

Education Opportunities for Students with Disabilities

SL 2015-241, Section 11.19(a)



**Report to the
Joint Legislative Oversight Committee on Health and Human
Services**

and

Joint Legislative Education Oversight Committee

By

North Carolina Department of Health and Human Services

November 01, 2016

Executive Summary

Under Session Law (SL) 2015-241, Section 11.19(a), the North Carolina General Assembly charged the Department of Health and Human Services (DHHS), through its Division of Mental Health, Developmental Disabilities and Substance Abuse Services (DMH/DD/SAS), with reporting to the Joint Legislative Education Oversight Committee and the Joint Legislative Oversight Committee on Health and Human Services concerning postsecondary education and employment opportunities for people with disabilities. This is the second annual report. The implementation period for the provision ends November 15, 2017. This provision directed six entities to undertake implementation activities relative to both postsecondary education and employment opportunities. These entities are, in addition to DMH/DD/SAS: Division of Vocational Rehabilitation (DVR); Division of Social Services (DSS); the Department of Public Instruction (DPI); The University of North Carolina (UNC); and the North Carolina Community College System (NCCCS). The entities are to work “in consultation with the North Carolina Postsecondary Education Alliance, community stakeholders, and other interested parties” to:

- (1) Assess gaps and system needs to support transitions of people with disabilities to adulthood.*
- (2) Develop a program and fiscal policies to expand and sustain postsecondary education and employment opportunities for people with disabilities.*
- (3) Plan and implement approaches to public awareness about postsecondary education and employment for people with disabilities.*
- (4) Plan and implement joint policies and common data indicators for tracking the outcomes of people with disabilities after leaving high school.*
- (5) Consider options for technology to link agency databases.*

The DMH/DD/SAS convened a diverse, stakeholder advisory group to assist it in implementation of the law and hosted the advisory for four, quarterly meetings during 2016.

To support its approach to a provision of considerable breadth, in this report DMH/DD/SAS considers the intent of the provision and conducts an analysis of certain federal laws and policies that serve as the policy environment for the legislation. These are: the Individuals with Disabilities Education Act of 2004 (IDEA); the Workforce Innovation and Opportunity Act (WIOA); the Center for Medicare and Medicaid Services (CMS) Community Settings Rule; and the Higher Education Opportunity Act of 2008 (HEOA). The Division concludes from its analysis that the stated target population in the provision, “people with disabilities,” may reasonably be interpreted to be students and youth with disabilities from age 14 through age 24, noting that transitions occurring in these ten years are critical to successful adulthood. DMH/DD/SAS further proposes that a linkage be assumed between postsecondary education and training and the favorable

outcomes, in adulthood, of competitive integrated employment and full integration within the community. In consultation with the stakeholder advisory, and consistent with policy direction set out in the specified laws and regulations, DMH/DD/SAS proposes that activities in year one focus on a subset of students with significant disabilities: those with intellectual and other developmental disabilities (I/DD) and offers a rationale for its recommendation.

By the late fall of 2016, the advisory had met four times. At the first meeting, in March of 2016, the advisory reviewed information regarding recent, federal policy expectations prioritizing competitive, integrated employment for youth with disabilities. At the second meeting, in May of 2016, the advisory began the process of identifying “gaps and system needs to support transitions” to adulthood. The third meeting addressed postsecondary education and the State’s innovations with regard to programs for students with intellectual disabilities (ID). Over the past decade, this group of students has entered postsecondary education in increasing numbers. While three North Carolina universities and a number of community colleges currently offer programs for students with ID, expanded capacity and access, it was determined, is a significant need in the State. The last meeting of the year had not been scheduled at the time of this writing. At that meeting, per section 11.19(a)(1) - (2), the advisory planned to continue the process of framing “gaps and system needs,” as well as identify existing and emerging “program and fiscal policies” with the potential to “expand and sustain postsecondary education and employment opportunities” for students and youth with intellectual disabilities. The first three meetings are summarized in the report.

In year one, DMH/DD/SAS recommended, with advisory support, that the initiative focus on provisions (1) - (2) of Session Law 2015-241, section 11.19(a), addressing provisions (3) - (5) in year two. To assist in making an informed assessment of “gaps and systems needs to support transitions” across the six, named entities, DMH/DD/SAS deemed it essential that the advisory be afforded an understanding of 1) the roles and responsibilities of each agency partner named in the legislation, relative to transition of students and youth with I/DD to postsecondary education and employment; 2) the lived experience of youth with disabilities and their families, with regard to these topics; and 3) the vantage points of key community stakeholders not named in the legislation, along with subject matter experts in both employment and postsecondary education. Much of this year’s report is dedicated to a discussion, by agency, of gaps and needs and to setting out those programs and policies, within each of the six entities named, that support and sustain postsecondary education and employment opportunities for youth with I/DD. In year two, DMH/DD/SAS will refine the assessment of gaps and system needs; develop formal recommendations to promote these opportunities; and address elements (3) – (5) of the provision.

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Education Opportunities for Students with Disabilities
Session Law 2015-241, Section 11.19(a)

November 15, 2016

“Our goal is to work together to make certain every student receives an affordable, well-rounded education and graduates with the skills and knowledge necessary to get a job.”¹

Pat McCrory, Governor
State of North Carolina

I. Introduction

Under Session Law (SL) 2015-241, Section 11.19(a), the North Carolina General Assembly charged the Department of Health and Human Services (DHHS), through its Division of Mental Health, Developmental Disabilities and Substance Abuse Services (DMH/DD/SAS), with reporting to the Joint Legislative Education Oversight Committee and the Joint Legislative Oversight Committee on Health and Human Services with regard to postsecondary education and employment opportunities for people with disabilities. This is the second report under that provision. This document provides background information regarding the approach to and policy direction for implementation of this law. DMH/DD/SAS has included information from each of the six entities named in the legislation and presents this report in consultation with the North Carolina Postsecondary Education Alliance, community stakeholders, and other interested parties. SL 2015-241, Section 11.19(a) offers the State an opportunity to consider how postsecondary education and employment can prepare students with disabilities, consistent with the Individuals with Disabilities Education Act of 2004, to “lead productive and independent adult lives, to the maximum extent possible.”² The effort underscores the on-going collaboration, within government, in partnership with community members, that is essential to achieving this goal.

II. Provisions of Session Law 2015-241, Section 11.19(a): Education Opportunities for Students with Disabilities

Session Law 2015-241, Section 11.19(a) states as follows:

The Department of Health and Human Services, Division of Mental Health, Developmental Disabilities, and Substance Abuse Services, with the assistance of the Department of Health and Human Services, Division of Vocational Rehabilitation and Division of Social Services, the Department of Public Instruction, The University of North

Carolina, and the North Carolina Community College System, and in consultation with the North Carolina Postsecondary Education Alliance, community stakeholders, and other interested parties, shall:

(1) Assess gaps and system needs to support transitions of people with disabilities to adulthood.

(2) Develop a program and fiscal policies to expand and sustain postsecondary education and employment opportunities for people with disabilities.

(3) Plan and implement approaches to public awareness about postsecondary education and employment for people with disabilities.

(4) Plan and implement joint policies and common data indicators for tracking the outcomes of people with disabilities after leaving high school.

(5) Consider options for technology to link agency databases.

The Division of Mental Health, Developmental Disabilities, and Substance Abuse Services shall report to the Joint Legislative Education Oversight Committee and the Joint Legislative Oversight Committee on Health and Human Services by November 15, 2015, and annually thereafter through November 15, 2017, on the implementation of this section.

III. Definitions Informing Session Law 2015-241, Section 11.19(a)

This provision is one of considerable breadth. A collaboration to implement its directives begins with a shared understanding of terms used in this law. A review of definitions, contained in the glossary at Appendix A, supports DMH/DD/SAS's rationale for its interpretation of these terms in the context of the session law.

Application of Definitions to Session Law. The body of this legislation refers to "*people with disabilities*," while the title of the provision uses the phrase "*students with disabilities*." The 2015 report reviews the definition of "people with disabilities" as articulated in the Americans with Disabilities Act of 1990 (ADA). This report continues the use of that definition.

The analysis in the 2015 report on this session law and DMH/DD/SAS's review of federal statutory definitions at Appendix A supports several conclusions. DMH/DD/SAS takes the position that the reference to "*people with disabilities*" [emphasis added] made in the body of this law, in the context of "postsecondary education and employment opportunities," may reasonably be interpreted as *students and youth* with disabilities.³ With regard to age, DMH/DD/SAS concludes that the target population of people with disabilities may, in the context of this law, reasonably be interpreted as those from age 14--when secondary school transition begins in North Carolina--through age 24, by which time most students and youth, including those with disabilities, will have exited school and have entered, or be preparing to enter, the job market. These ten years are critical for students and youth with disabilities if they are to become successful adults.

IV. Stakeholder Advisory: Composition and Hosted Presentations

This provision required that the DMH/DD/SAS work “in consultation with the North Carolina Postsecondary Education Alliance,⁴ community stakeholders, and other interested parties.” To that end, DMH/DD/SAS convened a stakeholder advisory committee. To emphasize the significance of and interplay between postsecondary education and employment, the Division invited policymaking leadership from each sector—higher education and employment—to serve as co-chairs for the advisory. DMH/DD/SAS was honored by the acceptance of co-chairs Terri Shelton, Ph.D., Vice Chancellor of Research and Economic Development, University of North Carolina at Greensboro (UNCG), and Claudia Horn, the Department of Health and Human Services’ Senior Director for Employment Services. Beginning in the third quarter of 2016, Tara Myers, Director of the Division of Vocational Rehabilitation (DVR), replaced Ms. Horn. The co-chairs are joined on the initiative’s leadership team by Interim Senior Director of the DMH/DD/SAS, Jason Vogler, Ph.D., along with senior staff from each of the three, “core team” organizations for the initiative: DMH/DD/SAS, UNC and DVR. The DMH/DD/SAS reflects the provision’s emphasis on both postsecondary education and employment by referring to the initiative as Education and Employment Opportunities for Students with Disabilities.

Membership. The membership of the advisory committee has a wide reach and is diverse in composition. The entities specifically named in the legislation are joined by the Postsecondary Education Alliance at the Carolina Institute on Developmental Disabilities, University of North Carolina at Chapel Hill. Beyond the named entities and the Postsecondary Education Alliance, the stakeholder group includes parents of people with disabilities; students and alumni from both public and private colleges and universities; and individuals representing the NC Government Data Analytics Center; the NC Department of Commerce; the NC General Assembly⁵; the Association for Higher Education and Disability (AHEAD); Consumer and Family Advisory Committees (CFACs); the Stakeholder Engagement Group for Medicaid Reform;⁶ Centers for Independent Living; the NC Mental Health Planning Council; NC Independent Colleges and Universities; Exceptional Children’s Assistance Center; Local Management Entities-Managed Care Organizations (LME-MCOs); Disability Rights North Carolina; and the NC Council on Developmental Disabilities (NCCDD). A complete listing of the membership of the advisory may be found at Appendix B.

The advisory held three meetings in 2016, prior to the submission of this report. At the time of this writing, the fourth meeting of 2016 was scheduled for November 21, 2016.

First Quarterly Meeting. The advisory held its first meeting on March 17, 2016. The DMH/DD/SAS hosted a presentation from Lisa Mills, Ph.D., a subject matter expert for the United States Office of Disability Employment Policy (ODEP). Her presentation, *Federal Policy Expectations Prioritizing Competitive Integrated Employment for Youth with Disabilities*, was well received. Dr. Mills’ key points included the following:

- People previously considered “unemployable,” including youth with “the most significant disabilities,” can work in competitive, integrated, employment, be productive and achieve independence.

- WIOA establishes a larger role for public Vocational Rehabilitation programs as youth with disabilities transition from school to adult life.
- Half of the Vocational Rehabilitation supported employment state grants must be used to support youth, up to age 24, with “the most significant disabilities” to achieve supported, competitive, integrated employment.
- Provisions of WIOA are intended to reduce the number of youth entering sheltered workshops and working for subminimum wage.
- WIOA enhances roles and requirements for the general workforce system and for the American Job Centers⁷ to meet the needs of people with disabilities, including full programmatic accessibility.
- New, youth program elements under WIOA include a variety of services that help youth transition to postsecondary education and employment.
- Section 503 of the Rehabilitation Act requires federal contractors to take affirmative action to recruit, hire, promote and retain individuals with disabilities.
- The Centers for Medicare and Medicaid Services’ (CMS) guidance for Home and Community Based Services (HCBS) waivers supports competitive integrated employment and career advancement at or above the minimum wage; general workforce participation; self-directed services; paid co-worker models of support; career planning; customized employment; and other best practices.
- The United States Department of Justice (DOJ) cases have focused on ensuring that day and employment services for people with disabilities are delivered in the most integrated setting, defining that setting as one that enables the person with a disability to interact with people without disabilities (who are not staff) to the greatest extent possible.
- Best practices include resource braiding; seamless transitions; and systems working together for students to leave school with a job already in place.
- The biggest predictors of post-school employment for youth with disabilities are: work experience during high school and parents who expect a student will work.

Additional information associated with these topics appears later in the report.

Key Outcome: Target Population for Year One Narrowed to Students with I/DD. DMH/DD/SAS recommended, with the advisory’s support, that year one efforts focus on a subset of students with significant disabilities: those with intellectual and other developmental disabilities (I/DD). The rationale for this recommendation is discussed in Section V of this report.

Key Outcome: Scope of Work for Year One Specified. The DMH/DD/SAS recommended, with advisory support, that year one focus on both employment, as well as postsecondary education. This decision allowed the advisory to address the new Workforce Innovation and Opportunity Act with the assistance of subject matter expertise available to the State under a US Office of Disability Employment Programs (ODEP) grant.

DMH/DD/SAS also recommended, with advisory support, that the initiative focus efforts in year one on provisions (1) - (2) of Session Law 2015-241, Section 11.19(a), addressing provisions (3) - (5) in year two. To make an informed assessment of “gaps and systems needs to support transitions” across the six named entities, DMH/DD/SAS deemed it essential that the advisory have an understanding of 1) the roles and responsibilities of

each agency partner named in the legislation, relative to transition to postsecondary education and employment; 2) the lived experience of students, youth and their families, with regard to these topics; and 3) the diverse vantage points of other community stakeholders. Much of this year's report is dedicated to that task. From these discussions, "gaps and system needs" are beginning to be identified. These are not formally addressed, nor are recommendations made in this year's report; both will be in year two.

With regard to the legislative directive to "develop a program and fiscal policies to expand and sustain postsecondary education and employment opportunities," the DMH/DD/SAS notes that implementation of this law is unfunded. Nevertheless, this report finds significant, recent developments in federal policy and emerging, State collaborations likely to assist in efforts to "expand and sustain postsecondary education and employment opportunities" for students and youth with disabilities.

Second Quarterly Meeting. The second meeting of the Advisory Committee took place on May 31, 2016. The advisory formed three subcommittees. Each includes individuals with expertise in employment, education and data analysis and, just as importantly, representation from the parent/family and student/youth communities. Subcommittees began the process of assessing gaps and system needs to support transitions to adulthood.

Third Quarterly Meeting. On August 25, 2016, the Advisory Committee met for the third time. This meeting addressed postsecondary education and the State's innovations with regard to programs for students with significant disabilities, specifically those with I/DD. The advisory placed a particular concentration on students with intellectual disabilities (ID), for whom expanded capacity and access to higher education is a significant need. The panel consisted of Joan Johnson, Executive Director of Beyond Academics™;⁸ representing UNCG's postsecondary education program; Stephan Smith, Executive Director of the Association on Higher Education and Disability (AHEAD)⁹ and Project Director of the National Center for College Students with Disabilities; Cate Weir, Director of Think College;¹⁰ Trudie Hughes, Ph.D., representing the NC Community College System; and David Westling, Ed.D., representing Western Carolina University's University Participant (UP) Program.¹¹ North Carolina, it was noted, has been a leader in the United States in the development of postsecondary education options for non-matriculating students with I/DD. With regard to the State's programs, the advisory noted the following:

- The Americans with Disabilities Act of 1990 (ADA) and the Rehabilitation Act of 1973 are foundational to access, inclusion and equity for students with disabilities, whether or not students are enrolled in a college or university as a candidate for a degree.
- For people with intellectual and other complex disabilities, higher education is emerging nationally as a pathway to improved employment and career outcomes, community inclusion, self-determination, and inclusive community living.
- The 2008 reauthorization of the Higher Education Opportunity Act provided a framework for the development of inclusive, postsecondary education programs for students with ID. It also funded a National Coordinating Center, Think College,

at the University of Massachusetts-Boston to develop capacity through technical assistance, identification of standards of excellence and ongoing research.

- Defining appropriate accommodations for students with ID in higher education settings may present challenges; however, AHEAD is clear that, once admitted or participating on campus, students with intellectual disabilities should be able to request and receive accommodations that are considered reasonable within the postsecondary setting.¹²
- The National Center for College Students with Disabilities has been funded to advance research and technical assistance, supporting positive student outcomes.
- The North Carolina Community College System (NCCCS) provides Career and College Readiness programs that emphasize literacy skills and employment training and development. The hallmark of the NCCCS programs for students with I/DD is the collaboration with the Department of Public Instruction (DPI) and the Division of Vocational Rehabilitation (DVR).
- Options at the University of North Carolina at Greensboro, Western Carolina University and Appalachian State include fully inclusive programs of study for non-matriculating students with I/DD. Students strive for outcomes associated with self-determination, engaged citizenship, social skills, independent housing, and employment within a person-centered college plan.
- Western Carolina University and Appalachian State University have two-year, certificate-based programs of study that serve approximately eight students in each.
- The University of North Carolina at Greensboro (UNCG) has a four-year, 120 credit-hour program. UNCG currently admits up to 25 freshmen each year to its four-year program.
- The University of North Carolina at Chapel Hill, through The Carolina Institute for Developmental Disabilities, offers a non-residential program, focused on disability advocacy, for non-matriculating students who have graduated from other programs.
- The Carolina Institute at the University of North Carolina at Chapel Hill (UNC-CH) coordinates dissemination of information, education, program evaluation and technical assistance in postsecondary education for non-matriculating students with I/DD through the Postsecondary Education Alliance.¹³ Efforts span four (4) universities and 19 community college programs. Additional sites are under development.
- In each of these programs, demand outpaces the available capacity.
- Collaboration among universities, colleges, and agencies--such as DMH/DD/SAS, DVR, DPI, the Division of Medical Assistance (DMA), Local Management Entities-Managed Care Organizations (LME-MCOs) and diverse local agencies--is essential to the success of postsecondary programs for non-matriculating students with I/DD.
- Success for graduates is dependent on consistent and regular collaboration with the person's circle of support, which may include adult service agencies, families, friends, work colleagues and other community resources.

Fourth Quarterly Meeting of 2016. The final meeting of the advisory is scheduled for November 21, 2016. At this meeting, per the provisions of SL 2015-241, section 11.19(a)(1) - (2), the advisory will frame “gaps and system needs”, as well as identify--based on this report, presentations and discussion--existing and emerging “program and fiscal policies” with the potential to “expand and sustain postsecondary education and employment opportunities” for students and youth with disabilities.

V. Target Population for Year One: Students and Youth with Intellectual and Other Developmental Disabilities

The breadth implied by the session law’s use of the term, “people with disabilities,”¹⁴ and the scope of the charge, spanning “postsecondary education” and “employment,” required that the DMH/DD/SAS develop a feasible approach to the implementation of this session law. In March of 2016, in consultation with the advisory, the DMH/DD/SAS proposed the following. The Division recommended, for year one, that the implementation be “filtered through the lens of intellectual and developmental disabilities (I/DD).”¹⁵ People with I/DD, by the very nature of the disability, have significant needs. Addressing the mandates of this law with regard to those with I/DD, age 14 to 24, will generate policy directions, recommendations and action steps with potential to improve postsecondary education and employment outcomes for all students with disabilities, including, perhaps most importantly, others with significant disabilities.¹⁶

The focus on students/youth with I/DD is supported by numerous national data points, e.g.:

- 52% of families reported that their family member with I/DD left school without receiving a high school diploma, including 10% that never finished high school.¹⁷
- Only 34% of students with intellectual disabilities (ID), 4% of students with “multiple disabilities”, and 56% of students with autism graduated from high school with a regular diploma during the 2007-2008 school year.¹⁸ Among all students, those with the most significant cognitive disabilities are the least likely to graduate with a regular high school diploma.¹⁹
- Less than one-third of students with I/DD were reportedly fully included²⁰ in regular classrooms in regular schools in primary/middle (29%) or high school (32%).²¹
- Only 23% of high school students with I/DD go on to attend a two-year or four-year college.²²
- Only 8% of people with I/DD reported having any college-level experience.²³ Students with I/DD have the lowest percentage of postsecondary enrollment of any group of people with disabilities.²⁴
- 52% reported that their family member with I/DD was unable to get the job training or other assistance they needed to find and keep a job.²⁵
- 41% reported that their family member with I/DD worked in a regular job in the community, while 1% were self-employed. Notably, 54% of family members with I/DD worked in sheltered workshops and enclave settings.²⁶
- In 2011, 81% of people with I/DD were being served in facility-based and non-work settings.²⁷
- 57% reported that their family member earned at least minimum wage.²⁸

- People with I/DD were less likely to have job experience and more likely to earn lower incomes as compared to people without disabilities.²⁹
- In one study of 338 recent high school graduates with I/DD, only 14.2% were employed in individual positions paying at least minimum wage.³⁰
- In 2011, the employment rates for transition-aged individuals with I/DD (ages 16-21) were 18%--less than half the employment rate for people without disabilities.³¹
- A recent study found that only 26% of students with intellectual and multiple disabilities were reported to be employed two years after high school.³²
- Only 32% of adults with I/DD, ages 20-30, have employment, compared to 75% of people without disabilities.³³
- Even with a diploma, youth with ID demonstrate the lowest rate of paid employment among students with disabilities (29.8%) one to four years after exiting high school.³⁴
- A survey of 11,599 adults with I/DD in 16 states found that only 14.7% were competitively employed.³⁵
- Almost two-thirds of all jobs require skills associated with at least some education beyond high school.³⁶ One study of vocational rehabilitation outcomes showed that youth with ID who participated in postsecondary education were 26 percent more likely than students with no postsecondary education experience to leave vocational rehabilitation services with a paid job and earn a 73 percent higher weekly income.³⁷

The association between higher education and better jobs and careers is the normative assumption for typically developing students and youth. For these reasons, the DMH/DD/SAS addresses in this report the connection between postsecondary education and the outcome of typical work—work at a competitive wage that is integrated into the community.

VI. Secondary Education for Students with Intellectual and Developmental Disabilities: NC Department of Public Instruction, Exceptional Children Division

In the Individuals with Disabilities Education Act (IDEA), Congress made this finding: “As the graduation rates for children with disabilities continue to climb, providing effective transition services to promote successful post-school employment or education is an important measure of accountability for children with disabilities.” It is well understood that many students served under IDEA need support in the transition from secondary school to post-high school environments to lead productive, fulfilling lives as adults. Successive reauthorizations of IDEA have emphasized the role of transition planning in helping students with disabilities to obtain employment, pursue postsecondary education and training, and live more independently. Still, a 2013 review of transition research studies found relatively little evidence of effectiveness among programs that were designed to help students with disabilities make transitions to post-high school employment, postsecondary education, and independent living.³⁸ After a stringent analysis of programs and research, the authors of the study offered some hypotheses for practitioners seeking to develop successful transition programs. These include:

- The links between transition program offerings or components may be very important. Findings for similar programs offered in different ways suggest that, e.g., work-experience activities may need to be integrated with career and technical education classes or other aspects of students' educational programs to achieve the desired post-high school outcomes.
- Participation in career and technical education and/or getting a job while in high school may be related to better employment outcomes for students with disabilities.
- Inclusive education settings in high school may ease the path to postsecondary education.
- Strategies, such as computer-based instruction and prompting, may--by increasing the functional skills of students with intellectual disabilities--help them live more independently.³⁹

Such research points to the importance of the collaboration among state systems responsible for, e.g., secondary education, vocational rehabilitation and other services for people with I/DD, postsecondary education, and workforce development. Collaboration is architected into the Workforce Innovation and Opportunity Act (WIOA) and into SL 2015-241, Section 11.19(a). The collaboration supporting transition to adulthood formally begins for many students with disabilities, including those with I/DD, under IDEA. In North Carolina, transition planning is initiated at age 14 under the jurisdiction of the Department of Public Instruction (DPI), Exceptional Children Division (ECD).⁴⁰

Role of the State Systemic Improvement Plan in Gaps Assessment. The DPI and its Exceptional Children Division envision that every student will graduate ready for postsecondary education and work, prepared to be globally engaged and productive citizens. The ECD implements this vision for students, including those with I/DD, consistent with the mandates of IDEA.

