**Procedures and Documentation Requirements**

**that Apply to Section 511**

**Definitions:**

**Pre-employment transition services:** The required activities and authorized activities specified in 34 CFR 361.48(a)(2) and (3).

**Student with a disability**: An individual with a disability in a secondary, postsecondary, or other recognized education program who—

1. Is not younger than the earliest age for the provision of transition services under section 614(d)(1)(A)(i)(VIII) of the Individuals with Disabilities Education Act (20 U.S.C. 414(d)(1)(A)(i)(VIII)); or
2. If the State involved elects to use a lower minimum age for receipt of pre-employment transition services under this Act, is not younger than that minimum age; and
3. Is not older than 21 years of age; or
4. If the State law for the State provides for a higher maximum age for receipt of services under the Individuals with Disabilities Education Act (20 U.S.C. 1400 *et seq.*), is not older than that maximum age; and
5. Is eligible for, and receiving, special education or related services under Part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 *et seq.*); or
6. Is a student who is an individual with a disability, for purposes of section 504 of the Rehabilitation Act.

**Transition services**: A coordinated set of activities for a student or youth with a disability that:

1. Is designed within an outcome-oriented process that promotes movement from school to post-school activities, including postsecondary education, vocational training, competitive integrated employment, supported employment, continuing and adult education, adult services, independent living, or community participation;
2. Is based upon the individual student's or youth's needs, taking into account the student's or youth's preferences and interests;
3. Includes 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;
4. Promotes or facilitates the achievement of the employment outcome identified in the student's or youth's individualized plan for employment; and
5. Includes outreach to and engagement of the parents, or, as appropriate, the representative of such a student or youth with a disability.

**Youth with a disability**: An individual with a disability that is not less than 14 years of age or older than 24 years of age.

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**Procedures and Documentation for Youth to Enter Subminimum Wage**

**Scenario 1**: The VR program is made aware that a youth wishes to enter subminimum wage employment.

**Step 1:** The VR program must to obtain documentation of the completion of pre-employment transition services or transition services.

1. Documentation of completion of appropriate **pre-employment transition services** for a student with a disability.
2. Provided by the VR program to the student within 45 days of the completion of the required activity or service;
3. Documentation will contain, at a minimum, the following information:
4. Youth's name;
5. Description of the service or activity completed;
6. Name of the individual or the provider of the required service or activity;
7. Date required service or activity completed;
8. Signature of the designated State unit personnel documenting completion of the required services or activity;
9. Date of signature;
10. Signature of designated State unit personnel transmitting documentation to the youth with a disability; and
11. Date and method (*e.g.,* hand-delivered, faxed, mailed, emailed, etc.) by which document was transmitted to the youth
12. Once the VR program has provided the youth with the documentation needed, the VR program will provide a coversheet that itemizes and describes each of the documents provided to the youth.

**Importance and consequence as it relates to Section 511:** Documentation of the completion of appropriate pre-employment transition services is one of the requirements that a youth must meet if he/she wishes to work in a subminimum wage job. Please note that the individual would have to have received pre-employment transition services while they fulfilled the definition of a student with a disability. If the youth does not have verification of the completion of appropriate pre-employment transition services, then the youth can fulfill the requirements by having documentation of the completion of appropriate transition services. **The youth must have documentation of either transition or pre-employment transition services to enter into subminimum wage employment. Without this documentation, the youth cannot work in subminimum wage employment.**

1. Documentation of completion of appropriate **transition** services for a youth with a disability under IDEA
2. Provided by the educational agency to the VR program within 30 days of completion of the activities
3. The VR program provides this documentation to the youth
4. Can be an IEP, but whatever form the documentation takes, it must contain the following at a minimum:
5. Youth's name;
6. Description of the service or activity completed;
7. Name of the provider of the required service or activity;
8. Date required service or activity completed;
9. Signature of educational personnel documenting completion of the required service or activity;
10. Date of signature documenting completion of the required service or activity;
11. Signature of educational personnel transmitting documentation to the designated State unit; and
12. Date and method (*e.g.,* hand-delivered, faxed, mailed, emailed, etc.) by which document was transmitted to the designated State unit.
13. When the educational agency transmits the last documentation of transition services to the VR program, they must provide a cover sheet that itemizes the documentation that has been provided to the VR program regarding that youth.
14. The educational agency must keep a copy of all documents sent to the VR program
15. The VR program has to keep a copy of all of the documentation it provides to the youth.

