent of its funds for One-Stop infrastructure, which will gradually increase to a maximum of 1.5 percent after five years.<sup>19</sup>

## **ABLE Accounts**

ABLE Accounts, which are tax-advantaged savings accounts for individuals with disabilities and their families, were created as a result of the passage of the Stephen Beck Jr., Achieving a Better Life Experience Act of 2014 or better known as the ABLE Act. The beneficiary of the account is the account owner, and income earned by the accounts will not be taxed. Contributions to the account made by any person (the account beneficiary, family and friends) will be made using post-taxed dollars and will not be tax deductible, although some states may allow for state income tax deductions for contribution made to an ABLE account.

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<sup>17</sup> <http://www.medicaid.gov/medicaid-chip-program-information/by-topics/long-term-services-and-supports/home-and-community-based-services/downloads/final-rule-fact-sheet.pdf>

<sup>17</sup> <http://www.medicaid.gov/medicaid-chip-program-information/by-topics/long-term-services-and-supports/home-and-community-based-services/downloads/final-q-and-a.pdf>

<sup>17</sup> [http://selnmembers.org/components/com\\_wordpress/wp-content/uploads/2014/10/wioa-brief-ib-31-8-2014.pdf](http://selnmembers.org/components/com_wordpress/wp-content/uploads/2014/10/wioa-brief-ib-31-8-2014.pdf)<sup>17</sup> <http://www.ssa.gov/work/>

<sup>18</sup> <http://www.apse.org/wp-content/uploads/2014/07/WOIA-APSE-Final-Bill-Summary-7-22-14.pdf>

<sup>19</sup> [http://www.communityinclusion.org/pdf/IB31\\_F.pdf](http://www.communityinclusion.org/pdf/IB31_F.pdf)

The account owner must be an individual with a disability acquired prior to the age of 26. Limits of \$14,000 per year in contributions and \$100,000 in total in an ABLE account are statutorily required. Money held in one of these accounts is not counted against resource limits for federal and federal-state benefit eligibility. Nebraska is one of 4 states currently piloting these accounts.

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### **Conclusion:**

Many gaps and barriers exist for youth who are transitioning into adulthood. However, there are opportunities currently available from which to build and transform the system. The federal Workforce Innovation Opportunity Act and recent regulations redefining home and community-based services are two vehicles from which to build. In addition, much like the motto, “It takes a village to raise a child,” likewise it takes the collaboration of systems (Families, Community agencies, Medicaid, Education, Department of Labor, etc.) to support a youth with disabilities to transition into adult services.

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<sup>20</sup> <http://www.ablenrc.org/>