IDEA includes a requirement that all states develop a State Systemic Improvement Plan (SSIP)⁴¹ and a framework known as Results Driven Accountability.⁴² Together, these federal policies support identification of specific targets for improvement and a plan for continuous improvement, based on an analysis of data and infrastructure needs for IDEA service delivery in the state. North Carolina's SSIP includes a focus on improving the graduation rate for students with Individual Education Programs (IEPs) under IDEA. An examination of DPI's data, below, indicates that there is a clear gap in the graduation rate in North Carolina between students in the general population and those with an IEP--including the approximately 1% among the group with intellectual disabilities (ID). The SSIP provides specific information regarding the manner in which the State will identify measurable results in this area.

The State Systemic Improvement Plan has, furthermore, focused the work of the Exceptional Children Division on building a regional infrastructure to support Local Education Agencies (LEAs). This infrastructure includes both the LEA Self-Assessment process and the subsequent implementation of improvement plans at the regional level. The Self-Assessment process allows each LEA to determine its individual gaps. The ECD will then provide support to help the LEAs improve. Collectively, these assessments and

implementation activities will inform the ECD's analysis of "gaps and system needs to support transitions" under SL 2015-241, Section 11.19(a)(1).

Program Policies and Current Practices. IDEA includes two purpose statements that are particularly relevant to this report:

- To ensure that all children with disabilities have available to them a free, appropriate, public education that emphasizes special education and related services designed to meet their unique needs and prepare them for *further education, employment, and independent living*; [emphasis added]
- To assess and ensure the effectiveness of efforts to educate children with disabilities.⁴³

These statements impact the delivery of secondary transition services and postsecondary outcomes, beginning with the development of the IEP. For purposes of this report, the ECD notes, among other requirements, that beginning not later than the first IEP to be in effect, the IEP must include, among other elements:

- Appropriate, measurable, postsecondary goals based upon age-appropriate transition assessments related to training, education, employment and, where appropriate, independent living skills;
- The transition services (including courses of study) needed to assist the child in reaching those goals; and
- Beginning not later than one year before the child reaches the age of majority under state law, a statement that the child has been informed of the child's rights...that will transfer to the child on reaching the age of majority.⁴⁴

Other requirements of IDEA that are particularly relevant to this report are these:

- The LEA must invite a child with a disability to attend the child's IEP team meeting if a purpose of the meeting will be the consideration of the postsecondary goals for the child and the transition services needed to assist the child in reaching those goals.⁴⁵
- States may use funds reserved under section 300.704(b)(1) for the development and implementation of transition programs, including coordination of services with agencies involved in supporting the transition of students with disabilities to postsecondary activities.⁴⁶

The ECD has reviewed the National Technical Assistance Center on Transition (NTACT)⁴⁷ Predictors of Success.⁴⁸ ECD intends to use NTACT's predictors to develop a tool that incorporates the transition process in grades Pre-K through 12th. The tool will support setting expectations for families and children in the early grades to reach IDEA's post-school outcomes of education/training, employment, and independent living.

Graduation and Dropout Rates. A review of the disparities among groups of students with and without disabilities offers one means to "assess gaps and systems needs to support transitions...to adulthood" for students with disabilities. In 2014, the national graduation rate was approximately 82% overall for students and was 63% for students with disabilities⁴⁹. That same year, in North Carolina, the graduation rate was 84% for students overall and was 64% for students with disabilities.⁵⁰

Examination of the chart below shows trends in graduation and dropout for students in the eligibility categories that are primarily associated with I/DD, between the years 2013 and 2015.⁵¹

**NC Department of Public Instruction
Drop Out and Graduation Data for Students Served
Under IDEA**

	Autism	ID-Mild	Other Health Impaired	Orthopedically Impaired	Totals	
Sept. 2013	40	297	562	3	902	Dropped out
Sept. 2014	52	246	624	2	924	Dropped out
Sept. 2015	46	253	629	1	929	Dropped out
Sept. 2013	386	925	1,680	51	3,042	Graduated
Sept. 2014	477	861	1,916	44	3,298	Graduated
Sept. 2015	501	868	1,970	56	3,395	Graduated

With regard to addressing these needs, mentoring, family outreach, academic support, attendance monitoring, additional support services, and students' participation in school-related activities, and development of self-determination, social, and vocational skills have been documented to be evidence-based components of drop-out prevention.⁵²

Secondary Transition-Indicator 13 and 14. SL 2015-241, Section 11.19(a)(4) directs that the state “plan and implement...common data indicators for tracking the outcomes of people with disabilities after leaving high school.” The State Performance Plan, also mandated by IDEA, requires the collection of data in relation to certain key indicators. Most relevant for this report are Indicator 13, Secondary Transition, and Indicator 14, Post-School Outcome Survey.

Indicator 13. According to the NC Annual Performance Report, February 1, 2016:

- 88.4% of youth with an IEP, aged 16 and above, had a plan that included appropriate, measurable, postsecondary goals that are annually updated and based upon an age-appropriate transition assessment; transition services, including courses of study that will reasonably enable the student to meet those postsecondary goals; and annual IEP goals related to the student's transition service needs. This is a 3.4 percentage point increase over the previous year.

The secondary transition plan requires the development of post-school goals and the provision of supporting services for all students with IEPs beginning at age 14, in the areas of Education/Training, Employment, and Independent Living, if appropriate. In support of this requirement, the Exceptional Children Division's State Transition Plan includes the identification of a Transition Lead for every LEA and Charter with grades 8th-12th; the development of a Transition Toolkit with resources for teachers, students, and families; transition topic webinars for teachers and school staff; and, the development of a Transition Leads network and coaching component.

Indicator 14 addresses competitive employment and postsecondary education. It requires states to collect data on the "percent of youth who had IEPs, are no longer in secondary school and who have been competitively employed, enrolled in some type of postsecondary school, or both, within one year of leaving high school."⁵³ In the spirit of SL 2015-241, section 11.19(a)(5) (linkage of databases), the ECD is working towards the development of the Exceptional Children Accountability Tracking System (ECATS). This system begins linking databases by allowing districts to enter and access data in one location. The system will input Indicator 14 survey results into the ECATS at the district level, allowing LEAs and Charters immediate access to data for program planning purposes. Data is gathered annually on students through a survey conducted one year after graduation or exiting from high school.

According to the NC Annual Performance Report,⁵⁴ February 1, 2016, for Indicator 14:

- Students with IEPs reported in higher education – 32.0% of responders/students, an increase of +2.0% from the previous year.
- Students with IEPs reported in higher education or competitively employed within one year of leaving high school – 61.0% of responders/students, an increase of +7.0 % from the previous year.
- Students with IEPs reported in higher education, other postsecondary education or training, or competitively employed or some other type of employment – 73% of responders/students, an increase of +4% from the previous year.

Occupational Course of Study Pathway Graduation Option for Students with IEPs. The Occupational Course of Study (OCS) pathway is intended for students who function significantly below age and grade level expectations. This includes many students with I/DD, particularly those with intellectual disabilities (ID). Students following this pathway must have a documented educational history of requiring the following: intensive, explicit instruction throughout the school day in reading and math; strategic support for deficits in language processing and/or communication; direct instruction and repeated practice to address deficits in adaptive behavior; and multiple repetitions and opportunities for hands-on instruction. This pathway includes the requirement for School-Based, Community-Based, and Paid Employment work hours. The OCS pathway leads to the standard NC High School Diploma and is intended for students whose primary post-school goals are employment and/or postsecondary education.

Implementation of Improvement Strategies. As LEAs, based on SSIP Self-Assessment data, determine the focus of their interventions, the Exceptional Children Division will provide tailored support and resources to promote improved academic, behavioral, and transition practices. The identified interventions support:

- Comprehensive professional development, centered around teacher content knowledge, instructional practices, and effective leadership;
- Further expansion of Positive Behavioral Interventions and Supports (PBIS) and Social and Emotional Foundations for Early Learning (SEFEL) to support improved behavioral and social/emotional outcomes; and
- Transition Projects, which includes individualized transition activities identified by the LEA, across the Pre-K through 12th grade continuum.

Addressing these areas of focus should serve to keep students engaged as teachers provide higher quality, differentiated instruction; improvements in school climate; and attention to students' specific needs during periods of transition.

Public Awareness. SL 2015-241, Section 11.19(a)(3), requires that the named entities "plan and implement approaches to public awareness about postsecondary education." The ECD approaches public awareness in multiple ways. Among the most relevant for this report:

- The ECD Parent Liaison and other state consultants collaborate with the Exceptional Children's Assistance Center (ECAC)⁵⁵ and the ECD State Parent Council to provide awareness and resources throughout the State.
- The ECD convenes multiple stakeholder groups, which include public school representatives, public and private agencies, parents, students, and other appropriate members, to address concerns and needs throughout the State.

Collaboration with other entities identified in SL 2015-241, Section 11.19(a). The Exceptional Children Division has an established Memorandum of Understanding with DVR and with DPI's Career and Technical Education (CTE) Division. This memorandum includes supporting state agency initiatives and training of staff in areas of practice and policy relevant to college and career readiness and employment for students served under IDEA. Like other entities involved in implementation of this law, the Exceptional Children Division has participated in many joint and collaborative initiatives. These include: WIOA work groups with DVR; State Transition work groups with DVR and the NC Community College System; the Postsecondary Education Alliance; NC Council on Developmental Disabilities-sponsored "Reaching the Summit of Success" and "Roads to Learning and Earning;" North Carolina's Employment First initiative; the College and Career Ready Graduate Alignment Partnership, conducted with the NC Community College System; and Project SEARCH™ collaborations with school districts and community and state agencies.

NC SchoolWorks: An Option for Technology to Link Agency Databases. SL 2015-241, Section 11.19(a)(5) includes a requirement to "consider options to agency databases." The provision supports the directive at (a)(4) of the session law to "plan and implement joint policies and common data indicators for tracking the outcomes of people with disabilities after leaving high school." To address the technology component of the session law, the named entities will consider leveraging work that is underway through the *NC SchoolWorks System* project, funded through the Institute of Education Sciences' (IES) State Longitudinal Data System Grant. This grant, awarded to Department of Public Instruction (DPI), builds upon an earlier grant to DPI to create a K-12th Longitudinal Data System. The current grant does so by adding in some Early Childhood programs not

within the K-12 domain.⁵⁶ NC SchoolWorks partners include DPI, which serves as the fiscal agent; University of North Carolina General Administration; the Labor and Economic Analysis Division (LEAD) of the Department of Commerce; North Carolina Community College System (NCCCS)⁵⁷; the Department of Health and Human Services (DHHS); the Early Childhood Advisory Council (ECAC); the Government Data Analytics Center (GDAC); NC Independent Colleges and Universities (NCICU); and the NC Governor's Office.

NC SchoolWorks will allow North Carolina to integrate longitudinal education and workforce data; track student performance across time, educational institutions and into careers; and enable more effective evaluation of education programs and institutions. Data are maintained by each participating partner, with the Government Data Analytics Center (GDAC) acting as a broker at the hub of a spoke system with each of the partner entities' existing data systems. GDAC will also administer the North Carolina Common Follow-up System, collecting demographic, educational, and earnings data on workforce and education program participants. A system of this type can enable queries that draw upon multiple databases and generate responses without compromising confidential information. Partnering entities for SL 2015-241, 11.19(a) are working with GDAC as a central resource for integrating data across systems for the initiative.

Going forward, this technology could support longitudinal, cross-sector tracking of a cohort, such as children and/or students with disabilities, against specified performance measures and program evaluation tools. The capacity to track shared outcomes across sectors, as a population moves through educational settings and into the workforce, potentially offers strategies for refining the fiscal and programmatic policies that can sustain, expand and improve programs. Such technology holds promise for the achievement of positive outcomes associated with postsecondary education and employment opportunities for people with disabilities.

VII. Opportunities for Postsecondary Education and Employment for Youth through the Foster Care System: Division of Social Services

The Workforce Innovation and Opportunity Act (WIOA) reaches many students and youth, including those with disabilities served under the NC Division of Social Services' (DSS) foster care programs.⁵⁸ The Act establishes priorities for coordination with the child welfare system, facilitating the provision of services for eligible children and youth eligible under the John H. Chafee Foster Care Independence Program of 2008.⁵⁹ The following is a summary of policy and procedures related to the John H. Chafee Foster Care Independence Program in North Carolina. The Division also discusses opportunities to partner with other entities to support those students and youth with intellectual and developmental disabilities (I/DD) who are currently or were formerly in foster care in attaining postsecondary education and employment.

Transition of Youth in Foster Care to Adulthood: LINKS. In North Carolina, the John H. Chafee Foster Care Independence Program is known as LINKS.⁶⁰ LINKS is an outcome-based service, monitored by the federal government to ensure that its independent living services are effective. The DSS' goal is for every youth and young adult who lives or has

lived in foster care as a teenager to achieve the following outcomes by age 21. Most relevant to this report are the following Chafee Program outcomes:

- All youth exiting the public foster care system have sufficient economic resources to meet their daily needs;
- All youth exiting the public foster care system attain academic or vocational/educational goals that are in keeping with the youth's abilities and interests;
- All youth exiting the public foster care system have a sense of connectedness to persons and community. This means that every youth, upon exiting care, should have a personal support network of at least five, responsible adults who will remain supportive of the young adult over time;
- All youth exiting the public foster care system have access to physical and mental health services, as well as a means to pay for those services; and,
- For youth likely to remain in foster care until 18 years of age – ensure regular, ongoing opportunities to engage in age or developmentally appropriate activities.

The chart below summarizes allowable expenditures under the LINKS Program Allocation:⁶¹

Allowable Expenditures of LINKS Funds – County Program Allocations	
Resource Development	Counties may use LINKS program allocations to purchase or rent program materials, supplies and equipment for the establishment, continuation, implementation or revision of the county LINKS program, and/or for evaluation of the effectiveness of the program.
Youth Incentives	Funds may be used to provide reasonable incentives (cash, gift certificates, food, etc.) to youth to encourage program participation or goal achievement. Incentives are offered to encourage a youth to reach toward a goal, as part of the formal or informal service agreement with the youth.
Goods or Services for Individual Youth	Counties may use some or all of their program allocation to pay for goods or services on behalf of one or more individual youth or young adults, so long as doing so does not undercut funding needed for other youth/young adults in the mandatory services groups.
Program Operations	Counties may use a portion of their program allocations for staff positions, for contracted services, or for time spent on the planning and delivery of services.

LINKS Special Funds support the following:⁶²

LINKS Special Funds Purposes	
<i>LINKS Special Funds are reimbursed to counties for expenditures made on behalf of eligible foster youth and young adults up to age 21 who are or were in foster care as teenagers.</i>	
Housing Funds	Housing funds are only available to young adults who aged out of foster care at 18 but are not yet 21 years of age. Up to \$1,500

	per individual per year is available to help with transitional housing costs, which is defined as rent, rent deposits, or room and board arrangements that include meals as part of a rental agreement.
Transitional Funds	Transitional Funds are available to help any eligible youth or young adult, age 13 through 20, who, because of life circumstances, behaviors, or lack of needed resources, is evaluated by the county child welfare agency to be at risk of not making a successful transition to self-sufficiency unless appropriate intervention is initiated. LINKS Transitional Funds may not be used for rent, rent deposits, room and board, or down payments on housing. LINKS Special Funds may only be used to assist the youth or young adult to achieve one or more of the state Chafee outcomes. Individual youth and young adults may receive up to \$3,000 of Transitional Funds per year.

Further, LINKS funds partially support certain contracts to address such topics such as independent living skills, relationship building, management of personal finances, access to services and resources, and other developmentally appropriate skills or topics specifically important to child welfare workers and adult supporters of youth. Clearly, the LINKS policy goals are consistent with the achievement of postsecondary education and employment for youth, including those with intellectual and developmental disabilities (I/DD).

Opportunities through the Education and Training Voucher. In 2002, the Chafee Act was amended to establish the Education and Training Voucher program. This program provides young people currently or formerly in foster care with a method to finance educational or vocational goals, offering a strong foundational component for postsecondary success.⁶³ In addition to the initial funding through the Chafee Program, amendments to the Act authorized states to provide postsecondary educational and training vouchers to youth likely to experience difficulty as they transition to adulthood.⁶⁴ This group of youth could well include youth with I/DD.

Students who apply for the vouchers must meet the following requirements:

- Be currently or formerly in foster care on or after their 17th birthday; or adopted from foster care with the adoption finalized after their 16th birthday; or entered into a kinship guardianship placement from foster care on or after their 16th birthday;
- Be a U.S. citizen or qualified non-citizen;
- Have personal assets worth less than \$10,000;
- Be at least 18 years of age, but younger than 21, to apply for the first time; and
- Be accepted into or enrolled in a degree, certificate, or other accredited program at a college, university, technical or vocational school.

Students younger than 18 may be approved for the voucher if they were in foster care after their 17th birthday and have finished high school or a GED and/or have been accepted into a qualifying college or vocational training program.⁶⁵ Adult students who are attending GED/Adult High School at the same time they are participating in postsecondary classes may qualify for a voucher for the costs of the postsecondary classes if the school qualifies. Eligibility can continue until age 23 for students who were receiving vouchers on their 21st birthday if they are making satisfactory progress toward

completion of their certificate or degree.⁶⁶ To remain eligible, students must show progress toward completing the degree or certificate. Through the Education and Training Voucher program, students may receive up to \$5,000 a year for qualified, school-related expenses.⁶⁷

The NC Reach Scholarship. In 2007, the General Assembly passed Session Law 2007-323,⁶⁸ which established a scholarship program to benefit college students who have either aged out of the state's public foster care system or whose adoption from the state's public foster care system was finalized on or after their twelfth birthday. This scholarship program is called NC Reach.⁶⁹ In addition to scholarship funding, this program provides comprehensive case management services for participating students⁷⁰, another benefit that could accrue to students with I/DD who meet the program's requirements.

Students who apply for NC Reach must meet the following requirements:

- Be 18 to 25 years of age and have either aged out of the State's public foster care system or have been adopted from the State's public foster care system, with an adoption finalized on or after the student's 12th birthday;
- Meet the criteria for admissions at the university or community college and be accepted as a student;
- Be pursuing an undergraduate degree, diploma, or certificate at a qualifying school on at least a half time basis;
- Make satisfactory progress toward the completion of undergraduate study; and,
- Comply with registration requirements for military service unless they are exempt from registration.

Eligibility ends on the student's 26th birthday.⁷¹ The scholarships apply to the cost of attendance at the undergraduate level at any of the 16 branches of the University of North Carolina or at any of the State's Carolina community colleges⁷². Federal and state grants and scholarships--including the Pell Grant, the Education and Training Voucher Program and state scholarships, such as the North Carolina Education Lottery Scholarship--are applied first to the costs of attendance at a qualifying school prior to the application of the NC Reach scholarship. The Reach scholarship covers the remaining balance of the predetermined cost of attendance.

The NC Reach program includes case management services. Among the services covered are a number that are relevant to the goals of this session law: providing or arranging for counseling regarding academic issues or other concerns affecting students' academic performance; maintaining consistent, regular contact with students throughout their postsecondary experience; assisting students through crises; providing for or arranging emergency housing for up to two weeks for students with no safe place to live when school is out of session; and monitoring grades and evaluating progress toward goal achievement.⁷³

Contractual Agreement for Residential Services: A Transition Support. In accordance with NCGS 108A-48,⁷⁴ the State Foster Care Benefits Program states that benefits may be granted to any individual who: has passed his or her eighteenth birthday; is less than 21 years of age; and is a full time student or has been accepted for enrollment as a full time student for the next school term, pursuing a high school diploma or its equivalent, a course

of study at the college level, or a course of vocational or technical training designed to fit him/her for gainful employment.

To this end, county child welfare agencies are encouraged to offer young adults who have been in their custody the opportunity to remain in a licensed foster care facility while continuing their education.⁷⁵ The Contractual Agreement for Residential Services (CARS) allows for state assistance with payment of the standard board rate to the facility. It is a voluntary agreement between the young adult and the agency. The young person is not in child welfare agency's custody; rather, he or she has voluntarily agreed to be in the agency's placement authority for the duration of the agreement.

CARS may be offered to:

- Legally competent young adults, ages 18-21, who age out of the county's foster care custody at age 18;
- Legally competent young adults, ages 18-21, who were discharged from the county's custody prior to age 18, but are now requesting this service;
- Legally competent and legally emancipated youth, ages 16-18, who are requesting the service; and
- Legally competent young adults who aged out of custody in another North Carolina county.⁷⁶

With regard to young adults who have been declared incompetent, it may be appropriate for a legal guardian to sign a CARS on behalf of the young adult; however, it is generally more appropriate to refer the young adult to Adult Services for follow-up services.⁷⁷

Young adults on CARS remain eligible for all LINKS services and resources, and will continue to remain eligible until age 21 regardless of their status on CARS. A menu of service options available to young adults on CARS may include, but is not limited to:

- Involvement with ongoing LINKS activities at the agency, especially as youth leaders;
- Life skills training;
- Crisis management;
- Assistance to strengthen personal support system;
- Assistance with obtaining employment;
- Negotiation with employers, creditors, service providers, etc.;
- Accessing LINKS Special Funds for transitional needs; and
- Information and referral to appropriate community resources.

Expanding Foster Care to Age 21. As of January 1, 2017, the child welfare system will implement policies and procedures in response to the legislation expanding foster care to age 21.⁷⁸ Although CARS allows for young people to remain in a residential agreement with the county child welfare agency until 21 years of age, there are some key differences between CARS and foster care to 21, including the following: a) under foster care to 21, all youth are entitled to continued placement; with CARS, counties have the discretion not to enter into an agreement with a young person; b) under the new law expanding foster care to age 21, young people may live outside a licensed foster care facility, e.g., *in a college or university dormitory or other semi-supervised, independent living arrangement* [emphasis added]; and c) under the new law expanding foster care to age 21, the counties

will be able to access federal funding to support young people to remain in foster care after they turn 18; with CARS, only state and county dollars are used to support youth.⁷⁹ The expansion of foster care to 21 will also allow young people who cannot complete educational or employment requirements due to a medical condition or disability to remain in foster care. By contrast, with CARS, young people are required to meet specific educational or vocational requirements to remain in foster care.⁸⁰ It has yet to be determined whether the expansion of foster care to age 21 will change the way in which young people with I/DD who are exiting foster care are engaged in services through the child welfare system.

Public Awareness: Section (3) of this session law requires that entities named “plan and implement approaches to public awareness about postsecondary education and employment.” In this spirit, the Division of Social Services notes its contract with Foster Care to Success for the Education Training and Voucher program and the NC Reach program, discussed above. Foster Care to Success engages in community outreach to build awareness of the voucher program and identify qualified applicants. This includes providing information to current and former foster youth; county child welfare agencies; youth organizations and service providers; and colleges, high schools, and other entities that are connected to youth. Additionally, Foster Care to Success engages in awareness activities relating to the NC Reach program, e.g., outreach to eligible foster youth; former foster youth adopted out of care after the age of 12; adoptive parents; foster families; social workers; state universities and community college financial aid staff; and others through training and events throughout the state. Further, Foster Care to Success maintains websites with information regarding both programs and distributes printed materials regarding both programs to stakeholders and youth-serving organizations throughout the state.⁸¹ These services could be used to leverage capacity under section (3) of the session law.

VIII. Postsecondary Education and Employment Opportunities for Students with Intellectual and Developmental Disabilities in the NC Community College System

North Carolina’s Community College programs serving students with intellectual and developmental disabilities (I/DD) emphasize the development of knowledge, skills, and abilities related to future careers. This emphasis allows for the services offered through community colleges to focus on inclusive, job-driven training opportunities that lead to better employment outcomes for individuals with I/DD. These training opportunities are structured and time-limited and aligned with the employment opportunities available in the various regions of the state.

On July 22, 2014, Title II of WIOA, the Workforce Innovation and Opportunity Act-Adult Education and Family Literacy Act (WIOA-AEFLA), was signed into law. The North Carolina Community College System (NCCCS) is the pass through agency for Title II of WIOA. The College and Career Readiness Unit, NCCCS Programs and Student Services Division, provides leadership, oversight, professional development, technical assistance, and monitors and evaluates programs funded under WIOA-AEFLA.

The law includes considerations for state and local adult education providers to ensure that education and training are provided to individuals with the *lowest* [emphasis added] skill levels.⁸² WIOA-AEFLA encourages the use of innovative instructional models that prepare adult learners for postsecondary education, while also requiring states to consider how well providers will serve learners at the lowest skill levels prior to awarding local grants. These directives are consistent with the DMH/DD/SAS's approach to the session law in year one, i.e., addressing postsecondary education and employment for students with intellectual disabilities and developmental disabilities (I/DD).

WIOA-AEFLA creates three activities that are added to the definition of adult education and literacy services. These are part of the activities for local adult education programs under the Act. The activities are: 1) Integrated Education and Training; 2) Workforce Preparation Activities, inclusive of activities, programs or services to help individuals gain basic academic, critical thinking, digital literacy, and self-management skills and competencies in utilizing resources and using information, and acquiring other skills necessary for successful transition into postsecondary education, training, or employment; and 3) Integrated English Literacy and Civics Education.⁸³ These activities within NCCCS's adult education and literacy programs form a solid foundation for continued efforts to address postsecondary education for students with significant disabilities.