**Importance and consequence as it relates to Section 511**: Documentation of the completion of appropriate transition services is one of the requirements that a youth must meet if he/she wishes to work in a subminimum wage job. If the youth does not have verification of the completion of appropriate transition services from the educational agency, then the youth can fulfill the requirements by having documentation of the completion of appropriate pre-employment transition services**. The youth must have documentation of either transition or pre-employment transition services to enter into subminimum wage employment. Without this documentation, the youth cannot work in subminimum wage employment**.

1. **Refusal** of transition or pre-employment transition services:
2. If a youth with a disability, or as applicable, the youth’s parent or guardian refuses, through informed choice, to participate or receive transition services or pre-employment transition services, the documentation of the refusal must contain, at a minimum, the following:
3. Youth's name;
4. Description of the refusal and the reason for such refusal;
5. Signature of the youth or, as applicable, the youth's parent or guardian;
6. Signature of the designated State unit or educational personnel documenting the youth's refusal;
7. Date of signatures; and
8. Date and method (*e.g.,* hand-delivered, faxed, mailed, emailed, etc.) by which documentation was transmitted to the youth.
9. If a youth refuses to receive transition services, the educational agency must provide documentation of the refusal to the VR program within 5 days of the refusal.
10. Documentation of the refusal of transition or pre-employment transition services must be provided by the VR program to the youth within 10 calendar days of the youth’s refusal to participate.

**Importance or consequence as it relates to Section 511:** If a youth refuses to receive transition or pre-employment transition services, then the youth would **not be able** to work in subminimum wage employment until after they turned 25, and then only if they agreed to receive career counseling and information and referral services.

**Step 2:** The youth must apply for VR services and be either found ineligible, or if determined eligible, have a closed case after having an approved IPE and working towards the vocational goal with appropriate supports and services without success for a reasonable period of time.

1. **Ineligibility Determination**
2. An individual can be found ineligible for rehabilitation services if there is clear and convincing evidence obtained from trial work experiences (TWE) of a sufficient variety over a sufficient period of time that the individual’s disability is so significant that the individual is unable to benefit in terms of an employment outcome.
3. TWEs must be provided in the context of a written plan to periodically assess the individual’s abilities, capabilities and capacity to perform in integrated work situations;
4. TWEs include, as needed, supported employment, on-the-job training and other experiences using realistic work settings;
5. There must be clear and convincing evidence that the individual cannot benefit in terms of an employment outcome; and
6. The VR program must provide appropriate supports during the TWEs such as assistive technology devices and services and personal assistance services to accommodate the needs of the individual.
7. **Closure after an approved Individualized Plan for Employment**
8. If a youth with a disability is unable to achieve the employment outcome specified in the IPE, despite working toward the employment outcome with reasonable accommodations and appropriate supports and services, including supported and customized employment services for a reasonable period of time, the case can be closed as long as it meets all of the requirements of 34 CFR 361.47.
9. The IPE must have included a specific employment goal consistent with competitive integrated employment, including supported or customized employment.
10. A reasonable period of time must be consistent with the disability-related and vocational needs of the individual, as well as the anticipated length of the time required to complete the services identified in the IPE.
11. If the employment outcome is supported employment, a reasonable period of time is 24 months unless the individual and the counselor agree to extend the time to achieve the employment outcome identified in the IPE.
12. **Refusal to pursue competitive integrated employment after an IPE**
13. If a youth with a disability refuses to pursue competitive integrated employment after having an approved IPE developed, then the youth can be found ineligible for services, the case can be closed and the youth can enter subminimum wage employment after completing the other requirements.

**Importance and consequence as it relates to Section 511:** A youth with a disability must be found either ineligible for services after application, or be closed from plan status according to the requirements noted above in order to work in subminimum wage employment.