The goal of serving students with disabilities⁸⁴ with Title II funds is to assist these students to become literate, obtain the necessary skills for employment and economic self-sufficiency, and to transition to postsecondary education and training to career pathways. To meet these goals, WIOA-AEFLA providers (Community Colleges and Community-Based Organizations) in the State's Community College System receive support in assessment procedures, stakeholder collaboration, and technical assistance on developing career pathways.⁸⁵ In the development and implementation of programs and services for students with disabilities, NCCCS first ensures compliance with Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990 (ADA). Under these laws, qualifying students with disabilities are eligible to receive reasonable, academic accommodations through the Disability Services office located on each Community College campus. Funds⁸⁶ are used consistent with Section 504 and the ADA to support local accommodations and assistive technology devices necessary for instructional purposes.

To maximize a student's performance gain, instructors need ongoing training on contextualized instruction and research-based interventions for teaching students with ID and other significant disabilities. Regional and localized training is provided to instructors on strategies for teaching students with disabilities in reading, math, writing, speaking/listening, and technology. State Leadership funds will be used to assess program offerings, and conduct professional development opportunities and to train staff on effective instruction strategies that target individuals with learning disabilities, including those with I/DD.

WIOA-AEFLA providers in the NCCCS are provided with technical assistance in developing employment strategies, inclusive of assistance for students with ID. NCCCS makes such support available by facilitating ongoing webinars and showcasing effective programs, such as Project SEARCH⁸⁷, Transitions Academy⁸⁸, and Career College.⁸⁹

Under WIOA-AEFLA, the NCCS engages in conversation on a regular basis regarding the employment needs and outcomes of individuals with disabilities. These conversations involve key stakeholders, such as the NC Department of Commerce and its NCWorks Career Centers,⁹⁰ the Division of Vocational Rehabilitation, the Department of Public Instruction and employers. Discussions examine current and future job or labor markets; identify employment needs; and identify the training and skills needed to transition into employment. As a result, career pathways, apprenticeship opportunities, and employment exploration are developed in a way that utilizes existing classes or resources on campuses. State leadership funds will be used to fund state, regional and local partnership meetings, inclusive of I/DD stakeholders.

Policies and Practices. Section 223 of WIOA, State Leadership Activities, requires programs under WIOA-AEFLA, such as those within the NCCCS, to carry out adult education and literacy activities. As it relates to this report, the NCCCS prioritizes the following:

- Provide leadership and guidance in the development of effective program models and procedures serving students with disabilities.
- Conduct effective monitoring which focuses on continuous improvement and on building capacity through the sharing of best practices of serving students with disabilities.
- Deliver high quality, responsive support to the field through strategic technical support and professional development.
- Furnish accurate, consistent, and timely information, including data reports, in order to maximize provider effectiveness of providing services for students with disabilities.

Strategies to Support Students with Low Skills. As one of the six core programs of WIOA, the Title II programs of the NC Community College System, support the provision of adult education and literacy services to low skill individuals, including those with intellectual disabilities. The goal of these services is strengthening the foundation for workforce success. The services both expand and sustain employment opportunities for students with disabilities. Specifically, Title II WIOA-AEFLA funds within the NCCCS:

- Align adult education and literacy activities with other core programs and community partners for consistency of services. This is done through partnership with NCWorks,⁹¹ the State's workforce development network.
- Expand the high quality, professional development system to include administrative and data support staff. Professional development priorities for this sector have been identified through statewide program self-assessment, monitoring, and analysis of local plans.
- Deliver equitable and consistent technical assistance through state-level, subject area specialists. This technical assistance will include providing current research on evidence-based practices in reading, writing, mathematics, English language acquisition and instructional strategies related to content, employability skills, integrated education and training, instructional technology, partnership development, and core program alignment. Technical assistance will be conducted through regional meetings, webinars, on-site visits, and online resources.

- Monitor and evaluate the quality and improvement of adult education and literacy services for eligible individuals. This process will include data analysis, as well as onsite monitoring, regarding administrative and instructional best practices.
- Expand the implementation of the NC Adult Education Content Standards consistently across all providers.

These target areas clearly support SL 2015-241 section 11.19(a) with regard to sustaining outcomes, tracking outcomes and linking data bases relative to students with disabilities.

Permissible Activities under WIOA-AEFLA. After the State covers the mandated activities under WIOA-AEFLA, it may expend funds on permissible activities, including any activities of “statewide significance.”⁹² The NCCCS indicates that these activities are:

- Develop content and service delivery models for integrated education⁹³ and training and bridge programming to align with the services of other core partners under WIOA.
- Increase learning opportunities through the use of online technology and digital resources for both students and adult education and literacy staff.

Data Analysis. Under WIOA’s Unified State Plan for the State of North Carolina, the NC Community College System will provide the following information as it pertains to students with disabilities. This information is also germane to the directive of the North Carolina General Assembly under SL 2015-241, section 11.19(a):

- Under section 102(b)(1)(B) of the Unified Plan, an analysis of the current workforce, employment and unemployment data, labor market trends, and the educational and skill levels of the workforce, including individuals with barriers to employment (e.g., individuals with disabilities);
- Under section 102(c)(vii), information with regard to the physical and programmatic accessibility, under the ADA, of NCCCS facilities, programs, services, technology, and materials, for individuals with disabilities, including complying through providing staff training and support for addressing the needs of individuals with disabilities.

Program Options Specific to NCCCS Students with Intellectual Disabilities. There are currently 77 WIOA-AEFLA providers funded through the NC Community College System under Title II. Among these are 58 community colleges and 19 community-based, non-profit, adult literacy organizations. Within the community college system, the College and Career Readiness⁹⁴ programs offer services to students with intellectual disabilities (ID) within the Adult Basic Education (ABE) programs. The programs offered under ABE address:

- Contextualized instruction
- Integrating content standards
- Assisting adults to become literate
- Teaching the knowledge and skills necessary for employment and economic self-sufficiency
- Transition to postsecondary education and training

The College and Career Readiness section provides leadership, oversight, professional development and policy guidance regarding ABE, along with English as a Second Language (ESL), and Adult Secondary Education (ASE) programs, aligning transition services with adult education content standards, postsecondary education completion goals, college entry readiness, life skills, and employment instruction and training.

WIOA's Unified State Plan, WIOA-AEFLA Requirements, and Students with Intellectual Disabilities. North Carolina's Unified State Plan under WIOA provides adult education and literacy activities through programs that offer workforce preparation activities, or integrated education and training within the community college and community-based organizations that serve students at the lowest academic levels. This will be achieved through curriculum review, development, and technical assistance. Curriculum development with core partners (e.g., NCWorks, Division of Vocational Rehabilitation and Department of Public Instruction) for individuals with intellectual disabilities will be one area of focus for this component of the plan's implementation.

Work-Based Learning as a Strategy for Students with Intellectual Disabilities. A key tenant of the career pathways philosophy is a strong, work-based learning component. Local and regional NCCCS teams will provide opportunities for students and job seekers with disabilities to incorporate work-based learning into their programs of study. Pathways will include work-based learning as a strategy for career exploration and workforce engagement related to the individual's program of study or training and employment plan. Work-based learning is a critical part of the pathways system as it concerns people with disabilities, including those with I/DD.

Work-based learning strategies:

- Provide skills development related to the individual's program of study or training plans and offer course credit;
- Include in-depth industry tours, shadowing, mentorships, project-based learning, service learning, cooperative education, structured volunteer experiences, junior achievement, internships, and apprenticeships; and
- Provide for a structured experience that is supported with demonstrated commitment from employers.

Such strategies strongly accrue to the benefit of students with intellectual disabilities, and many others with disabilities.

Career College Models Serving Students with Intellectual and Developmental Disabilities. Several Community Colleges across the state have already developed work-based learning models for students with intellectual disabilities. These are known as Career Colleges. The Career Colleges offer a one-year to two-year, postsecondary certificate program for adults with intellectual and developmental disabilities (I/DD). Students choose one of the career pathways offered: e.g., automotive assistant; health and public services assistant; greenhouse/nursery assistant; and hospitality. Students gain employment skills through a hands-on practicum experience. Other career pathways opportunities for students with I/DD offered at the State's Community Colleges include: Hospitality and Tourism (nationally recognized certificates); Housekeeping and Beyond (nationally recognized certificates); Landscaping; Animal Care; and cardiopulmonary resuscitation or CPR (health-related pathways).

The Transition Academy at Craven Community College is an example of one of the State's work-based models. It is a two-year program providing adults with mild intellectual disabilities the opportunity to continue their education by improving their reading, writing, math, and technological skills, while preparing for the world of work or other postsecondary programs designed for students with ID.⁹⁵

Project SEARCH. Five community colleges offer another program specific to students with I/DD: Project SEARCH. Project SEARCH⁹⁶ is offered to students with I/DD as a transition program from high school to employment. Based on a model developed at Cincinnati Children's Hospital, Project SEARCH serves young adults with significant intellectual and other developmental disabilities, ages 18-30, to gain employability skills⁹⁷ through the implementation of hands-on work experience. This experience is gained during a series of three, separate, ten-week internships matched to a student's individual interests, strengths and abilities. The intern works within a host business to gain job skills and independent living skills. Interns receive classroom instructional time and spend the majority of time on the job site, four days a week. Each intern has a teacher and job coach. The program runs with the school year with the ultimate goal of permanent job placement upon graduation from the program.⁹⁸

Beyond those discussed here, there are a variety of programs to serve students with intellectual disabilities offered at North Carolina's Community Colleges. The common goal for each, however, is assisting students through career pathways to become literate, obtain the necessary skills for employment and economic self-sufficiency, and transition to postsecondary education and training. These goals support the charge to the North Carolina Community College System under SL.2015-241, section 11.19(a).

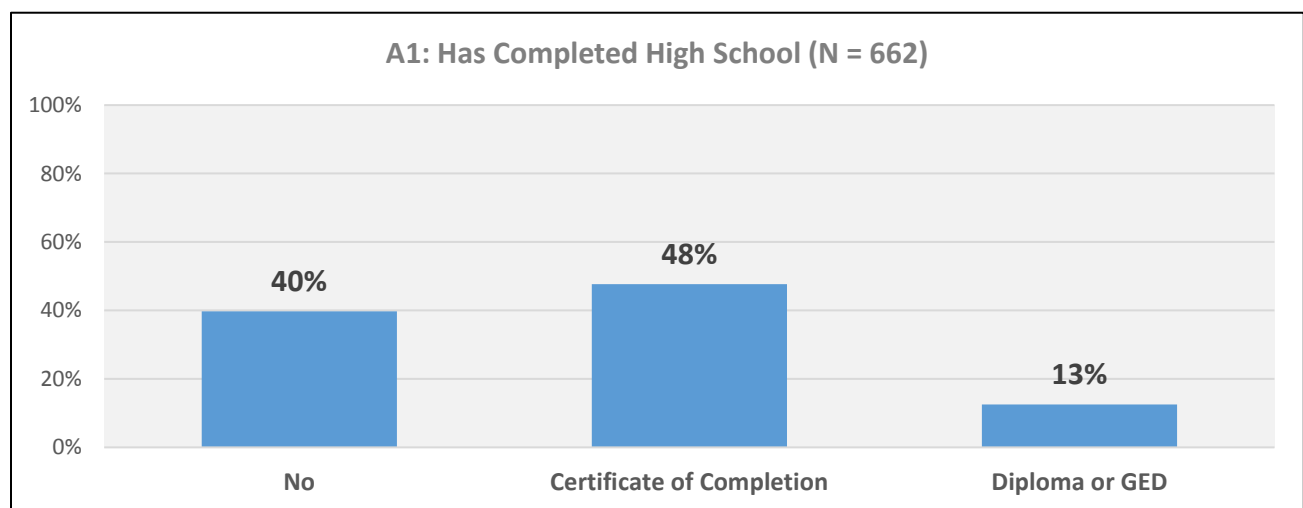
IX. Postsecondary Education and Employment Opportunities for Students with Intellectual and Developmental Disabilities in The University of North Carolina System

The Higher Education Opportunity Act of 2008. In recognition of the gap in higher education access for students with intellectual disabilities (ID), provisions were made in the reauthorization of the Higher Education Opportunity Act of 2008 (HEOA) to support the development of postsecondary education (PSE) programs designed to meet the needs of this new population of postsecondary education students. The US Department of Education (DOE) funded two important programs: the Model Comprehensive Transition Program (CTP)⁹⁹ and Transition and Postsecondary Programs for Students with Intellectual Disabilities (TPSID).¹⁰⁰ As a result, there has been a national proliferation of higher education programs for students with ID,¹⁰¹ with the intent of ensuring that these students have the same access to "opportunities to learn skills such as problem-solving, communication, discipline, and persistence that are critical to future employment and being a valued member of one's community" as their matriculating peers.¹⁰² During this period—and before it—the University of North Carolina System (UNC System) has seen a growth in options that prepare students with intellectual disabilities and developmental disabilities (I/DD) for independent living, engaged citizenship, and employment. The UNC System is responding to advocacy from the State's high school graduates with intellectual disabilities (ID) and their families. Consistent with the national trend, these youth and families are increasingly advocating for greater access to the personal and professional

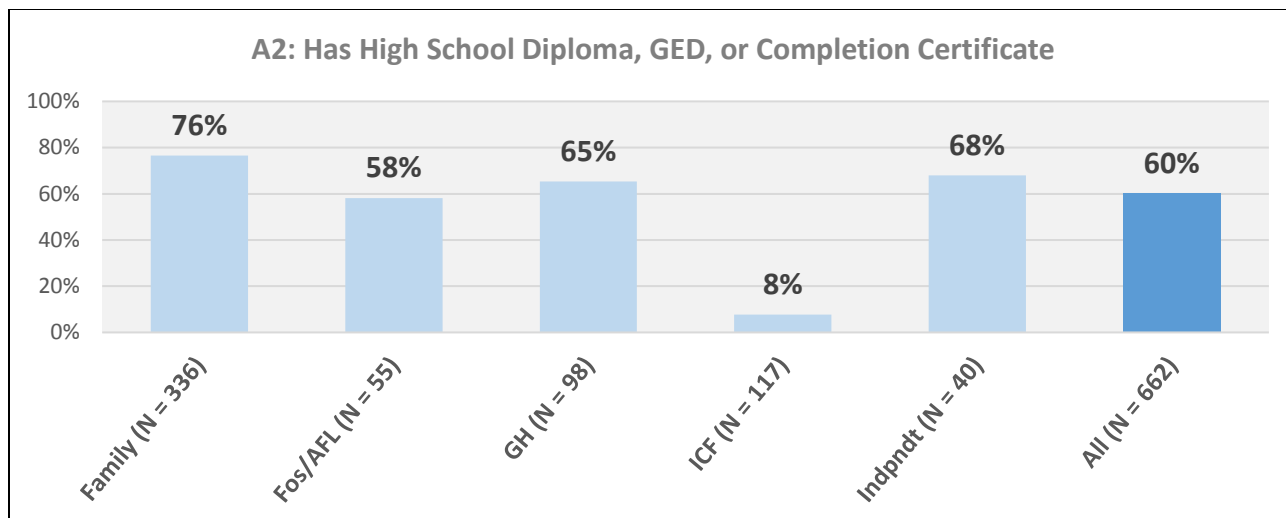
benefits represented by postsecondary education. Between 2010 and 2013, under the Individuals with Disabilities Education Act of 2004 (IDEA), there were 27,810 graduates from North Carolina's high schools.¹⁰³ While this number reflects a broad range of disabilities, it is likely that the need for postsecondary options—particularly for students with intellectual disabilities (ID)—exceeds the supply. This shortage is exacerbated by the complexities of accessing necessary academic and residential services and supports when and where postsecondary students with ID—along with other students with complex disabilities--need them. A wide variety of education, advocacy, and planning organizations have worked collaboratively to address this need. Among these are the Department of Public Instruction (DPI); the NC Institute of Medicine (NCIOM)¹⁰⁴; the Division of Mental Health, Developmental Disabilities and Substance Abuse Services (DMH/DD/SAS); the Division of Medical Assistance (DMA); the Postsecondary Education Alliance; the NC Community College System (NCCCS); Division of Vocational Rehabilitation (DVR); and the NC Council on Developmental Disabilities (NCCDD). These collaborations have made it clear: when students with ID attend college, provided the appropriate services and supports, they have an opportunity to experience, during school and following it, the same benefits as students and youth without disabilities.¹⁰⁵ Skills gained in this time period propel learners to increased self-sufficiency, career success, and a higher quality of life.¹⁰⁶

The DMH/DD/SAS collects data, along with other states in the country, relevant to secondary and postsecondary education for students with intellectual and other developmental disabilities (I/DD). The information, below, is reported in the 2014-2015 National Core Indicators Survey¹⁰⁷ and addresses both secondary and postsecondary education.

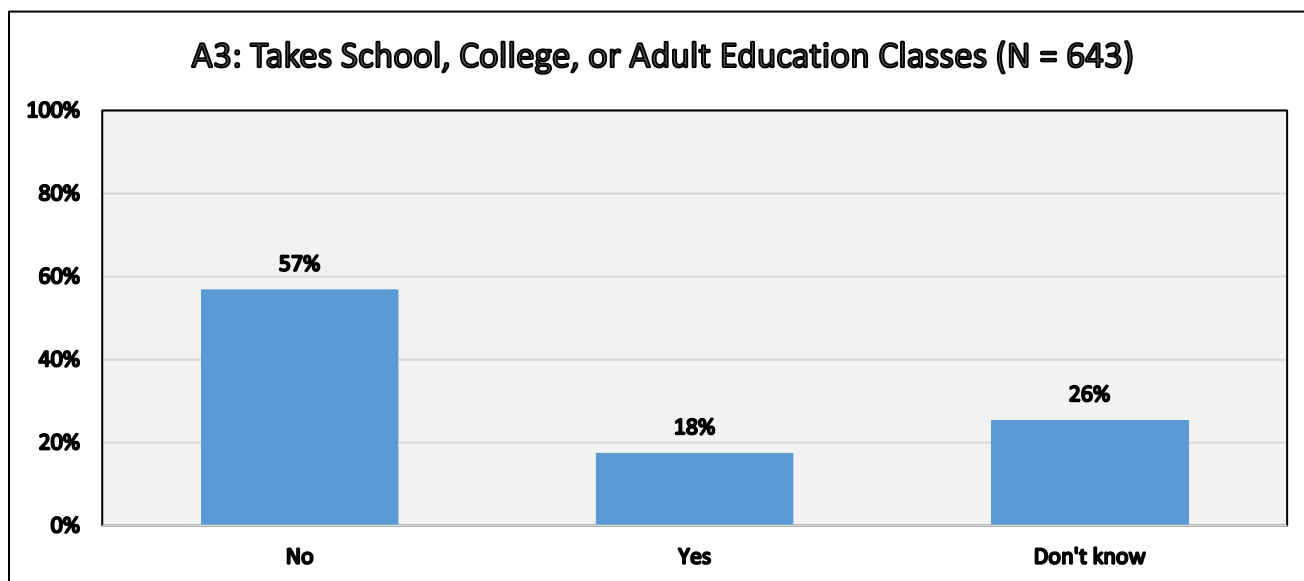
National Core Indicators for People with I/DD: State of North Carolina, 2014-2015



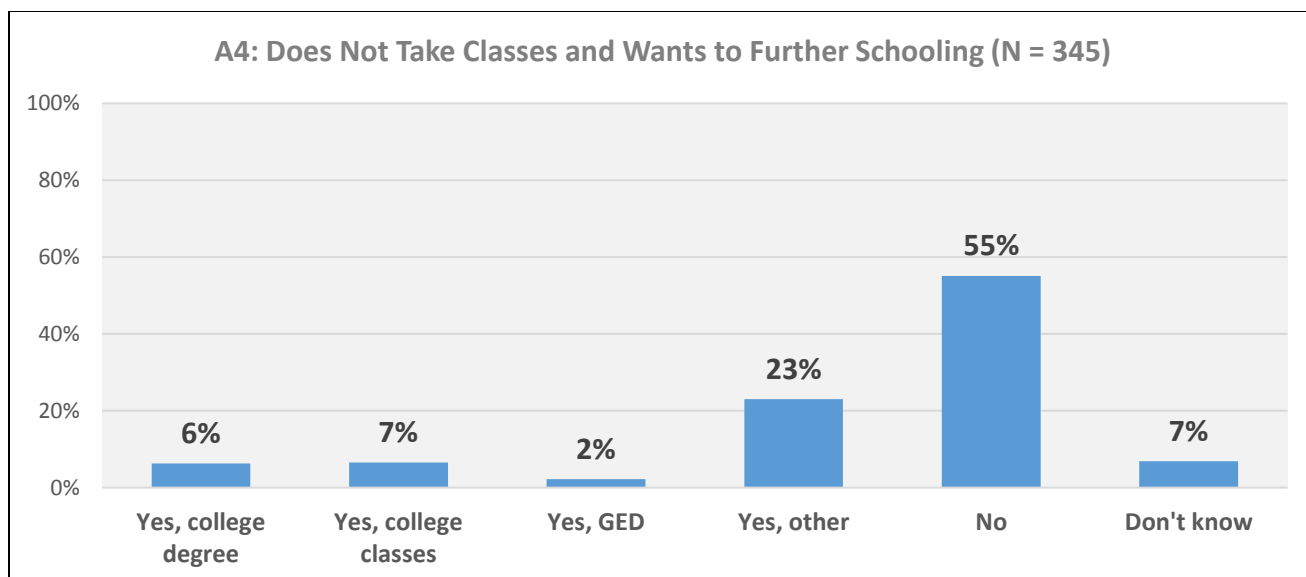
Graph A1 illustrates that 13% of NC respondents have a high school diploma or GED, 48% have a certificate of completion, and 40% have not completed high school.¹⁰⁸



Graph A2 illustrates the percentages of respondents by Residence Type reported to have completed high school, including those with a high school diploma, GED, or Certification of Completion: Family/Parent/Relative Home (76%); Foster Care, Host Home, or Alternative Family Living (58%); Group Home (65%); Intermediate Care Facility (8%); Independent Home or Apartment, alone or shared with roommate (68%); All respondents (60%).



Graph A3 illustrates that 18% of respondents reported they were taking classes at a college, school, or adult education center, and 57% indicated they were not taking any classes.¹⁰⁹



Graph A4 illustrates that of those respondents who said they were not taking any classes, a combined 38% reported they would like to take classes or go further in school by earning a college degree or GED or by taking college or other adult education classes.

North Carolina: An Early Innovator in Higher Education for Students with Intellectual Disabilities. The State has been at the forefront of the movement to open the doors of higher education to students with intellectual disabilities (ID). In 2007, prior to the passage of the Higher Education Opportunity Act of 2008, the NC Council on Developmental Disabilities (NCCDD) released grant funds to develop the State's first higher education program of study for students with ID. Its grantee was the University of North Carolina at Greensboro (UNCG). Under these funds, UNCG offered the first higher education experience in the State for students with ID. One of the first of its type in the country featuring a four-year program of study, the program has been characterized, from the start, by a strong partnership with the State of North Carolina.

Shortly after the NCCDD grant, UNCG evolved a partnership with a non-profit created to provide supportive services to its students with ID: Beyond Academics™. Subsequently, the NC Division of MH/DD/SAS awarded three "Transformation Grants" to Beyond Academics™. The funds assisted UNCG to develop, implement and study a system of support services for students with ID attending college. The program eventually began to use both state funds and Medicaid Home and Community Based Services waiver funds through the NC Innovations Waiver.

North Carolina's efforts to establish a diverse array of higher education programs for people with ID continued in the early years of the 21st century. In 2010, Western Carolina University (WCU), with a two-year program of study known as the University Participant (UP) Program, became North Carolina's first federally funded TPSID. UNCG earned the CTP designation in 2013, allowing its students to access federal financial aid to help pay the cost of college attendance. In 2015, Appalachian State University (ASU), with another two-year program, Scholars with Diverse Abilities, was also selected as TPSID. As a result of these pioneering efforts, the State has seen a significant increase in higher education options for students with ID, both in state university sites and in the North

Carolina Community College system. Following the lead of UNCG, WCU and ASU, other universities in the UNC system, private colleges and NC Community College System are exploring or have tapped into the potential for programs for students with ID as an academic offering. At the time of this writing, there were 27 postsecondary education programs for students with intellectual disabilities available throughout the North Carolina.¹¹⁰ Nationally, there are at least 250 programs for people with ID at higher education institutions throughout the country.¹¹¹ Clearly, an increasing number of students with ID have new options, post high school. Preliminary data indicate that participation in these programs results in higher rates of employment compared to participants' same-age peers, as well as yielding social, health, and quality of life benefits.¹¹²

Postsecondary Education: Expanding Employment Opportunities for Students with ID. It is well known that the completion of college or other postsecondary options/training “significantly improves the chances of securing gainful employment as well as achieving financial independence.”¹¹³ College, however, has not traditionally been an option for students with ID, with the exception of a limited few.¹¹⁴ According to the National Longitudinal Study (NLTS2),¹¹⁵ of the 50% of youth who have an Individualized Education Program (IEP) under the Individuals with Disabilities Education Act (IDEA) who *wanted* to go to college, one year after graduation, only 30% of these students had taken college classes. In another study, only 18% of students with an IEP were enrolled in college, compared to 40% of their peers without disabilities.¹¹⁶ When students with ID do gain access to higher education, preparedness for employment is a theme that is front and center. Research indicates, for example, that higher educational attainment is associated with higher employment rates--whether for students with any disability or for those with a cognitive disability.¹¹⁷

Although employment is certainly an important outcome for college students, broader themes must also be addressed. These themes include: “identity formation outside of parental influence; exposure to diverse experiences and cultural perspectives; exploration of interests and skills; the cognitive growth that comes from experiencing new situations; social identity formation and exploration; critical thinking and analytic engagement; and self-confidence, as well as the intrinsic desire for life-long learning.”¹¹⁸ Many postsecondary education programs for students with I/DD throughout the nation, as well as in North Carolina, are seeing anecdotal evidence of a reverse in trends in unemployment, lower wages, lack of residential independence, levels of isolation and dependence on parents and family members¹¹⁹. Still, there is still a need for both qualitative and quantitative research that answers questions for students, families, educators, administrators and policy makers.¹²⁰

Postsecondary Students with ID, and the Barriers within Higher Education and Service Provision. The culture of the institutions of higher education in which students with ID are enrolling plays an important role in student success.¹²¹ It is likely that educational practices and related culture will need to make significant shifts to address a larger diversity of learners. In sum, although federal legislation opened the door to diverse student populations, “the absence of efforts to change the culture of the educational practices in higher education (such as the curriculum, physical layout, and teaching and testing methods) has created significant barriers to access, retention, and graduation for

many students particularly students with disabilities.”¹²² Similarly, culture must also change among service providers, so as not to increase unnecessarily students’ and youths’ dependence on service systems. Changing cultures within institutions of higher learning and within the service provision community will strengthen and help maintain the significant gains students with I/DD achieve by attending college.

Program Performance and Student Outcomes: One Model’s Success. Beyond Academics™ at UNCG is one of the nation’s largest programs for students with intellectual disabilities, with 62 students enrolled for Academic Year 2016-2017 and a total of 48 graduates through May of 2016. Its status as a Comprehensive Transition Program and use of braided funding, including Medicaid funds, have made the program a technical resource to other postsecondary education programs for students with ID. Still, it is only one of North Carolina’s postsecondary education programs for students with intellectual disabilities. Programs at other universities and in the community colleges are varied. At this early stage in the field of postsecondary education for students with ID, program performance and student outcomes are not comparable from one setting to the next. Nevertheless, it is clear that Beyond Academics™ and other programs in North Carolina are making a difference.

Through its program evaluation system, Beyond Academics™ has tracked student outcomes on an annual basis, from the first graduating class in 2011 to present:

- Performance Data. 56% average decrease in individualized supports used while enrolled (through 2014 graduates)
- Demand. Demand continues to outpace the availability of enrollment slots, with 100+ applications for Academic Year 2016-2017.
- Enrollment Slots. Total of 25 for Academic Year 2016-2017
- Completion Rate: Through 2014, graduates: 71%

Graduate Outcomes. The National Longitudinal Transition Study-2 (NLTS-2)¹²³ on the transition of young adults served under IDEA, post high school graduation, found a low employment rate, lower wages, almost non-existent residential independence, high levels of social isolation, and increasing dependence on aging parents or siblings.¹²⁴

The chart, below, compares UNCG’s Beyond Academics™ students, six months after graduation for the years 2014 and 2015, with national data from the NLTS-2 for students with disabilities.¹²⁵

BEYOND ACADEMICS STUDENTS	ACROSS THE NATION
Were employed:	
61.5%	38.8%
Lived independently or semi-independently:	
54%	36.3%
Had a checking account and wrote their own checks:	
77%	29%
Had a credit or debit card in their own name:	
61.5%	19.4%
Completed volunteer or community service in the last year:	
92.3%	19%
Were registered to vote:	
100%	62%

Findings such as these¹²⁶ support North Carolina's strong and early adoption of promising practices and models with regard to postsecondary education for students with intellectual and other developmental disabilities.

While postsecondary education for persons with ID is still relatively young in North Carolina and the number of graduates small, preliminary study indicates that the approach has significant potential.

X. The Postsecondary Education Alliance

The North Carolina Postsecondary Education Alliance (PSEA) was formed in 2009 at the Carolina Institute for Developmental Disabilities (CIDD), University of North Carolina at Chapel Hill (UNC-CH). The CIDD is North Carolina's federally designated University Center of Excellence on Developmental Disabilities under the Developmental Disabilities Bill of Rights and Assistance Act, P.L. 106-402. The PSEA developed in response to the national momentum to support college opportunities for students with I/DD and directly in response to the collaborative efforts, beginning in 2007, among the University of North Carolina at Greensboro, the NC Department of Health and Human Services (DHHS), and the NC Council on Developmental Disabilities (NCCDD).

The North Carolina Postsecondary Education Alliance is a diverse group consisting of leaders with developmental disabilities, representatives of state entities and organizations, legislators, educators, and families, as well as other advocates. The mission of the Postsecondary Education Alliance is to expand inclusive, higher education opportunities across the State for students with intellectual disabilities (ID). Today, the Alliance includes over 100 members, many of who actively participate in quarterly meetings. Members include educators, administrators, family advocates, postsecondary education students and alumni, legislators, agency representatives, employment advocates, and other interested stakeholders.¹²⁷

The Alliance shares information and resources among colleges and universities about national standards and successful outcomes; increases awareness for families, teachers, and transition coordinators of postsecondary options for North Carolinians with intellectual disabilities; and offers periodic, capacity-building workshops. A quarterly newsletter provides highlights, while the website¹²⁸ offers resources and links. The Postsecondary Education Alliance is one of the first statewide alliances of this type in the country.

XI. State and Federal Policy Drivers Impacting Employment for Youth with I/DD: Division of Mental Health, Developmental Disabilities and Substance Abuse Services

Over 400,000 youth with disabilities exit the nation's high schools each year. Of those, over 40,000 have intellectual disabilities (ID), almost 15,000 have autism, almost 9,000 have multiple disabilities, and over 2,500 have a traumatic brain injury (TBI).¹²⁹ Not all of these individuals will need help with the transition to adulthood. Still, this data represents the over 66,000 youth nationally who potentially require transition services each year.¹³⁰ Without effective assistance in securing work as they transition from school, youth with disabilities are at risk of experiencing unemployment¹³¹ and poverty throughout their adult lives, impacting the cost of public services and supports. As youth move from school into the workplace, seamless transitions are key. Transitions are "seamless" when there is no interruption of services and supports or employment status after school exit. Also essential are transitions that result in typical jobs: those that offer a competitive integrated employment and are offered in settings integrated into the community of workers without disabilities. Exiting school into a competitive integrated job, with the supports in place to keep the job and aid in the acquisition of new skills, has an important benefit for youth with disabilities: potential career advancement and better overall outcomes in adult life.

NC Policy: Education as a Means to Close Skill Gaps. In October of 2015, Governor McCrory announced a new goal for North Carolina – to have 67% of working adults attain education and training beyond high school by 2025.¹³² The Governor emphasized the importance of "working together to improve education at all levels" as a means of closing the skills gap in the workforce.¹³³ The Governor requested that each education and workforce board pass a resolution in support of the state's new goal and identify strategies to reach the goal. Each board and its respective agency is currently working to identify key strategies for reaching that goal. In addition, the Governor's Education Cabinet is develop[ing] key benchmarks and measures to track the state's progress.¹³⁴ This policy direction is critical for North Carolina's students and youth with disabilities, given that adults with disabilities perceive lack of training and education as the most common barrier to employment aside from the disability itself.¹³⁵ The Administration's policy is underscored by the cross-agency collaborations directed by SL 2015-241, Section 11.19(a), led by the Division of Mental Health, Developmental Disabilities and Substance Abuse Services (DMH/DD/SAS). North Carolina's policy is undergirded by the federal policies discussed in this section.

State Policy Alignment with WIOA and Medicaid Settings Rule. Both the Centers for Medicare and Medicaid (CMS) Community Settings Rule, discussed below, and the Workforce Innovation and Opportunity Act (WIOA) have clear policy and practice implications for employment services for the State's students and youth with intellectual and developmental disabilities (I/DD). WIOA's goal to strengthen and improve the nation's public workforce system is inclusive of youth with "the most significant disabilities"¹³⁶; hence the DMH/DD/SAS focus on a population that will nearly always be assessed by practitioners as meeting WIOA's criteria: students and youth with I/DD. Moreover, the Workforce Innovation and Opportunity Act (WIOA) authorized a new category of transition services that are likely to be of real assistance to youth with significant disabilities, such as those with I/DD. These services, known as Pre-Employment Transition Services

(PETS),¹³⁷ fall under the purview of the NC Division of Vocational Rehabilitation Services (DVR), but are discussed here because of their implications for the State's population of youth with I/DD.

WIOA's Pre-Employment Transition Services (PETS). WIOA defines eligibility for PETS as: students with disabilities who are enrolled in school and either have an Individualized Education Program (IEP) under IDEA or are individuals with disabilities under Section 504 of the Rehabilitation Act of 1973¹³⁸ and who are not younger than the earliest age for the provision of transition services under IDEA and not older than 21. The PETS services¹³⁹ represent a program with potential to "expand and sustain postsecondary education and employment opportunities" for students and youth with disabilities, including those with I/DD.

The required PETS services are:

- Job exploration counseling;
- 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 to the maximum extent possible;
- Counseling on opportunities for enrollment in comprehensive transition or postsecondary educational programs at institutions of higher education;
- Workplace readiness training to develop social skills and independent living; and
- Instruction in self-advocacy, which may include peer mentoring.

Another set of PETS activities are authorized under WIOA--versus required--if funds are available after providing the required activities. The additional activities are:

- Implementing effective strategies to increase the likelihood of independent living and inclusion in communities and competitive integrated workplaces;
- Developing and improving strategies for individuals with intellectual disabilities and individuals with significant disabilities to live independently, participate in postsecondary educational experiences, and obtain and retain competitive integrated employment;
- Providing instruction to vocational rehabilitation counselors, school transition personnel, and other persons supporting students with disabilities;
- Disseminating information about innovative, effective, and efficient approaches to achieve the goals of this section;
- Coordinating activities with transition services provided by Local Education Agencies under the Individuals with Disabilities Education Act;
- Applying evidence-based findings to improve policy, procedure, practice, and the preparation of personnel, in order to better achieve the goals of this section;
- Developing model transition demonstration projects;
- Establishing or supporting multistate or regional partnerships involving states, Local Education Agencies, designated state units, developmental disabilities agencies, private businesses, or other participants to achieve the goal of this section; and

- Disseminating information and strategies to improve the transition to postsecondary activities of individuals who are members of traditionally unserved populations.

Notably, PETS are available to students with disabilities who are either eligible or potentially eligible for Vocational Rehabilitation services. Further, the category of services explicitly includes students in postsecondary education.¹⁴⁰ WIOA's addition of Pre-Employment Transition Services recognizes the importance of providing employment-related services to students and youth as early as possible.¹⁴¹ Notably, national studies indicate that Vocational Rehabilitation funds spent on youth before they have exited school result in improved employment outcomes.¹⁴² From a policy standpoint, WIOA's PETS provisions signal the potential for a new generation of practices that will promote seamless transition and competitive integrated employment for an increasing number of youth with I/DD and other significant disabilities.

WIOA's Sub-Minimum Wage Restrictions. WIOA also effects limitations on the use of subminimum wages.¹⁴³ Through Section 511, WIOA imposes requirements on employers who hold special wage certificates to pay minimum wage to people with disabilities under section 14(c) of the Fair Labor Standards Act (FLSA).¹⁴⁴ These requirements must be satisfied before an employer may hire youth with disabilities at subminimum wages or continue to employ individuals with disabilities of any age at the subminimum wage level. In July of 2016, federal directives were issued to provide implementation guidance for section 14(c).¹⁴⁵ Under section 14(c), employers may not continue to pay a subminimum wage to persons with disabilities unless each worker, regardless of their age, has been provided with career counseling and information about self-advocacy, self-determination and peer mentoring training opportunities in their local area at specified intervals.¹⁴⁶ WIOA prohibits employers who are FLSA section 14(c) certificate-holders from hiring and paying workers with a disability, who are 24 years of age or younger and who were hired after July 22, 2016, a subminimum wage unless the employer has reviewed, verified, and maintained copies of documentation that the youth has completed three requirements--transition services, vocational rehabilitation and career counseling—each a service designed to improve access to competitive integrated employment.¹⁴⁷ WIOA furthermore prohibits employers with section 14(c) certificates from continuing to pay a subminimum wage to anyone with a disability, regardless of age, unless the Designated State Unit (in North Carolina, the Division of Vocational Rehabilitation) provides that person with career counseling, information and referrals every six months during the first year of employment, and annually thereafter.¹⁴⁸ With the additional PETs requirements and 14(c) requirements, the total youth population that the Division of Vocational Rehabilitation is serving will increase. In sum, these provisions of federal law represent a policy, in North Carolina and across the country, that will “expand and sustain... employment opportunities” as set out in SL 2015-241, section 11.19(a).

CMS Community Settings Rule Implications for Employment. The Centers for Medicare and Medicaid Services' (CMS) Community Settings Rule, published January 16, 2014,¹⁴⁹ is potentially as powerful as WIOA in advancing postsecondary education and employment for people with I/DD.¹⁵⁰ This rule governs the country's Medicaid waivers and, in North Carolina, impacts the NC Innovations waiver, as well as the Community Alternatives Program for Children (CAP/C), the Community Alternatives Program for

Disabled Adults (CAP/DA)¹⁵¹, and, in the future, pending waiver services for people with Traumatic Brain Injury (TBI). The Community Settings Rule was published with the intent that individuals receiving long-term services and supports (LTSS) through the country's home and community based service (HCBS) waiver programs would have full access to benefits of community living; the opportunity to receive services in the most integrated setting appropriate; an enhanced quality of waiver services; and appropriate protections.¹⁵²

The Community Settings Rule requires that any waiver funded service and support:

- Is integrated in and supports access to the greater community;
- Provides opportunities to seek employment and work in competitive integrated settings, engage in community life, and control personal resources;
- Ensures the individual receives services in the community to the same degree of access as individuals not receiving Medicaid home and community-based services;
- Is selected by the individual from among setting options, including non-disability specific settings and an option for a private unit in a residential setting;
- Ensures the individual a person-centered service plan that documents the options based on the individual's needs and preferences; and for residential settings, the individual's resources;
- Ensures an individual's rights of privacy, dignity, respect, and freedom from coercion and restraint;
- Optimizes individual initiative, autonomy, and independence in making life choices;
- Facilitates individual choice regarding services and supports, and who provides them; and
- Meets additional requirements in provider-owned and controlled settings.¹⁵³

While the CMS Community Settings Rule is limited to Medicaid waiver-funded services, state-funded services must, in a sense, follow suit, comporting with the 1999 United States Supreme Court decision from which the CMS rule flows: *Olmstead v. L.C.*¹⁵⁴ Going forward, more young North Carolinians with I/DD will be working in jobs, side by side with others in the community, and receiving at least a minimum wage for their work.

While CMS's Community Settings Rule for Medicaid waiver-funded services does not prohibit all non-integrated, employment settings, CMS's guidance is clear: "Importantly, any setting regardless of location that has the effect of isolating individuals receiving Medicaid home and community-based services (HCBS) from the broader community of individuals not receiving HCBS is also presumed to be institutional, and therefore requires information from the state to overcome that presumption and describe how the HCBS settings requirements are met."¹⁵⁵ CMS states that characteristics of settings that have the effect of isolating HCBS recipients from the broader community may include:

- Settings that are designed specifically for persons with disabilities or with specific disabilities;
- Settings comprised primarily of persons with disabilities and staff providing services;
- Settings where persons with disabilities are provided multiple types of services onsite;

- Settings where persons with disabilities have limited interaction with the broader community; and settings using restrictive interventions.¹⁵⁶

In this vein, it is noteworthy that North Carolina's 1915(c) Medicaid waiver, NC Innovations, puts forward a policy that "expand[s] and sustain[s]...employment opportunities" for beneficiaries with I/DD. It provides a strong foundation for current and future students and youth with I/DD who are seeking work by stipulating that no individual waiver participant is allowed to receive employment services in a non-integrated setting or a setting in which the individual earns subminimum wage. To ensure that North Carolina is in compliance with the Medicaid Waiver Community Based Settings Rule by March 19, 2019, as CMS requires, the North Carolina Department of Health and Human Services (DHHS) has developed a plan for addressing compliance.¹⁵⁷ The State Transition Plan (STP) for the CMS Community Setting Rule states that all 1915(c) service providers must complete a series of assessments. These assessments will address, among other issues, each work site that employs more than one waiver participant, including youth with I/DD.

WIOA's Implications for State-Funded Employment Services. In 2014, North Carolina's National Core Indicator (NCI) survey¹⁵⁸ indicated that 89% of respondents—all of whom are people with I/DD--reported not having a paid job in the community.¹⁵⁹ Of those 89%, 17% in North Carolina had community employment as a goal in their service plan, compared to 28% across other NCI states.¹⁶⁰ Sixty percent (60%) of North Carolina respondents reported wanting a paid job in the community, compared to 49% across NCI states.¹⁶¹ In response to this data, in state fiscal year 2016, DMH/DD/SAS began a series of meetings with 14(c) minimum wage certificate holders to review the policy direction implicit in the CMS Community Settings Rule and WIOA mandates and consider how federal policy might impact state-funded services. As a result of these conversations and the National Core Indicator data from North Carolina, DMH/DD/SAS expanded the 14(c) certificate holders' work group to include other stakeholders. In September of 2016, DMH/DD/SAS initiated a stakeholder review of proposed, state-funded, service definitions, with the intent of improving employment outcomes for individuals with I/DD. The proposed outcomes include increasing community life engagement, increasing access to benefits counseling,¹⁶² and increasing access to career exploration. These actions mesh with the imperative of SL 2015-241, section 11.19(a) with regard to tracking outcomes relative to employment.

In discussions with the 14(c) certificate holders, DMH/DD/SAS also reviewed the I/DD state-funded services associated with Adult Day Vocational Programs (ADVPs).¹⁶³ These programs provide developmental activities to prepare people with I/DD and others to live and work as independently as possible. ADVP services may include personal and community living skill development; Adult Basic Education; training in cognitive, communication and motor skills and use of leisure time; vocational evaluation and adjustment; work skills training; and paid employment. At this time, the work skills training and paid employment provided under the auspices of ADVPs are not precluded from affording individuals a subminimum wage.¹⁶⁴

Increased Interagency Collaboration and Coordination. WIOA requires each state's Designated State Unit for Vocational Rehabilitation (DVR in NC) to engage in a Memorandum of Agreement with the Designated Medicaid and Designated

Developmental Disabilities State Authorities (in NC, DMA and DMH/DD/SAS, respectively). In 2015 work was conducted through an Office of Disability Employment Policy's (ODEP) technical assistance grant to create an Interagency Memorandum of Agreement (MOA) among DVR, DMA, and DMH/DD/SAS. The MOA includes provisions to ensure increased collaboration, as well as improved access to services under WIOA. The latter is particularly important since longer wait times for services are associated with lower employment outcomes.¹⁶⁵

Advocacy for Employment of People with I/DD. Analogous to the work of the Postsecondary Education Alliance, the advocacy community in the State has evidenced strong support for meaningful employment outcomes for people with intellectual and other developmental disabilities. The North Carolina Council on Developmental Disabilities (NCCDD), through its grantee, The Institute for Community Inclusion (ICI), University of Massachusetts at Boston, produced a report with recommendations to the State, designed to assist individuals and families and individuals seeking employment services. ICI's report, *Creating Productive Futures for Youth and Adults with Intellectual and Developmental Disabilities*, recommended that DHHS develop a user's guide to long-term services and supports, including employment services.¹⁶⁶ Among other topics, the proposed manual would assist in explaining the process of accessing both waiver-funded and state-funded employment services. Studies such as this support the premise that the increased interagency collaboration and coordination that the State has undertaken – incident to WIOA, CMS directives and SL 2015-241, Section 11.19(a)--will result in new practices and policies that increase the likelihood of positive, educational and employment outcomes for students with disabilities.

The Potential for Expanded Employment Supports. It is clear that CMS HCBS policy and WIOA are increasing access in the United States to competitive integrated employment. CMS's 2011 instruction bulletin and 2015 technical guide for Medicaid waiver programs highlighted the importance of competitive work and the federal agency's goal to promote integrated employment options through the Medicaid waiver programs. The guide noted that educational, supported employment and prevocational services could, for example, be provided to participants who were, additionally, receiving day habilitation services.¹⁶⁷ CMS also increased the number of non-residential habilitation services that an individual's person-centered plan could include,¹⁶⁸ allowing for new models of support that help a person obtain and maintain integrated employment in the community. These new services include co-worker support models and payment-for-work milestones, such as length of time on the job, number of hours the participant works.¹⁶⁹

In North Carolina, during state fiscal year 2014, 15,619 individuals with I/DD accessed employment and day habilitation services through \$139,531,678 in Medicaid and State-funded services combined.¹⁷⁰

The 2015 report, *Creating Productive Futures for Youth and Adults with Intellectual and Developmental Disabilities*, referenced above, notes that providers need technical assistance to transform their service models, e.g. by expanding best and evidenced-based employment practices. The authors, e.g., recommended increasing the staffing capacities and training for Direct Support Professional (DSPs), those frontline staff who assist in person-centered planning, job development and job carving, job creation, and micro-enterprise development. The report also recommended an exploration of rate

restructuring to promote innovation and to assist providers in hiring and retaining qualified staff. Increased reliance on promising and evidence-based practices and policies, such as those outlined in this report, has significant potential for increasing valued employment and educational outcomes for students with I/DD, per the directive of SL 2015-241, section 11.19(a).

XII. Education and Employment Opportunities for Students with Disabilities: Division of Vocational Rehabilitation

The NC Division of Vocational Rehabilitation (DVR) program was reauthorized under the federal Workforce Innovation and Opportunity Act of 2014 (WIOA). This legislation included amendments to the Rehabilitation Act, which impact services to students and youth with disabilities. These legislative changes have and will continue to impact the way that DVR plans, provides, and tracks services to students and youth with disabilities. Federal regulations for WIOA were issued June 30, 2016; changes incident to the implementation of regulations were underway at the time of this report.

Policies and Practices Regarding Gaps and System Needs. WIOA and its regulations targeted system gaps at the federal level for the development of a workforce that includes students and youth with disabilities. At the State level, WIOA establishes priorities for DVR, including the requirement to allocate fifteen percent (15%) of its federal Vocational Rehabilitation grant to the provision of Pre-Employment Transition Services (PETS), discussed in the previous section, to those students with disabilities who are eligible or “potentially eligible” for the DVR program. The PETS requirement represents nearly \$16 million for the NC Division of Vocational Rehabilitation and NC Division of Services for the Blind combined. The provision of PETS to North Carolina’s students with disabilities will be a substantial capacity-building effort for the Divisions. Although the Act prioritizes the Divisions’ funding, DVR estimates that the legislation expands its potential footprint by increasing the Division’s youth population, age 14-21, from approximately 24,000 youth served in 2015 to more than 64,000 “potentially eligible” students with disabilities.¹⁷¹

WIOA also identifies the need to assure that individuals, including those with “the most significant disabilities,”¹⁷² are encouraged and permitted to pursue competitive integrated employment. This mandate places an emphasis on youth with disabilities, aged 14-24. In response, DVR is working to develop policies and practices that create clear paths for persons with intellectual and developmental disabilities (I/DD) to pursue competitive integrated employment through PETS, along with others who are eligible. These paths are supported by strong agency and community partnerships, including those partners named in SL 2015-241, Section 11.19(a).

With regard to the identification of system needs under SL 2015-241, Section 11.19(a), DVR conducts a triennial, comprehensive needs assessment with the input of a variety of stakeholders. Going forward, under WIOA, this assessment must include six components, one of which focuses on youth with disabilities. The agency’s programs and policies are developed with input from this assessment, as well as ongoing input from the State Rehabilitation Council and other stakeholders, both individuals and groups.

DVR Collaborations Supporting Transition. Outside of its federally required needs assessment, DVR has been involved in a number of groups and initiatives in recent years

aimed at identifying system needs to support transitions of people with disabilities to adulthood. These include: Office of Disability Employment Policy (ODEP) Technical Assistance Grant (2015-2016); National Technical Assistance Center on Transition Capacity Building Institute, NC Capacity Building Transition Team; the Reaching the Summit of Success Advisory (2012-2015);¹⁷³ the Postsecondary Education Alliance; NC Department of Public Instruction Occupational Course of Study Work Group; and WIOA Services to Youth Subcommittee, as well as the core team and advisory formed to address the directives in this legislation.

With regard to its collaborations, DVR notes its involvement in the aforementioned 2012-2015 NCCDD-funded initiative led by the Institute for Community Inclusion (ICI), resulting in the report, *Creating Productive Futures for Youth and Adults with Intellectual and Developmental Disabilities*.¹⁷⁴ Through statewide summits, roundtables, conferences, and structured interviews, ICI's staff identified the following as themes in North Carolina:

- Innovation and promising practices are found in the state;
- State agencies have many committed champions;
- Individuals want competitive, integrated employment and full participation in their communities;
- Raising expectations is a core issue;¹⁷⁵
- There is a need to establish a consistent vision about what quality employment looks like;
- The complexity of the system impacts access; and
- Geographic and socioeconomic diversity must be taken into consideration.

These themes, as well as the recommendations from the Institute for Community Inclusion, should serve as a springboard for conversation about the applicability of this report to other groups of students and youth with disabilities, and as a resource for identifying next steps for addressing NC system needs under this legislation.

Long-Term Vocational Supports as a System Gap. The Division of Vocational Rehabilitation has worked consistently to help individuals transition to adulthood via competitive integrated employment. Consistently, around 19% of consumers who exit the DVR program in employment require long-term vocational supports¹⁷⁶ in order to maintain employment. Currently, Local Management Entities-Managed Care Organizations (LME-MCOs) have discretion in determining the amount of funds allocated to long-term vocational supports. DVR's supported employment contractors have historically reported a lack of access to LME-MCO funds for this purpose. A current system gap, then, is that the agencies involved in providing pre-employment, employment, and post-employment services and supports for "individuals with the most significant disabilities" do not have shared, longitudinal measures for determining whether those persons who require long-term vocational supports are actually receiving these.

With the passage of WIOA and more stringent requirements for those employing individuals with disabilities earning subminimum wages,¹⁷⁷ DVR concurs with DMH/DD/SAS in its expectation that many more individuals will be in pursuit of competitive integrated employment. These individuals may require long-term vocational supports. As stated earlier, WIOA requires that prior to employing a person with a disability, aged 24 or under, and earning less than minimum wage, employers with

subminimum wage certificates under section 14(c) of the Fair Labor Standards Act must assure that the individual has received transition services under the Individuals with Disabilities Education Act (IDEA) and/or DVR PETS and has accessed the vocational rehabilitation process. That process now includes applying for, being determined eligible for, and, if eligible, receiving supported or customized employment. The period of supported employment has been extended from a maximum of 18 months to a maximum of 24 months. In light of these changes to the law, the state will require increased capacity to manage larger numbers of persons in pursuit of competitive, integrated employment for longer periods of time. Among this group are a growing number of youth with I/DD.

Program and fiscal policies to expand and sustain postsecondary education and employment opportunities. DVR's primary mission is to assist individuals with disabilities in achieving competitive integrated employment. Therefore, the bulk of its programs and services are for the purposes of assisting persons with disabilities in going to work. The WIOA requirement to allocate 15% of the DVR and Division of Services for the Blind's federal budget to PETS for students with disabilities is no small undertaking and represents a large proportion of the Divisions' policy development efforts, post-WIOA.

Recently, DVR has implemented a number of services and initiatives that are especially relevant to expanding employment and postsecondary education opportunities. In 2014, DVR completed a demonstration project in which the Division sponsored postsecondary training expenses for students admitted to the University Participant (UP) Program at Western Carolina University. Upon completion of the demonstration project, DVR implemented policies in May 2015 to permit partial, financial sponsorship of postsecondary training expenses for eligible DVR clients enrolled in non-degree conferring programs specialized for students with I/DD. Sponsorship has been approved for six (6) in-state public colleges, universities, or community colleges and two (2) out-of-state colleges/universities. The policies also permit DVR to provide supported employment services, subsequent to a student's participation in these postsecondary programs, if needed by the individual.

To assist individuals with disabilities with setting goals and expectations around participation in postsecondary training and employment, DVR has entered into a Request for Proposals, led by the NC Department of Commerce, for a NC Career Information Portal. In addition to the Department of Commerce and DVR, the portal partnership includes the Department of Public Instruction, the University of North Carolina system, and the North Carolina Community College system. The online portal is intended to provide the State's students and jobseekers, including persons with disabilities and career counseling professionals, with state-specific tools and information about occupational outlooks, career pathways, and required and available training. It will also serve as a resource link for current and future job seekers and bears further examination under the provision of this session law regarding public awareness about employment for people with disabilities.

Additionally, the Division has recently expanded its efforts in developing and supporting the participation of persons with disabilities in work-based learning experiences. In September 2016, DVR implemented revised internship policies. The policies significantly increased the categories of individuals with disabilities who could participate in Division-sponsored internships. This policy change included a significant expansion to students

with disabilities. The policy, furthermore, decreased regulatory burden and liability for host businesses, and added a job coaching component for individuals who require soft skill supports in order to participate in an internship.

DVR is involved in other work-based learning models for students and youth with disabilities. The Division sponsors job training and job placement supports for high school students and young adults with significant intellectual and developmental disabilities in twelve (12) Project SEARCH™ sites across the state. In 2016, the NC Council on Developmental Disabilities completed its third year of funding to establish Project SEARCH™ training sites for individuals with significant intellectual and developmental disabilities to participate in internships at a host business. With support from DVR, local school districts, local community colleges, LME-MCOs, and community rehabilitation programs, the sites will serve approximately 100 students with disabilities in preparing for and obtaining employment during the 2016-2017 school year.

In September 2016, DVR issued a Request for Applications (RFA) for organizations and agencies to provide WIOA PETS to students with disabilities. DVR plans to award up to \$16 million for projects that provide two or more of the following Pre-Employment Transition services: (1) job exploration counseling; (2) work-based learning experiences, which may include in-school or after school opportunities, or experience outside of the traditional school setting (including internships); (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, which may include peer mentoring. Consistent with SL 2015-241, section 11.19(a), the work done under the RFA will potentially expand employment opportunities, through use of Pre-Employment Transition Services, to students with disabilities.

Approaches to public awareness about postsecondary education and employment. DVR has primarily addressed public awareness needs by educating potential referral sources. Notably, to reach transition-aged youth, DVR maintains ninety-nine (99), formal, third-party cooperative agreements with school districts and high schools across the state. DVR staff also has MOUs with the State's twenty-three (23) workforce development boards to assure that these programs and services are addressing the employment needs of both individuals with disabilities and businesses.

DVR anticipates that the Career Information Portal, discussed above, in addition to providing specific career information to help students and jobseekers with disabilities consider career options, will also serve to create public awareness that persons with disabilities can and do participate in postsecondary training and employment.

One of the Division's programs, the NC Assistive Technology Program (NCATP), provides outreach and public awareness of individuals with disabilities participating in postsecondary training and employment through ten (10) demonstration/loan centers located across the state. NCATP works with transition and assistive technology teams within the public school system and assists with public and private employers in learning about technologies that offer the opportunity for individuals to participate in employment and education. As an example, the 2014 film, *An Accessible Life*,¹⁷⁸ shows how North Carolinians with disabilities live, study, work, and play in their communities with the aid of

assistive technology. A 2013 DVR video, *Part of Our Team*, addresses the benefits of DVR services for businesses, including the hiring of persons with disabilities.¹⁷⁹ These videos have raised public awareness that North Carolinians with disabilities can be full participants in society. DVR recognizes that through agency partnerships in technology, content development, and funding, there is untapped potential in creating public awareness campaigns through the use of social media.

Joint Policies and Common Data Indicators for Tracking Postsecondary Outcomes. WIOA is comprised of a number of core programs:¹⁸⁰ The Adult Program (Title I); the Dislocated Worker Program (Title I); the Youth Program (Title I); the Adult Education and Family Literacy Act Program (Title II); the Wagner-Peyser Act Program (Wagner-Peyser Act, as amended by Title III); and the Vocational Rehabilitation Program (Title I of the Rehabilitation Act of 1973, as amended by Title IV).¹⁸¹

WIOA's proposed performance accountability measures for the Youth Program¹⁸² are as follows:¹⁸³

- The percentage of program participants who are in education or training activities, or in unsubsidized employment, during the second quarter after exit from the program.
- The percentage of program participants who are in an education or training program or in unsubsidized employment in the fourth quarter after exit.
- The median earnings in the second quarter after participants exit from the program.
- The postsecondary credential attainment and high school completion of program participants who have exited from the Youth Program under WIOA, Title I.
- The percentage of participants who, during a program year, are in education or training programs that lead to a recognized postsecondary credential or employment, and who are achieving measurable skill gains.
- Additionally, new benchmarks were recently proposed for the Governor's 2025 Workforce Goal of having 67% of working adults with education and training beyond high school. Key metrics for the proposed benchmarks include:
 - The percentage of high school students who earn college credit prior to graduating from high school.
 - The percentage of recent high school graduates enrolling in credit or non-credit instruction within one year after graduation.
 - The annual number of individuals attaining a postsecondary credential (including a workforce credential when available).

As key metrics for SL 2015-241, sec. 11.19(a) are addressed, these will undoubtedly take into account the performance accountability measures for youth under WIOA and the proposed metrics for the Governor's 2025 Workforce Goal. The result will be enhanced collaboration and integration among the partner entities, as well as stronger alignment of effort. Shared performance accountability measures will also enable the caliber of evaluation for program planning and development that is essential to achieving improved outcomes for students with disabilities.

The Role of Business. Relationships with businesses are essential to any effort to improve transition and employment outcomes. The NC Business Leadership Network (NCBLN) is

well established and has many major employer partnerships.¹⁸⁴ Going forward, the NCBLN will be an ally in exploring strategic expansion of new business partnerships for students and youth with I/DD. Key issues to consider in this expansion include:

- Development of a business engagement strategy that meets the need of a diverse array of businesses, including small and medium-sized companies.
- Use of a job-driven approach to business engagement, i.e., developing strategic training and placement efforts to align with the hiring needs of businesses.
- Building on the relationships that already exist.¹⁸⁵

XIII. Next Steps and Conclusion

On September 15, 2016, The Advisory Committee on Increasing Competitive Integrated Employment for Individuals with Disabilities issued its Final Report to the Department of Labor and to Congress.¹⁸⁶ The proximity to the release of this report did not permit a full review of the document at this time. One year earlier, however, an interim report was issued from the same committee. That report's preliminary recommendations¹⁸⁷ give credence to the reports of the six entities identified in SL 2015-241, section 11.19(a), along with the Postsecondary Education Alliance, and their work with the advisory for this endeavor. Further, the federal recommendations offer direction for the recommendations that will issue in 2017 from the Advisory for Education and Employment Opportunities for Students with Disabilities.

The preliminary recommendations of the federal Advisory Committee include, for example:

- Increasing opportunities for early work experiences for all youth with disabilities, including beginning transition at age 14, and conducting research of effective transition practices resulting in competitive integrated employment for youth;
- Increasing opportunities for postsecondary education for youth with significant disabilities which includes competitive integrated work experiences;
- Raising family expectations for competitive integrated employment;
- Creating seamless transition and systems integration in policy and funding for transition across related agencies;
- Improving professional supports and incentives by improving school and provider competencies and providing technical assistance to stakeholders;
- Aligning policy and practices to prioritize competitive integrated employment across agencies
- Aligning funding rules and payment methodologies to prioritize and incentivize competitive integrated employment and help provide opportunities for competitive integrated employment to people in segregated work and non-work day programs;
- Addressing real and perceived disincentives to employment caused by concerns about loss of healthcare benefits (e.g., Medicaid) and/or cash benefits
- Addressing systemic low expectations around employment by increasing knowledge of, and capacity to provide, effective practices for achieving competitive integrated employment for people with significant disabilities;

- Improving accountability for achieving competitive integrated employment and ensuring quality through requirements for collecting data and outcome measures;
- Changing the narrative about hiring people with significant disabilities to promote hiring people with disabilities as good for business outcomes through a public awareness campaign;
- Expanded use of Home and Community-Based Services (HCBS) Waiver programs for competitive integrated employment;
- Aligning and improving data systems on competitive integrated employment outcomes; and
- Creating and funding professional development to improve provider competencies

The report on North Carolina's implementation of this session law, as it regards employment, already touches upon the majority of these recommendations. With regard to postsecondary education for students with intellectual and developmental disabilities, there are also national documents that readily align with the higher education component of the report. These include, among others, the 2016 Report to the President from the President's Committee for People with Intellectual Disabilities; the Think College Standards, Quality Indicators and Benchmarks for Inclusive Higher Education;¹⁸⁸ and the Comprehensive Transition Program designation standards from the US Department of Education.¹⁸⁹ Attention to this policy direction is evident in North Carolina's evolution of postsecondary education options. It is further reflected in this report's discussion of such topics as: the importance of family expectations;¹⁹⁰ raising public awareness with regard to successful transition planning;¹⁹¹ access to a wide array of inclusive, postsecondary education options; the role of college disability services for accommodations; faculty training and capacity building; the use of person-centered planning to identify career goals, develop a course of study and foster self-determination; developing outcomes that are measurable; the imperative for continued collaboration and coordination; the need to determine the program structures that contribute to positive outcomes for youth with ID;¹⁹² and fiscal sustainability. In sum, the postsecondary education issues raised in this report point to recommendations in 2017 consistent with national best practice and "best policy."¹⁹³

The 2016 report on this session law suggests recommendations with regard to postsecondary education that will likely address the growing number of students with intellectual and other complex disabilities who seek to go to college; the concomitant need for a robust array of postsecondary options; the importance of a standards-based conceptual framework for continued evolution of the State's programs; the imperative for continued stakeholder input and community awareness; the need for access to the services and supports necessary for students with ID to succeed; and strategies to assist with tuition and other costs of a postsecondary education. In both the areas of employment and postsecondary education, the 2017 recommendations will be informed by the 2016 report and the diverse expertise of the advisory to this initiative.

Going forward, the Division of Mental Health, Developmental Disabilities and Substance Abuse Services, its sister entities, the Postsecondary Education Alliance and the Advisory for Education and Employment Opportunities look forward to a productive collaboration in year two of the implementation of this session law.

NOTES

¹ NC. Governor Pat McCrory. Governor McCrory convenes education cabinet, directs group to develop new vision and brand for North Carolina's education system. (2013, April 17). Retrieved on August 15, 2016, from <http://governor.nc.gov/press-release/governor-mccrory-convenes-education-cabinet-directs-group-develop-new-vision-and-brand>

² Individuals with Disabilities Education Act, 20 U.S.C. § 1400(c)(5)(A)(ii) (2004).

³ In the 2015 report on this session law, the DMH/DD/SAS posited that that students with disabilities, in the context of this law, are: students who are currently, or were formerly, eligible for a free appropriate public education (FAPE) under the Individuals with Disabilities Education Act (IDEA); students who are not in Special Education, but are protected by Sec. 504 of the Rehabilitation Act and the ADA; and these same students/youth after leaving high school up until age 24.

⁴ Carolina Institute for Developmental Disabilities. (n.d.). North Carolina postsecondary education alliance. Retrieved August 15, 2016 from <http://www.cidd.unc.edu/psea/>

⁵ The Honorable John Chadwick "Chad" Barefoot, Senator, State of North Carolina.

⁶ The Stakeholder Engagement Group is an initiative of the North Carolina Council on Developmental Disabilities, Office of the Secretary, North Carolina Department of Health and Human Services.

⁷ In North Carolina, the American Job Center is NCWorks. For a listing of the NCWorks sites, see CareerOneStop. (n.d.). Retrieved August 16, 2016 from <http://www.careeronestop.org/localhelp/americanjobcenters/find-american-job-centers.aspx?location=NORTH%20CAROLINA&radius=25&ct=0&y=0&w=0&e=0&sortcolumns=Program%20Type,GEOCODE&sortdirections=DESC,ASC¤tpage=1&olds=0&return=1>

⁸ Created from a partnership between a private non-profit organization and The University of North Carolina at Greensboro (UNCG), Beyond Academics™ at UNCG provides a postsecondary education option to students with intellectual and developmental disabilities. Students in the Beyond Academics™ program receive a four-year certificate of completion in Integrative Community Studies from the UNCG Office of the Provost and job training. UNCG Beyond Academics. (n.d.). Retrieved August 17, 2016 from <https://beyondacademics.uncg.edu/wp-content/uploads/2015/09/factsheet.2016.pdf>

⁹ AHEAD is a professional membership organization for individuals involved in the development of policy and in the provision of quality services to meet the needs of persons with disabilities involved in all areas of higher education. Association on Higher Education and Disability®. (n.d.). Retrieved August 17, 2016 from <https://www.ahead.org/about>

¹⁰ Think College is a national organization dedicated to developing, expanding, and improving inclusive higher education options for people with intellectual disabilities. Think College supports evidence-based and student centered research and practice by generating and sharing knowledge, guiding institutional change, informing public policy, and engaging with students, professionals and families. Think college! College options for people with intellectual disabilities. (n.d.). Retrieved August 17, 2016 from <http://www.thinkcollege.net/about-us>

¹¹ The WCU UP Program provides an inclusive, two-year, on-campus living and learning experience for college-aged persons with intellectual disabilities. The goal of the program is to facilitate UP students' transition from secondary school to adult life with education, employment and independent living. Western Carolina University. University Participant (UP) Program. (n.d.). Retrieved August 16, 2016 from <http://www.wcu.edu/learn/departments-schools-colleges/ceap/stl/special-education-programs/university-participant-up-program/index.aspx>

¹² AHEAD white paper on students with intellectual disabilities and campus disability services. (2010). Retrieved October 4, 2016 from <https://www.ahead.org/uploads/docs/resources/AHEAD%20White%20Paper%20on%20Students%20with%20ID%20and%20Campus%20DS.pdf>

¹³ All panelists, with the exception of Mr. Smith, are members of the Postsecondary Education Alliance. Mr. Smith has delivered a keynote address to the Alliance.

¹⁴ In 2012, the U. S. Census Bureau estimated that 19% of the population had a disability. United States Census Bureau (2012, July 25). Nearly 1 in 5 people have a disability in the U.S., Census Bureau reports: Report released to coincide with 22nd anniversary of the ADA. Retrieved August 17, 2016 from

<https://www.census.gov/newsroom/releases/archives/miscellaneous/cb12-134.html>. Using this estimate with 2014 population data for North Carolina, approximately 1.889 million of 9.944 million North Carolinians have a disability.

¹⁵ For some purposes, this report refers to people with intellectual and other developmental disabilities as a group, using the abbreviation, “I/DD.” In other cases, the report refers only to the subset of people with intellectual disabilities, using the abbreviation “ID.” The term “people with disabilities” is a much broader term that includes all people with intellectual and other developmental disabilities. The distinction between I/DD and ID is relevant to this report given that some people with developmental disabilities (DD) have an intellectual disability (ID) while others do not.

¹⁶ Others with significant disabilities may include, e.g., people with traumatic brain injury, people diagnosed with serious mental illness, chronic illnesses, or dual diagnoses.

¹⁷ Arc of the U.S. (2011). Still in the shadows with their future uncertain: A report on family and individual needs for disability supports. Retrieved August 17, 2016 from <http://www.thearc.org/document.doc?id=3672>

¹⁸ U.S. Department of Education. (2010). Data Accountability Center. Individuals with Disabilities Education Act data: Exiting children and students served under IDEA, Part B, in the U.S. and outlying areas by age group, year and disability category, 2008. Table 4-2.

¹⁹ Wagner, M., Newman, L., Cameto, R., Levine, P, and Garza, N. (2006). An overview of findings from wave 2 of the National Longitudinal Transition Study-2 (NLTS2). Menlo Park, CA: SRI International.

²⁰ School inclusion is generally associated with positive outcomes for students with disabilities. Schoolwide Integrated Framework for Transition (SWIFT Center). (n.d.). Benefits of inclusive education for all students. Retrieved August 17, 2016 from

<http://www.swiftschools.org/Common/Cms/Documents/ResearchSupportforSWIFT1.15.14.pdf>

²¹ This is a survey of more than 5,000 parents, siblings and other caregivers or support providers of people with I/DD. Arc of the U.S. (2011). Still in the shadows with their future uncertain: A report on family and individual needs for disability supports. Retrieved August 17, 2016 from <http://www.thearc.org/document.doc?id=3672>

²² Think college! Fast facts (2013). Transition and postsecondary education programs for students with disability: A pathway to employment. Retrieved August 17, 2016 from http://www.thinkcollege.net/images/stories/site_images/pubs/FF4_pathway_to_employment.pdf

²³ Ibid.

²⁴ Ibid.

²⁵ Ibid.

²⁶ Ibid.

²⁷ Ibid.

²⁸ Ibid.

²⁹ Arc of the U.S. (2011). Still in the shadows with their future uncertain: A report on family and individual needs for disability supports (FINDS). Retrieved August 17, 2016 from <http://www.thearc.org/document.doc?id=3672>.

³⁰ Office of Legislative Affairs and Budget. (2011, March 2). Testimony of Sharon Lewis, Commissioner, Administration on Developmental Disabilities, Administration for Children and Families, U.S. Department of Health and Human Services, before the Health, Education, Labor and Pensions Committee, United States Senate. On improving employment opportunities for people with intellectual disabilities. Retrieved August 17, 2016 from <http://www.acf.hhs.gov/olab/resource/sharon-lewis-on-improving-employment-opportunities-for>

³¹ ³¹ Think college! Fast facts (2013). Transition and postsecondary education programs for students with disability: A pathway to employment. Retrieved August 17, 2016 from http://www.thinkcollege.net/images/stories/site_images/pubs/FF4_pathway_to_employment.pdf

³² Carter, E., Austin, D., & Trainor, A. (2012). Predictors of post-school employment outcomes for young adults with severe disabilities. *Journal of Disability Policy Studies*, 23,1–14.

³³ Think college! Fast facts (2013). Transition and postsecondary education programs for students with disability: A pathway to employment. Retrieved August 17, 2016 from http://www.thinkcollege.net/images/stories/site_images/pubs/FF4_pathway_to_employment.pdf

³⁴ Institute of Education Services. (2010). Comparisons across time of the outcomes of youth with disabilities up to 4 years after high school: A report of findings from the National Longitudinal Transition Study-2 (NLTS2). Retrieved August 18, 2016 from www.nlts2.org/reports/2010_09/nlts2_report_2010_09_complete.pdf

³⁵ Human Services Research Institute. (2012). Working in the community: The status and outcomes of people with intellectual and developmental disabilities in integrated employment. NCI Data Brief, October 2012. Cambridge, MA: Human Services Research Institute. Retrieved August 18, 2016 from http://www.thinkcollege.net/images/stories/site_images/pubs/FF4_pathway_to_employment.pdf

³⁶ Carneval, A. P., & Desrochers, D. M. (2003). Educational Testing Service. Standards for what? The economic roots of K-16 reform. Retrieved August 18, 2016 from <http://www.learndoeearn.org/For-Educators/Standards-for-What.pdf>

³⁷ Think college! Fast facts. (2009). Postsecondary education and employment outcomes for youth with intellectual disabilities. Think College. Retrieved August 18, 2016 from http://www.thinkcollege.net/images/stories/site_images/pubs/FF_1.pdf

³⁸ Cobb, R. B., Lipscomb, S., Wolgemuth, J., Schulte, T., Veliquette, A., Alwell, M., et al. (2013). Improving post-high school outcomes for transition-age students with disabilities: An evidence review (NCEE 2013-4011). Washington, DC: National Center for Education Evaluation and Regional Assistance, Institute of Education Sciences, U.S. Retrieved August 18, 2016 from <http://ies.ed.gov/pubsearch/pubsinfo.asp?pubid=NCEE20134011>

³⁹ Ibid.

⁴⁰ In presenting the following information, the Exceptional Children Division (ECD) advises that, while students with intellectual and developmental disabilities (I/DD) are often recipients of special education services, the ECD does collect data specific to this subset of the population of exceptional children. The ECD's mandates require that its data meet the requirements the IDEA of 2004, as was noted in the 2015 report on Education Opportunities for Students with Disabilities.

⁴¹ The U.S. Department of Education (USDOE) has implemented a revised accountability system under the Individuals with Disabilities Education Act (IDEA). Results-Driven Accountability (RDA) shifts accountability efforts from a primary emphasis on compliance to a framework that focuses on improved results for children with disabilities. To support this effort, states are required to develop a State Systemic Improvement Plan (SSIP) as part of their State Performance Plan/Annual Performance Report (SPP/APR). USDOE expects that a State's focus on results will drive innovation in the use of evidence-based practices in the delivery of services to children with disabilities. Office of Special Education Programs. State systemic improvement plan—questions and answers. (n.d.). Retrieved August 18, 2016 from <http://www.doe.k12.de.us/cms/lib09/DE01922744/Centricity/Domain/78/OSEP%20-%20SSIP%20Questions%20and%20Answers.pdf>

⁴² Ibid. Results -Driven Accountability (RDA) efforts derive from a primary emphasis on compliance with a framework that focuses on improved results for children with disabilities, while continuing to ensure States meet IDEA requirements. RDA emphasizes improving child outcomes such as performance on assessments, graduation rates, and early childhood outcomes.

⁴³ 20 U.S.C. § 1400(d).

⁴⁴ 20 U.S.C. § 1415(m); 34 C.F.R. § 300.321(b); [20 U.S.C. § 1414(d)(1)(B)].

⁴⁵ 34 C.F.R. § 300.320(b).

⁴⁶ 34 C.F.R. § 300.704(b)(4)(vi); [20 U.S.C. 1411(e)(2)(C)(vi)].

⁴⁷ NTACT, based at the University of North Carolina at Charlotte, is funded by the Office of Special Education Programs (OSEP) and the Rehabilitation Services Administration (RSA). NTACT is a technical assistance and dissemination center funded from January 1, 2015 until December 31, 2019 and focused on improving the postsecondary outcomes of students with disabilities. National Technical Assistance Center on Transition (NTACT). (n.d.). Improving postsecondary outcomes for all students with disabilities. Retrieved August 18, 2016 from <http://transitionta.org/about>

⁴⁸ Ibid. See NTACT's predictors at this link: Post-school Success. Preparation for successful engagement in postsecondary education, employment, and independent living. [Effective Practices and Predictors](#). See Predictors of Post-School Success and related links, as follows:

- [Linkable List of Predictors of Post-School Success](#)
- [Predictors Correlated with Post-School Outcome Areas](#)
- [Predictor Implementation Self-Assessment \(fillable form – Word\)](#)
- [Predictor Implementation Self-Assessment \(print version\)](#)
- [Aligning EBPs and Predictors](#)

⁴⁹ Diplomas count 2016 map: Graduation rates by state, student group. (2016, June 2). Retrieved from <http://www.edweek.org/ew/dc/2016/map-graduation-rates-by-state-demographics.html>

⁵⁰ Ibid.

⁵¹ Between 2001 and 2013, the high school graduation rate for all students with disabilities increased from 47 to 62 percent; however, that same rate increase did not occur for youth with ID with the most significant disabilities. Carter et al (2011) found that while there has been some increase in the number of youth with intellectual and other significant disabilities graduating from high school and obtaining competitive integrated employment, these better outcomes are largely the result of family engagement; IEP goals that include work-based experiences; and the availability of transportation. Reported in *Report to the President: Strengthening an inclusive pathway for people with intellectual disabilities and their families*. President's Committee for People with Intellectual Disabilities. (2016).

⁵² Wilkins, J. & Huckabee, S. (2014). A literature map of dropout prevention interventions for students with disabilities. Retrieved August 19, 2016 from <http://www.ndpc-sd.org/documents/wilkins-huckabee-lit-review.pdf>

⁵³ 20 U.S.C. 1416(a)(3)(B).

⁵⁴ Exceptional Children Division notes that this data is based on a five-year reporting cycle. Local Education Agencies (LEAs) of 50,000+ participate in data reporting every year. Other LEAs report on a rotating basis once every five years. Beverly Colwell (personal communication, August 22, 2016).

⁵⁵ ECAC is a private non-profit parent federally funded parent training and information center. The organization offers parent training, information and support to North Carolina families of children with disabilities. Exceptional Children's Assistance Center. (n.d.). Retrieved August 19 from <http://www.ecac-parentcenter.org/about-us/history/>

⁵⁶ The Early Childhood programs are included as a result of the Early Learning Challenge Grant, part of the Race to the Top Grant. This component of the program is known as the Early Childhood Integrated Data System (ECIDS). Stephanie Hanes (personal communication, August 26, 2016).

⁵⁷ The NC Community College System uses a Literacy Education Information System (LEIS). The LEIS captures, e.g., enrollment data, functioning levels and testing from the 58 community colleges. Reports are submitted to the federal government annually, at the end of the calendar year for the past program year ending June 30. Stephanie Hanes (personal communication, August 26, 2016).

⁵⁸ The NC Division of Social Services does not provide services or collect data that is specific to the population of students and youth it serves with intellectual and other developmental disabilities. These individuals are a part of the broader population covered by the term "disability."

⁵⁹ John H. Chafee Foster Care Independence Program, 42 U.S.C. 677 (2008).

⁶⁰ LINKS program funding can be accessed by county child welfare agencies in two ways: through LINKS program allocations provided directly to counties and accessed via direct charge, expensing, and cost allocation procedures, and through LINKS Special Funds, which are reimbursed to counties for expenditures made on behalf of eligible youth and young adults. North Carolina Division of Social Services. (2009, February). Family services manual volume I: Children's services chapter XIII – child welfare funding manual. Retrieved August 19, 2016 from <https://www2.ncdhs.gov/info/olm/manuals/dss/csm-78/man/Section%201500.pdf>

⁶¹ Ibid.

⁶² Ibid.

⁶³ Children's Bureau. (2012, June 28). John H. Chafee foster care independence program. Retrieved August 19, 2016 from <http://www.acf.hhs.gov/cb/resource/chafee-foster-care-program>

⁶⁴ Ibid.

⁶⁵ Foster care to success: America's college fund for foster youth. (n.d.). North Carolina. Retrieved August 22, 2016 from <http://www.fc2sprograms.org/north-carolina/>

⁶⁶ North Carolina Division of Social Services. (2009, February). Family services manual volume I: Children's services, chapter XIII – child welfare funding manual. Retrieved August 22, 2016 from <https://www2.ncdhs.gov/info/olm/manuals/dss/csm-78/man/Section%201500.pdf>

⁶⁷ Social Security Administration. (n.d.). John H. Chafee Foster Care Independence Program. Retrieved August 22, 2016 from https://www.ssa.gov/OP_Home/ssact/title04/0477.htm

⁶⁸ General Assembly of North Carolina Session 2007 (2007, July). Retrieved August 22, 2016 from <http://www.ncga.state.nc.us/enactedlegislation/sessionlaws/pdf/2007-2008/sl2007-323.pdf>

⁶⁹ North Carolina Reach. (n.d.). Retrieved August 22, 2016 from <http://www.ncreach.org/faq/>

⁷⁰ DSS administrative letter family support and child welfare services FSCWS-03-08 (2008, March 13). Retrieved August 22, 2016 from https://www2.ncdhhs.gov/info/olm/manuals/dss/adm/FSCWS_AL_03_08.pdf

⁷¹ Ibid.

⁷² Ibid.

⁷³ Ibid.

⁷⁴ Part 4. Foster care and adoption assistance payments. (n.d.). Retrieved August 22, 2016 from http://www.ncleg.net/EnactedLegislation/Statutes/HTML/BySection/Chapter_108A/GS_108A-48.html

⁷⁵ North Carolina Division of Social Services. (2015, September). Child welfare services 1201 – child placement services. Retrieved August 22, 2016 from <https://www2.ncdhhs.gov/info/olm/manuals/dss/csm-10/man/1201sVII.pdf>

⁷⁶ Ibid.

⁷⁷ Ibid.

⁷⁸ General Assembly of North Carolina Session 2015 (2015, September). Retrieved August 22, 2016 from <http://www.ncleg.net/Sessions/2015/Bills/House/PDF/H97v9.pdf>

⁷⁹ Conner, E. (2016, May). Views on foster care and adoption in North Carolina. 2015 North Carolina legislative changes impacting foster parents. Retrieved August 22, 2016 from <http://www.fosteringperspectives.org/fpv20n2/Conner.htm>

⁸⁰ Ibid.

⁸¹ Foster Care to Success: America's College Fund for Foster Youth. (n.d.). North Carolina. Retrieved August 22, 2016 from <http://www.fc2success.org/>

⁸² CLASP. (2014, September). New opportunities to improve economic and career success for low-income youth and adults: Key provisions of the Workforce Innovation and Opportunity Act (WIOA). Retrieved from <http://www.clasp.org/resources-and-publications/publication-1/KeyProvisionsofWIOA-Final.pdf>

⁸³ Information session 2: An overview of the Adult Education and Family Literacy Act (August 19, 2014). Retrieved from <https://www2.ed.gov/about/offices/list/ovae/pi/AdultEd/wioa-info-session-2-transcript.pdf>

⁸⁴ While the North Carolina Community College System (NCCCS) does not collect data specific to students with intellectual and other developmental disabilities (I/DD), those with I/DD are included in the broader group of students with disabilities.

⁸⁵ WIOA includes strong support for the career pathways approach. This approach offers routes to skilled professions and supports individuals along the way, coordinating with employers and providing guidance. Each step allows the participant to gain a marketable skillset and credential, preparing them for the next job on the career path. Each pathway has 1) multiple entry points so that individuals can begin their career path at the most appropriate skill level; 2) multiple exit points so that individuals can enter the workforce at various milestones and easily return to their education when they're ready; 3) well-connected and transparent education, training, credentialing and support services to facilitate progress along the pathway and ensure participants can get credit for their education and experience in the future. Center for Law and Social Policy (CLASP) (2014, October 15). Career pathways explained: A multimedia overview. Retrieved September 16, 2016 from <http://www.clasp.org/issues/postsecondary/pages/career-pathways-explained>

⁸⁶ WIOA adds four required leadership activities to be supported with State leadership funds. WIOA 1) activities to support alignment among core programs to implement the State plan strategy, including the development of career pathways; 2) establishment of high quality professional development programs to improve instruction; 3) technical assistance based on rigorous research; and 4) evaluation and dissemination of information about promising practices within the state. States may also use funds for several allowable activities related to instructional technology, models for integrated education and training and career pathways, and support to eligible providers in achieving performance goals, among other activities. U.S. Department of Education. (2014, July 22). The Workforce Innovation and Opportunity Act overview of title II: Adult education and literacy. Retrieved on August 24, 2016 from <https://www2.ed.gov/about/offices/list/ovae/pi/AdultEd/wioa-overview.pdf>

⁸⁷ This program is discussed in more detail later in this section. For locations of Project SEARCH in North Carolina, see Project SEARCH. (n.d.). Find a program in your area. Retrieved August 24, 2016 from <http://projectsearch.us/GetINVOLVED/FindaProgram.aspx>

⁸⁸ Transitions Academy is a two-year program at Craven Community College. It assists adult students with ID to improve reading, writing, math, and technological skills while preparing for work or other appropriate postsecondary programs. Students are provided job referrals, transition services, supported employment, job

shadowing and job coaching through community partnerships. Craven Community College. (n.d.). New program prepares adults with intellectual disabilities for work. Retrieved August 24, 2016 from <http://cravencc.edu/news/new-program-prepares-adults-with-intellectual-disabilities-for-work/>

⁸⁹ Career College is a one-year, integrative postsecondary certificate program. Along with a practicum experience, it provides an entry-level foundation, including reading, math and computer skills, for transitioning into career or further coursework. Alamance Community College. (n.d.). Services for students. Retrieved August 24, 2016 from <https://www.alamancecc.edu/services-for-students-site/disability-services/career-college/>

⁹⁰ NCWorks is a one-stop, online resource for job seekers and employers in North Carolina. Job seekers can search for jobs, create resumes, and find education and training. Employers can find candidates, post jobs, and search labor market information. NCWorks Online. Retrieved August 24, 2016 from <https://www.ncworks.gov/vosnet/Default.aspx>

⁹¹ Ibid.

⁹² Information session 2: An overview of the Adult Education and Family Literacy Act (2014, August 19). Retrieved August 24, 2016 from <https://www2.ed.gov/about/offices/list/ovae/pi/AdultEd/wioa-info-session-2-transcript.pdf>

⁹³ Integrated education and training has been shown to help adult learners obtain college credits and achieve basic skill gains more quickly than when they are enrolled in traditional adult education program. CLASP. (2014, September). New opportunities to improve economic and career success for low-income youth and adults: Key provisions of the Workforce Innovation and Opportunity Act (WIOA). Retrieved August 24, 2016 from <http://www.clasp.org/resources-and-publications/publication-1/KeyProvisionsofWIOA-Final.pdf>

⁹⁴ College and Career Readiness programs are provided for students with low basic education skills in writing, reading, math, and computer literacy. Students who receive these services include low-skilled adults, individuals with disabilities, family literacy program participants, youth, ex-offenders, and English language acquisition students. Their goals are to complete adult high school and obtain a high school diploma or its recognized equivalent and perhaps earn employment-related credentials. North Carolina Community Colleges. (n.d.). College and career readiness. Retrieved August 24, 2016 from <http://www.nccommunitycolleges.edu/college-and-career-readiness>

⁹⁵ Craven Community College. (2015, November 12). New program prepares adults with intellectual disabilities for work. Retrieved August 24, 2016 from <http://cravencc.edu/news/new-program-prepares-adults-with-intellectual-disabilities-for-work/>

⁹⁶ Project SEARCH serves students with significant intellectual and developmental disabilities. Typically, these are students who are on an Individual Education Program (IEP) and in their last year of high school eligibility. The most important criterion for acceptance into Project SEARCH is a desire to achieve competitive employment. Project SEARCH. (n.d.). Our program. Retrieved August 24, 2016 from <http://projectsearch.us/OurPROGRAM.aspx>

⁹⁷ Employability skills or “soft skills” are the key to workplace success. CAREERwise Education. (n.d.). Employability skills. Retrieved August 24, 2016 from <https://www.careerwise.mnscu.edu/careers/employability-skills.html>

⁹⁸ Project SEARCH. (n.d.). Model components. Retrieved August 24, 2016 from <http://projectsearch.us/OurPROGRAM/ProgramModel.aspx>

⁹⁹ If students with intellectual disabilities are attending a Comprehensive Transition Program, they are able to use federal financial aid to help pay the cost of attendance. Think College (n.d.). Becoming a comprehensive transition program. Retrieved August 26, 2016 from <http://www.thinkcollege.net/topics/becoming-a-comprehensive-transition-program>

¹⁰⁰ The TPSID program provides grants to “institutions of higher education or consortia of institutions of higher education to enable them to create or expand high quality, inclusive model comprehensive transition and postsecondary programs for students with intellectual disabilities. The 27 TPSID grantees, located in 23 states, create or expand college programs that focus on academics, social activities, employment experiences, and independent living. Evaluating what works and does not work is a key component of each project. U.S. Department of Education. (n.d.). Transition and postsecondary programs for students with intellectual disabilities. Retrieved August 26, 2016 from <http://www2.ed.gov/programs/tpsid/index.html>

¹⁰¹ At the time of this writing, there were 53 congressionally funded postsecondary programs for students with intellectual disabilities. Reported in *Report to the President: Strengthening an inclusive pathway for people with intellectual disabilities and their families*. President’s Committee for People with Intellectual Disabilities. (2016).

¹⁰² Grigal et al. (2012, December). A survey of postsecondary education programs for students with intellectual disabilities in the United States. Retrieved August 29, 2016 from

https://www.researchgate.net/publication/263534061_A_Survey_of_Postsecondary_Education_Programs_for_Students_With_Intellectual_Disabilities_in_the_United_States.

¹⁰³ Beverly Colwell (personal communication, September 13, 2016).

¹⁰⁴ In 2008, the North Carolina General Assembly asked the North Carolina Institute of Medicine (NCIOM) to convene a task force to study transitions for people with I/DD from one setting to another. Specifically, the NCGA asked the NCIOM to identify barriers and best practices for transition transitions for adolescents leaving high school, including adolescents in foster care and other setting; people who leave a developmental center to live in the community; and other who live with aging parents or caregivers who can no longer provide services and supports. NCIOM. (2009, May). Successful transitions for people with developmental disabilities: A report of the NC IOM task force on transitions for people with developmental disabilities. Retrieved August 26, 2016 from http://www.nciom.org/wp-content/uploads/NCIOM/projects/transitions/DD_final_2009.pdf

¹⁰⁵ Thoma, C. and Carlson, D. (Eds.) (2013). Special issue. Postsecondary education for students with intellectual disability (ID): Expanding the research [Special issue]. *Journal of Postsecondary Education and Disability*, 26(4). Retrieved August 26, 2016 from

https://www.ahead.org/uploads/publications/JPED/jped26_4/JPED26_4_Full%20Document.pdf

¹⁰⁶ Ibid.

¹⁰⁷ Graphs A1 through A4 depict responses from the 2014-2015 sample of North Carolina National Core Indicators Adult Consumer Survey participants. Participant ages ranged from 18 to 92 years (mean age = 40 years). NC Department of Health and Human Services (2016, May). *State Report Addendum: National Core Indicators Adult Consumer Survey. North Carolina Supplemental Questions. 2014-2015 Data*.

¹⁰⁸ Ibid. Service coordinators or other staff provided respondent background information. Responses of *Don't Know* are excluded from analysis.

¹⁰⁹ Ibid. Question assessed formal education activities only and did not include segregated classes at day programs.

¹¹⁰ See the Postsecondary Education Alliance website:

<http://www.cidd.unc.edu/docs/psea/NCPSEA%20Program%20Info%20Grid.pdf>.

¹¹¹ Hart, D., & Grigal, M. (2009, November). Think college! College options for people with intellectual disabilities. *State of the science conference on postsecondary education for students with intellectual disabilities*. Fairfax, VA.

¹¹² Grigal, M. et al. *Think College National Coordinating Center: Annual report on transition and postsecondary programs for students with intellectual disabilities (2013-2014)*. Boston, MA: University of Massachusetts Boston, Institute for Community Inclusion.

¹¹³ Ibid.

¹¹⁴ Thoma, C., Lakin, K.C., Carlson, C., Domzal, C., & Austin, K. Participation in postsecondary education for students with intellectual disabilities: A review of the literature 2001-2010. *Journal of Postsecondary Education and Disability*, 24(3), 175-191. Retrieved August 29, 2016 from <http://files.eric.ed.gov/fulltext/EJ966123.pdf>

¹¹⁵ The National Longitudinal Transition Study-2 (NLTS2), commissioned in 2001 by the U.S. Department of Education, Office of Special Education Programs (OSEP) and Institute of Education Sciences, is a follow-up of the original *National Longitudinal Transition Study*. The original NLTS was designed and conducted for OSEP from 1985 through 1993. NLTS2 includes 11,270 youth nationwide who were ages 13 through 16 at the start of the study in 2000. Information was collected over 10 years from parents, youth, and schools and provided a national picture of the experiences and achievements of young people as they transition into early adulthood. National Longitudinal Study 2. (n.d.). Frequently asked questions. Retrieved August 29, 2016 from <http://www.nlts2.org/faq.html>

¹¹⁶ Izzo, M., & Lamb, P. (2002). White paper. Self-determination and career development: Skills for successful transition to postsecondary education and employment. A White Paper written in collaboration with Ohio State University, the Center on Disability Studies at the University of Hawaii at Manoa, and the National Center on Secondary Education and Transition. Retrieved August 29, 2016 from http://www.ncset.hawaii.edu/publications/pdf/self_determination.pdf

¹¹⁷ Smith, F.A, Grigal, M. & Sulewski, J.S. (2012). Postsecondary education and employment outcomes for transition-age youth with and without disabilities: A secondary analysis of American Community Survey data. *Insight: A Think Brief on Policy, Research, & Practice*. (2012). Retrieved August 29, 2016 from http://www.thinkcollege.net/administrator/components/com_resdb/files/Insight_15_D2.pdf

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- ¹²⁰ Miller, K.D., DiSandro, R., Harrington, L., & Johnson, J.S. (2016). Inclusive higher education is reaping benefits for individuals with intellectual disabilities: One program's story. Think College Insight Brief, Issue No. 29. Boston, MA: University of Massachusetts Boston, Institute for Community Inclusion. Retrieved October 5, 2016 from <http://www.thinkcollege.net/publications/insight-briefs>. This data brief is co-authored by Joan Johnson, Executive Director of Beyond Academics™, UNCG, and a member of the advisory for Education and Employment Opportunities for Students with Disabilities.
- ¹²¹ Pliner, S.M. & Johnson, J.R. (2004). Historical, theoretical, and foundational principles of universal instructional design in higher education. Retrieved August 29, 2016 from <http://www.thinkcollege.net/publications/insight-briefs> <https://www.smith.edu/deanoffaculty/Pliner%20and%20Johnson.pdf>
- ¹²² Ibid.
- ¹²³ The National Longitudinal Transition Study-2 (NLTS2), commissioned to begin in 2001 by the U.S. Department of Education, Office of Special Education Programs (OSEP 2001-2011) and [Institute of Education Sciences \(IES 2000-2011\)](#), is a follow-up of the original National Longitudinal Transition Study. The original NLTS was designed and conducted for OSEP from 1985 through 1993. NLTS2 includes 11,270 youth with disabilities, nationwide, who were ages 13 through 16 at the start of the study (2000). Information was collected over 10 years from parents, youth, and schools and provided a national picture of the experiences and achievements of young people as they transition into early adulthood. Frequently asked questions. What is NLTS2? (n.d.). Retrieved on September 16, 2016 from <http://www.nlts2.org/faq.html#whatisit>
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- ¹²⁷ See Appendix C for membership of the Postsecondary Education Alliance.
- ¹²⁸ Carolina Institute for Developmental Disabilities. (n.d.). North Carolina Postsecondary Education Alliance. Retrieved August 30, 2016 from www.cidd.unc.edu/psea
- ¹²⁹ National Center for Education Statistics. (2014). Digest of education statistics. Retrieved August 30, 2016 from https://nces.ed.gov/programs/digest/d13/tables/dt13_219.90.asp
- ¹³⁰ Luecking, Richard G. (2016). The implications of the Workforce Innovation and Opportunity Act for seamless transition of youth with significant disabilities: A policy brief prepared for the collaboration to promote self-determination. Retrieved August 30, 2016 from <http://thecpsd.org/wp-content/uploads/2016/06/CPSPD-WIOA-and-Seamless-Transitionv2.pdf>
- ¹³¹ North Carolina's labor force statistics reveal significant variations with respect to several sub populations including individuals with disabilities. Based on information from the American Community Survey 5-year Estimates, there were over 1.1 million individuals with disabilities aged 16 years and older. Of these, 20.7% were employed and 74.2% were reported as not being in the labor force. As a comparison, among individuals 16 years and older with no disability, almost 64% were employed and only 29.1% were not in the labor force. WIOA state plan for the State of North Carolina (draft). (2016, July 25). Retrieved August 30, 2016 from <http://nccommerce.com/Portals/11/Documents/NCWorks%20Commission/Commission%20-%202016%20Pages/Member%20Resources/NC%20Unified%20Plan%207-25-16.pdf>
- ¹³² Governor McCrory talks education and workforce development at NCWorks leadership summit. (2015, October 28). Retrieved August 30, 2016 from <https://governor.nc.gov/press-release/governor-mccrory-talks-education-and-workforce-development-ncworks-leadership-summit-0>
- ¹³³ Ibid.
- ¹³⁴ WIOA state plan for the State of North Carolina (draft). Retrieved October 4, 2016 from <https://www.nccommerce.com/Portals/11/Documents/NCWorks%20Commission/Commission%20-%202016%20Pages/Member%20Resources/NC%20Unified%20Plan%207-25-16.pdf>

¹³⁵ The Atlantic. (2016, June 15). Escaping the disability trap: What's the best way to prepare special needs students for the workforce? Retrieved August 30, 2016 from <http://www.theatlantic.com/education/archive/2016/06/escaping-the-disability-trap/487070/> , referencing Bureau of Labor Statistics. (2013, April 24). Persons with a disability: Barriers to employment, types of assistance, and other labor related issues. Retrieved August 30, 2016 from http://www.bls.gov/news.release/archives/dissup_04242013.pdf

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¹³⁷ Rehabilitation Act, § 113, 29 U.S.C. § 733. See also United States Department of Education, Office of Special Education and Rehabilitative Services, Rehabilitation Services Administration. Pre-employment transition services. Retrieved August 30, 2016 from <https://www2.ed.gov/policy/speced/guid/rsa/supporting/rsa-vr-1-pre-employment-transition-services.pdf>

¹³⁸ Section 504 of the Rehabilitation Act requires agencies to provide individuals with disabilities an equal opportunity to participate in their programs and benefit from their services, including the provision of information to employees and members of the public. Agencies must provide appropriate auxiliary aids where necessary to ensure an equal opportunity. Types of auxiliary aids may include Braille or large print versions of materials, electronic diskettes, audiotapes, qualified interpreters or readers, telecommunications devices for deaf persons, captioning of video, and other methods of making information available and accessible to persons with disabilities. A 504 plan outlines how a student's specific needs are met with accommodations, modifications and other services. These measures "remove barriers" to learning. HHS.gov. (n.d.). What is section 504 and how does it relate to Section 508? Retrieved August 31, 2016 from <http://www.hhs.gov/web/section-508/what-is-section-504/#>

¹³⁹ Rehabilitation Act of 1973 (Rehabilitation Act), as amended by the Workforce Innovation and Opportunity Act (WIOA), §113(b).

¹⁴⁰ 34 C.F.R 361.48(a)(2) - 361.65(a)(3).

¹⁴¹ Luecking, R.G. (2016, May 1). The implications of the Workforce Innovation and Opportunity Act for seamless transition of youth with significant disabilities. Retrieved August 31, 2016 from <http://thecpsd.org/wp-content/uploads/2016/06/CPSD-WIOA-and-Seamless-Transitionv2.pdf>

¹⁴² Ibid.

¹⁴³ On September 15, 2015, The Advisory Committee on Increasing Competitive Integrated Employment for Individuals with Disabilities (established under Section 609 of the Rehabilitation Act of 1973, as amended by Section 461 of the Workforce Innovation and Opportunity Act (WIOA) of 2014) issued a report to the Department of Labor and Congress. It made preliminary recommendations regarding the sub-minimum wage restrictions. These include: the need for better data on the use of this program and its outcomes; improving monitoring and oversight of the program; aligning use of the program with modern federal disability policies, including the Americans with Disabilities Act (ADA) and the Supreme Court's Olmstead decision, WIOA, and recent rules and guidance from the Centers for Medicare & Medicaid Services (CMS); considering a well-designed phase out of the program as a result of increasing competitive integrated employment; providing technical assistance to states and providers to reduce the use of the program; and addressing concerns of unintended consequences by ensuring quality alternatives. Advisory committee on increasing competitive integrated employment for individuals with disabilities (Interim Report). (2015, September 15). Retrieved September 16, 2016 from <https://www.dol.gov/odep/pdf/20150808.pdf>. See also Advisory committee on increasing competitive integrated employment for individuals with disabilities (Final Report). (2016, September 15). Retrieved September 16, 2016 from https://www.dol.gov/odep/topics/pdf/ACICIEID_Final_Report_9-8-16.pdf

¹⁴⁴ Fair Labor Standards Act (FLSA) Section 14(c) authorizes employers, after receiving a certificate from the U.S. Department of Labor (DOL) Wage and Hour Division (WHD), to pay special minimum wages - wages less than the Federal minimum wage - to workers who have disabilities for the work being performed. The certificate also allows the payment of wages that are less than the prevailing wage to workers who have disabilities for the work being performed on contracts subject to the McNamara-O'Hara Service Contract Act (SCA) and the Walsh-Healey Public Contracts Act (PCA). The Regulations applicable to FLSA Section 14(c) are contained at 29 CFR Part 525. United States Department of Labor (n.d.). Fair Labor Standards Act (FLSA) section 14(c) advisor. Retrieved August 31, 2016 from <http://webapps.dol.gov/elaws/whd/flsa/14c/>.

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- ¹⁴⁸ Ibid.
- ¹⁴⁹ 42 C.F.R. §441.
- ¹⁵⁰ Medicaid.gov. Home & community-based services (n.d.). Retrieved on August 31, 2016 from <http://www.medicaid.gov/Medicaid-CHIP-Program-Information/By-Topics/Long-Term-Services-and-Supports/Home-and-Community-Based-Services/Home-and-Community-Based-Services.html>
- ¹⁵¹ NC Department of Health and Human Services (2014, March). HCBS transition plan FAQs final rule. Retrieved August 31, 2016 from <https://www2.ncdhhs.gov/hcbs/pdf/HCBS%20Transition%20Plan%20FAQs.pdf>. For more on the NC Innovations waiver, see NC Medical Assistance. (n.d.). I/DD Systems of Care. Retrieved October 31, 2016 from <https://www.ncdhhs.gov/providers/provider-info/mental-health/idd-systems-of-services>. For more on the CAP/C waiver, see NC Medical Assistance. (n.d.). Community Alternatives Program for Children (CAP/C). Retrieved October 31, 2016 from <http://dma.ncdhhs.gov/providers/programs-services/long-term-care/community-alternatives-program-for-children>; NC Medical Assistance. (n.d.). For more on the CAP/C waiver, see Community Alternatives Program for Disabled Adults (CAP/DA). Retrieved October 31 from <http://dma.ncdhhs.gov/providers/programs-services/long-term-care/community-alternatives-program-for-disabled-adults>
- ¹⁵² CMS. Final Rule: Medicaid HCBS. (2014, January 29). Retrieved August 31, 2016 from <https://www.medicaid.gov/medicaid/hcbs/downloads/final-rule-slides-01292014.pdf>
- ¹⁵³ Ibid.
- ¹⁵⁴ 527 U.S. 581 (1999). The U.S. Supreme Court case concluded that, under Title II of the ADA, states are required to place persons with intellectual disabilities in community settings rather than in institutions when the state's treatment professionals have determined that community placement is appropriate, the transfer from an institution to a less restrictive setting is not opposed by the affected individual, and the placement can be reasonably accommodated, taking into account the resources available to the state and the needs of others with intellectual disabilities.
- ¹⁵⁵ Centers for Medicare and Medicaid Services. (2015, June 26). Home and community-based setting requirements: Heightened scrutiny. Retrieved August 31, 2016 from <https://www.medicaid.gov/medicaid/hcbs/downloads/home-and-community-based-setting-requirements.pdf>
- ¹⁵⁶ Medicaid.gov. (n.d.). Guidance on settings that have the effect of isolating individuals receiving HCBS from the broader community. Retrieved on August 31, 2016 from <https://www.medicaid.gov/medicaid/hcbs/downloads/settings-that-isolate.pdf>
- ¹⁵⁷ NC Health and Human Services. Plan Submission. CMS Submission Updates. (2015). Retrieved August 31, 2016 from https://www2.ncdhhs.gov/hcbs/plan_submission.html. The updated State Transition Plan was posted for public comment in mid-October 2016.
- ¹⁵⁸ National Core Indicators (NCI) is a collaborative effort between the National Association of State Directors of Developmental Disabilities Services (NASDDDS). The purpose of the program is to support NASDDDS member agencies to gather a standard set of performance and outcome measures that can be used to track their own performance over time, to compare results across states, and to establish national benchmarks regarding people with I/DD. NASDDDS. (n.d.). Retrieved August 31, 2016 from <http://www.nasddds.org/about-nasddds/>
- ¹⁵⁹ NCI. North Carolina State Reports. (n.d.). Retrieved August 31, 2016 from <http://www.nationalcoreindicators.org/states/NC/>
- ¹⁶⁰ NCI Indicators. (n.d.). Work. Retrieved August 31, 2016 from <http://www.nationalcoreindicators.org/indicators/domain/individual-outcomes/work/>
- ¹⁶¹ NCI. North Carolina State Reports. (n.d.). Retrieved August 31, 2016 from <http://www.nationalcoreindicators.org/states/NC/>

¹⁶² The National Disability Institute (NDI) urges that employment efforts be coupled with financial education within postsecondary programs. NDI points to programs that support asset-building, navigating benefits, and joining mainstream financial institutions through financial education. Alexandra McArthur (personal communication, August 29, 2016). See also NDI. (n.d.). Six steps to creating a financial literacy program in your classroom or transition program. Retrieved August 31, 2016 from

<http://www.realeconomicimpact.org/data/files/financial%20education%20tools/six%20steps%20to%20creating%20a%20financial%20literacy%20program%20in%20your%20classroom%20or%20transition%20program.pdf>

¹⁶³ Section 2300 – Adult developmental and vocational programs for individuals with developmental disabilities. (1996, May 1). [10 NCAC27G.2301]. Retrieved August 31, 2016 from

<http://ncrules.state.nc.us/ncac/title%2010a%20-%20health%20and%20human%20services/chapter%2027%20-%20mental%20health,%20community%20facilities%20and%20services/subchapter%20g/10a%20ncac%2027g%20.2301.pdf>

¹⁶⁴ NC Division of MH/DD/SAS. State-funded MH/DD/SA Service definitions. (2016, September 1). Retrieved August 31, 2016 from <https://ncdhhs.s3.amazonaws.com/s3fs-public/documents/files/Statefunded-servicedef%202003-2016-rev.%209-1-16.pdf>

¹⁶⁵ Mathematica Policy Research. Striking while the iron is hot: The effect of vocational rehabilitation service wait times on employment outcomes for applicants receiving social security disability benefits. (2013, September 30). Retrieved August 31, 2016 from <https://www.mathematica-mpr.com/our-publications-and-findings/publications/striking-while-the-iron-is-hot-the-effect-of-vocational-rehabilitation-service-wait-times-on-employment-outcomes-for-applicants-receiving-social-security-disability-benefits>

¹⁶⁶ Thomas, C. & Flippo, K. (2015, September). Creating productive futures for youth and adults with intellectual and developmental disabilities. Retrieved September 1, 2016 from <http://www.communityinclusion.org/rss/nc.pdf>.

¹⁶⁷ Centers for Medicare and Medicaid Services. (2011, September 11). Updates to the §1915 (c) waiver instructions and technical guide regarding employment and employment related services. Retrieved September 1, 2016 from <http://www.dphhs.mt.gov/Portals/85/dsd/documents/DDP/SELN/CMSEndorsedEmploymentDefs.pdf>

¹⁶⁸ Ibid.

¹⁶⁹ Ibid.

¹⁷⁰ Butterworth, J. et al. (in press). *StateData: The National Report on Employment Services and Outcomes 2015*. Institute for Community Inclusion, Boston.

¹⁷¹ Report of children with disabilities (IDEA) age 6 through 21. Retrieved October 3, 2016 from <http://ec.ncpublicschools.gov/reports-data/child-count/reports/december-1/2015/621disabilityage.pdf>

¹⁷² Section 603(d) of the Rehabilitation Act, as amended by WIOA, requires each State to reserve and use 50 percent of its allotment under the Supported Employment Program to provide supported employment services, including extended services, for up to four years following the transition from support from the Designated State Unit, to youth with the most significant disabilities. WIOA, § 363.22 and § 363.4(a)-(b).

¹⁷³ The North Carolina Council on Developmental Disabilities funded the “Reaching the Summit of Success” initiative beginning on October 1, 2012. The initiative’s purpose was to learn about the policies and practices in the state that promoted transition to postsecondary education and competitive, integrated employment for youth and young adults with intellectual and developmental disabilities (IDD). These policies and practices were then considered along with best practices in other states to inform a set of recommendations for the Council to consider as it advances systems change.

¹⁷⁴ Thomas, C. & Flippo, K. (2015, September). Creating productive futures for youth and adults with intellectual and developmental disabilities. Retrieved September 2, 2016 from <http://www.communityinclusion.org/rss/nc.pdf>

¹⁷⁵ A recent study found that when parents have the expectation that their children with intellectual disabilities will work after high school, it is five times more likely that their young-adult child will have a job in a competitive integrated workplace. Carter, E., Austin, D., & Trainor, A. (2012). Predictors of post-school employment outcomes for young adults with severe disabilities. *Journal of Disability Policy Studies*, 23(1), 50-63.

¹⁷⁶ Long Term Vocational Support Services (Extended Services-IDD) begins after the intensive phase of job coaching funded through the Division of Vocational Rehabilitation ends. Long Term Vocational Support includes services provided to or on behalf of the individual both on and off the job site to ensure ongoing employment success and career growth. The individual participates in choosing the type of Long Term Vocational Support Services, the manner of its delivery, and the people who will provide it, both on and off the job site. The individual has the right

to decline this service at any time; however, this must be thoroughly documented in the service record. I/DD state funded long term vocational supports (2014, August 1). Retrieved September 16, 2016 from <http://vayahealth.com/community/housing-employment-initiatives/supported-employment/#supported-employment>

¹⁷⁷ Section 511 of the Rehabilitation Act, as amended by WIOA, imposes requirements on employers who hold special wage certificates under the Fair Labor Standards Act that must be satisfied before the employers may hire youth with disabilities at subminimum wage or continue to employ individuals of any age at subminimum wage. The Act furthermore advances strategies to assist individuals with disabilities, including youth, to maximize opportunities to achieve competitive integrated employment through services provided by Vocational Rehabilitation and the Local Education Agencies.

¹⁷⁸ This award-winning film features Kayla (Kay) McMillan, a member of the advisory for this initiative and a student at North Carolina State University. NC Assistive Technology Program (Producer). (2014). *An Accessible Life* [online documentary]. (Available from the NC Assistive Technology Program at <https://vimeo.com/110355711>).

¹⁷⁹ NC Division of Vocational Rehabilitation (Producer). (2013). *Part of Our Team* [online video]. (Available from the NC Division of Vocational Rehabilitation at <https://www.youtube.com/watch?v=orUCd6myDjs>)

¹⁸⁰ U.S. Department of Labor. WIOA overview. Retrieved September 2, 2016 from <http://www.doleta.gov/wioa/Overview.cfm>

¹⁸¹ For WIOA's Title I and Title III workforce programs, NCWorks Online is the state's official labor exchange and case management system. It is a one-stop online resource for job seekers and employers in North Carolina. See NCWorks <https://www.ncworks.gov/vosnet/Default.aspx>

¹⁸² WIOA Youth Program Eligibility is as follows:

- 1) Out-of-school youth must be aged 16-24, not attending any school, and meet one or more additional conditions, which could include:
School dropout; within age of compulsory attendance but has not attended for at least the most recent complete school year calendar quarter; holds a secondary school diploma or recognized equivalent and is low-income and is basic skills deficient or an English language learner; subject to the juvenile or adult justice system; homeless, runaway, in foster care or aged out of the foster care system, eligible for assistance under Section 477, Social Security Act, or in out-of-home placement; pregnant or parenting; an individual with a disability; low income person who requires additional assistance to enter or complete an educational program or to secure and hold employment.
- 2) In-school youth must be aged 14-21, attending school, low income, and meet one or more additional conditions, which could include: basic skills deficient; English language learner; an offender; homeless, runaway, in foster care or aged out of the foster care system; pregnant or parenting; an individual with a disability; person who requires additional assistance to enter or complete an educational program or to secure and hold employment.

WIOA's five new Youth Program elements include: (1) financial literacy; (2) entrepreneurial skills training; (3) services that provide labor market and employment information in the local area; (4) activities that help youth transition to postsecondary education and training; (5) education offered concurrently with and in the same context as workforce preparation activities and training for a specific occupation or occupational cluster.

Department of Labor. Fact sheet: Youth program. Retrieved September 5, 2016 from https://www.doleta.gov/wioa/Docs/WIOA_YouthProgram_FactSheet.pdf

¹⁸³ WIOA § 677.155(c) identifies the primary indicators of performance that states must to address in their Unified or Combined State Plans for the Title I Youth Program under WIOA. Although the youth indicators apply to the WIOA Youth Program, they are identical to those for the employment services programs, except that the first measure includes both participation in education or training activities, or unsubsidized employment, whereas the employment services program measure is specific to unsubsidized employment only. The Youth measure is proposed here as possibly applicable to youth served through the Division of Vocational Rehabilitation Services who do not necessarily exit the program in employment, and would apply to in-school and out-of-school youth as defined in WIOA. Stephanie Hanes (personal communication, August 12, 2016).

¹⁸⁴ The role of the NCBLN is to "expand a business-to-business network which recognizes the opportunities created when focusing on and engaging people with disabilities; finding and hiring great talent; increasing market share...for products and services; and increasing supplier diversity." NC Business Leadership Network North Carolina. (n.d.). Retrieved from <http://www.ncbln.org/aboutus.html>

¹⁸⁵ Thomas, C. & Flippo, K. Creating productive futures for youth and adults with intellectual and developmental disabilities. (2015, September). Retrieved October 4, 2016 from <http://www.communityinclusion.org/rss/nc.pdf>

¹⁸⁶ Advisory Committee on Increasing Competitive Integrated Employment for Individuals with Disabilities. (Final Report). (2016, September 15). Retrieved on September 16, 2016 from https://www.dol.gov/odep/topics/pdf/ACICIEID_Final_Report_9-8-16.pdf

¹⁸⁷ Advisory Committee on Increasing Competitive Integrated Employment for Individuals with Disabilities. (Interim Report). (2015, September 15). Retrieved on September 16, 2016 from <https://www.dol.gov/odep/pdf/20150808.pdf>

¹⁸⁸ Think college! Think College standards, quality indicators and benchmarks for inclusive higher education. (n.d.). Retrieved on September 16, 2016 from <http://www.thinkcollege.net/resources-database/item/t-110/1542Q>

¹⁸⁹ Federal student aid; Students with intellectual disabilities may be able to get certain types of federal student aid. (n.d.). Retrieved October 5, 2016 from <https://studentaid.ed.gov/sa/eligibility/intellectual-disabilities#ctp-programs>

¹⁹⁰ People with intellectual disabilities living in specific family arrangements had greater outcomes with respect to independence, self-sufficiency and quality of life. Those who lived in informal, unlicensed family arrangements and who were employed had the best outcomes. President's Committee for People with Intellectual Disabilities. (2016). *Report to the President: Strengthening an inclusive pathway for people with intellectual disabilities and their families*.

¹⁹¹ In 2017, Disability Rights North Carolina will distribute a Transition Services Handbook for students, parents, school personnel, vocational rehabilitation personnel, policymakers, and other stakeholders about IDEA's transition requirements and locally available resources to facilitate transitions and meaningful post-secondary opportunities. Disability Rights North Carolina (2016). 2017 targets and monitoring work. The North Carolina Council on Developmental Disabilities is developing a media relations/public service campaign focused on increasing awareness of employment opportunities among people with disabilities. Gordon O'Neill (personal communication, August 22, 2016).

¹⁹² See, e.g., Recommendations: postsecondary education. President's Committee for People with Intellectual Disabilities. (2016). *Report to the President: Strengthening an inclusive pathway for people with intellectual disabilities and their families*.

¹⁹³ See, e.g., Grigal, M., Hart, D. & Weir, C. (2011). Framing the future: A standards-based conceptual framework for research and practice in inclusive higher education. Think College Insight Brief, Issue No. 10. Boston, MA: University of Massachusetts Boston, Institute for Community Inclusion.

APPENDIX A

Glossary of Terms

Adult Basic Education. Adult Basic Education (ABE) is a program of instruction designed for adults who function below the high school level. Instruction is offered in reading, writing, math, and English for adults to transition into employment.¹

American Job Centers. American Job Centers (also known as One-Stop Centers) are designed to provide a full range of assistance to job seekers under one roof. Established under the Workforce Investment Act, and reauthorized in the Workforce Innovation and Opportunities Act of 2014, the centers offer training referrals, career counseling, job listings, and similar employment-related services. The American Jobs Center System is coordinated by the Department of Labor's Employment and Training Administration (ETA). ETA's Web site provides a clickable map of American Jobs Centers' web sites for each state and a list of state, regional, and local center contacts.²

Career Pathways. The Workforce Innovation and Opportunity Act (WIOA) defines career pathways broadly to include the organization of rigorous and high-quality education, training, and other services (such as counseling) to align with state and regional needs and help individuals with different needs accelerate their educational and career advancement. Career pathways incorporates and integrates, e.g., participant-focused education and training; support services and career navigation assistance; and employment services and work experiences. It also engages employers to increase the relevancy and labor market value of participants' skills and credentials, which improves employment prospects.³

Competitive Integrated Employment. The final rule for WIOA specifies that the term "competitive integrated employment" means work that—

- 1) Is performed on a full-time or part-time basis (including self-employment) and for which an individual is compensated at a rate that—
 - a) Is not less than the higher of the rate specified in section 6(a)(1) of the Fair Labor Standards Act or the rate required under the applicable State or local minimum wage law for the place of employment;
 - b) 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 who are similarly situated in similar occupations by the same employer and who have similar training, experience, and skills; and
 - c) In the case of an individual who is self-employed, yields an income that is comparable to the income received by other individuals who are not individuals with disabilities and who are self-employed in similar occupations or on similar tasks and who have similar training, experience, and skills; and d) Is eligible for the level of benefits provided to other employees; and

¹ NC Community Colleges: Creating success. (n.d.). Adult basic education (ABE). Retrieved August 24, 2016 from <http://www.nccommunitycolleges.edu/college-and-career-readiness/adult-basic-education-abe>

² U.S. Department of Labor. (n.d.). CareerOneStops. Retrieved August 16, 2016 from <http://www.careeronestop.org/>

³ WIOA CLASP. New opportunities to improve economic and career success for low-income youth and adults: Key provisions of the Workforce Innovation and Opportunity Act (WIOA). (2014, September). Retrieved on August 24, 2016 from <http://www.clasp.org/resources-and-publications/publication-1/KeyProvisionsofWIOA-Final.pdf>. See also United States Department of Education Program Memorandum FY 2010-02. (2010). Use of funds provided under the Adult Education and Family Literacy Act (AEFLA) for integrated education and training (IET). Retrieved August 23, 2016 from <https://www2.ed.gov/about/offices/list/ovae/pi/AdultEd/aepla-funds-for-iet.pdf>

2) Is at a location—

a) Typically found in the community; and

b) Where the employee with a disability interacts for the purpose of performing the duties of the position with other employees within the particular work unit and the entire work site, and, as appropriate to the work performed, other persons (e.g., customers and vendors), who are not individuals with disabilities (not including supervisory personnel or individuals who are providing services to such employee) to the same extent that employees who are not individuals with disabilities and who are in comparable positions interact with these persons; and

3) Presents, as appropriate, opportunities for advancement that are similar to those for other employees who are not individuals with disabilities and who have similar positions.⁴

Comprehensive Transition Programs. Initially described and defined by the Higher Education Opportunity Act of 2008, Comprehensive Transition Programs are degree, certificate, or non-degree programs for students with intellectual disabilities that:

- Are offered by a college or career school and approved by the U.S. Department of Education;
- Are designed to support students with intellectual disabilities who want to continue academic, career, and independent living instruction to prepare for gainful employment;
- Offer academic advising and a structured curriculum; and
 - Require students with intellectual disabilities to participate, for at least half of the program, in regular enrollment in credit-bearing courses with nondisabled students,
 - Auditing or participating (with nondisabled students) in courses for which the student does not receive regular academic credit,
 - Enrollment in noncredit-bearing, non-degree courses with nondisabled students, or
 - Internships or work-based training with nondisabled individuals.

If students with intellectual disabilities are attending a CTP, they are able to use federal financial aid to help pay the cost of attendance.⁵

Contextualized Learning. Contextualized instruction is a diverse family of instructional strategies built on the recognition that some students learn more effectively when they are taught in a hands-on, real-world context. The primary goal of contextualized learning is to utilize the context supported by traditional academics to drive instruction.⁶

Customized Employment. Customized employment is defined by the Workforce Innovation and Opportunity Act (WIOA) as, 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

⁴ LEAD Center. (2016, July 7). Summary description of final rule implementing Title I of the Rehabilitation Act (state vocational rehabilitation), as amended by Title IV of WIOA.

⁵ Think College (n.d.). Becoming a comprehensive transition program. Retrieved August 26, 2016 from <http://www.thinkcollege.net/topics/becoming-a-comprehensive-transition-program>

⁶ ERIC no. ED513404. (2010, September). The theory and application of contextualized teaching and learning in relation to programs of study and career pathways. Transition highlights. Issue 2. Retrieved August 24, 2016 from <http://eric.ed.gov/?id=ED513404>

a significant disability, designed to meet the specific abilities of the individual with a significant disability and the business needs of the employer, and carried out through flexible strategies.⁷

Direct Support Professional. Direct support professionals (DSPs) are people who work directly with people with physical disabilities and/or intellectual disabilities with the aim of assisting the individual to become integrated into his/her community or the least restrictive environment. A DSP is a person who assists an individual with a disability to lead a self-directed life and contribute to the community, assists with activities of daily living if needed, and encourages attitudes and behaviors that enhance community inclusion. A DSP may provide supports to a person with a disability at home, work, school, church, and other community places. A DSP also acts as an advocate for the individual, in communicating their needs, self-expression and goals.⁸

Disability. Under the Americans with Disabilities Act (ADA), with respect to an individual, a disability is (a) a physical or mental impairment that substantially limits one or more major life activities of such individual; (b) a record of such an impairment; or (c) being regarded as having such an impairment.⁹ Under the Americans with Disabilities Act Amendments Act (ADAAA) of 2008, the definition of disability was broadened to include, under major life activities, learning, reading, concentrating, thinking, communicating and other activities.¹⁰

Developmental Disability. Under North Carolina General Statute (NCGS) 122C-3(12)(a), "developmental disability" (DD) means a severe, chronic disability of a person which: a) is attributable to a mental or physical impairment or combination of mental and physical impairments; b) is manifested before the person attains age 22, unless the disability is caused by a traumatic head injury and is manifested after age 22; c) is likely to continue indefinitely; d) results in substantial functional limitations in three or more of the following areas of major life activity: self-care, receptive and expressive language, capacity for independent living, learning, mobility, self-direction and economic self-sufficiency; and e) reflects the person's need for a combination and sequence of special interdisciplinary, or generic care, treatment, or other services which are of a lifelong or extended duration and are individually planned and coordinated; or f) when applied to children from birth through four years of age, may be evidenced as a developmental delay.¹¹

The Centers for Disease Control and Prevention (CDC) report that the prevalence of any developmental disability among U.S. children in 1997–2008 was 13.87%.¹²

⁷ Smith, T.J., Dillahunt-Aspillaga, C. & Kenney, R. Implementation of customized employment provisions of the Workforce Innovation and Opportunity Act within vocational rehabilitation systems. Retrieved September 2, 2016 from <http://www.apse.org/wp-content/uploads/2015/02/2015-APSE-poster.-Implementation-of-customized-employment-provisions-of-the-WIOA-within-Vocational-Rehabilitation-systems.pdf>

⁸ Wikipedia. (n.d.). Retrieved September 1, 2016 from https://en.wikipedia.org/wiki/Direct_support_professional. See also NADSP. Making a world of difference in people's lives. (n.d.). Retrieved September 2, 2016 from <https://www.nadsp.org/>

⁹ 42 U.S.C. § 12102.

¹⁰ Americans with Disabilities Act Amendments Act of 2008, Pub. L. No. 110-325 (1990).

¹¹ Note that the federal definition of developmental disability, PL 106-402, sec. 102(8), differs in some respects from North Carolina's statutory definition. In particular, the federal definition is applied differently to children and does not, unlike the state statute, include people with a traumatic head injury that is manifested after age 22.

¹² Centers for Disease Control and Prevention. Key findings: Trends in the prevalence of developmental disabilities in U. S. children, 1997–2008. (2011). Retrieved September 15, 2016 from <https://www.cdc.gov/ncbddd/developmentaldisabilities/features/birthdefects-dd-keyfindings.html> and <http://pediatrics.aappublications.org/content/early/2011/05/19/peds.2010-2989>

Employment First. Employment First to state adoption of policies and practices that support employment in the general workforce as the first and preferred outcome in the provision of publicly funded services for all working age citizens with disabilities, regardless of level of disability.¹³

Individuals with the Most Significant Disabilities. In its online manual, the North Carolina Division of Vocational Rehabilitation (DVR) defines “individual with the most significant disability” as “an eligible individual with a disability: (1) who has a severe physical or mental impairment that seriously limits two or more functional capacities (such as mobility, communication, self-care, self-direction, interpersonal skills, work tolerance, or work skills) in terms of an employment outcome; and (2) whose Vocational Rehabilitation can be expected to require multiple Vocational Rehabilitation services over an extended period of time.”¹⁴

DVR determines the significance of disability based on (1) the number of serious limitations in one of seven, functional capacity areas and (2) the length and number of rehabilitation services required or (3) the need for certain specific rehabilitation services (personal assistance, rehabilitation technology, or extended/long-term vocational services. The type of disability does not dictate significance. Those with the “most significant disabilities,” for purposes of WIOA, have serious limitations in three or more functional capacity areas and require extended services to be considered for supported employment services. This determination is made by the rehabilitation counselor, based on review of existing disability documentation, observation, and assessments obtained by the counselor.¹⁵

Individualized Education Program. Individualized education program or IEP means a written statement for a child with a disability that is developed, reviewed, and revised in accordance with the Individuals with Disabilities Education Improvement Act of 2004.¹⁶

Integrated Education and Training. Integrated Education and Training (IET) is the core educational strategy for career pathways jointly developed between WIOA partners. IET is a strategy across all levels of service delivery in WIOA Title II, WIOA-AEFLA. It can include a wide variety of WIOA title I career and training services, as well as other partners. IET is adult education and literacy, workforce preparation, and workforce training, each of sufficient intensity and quality, and based on the most rigorous research available, especially with respect to improving reading, writing, mathematics, and English proficiency of eligible individuals that occur simultaneously, use occupationally relevant instructional materials, and are ‘organized to function cooperatively with a single set of learning outcomes.’¹⁷ IET represents a wide spectrum of services to build foundational, employability, and occupational skills.¹⁸

Intellectual Disability. Intellectual disability (ID) is a subset of developmental disability. Intellectual disability is characterized by significant limitations in both intellectual functioning and in adaptive behavior,

¹³ APSE. APSE Employment First Statement. (2011, October 10). Retrieved August 19, 2016 from <http://apse.org/employment-first/statement/>

¹⁴ NC DHHS On-line Manuals. NC Division of Services for the Blind policies and procedures, vocational rehabilitation. (2010, October). Retrieved August 15, 2016 from <https://www2.ncdhhs.gov/info/olm/manuals/dsb/VR/man/Definitions.pdf>

¹⁵ Stephanie Hanes, (personal communication, August 26, 2016), referencing Casework and Service Delivery Policy, Volume I, Section 3-6-13.

¹⁶ 34 C.F.R. 300.320(a). For more detailed information, see <http://idea.ed.gov/explore/view/p/,root,dynamic,TopicalBrief,10>

¹⁷ 34 CFR § 463.37.

¹⁸ WIOA CLASP (n.d.). Integrated education and training: Model programs for building career pathways for participants at every skill level. Retrieved on September 16, 2016 from <http://www.clasp.org/resources-and-publications/publication-1/WIOA-IET-Model-Programs.pdf>

which covers many everyday social and practical skills. Intellectual disability originates before the age of 18.¹⁹ The prevalence of intellectual disability is estimated at 1% in the U.S. population.²⁰

The Higher Education Opportunity Act of 2008²¹ (HEOA) defined the term “student with an “intellectual disability” as a student (A) with a cognitive impairment, characterized by significant limitations in (i) intellectual and cognitive function; and (ii) adaptive behavior as expressed in conceptual, social, and practical adaptive skills; and (B) who is currently, or was formerly, eligible for a free and appropriate education under the Individuals with Disabilities Education Act.²²

Local Education Agency. Local Education Agency (LEA) is a synonym for a school district which operates local, public, primary and secondary schools in the United States.

Positive Behavioral Interventions and Supports. Positive Behavioral Interventions and Supports (PBIS) is the only approach to addressing behavior that is specifically mentioned in the Individuals with Disabilities Education Act (IDEA). The emphasis on using functional assessment and positive approaches to encourage good behavior remains in the current version of the law as amended in 2004.²³

Postsecondary Education. The provision of a formal instructional program whose curriculum is designed primarily for students who are beyond the compulsory age for high school. This includes programs whose purpose is academic, vocational, and continuing professional education, and excludes avocational and Adult Basic Education programs.²⁴

Social and Emotional Foundations for Early Learning. Social and Emotional Foundations for Early Learning (SEFEL) is an evidence-based strategy for addressing school climate and student behavior and has resulted in positive outcomes in regards to school improvement.²⁵

Students/Youth with Disabilities. The 2015 report on this session law set out various definitions of “students with disabilities,” including the definition of a “child with a disability” under the Individuals with Disabilities Education Act of 2004 (IDEA).²⁶

Section 7(37) of the Rehabilitation Act, as amended by the Workforce Innovation and Opportunity Act of 2014 (WIOA)²⁷ defines “*student* with a disability” to mean an individual with a disability in school who is: 1) 16 years old, or younger, if determined appropriate under IDEA, unless the state elects to provide pre-employment transition services at a younger age, and no older than 21, unless the State provides transition services under IDEA at an older age; and 2) is receiving transition services pursuant to IDEA, or is a

¹⁹ American Association on Intellectual and Developmental Disabilities. (n.d.). Definition of intellectual disability. Retrieved August 16, 2016 from <http://aaidd.org/intellectual-disability/definition#>

²⁰ Centers for Disease Control and Prevention. (n.d.). CDC: Protecting the health of people with intellectual and developmental disabilities. Retrieved September 12, 2016 from <https://aaidd.org/docs/default-source/annual-meeting/2krahn.pdf?sfvrsn=2>

²¹ Higher Education Opportunity Act, 20 U.S.C. 28 (2008). HEOA; P.L. 110-315.

²² 20 U.S.C. §1140(2).

²³ OSEP Technical Assistance Center. Positive Behavioral Interventions & Supports. (n.d.). Retrieved August 18, 2016 from <http://www.pbis.org/>

²⁴ US Department of Education. The database of accredited postsecondary institutions and programs. Glossary. (n.d.). Retrieved October 4, 2016 from <http://ope.ed.gov/accreditation/Glossary.aspx>

²⁵ Beverly Colwell (personal communication, August 19, 2016).

²⁶ Individuals with Disabilities Education Act, 20 U.S.C. § 1401(3) (2004).

²⁷ Workforce Innovation and Opportunity Act, PL 113-128 (2014, July 22). Retrieved August 15, 2016, from <https://www.congress.gov/113/plaws/publ128/PLAW-113publ128.pdf>

student who is an individual with a disability for the purposes of Section 504 of the Rehabilitation Act of 1973.²⁸

The definition of “student with a disability” under the Workforce Innovation and Opportunity Act (WIOA) applies to all students enrolled in educational programs, including postsecondary education programs, so long as they satisfy the age requirements set forth in 34 C.F.R. sec. 361.5(c)(51) of the Rehabilitation Act. The definition is also inclusive of secondary students who are homeschooled, as well as students in other non-traditional secondary education program.²⁹ WIOA also defines “youth with disabilities” and includes in its definition individuals, ages 14-24.³⁰

Supported Employment. Supported Employment means competitive integrated employment, including customized employment, or 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 consistent with the strengths, abilities, interests, and informed choice of the individuals involved, for individuals with the most significant disabilities—

- (A)(i) for whom competitive integrated employment has not historically occurred; or
- (ii) for whom competitive integrated employment has been interrupted or intermittent as a result of a significant disability; and
- (B) who, because of the nature and severity of their disability, need intensive supported employment services and extended services after the transition described in paragraph (13)(C), in order to perform the work involved.³¹

Transition. “Transition” refers to the period of time during which a student moves from secondary education to either a postsecondary program at an institution of higher learning (e.g., college) or into employment. For some students with more complex disabilities, the term may include transition into adult services, for example, employment or personal assistance services. “Transition services” are defined in two pieces of legislation central to SL 2015-241, section 11.19(a): The Rehabilitation Act of 1973³² and the Individuals with Disabilities Education Act of 2004 (IDEA).

Transition Services under IDEA. Transition services under the Individuals with Disabilities Education Act of 2004 (IDEA)³³ prepare students to move from school to adulthood. IDEA regulations define transition services as:

- (a) ...a coordinated set of activities for a child with a disability that—
- (1) Is designed to be within a results-oriented process, that is focused on improving the academic and functional achievement of the child with a disability to facilitate the child’s movement from school to post-school activities, *including postsecondary education, vocational education, integrated employment*

²⁸ 29 U.S.C. § 794.

²⁹ National Center on Leadership for the Employment and Economic Advancement of People with Disabilities (LEAD) (2016, August 19). Summary description of final rules implementing Title I (state VR program), Title VI (state supported employment services program), and section 511 (limitations on use of subminimum wage) of the Rehabilitation Act, as amended by Title IV of WIOA. Retrieved August 22, 2016 from http://www.leadcenter.org/system/files/resource/downloadable_version/wioa-rehab-act-final-rule-aug.pdf

³⁰ The Arc. WIOA: What it means for people with intellectual and/or developmental disabilities (I/DD). (2015, June). Retrieved August 15, 2016 from <http://www.thearc.org/document.doc?id=5183>

³¹ Title IV, amendments to the Rehabilitation Act of 1973. (n.d.). Retrieved October 5, 2016 from www.wa.gov/esd/1stop/docs/wioa/WIOA_Title_IV.docx

³² The Rehabilitation Act of 1973, 29 U.S.C. § 70.

³³ Individuals with Disabilities Education Act, 20 U.S.C. § 1401(34) (2004).

(including supported employment) [emphasis added], continuing and adult education, adult services, independent living, or community participation;

(2) Is based on the individual child's needs, taking into account the child's strengths, preferences, and interests; and includes—

(i) Instruction;

(ii) Related services;

(iii) Community experiences;

(iv) *The development of employment* [emphasis added] and other post-school adult living objectives; and

(v) If appropriate, acquisition of daily living skills and provision of a functional vocational evaluation.

(b) Transition services for children with disabilities may be special education, if provided as specially designed instruction, or a related service, if required to assist a child with a disability to benefit from special education.³⁴

IDEA requires that transition planning start by age 16. In North Carolina, parts of the transition plan must be in place at age 14.³⁵

Transition Services under the Rehabilitation Act. Under the Rehabilitation Act, transition services are defined as “a coordinated set of activities for a student designed within an outcome-oriented process that promotes movement from school to post-school activities, including *postsecondary education* [emphasis added], vocational training, integrated employment (including supported employment), continuing and adult education, adult services, independent living, or community participation. The coordinated set of activities must be based upon the individual student's needs, taking into account the student's preferences and interests, and must include instruction, community experiences, the development of employment and other post-school adult living objectives, and, if appropriate, acquisition of daily living skills and functional vocational evaluation. Transition services must promote or facilitate the achievement of the employment outcome identified in the student's individualized plan for employment.³⁶

Work-Based Learning. Work-based learning is an educational strategy that provides students with real-life work experiences where they can apply academic and technical skills and develop employability skills. Work-based learning experiences occur in a work setting, typically at an employer's worksite. The work-based learning activities are coordinated with school-based activities in an attempt to show students the “why” of what they are learning.³⁷

³⁴ Wrightslaw. (n.d.). IDEA 2004: Transition services for education, work, independent living. Retrieved September 12, 2016 from <http://www.wrightslaw.com/idea/art/defs.transition.htm#sthash.9kf1yvib.CZUD7ogO.dpuf>

³⁵ NC Department of Public Instruction. (n.d.). Transition planning for the 21st century schools. Retrieved August 15, 2016 from <http://www.dpi.state.nc.us/docs/curriculum/home/transitions.pdf>

³⁶ 34 C.F.R. § 361.5(b)(55).

³⁷ Public Schools of North Carolina (n.d.). Career and technical education. Work-based Learning. Retrieved August 24, 2016 from <http://www.dpi.state.nc.us/cte/curriculum/work-based/>

APPENDIX B

Membership of The Advisory for Education and Employment Opportunities for Students with Disabilities

November 15, 2016

1. Division of Mental Health, Developmental Disabilities and Substance Abuse Services – Jason Vogler, Interim Senior Director – jason.vogler@dhhs.nc.gov (member); Holly Riddle, Policy Advisor (alternate) – holly.riddle@dhhs.nc.gov
2. Division of Vocation Rehabilitation Services – Tara Myers, Director – tara.myers@dhhs.nc.gov; Stephanie Hanes, Program Specialist for Transition and Employment Services, Division of Vocational Rehabilitation Services (alternate) – stephanie.hanes@dhhs.nc.gov
3. Division of Social Services – Kevin Kelley, Section Chief, Child Welfare (member) – kevin.kelley@dhhs.nc.gov; Erin Conner, Social Services Program Consultant (alternate) – erin.conner@dhhs.nc.gov
4. Department of Public Instruction, Exceptional Children Division – William J. (Bill) Hussey, Director (member) - bill.hussey@dpi.nc.gov; Beverly Colwell, Consultant for Intellectual Disabilities and Secondary Education (alternate) - Beverly.Colwell@dpi.nc.gov
5. The University of North Carolina System – Terri Shelton, Vice-Chancellor of Research and Economic Development, University of North Carolina at Greensboro (co-chair) - shelton@uncg.edu; Joan Johnson, Executive Director, Beyond Academics™, University of North Carolina at Greensboro (alternate) - jjohnson@beyondacademics.org
6. NC Community College System – Nancye Gaj, Director of Program and Professional Development, College and Career Readiness (member) – gajn@nccommunitycolleges.edu; Trudie Hughes, Coordinator for Serving Students with Special Needs (alternate) - hughest@nccommunitycolleges.edu
7. NC Postsecondary Education Alliance – David Westling, Western Carolina University (member) - westling@email.wcu.edu; Deborah Zuver, Carolina Institute for Developmental Disabilities (alternate) – Deborah.Zuver@cidd.unc.edu
8. Community Stakeholders and Other Interested Parties – Azell Reeves, Chair, Exceptional Children’s Assistance Center; Vice-Chair, Sandhills Local Management Entity-Managed Care Organization; Executive Committee, NC Council on Developmental Disabilities; member, Exceptional Children’s Parent Advisory Council, Guilford County Schools; member, NC Department of Public Instruction Special Education Stakeholder Collaborative (member) - reev5205@bellsouth.net; Marlyn Wells, Exceptional Children’s Assistance Center (alternate) - mwells@ecacmail.org
9. Community Stakeholders and Other Interested Parties - Katie Savage, founder of UNC-Chapel Hill’s organization for students with disabilities (member) – kcsavage@unc.edu; Tiffany Bailey, Director, Accessibility Resources and Service, University of North Carolina - Chapel Hill and

member, Association for Higher Education and Disability (AHEAD) (alternate) - tmbailey@email.unc.edu

10. Community Stakeholders and Other Interested Parties - Matthew Potter, graduate, Wake Forest University, 2009; former member, Board of Directors of CenterPoint Human Services; member, Triad Community Center Community Advisory Board; member, NC Stakeholder Engagement Group for Medicaid Reform (member) - pottmm5@gmail.com; Jeff Payne, Alliance Behavioral Healthcare (alternate) - jpayne@alliancebhc.org
11. Community Stakeholders and Other Interested Parties - Kay McMillan, junior, North Carolina State University. Planning Committee, NC Youth Leadership Forum, 2010–present; Youth planning committee for the Association of Programs for Rural Independent Living Conference (APRIL), 2012–2013; intern, Alliance of Disability Advocates Center for Independent Living, 2011- 2013 (member) - knmcmil2@ncsu.edu; Sierra Royster, Youth Programs Coordinator, Association of Programs for Rural Independent Living (alternate) - april-sierra@att.net
12. Community Stakeholders and Other Interested Parties – Damie Jackson-Diop, Chair, NC Mental Health Planning Council; Co-Chair, Protection and Advocacy for Individuals with Mental Illness (PAIMI) Advisory Council, Disability Rights NC; member, Employment First North Carolina Steering Committee; Co-Chair, Community of Practice on Children and Emerging Young Adults, State Collaborative on Children, Youth and Emerging Young Adults; member, Employment First North Carolina Steering Committee; Alternatives to Guardianship-Education Team; alumnus, Ronald E. McNair Post Baccalaureate Program (member) - damiejack@gmail.com;
Virginia Fogg, Disability Rights North Carolina (alternate) - virginia.fogg@disabilityrightsnc.org
13. Community Stakeholders and Other Interested Parties - NC Independent Colleges and Universities (NCICU) – Hope Williams, President, NC Independent Colleges and Universities (member) - williams@ncicu.org; Thomas West, Vice President for Government Relations and General Counsel, NCICU (alternate) - west@ncicu.org
14. Community Stakeholders and Other Interested Parties - NC Government Data Analytics Center (GDAC) – Carol Burroughs, GDAC Assistant Director, NC Department of Information Technology (member) – carol.burroughs@nc.gov; John Correllus, GDAC Director (alternate) – john.correllus@nc.gov
15. Community Stakeholders and Other Interested Parties - Department of Commerce - Catherine Moga Bryant, Deputy Assistant Secretary (member) - catherine.mogabryant@nccommerce.com; Dana Martinez, Policy Analyst, Division of Workforce Solutions, Governance and Strategic Planning (alternate) – dana.martinez@nccommerce.com
16. Community Stakeholders and Other Interested Parties - Member of the NC General Assembly – Senator Chad Barefoot, Member, Joint Legislative Education Oversight Committee and Joint Legislative Oversight Committee on Health and Human Services (member) – Chad.Barefoot@ncleg.net; Meridith Berson, Staff to Senator Barefoot (alternate) – barefootin@ncleg.net

APPENDIX C

Membership of the Postsecondary Education Alliance 2015-2016

Harriet Able - Frank Porter Graham Institute, UNC-CH
Christie Arney - Caldwell Community College
Mary Todd Allen - Winston-Salem/Forsyth County Schools
Stephanie Antkowiak - The Arc of High Point
Nellie Aspel - Cleveland County Schools; professor, UNCC
Nancy Bagatell - School of Allied Health, UNC-CH
Simon Bloor - Accessibility Resources and Service, UNC-CH
Dorea D. Bonneau - UNC-Pembroke
Elizabeth Byars – TEACCH® Autism Program
Nicolette Campos - UNC-Pembroke – Disability Support Services
Alan Chase - Envisioning Youth Empowerment Retreat
Debra Childress - 3C Institute
Michelle Clark – Council for Exceptional Children
Beverly Colwell - Exceptional Children Division, NC DPI
Chris Cordiero - PSEA Alumnus, CIDD, UNC-CH
Ann Cox - Frank Porter Graham Institute, UNC-CH
Betsy Crais - Division of Speech & Hearing, UNC-CH
Jennifer Diliberto - School of Education, UNC-CH
Robyn Dorton - Self-Advocate Trainer, Project STIR, CIDD, UNC-CH
Bryan Dooley - Self-Advocate; Advancing Strong Leadership in DD
Mandy Earnest – Pathways to an Accessible College Experience (PACE), College of the
Albemarle
Jennifer Fielder - Central Piedmont Community College
Wilson Finks - Self-Advocate Trainer, Project STIR, CIDD, UNC-CH
Wanda Fletcher – PACE, College of the Albemarle
Emily Furgang Kertcher – School of Allied Health, UNC-CH
Nancy Gaj - NC Community College System
Becky Garland – Family Advocate
Mike Graves - Family Advocate, Autism Society of North Carolina
Timmy Haith - Coordinator, Career College, Alamance Community College
Michelle Hall - Transition Programs, Wake Technical Community College
Stephanie Hanes - NC Vocational Rehabilitation
Dana Hanson-Baldauf - Project Achieve, Chapel Hill/Carrboro City Schools
Lalenja Harrington - Beyond Academics™, UNCG
Trudie Hughes - NC Community College System
Kara Anne Hume - Frank Porter Graham Institute, UNC-CH
David Ingram - NC Division of MH/DD/SAS
Rep. Verla Insko - NC House of Representatives
Monica Isbell - Career College, Alamance Community College
Sharon Jackson - Cleveland Co. Schools; Council for Exceptional Children
Joan Johnson - Beyond Academics™, UNCG
Deborah Keenan - Dare to Learn, Dare County
Kelly R. Kelley - University Participant (UP) Program, WCU
Jackie Kely – Family Advocate, PSEA
Kenneth Kely - Self-Advocate; former LEND trainee, CIDD, UNC-CH
Patricia Keul - NC Coordinator, Project SEARCH™
Laura Klinger - NC TEACCH
Mary LaCorte – Exceptional Children's Assistance Center
Barbara Leach - Family Support Program, UNC-CH
Freda Lee - NC Race to the Top, NC DPI

Mya Lewis – NC Division of MH/DD/SAS
 Sharon Little - Union Co. Schools
 Lynne Loeser - Exceptional Children Division, NC DPI
 Susan Lombardo - East Chapel Hill High School
 Nance Longworth - Academic/Disability Resources, Davidson College
 Renate Macchirole – PACE, College of the Albemarle
 Eric Marshburn - Beyond Academics™, UNCG
 Lorrie Marro - Carrboro High School
 Kathy Martinez – Transition Program, Cape Fear Community College
 Linda Mason - School of Education, UNC-CH
 Corey McCarthy – Advocate, Education
 Sherry Mergner - School of Social Work, UNC-CH
 Melinda Plue - The Arc of NC
 Tonya Monroe - Career College, Randolph Community College
 Duncan Munn – Board Member, Beyond Academics™, UNCG
 Natalie Murr - Trainee, LEND, CIDD, UNC-CH
 Joanna Mussey - NC TEACCH
 Paul Offen - Self-Advocate; former LEND trainee, CIDD, UNC-CH
 Meredith Owens – Catawba Co. Schools
 April Oxendine - Robeson County Public Health; UNC-Pembroke
 Ann Palmer – Family Advocate; CIDD, UNC-CH
 Daya Patton - Winston-Salem/Forsyth Co. Schools
 Azell Reeves – Family Advocate, NC Council on Developmental Disabilities
 Holly Riddle - NC Division of MH/DD/SAS
 Chris Rivera - Eastern Carolina University
 Fran Sandridge - Beyond Academics™, UNCG
 Terri L. Shelton - Vice Chancellor, UNCG
 Pam Silberman - NC Institute of Medicine
 Shayna Simpson-Hall - NC Division of MH/DD/SAS
 Mary Strong - Scholars with Diverse Abilities, ASU
 Steve Strom - NC Council on Developmental Disabilities
 Natasha Suber – Monarch NC
 Timothy Sweeney - College of the Albemarle
 Julia Tennant - Wake Technical Community College
 Adela Van Name - Special Needs Advisory Council, Chapel Hill/Carrboro City Schools
 Ginger Walton - InFocus; former LEND trainee, CIDD, UNC-CH
 Anna Ward - Scholars with Diverse Abilities, ASU
 Cate Weir – Think College, University of Massachusetts-Boston
 David Westling - University Participant (UP) Program, WCU
 Carol Cutler White - Gear-Up NC, College Foundation of NC
 Yasmine White - Voices Together
 Nicole Worley - SUCCEED, Sandhills Community College
 Allison Zoller - Persever8

**Postsecondary Education Alliance Team at The Carolina Institute for Developmental
 Disabilities (CIDD), UNC-CH**

Joe Piven, MD - Director, CIDD, UNC-CH
 Donna Carlson Yerby - Assistant Director-Services, CIDD, UNC-CH
 Deborah Zuver - Coordinator, Advocacy Initiatives, CIDD, UNC-CH
 McCafferty Kermon - Advocacy Liaison, CIDD, UNC-CH
 Remington Brown - Advocacy LEND Trainee, CIDD, UNC-CH
 Nikki Michaelson - Social Work LEND Trainee, CIDD, UNC-CH