**Step 3:** The youth with a disability must be provided with career counseling, and information and referral services

**Note:** Steps 3 and 4 apply to all individuals seeking or currently working in subminimum wage employment regardless of age. The information is included here to identify all of the steps needed for youth seeking subminimum wage employment and will be repeated in the section applying to all regardless of age.

1. **Provision of career counseling, and information and referral services (CC&I&R)**
2. Before a youth with a disability can enter into subminimum wage employment, the youth must have received career counseling, and information and referral to Federal and State programs and other resources in the individual’s geographic area that offer employment-related services and supports designed to enable the individual to explore, discover, experience and attain competitive integrated employment;
3. The CC&I&R must be provided in a manner that facilitates informed choice and decision-making by the youth;
4. The information and referral services must not be for subminimum wage employment by a 14(c) entity and the employment-related services are not compensated at subminimum wage and do not result in work at a subminimum wage;
5. CC&I&R cannot be provided by a 14(c) entity;
6. CC&I&R must be provided to the youth known to be seeking subminimum wage employment within 30 days of a determination of ineligibility or closure from plan;
7. CC&I&R must be provided to a youth once every six months during the first year of employment at subminimum wage and annually thereafter for the life of the subminimum wage employment;
8. CC&I&R can be provided directly by the VR program or other service provider as long as the provider does not hold a 14(c) certificate;
9. CC&I&R can be provided individually or in a group setting and can be provided at the work site.
10. **Documentation of career counseling and information and referral services**
11. Provided by the VR program or service provider (not a 14c certificate holder) to the youth as soon as possible upon completion, but no later than 45 days after completion of the activities.
12. The documentation must include, at a minimum, the following:
13. Name of the individual;
14. Description of the service or activity completed;
15. Name of the provider of the required service or activity;
16. Date required service or activity completed;
17. Signature of individual documenting completion of the required services or activity;
18. Date of signature;
19. Signature of designated State unit personnel transmitting documentation to the individual with a disability; and
20. Date and method (*e.g.,* hand-delivered, faxed, mailed, emailed, etc.) by which document was transmitted to the individual.

**Importance or consequence as it relates to Section 511:** All youth **must** receive CC&I&R in order to either enter into or continue working in subminimum wage employment.

1. **Refusal of CC&I&R**
2. If a youth, or as appropriate, a youth’s representative, refuses to participate in CC&I&R, the VR program or the provider must document this refusal. The documentation must contain, at a minimum, the following information:
3. Name of the individual;
4. Description of the of the refusal and the reason for such refusal;
5. Signature of the VR program personnel documenting the individual’s refusal;
6. Date of signatures; and
7. Date and method (*e.g.,* hand-delivered, faxed, mailed, emailed, etc.) by which document was transmitted to the individual.
8. Documentation of refusal has to be provided to the youth within 10 days of the refusal.

**Importance and consequence as it relates to Section 511:** If an individual refuses CC&I&R, they cannot enter, or they can no longer work, in a subminimum wage job.

**Step 4:** The youth must be informed of self-advocacy, self-determination and peer mentoring training opportunities available in the youth’s geographic area.

1. **Provision of information on self-advocacy, self-determination and peer mentoring training opportunities available in a youth’s geographic area.**
2. It is the responsibility of the 14(c) holder to arrange for the provision of this information to the youth seeking to enter subminimum wage, and the 14(c) holder cannot provide the information themselves. If the 14(c) employer has less than 15 employees, then the responsibility can be fulfilled by referral to the VR program.
3. The VR program can provide this directly or arrange for it to be provided.
4. The information can be provided by a Center for Independent Living or similar program that has information about or provides the services.
5. The information must be provided to the youth within 30 calendar days of being known to the VR program that the youth is seeking to enter subminimum wage employment.
6. The information must be provided to the youth every six months for the first year of employment and annually thereafter for the life of the subminimum wage employment.

**Importance or consequence as it relates to Section 511:** All youth **must receive** information on self-advocacy, self-determination and peer mentoring training opportunities in their geographic area at the prescribed intervals. Documentation of this must be given to the individual working at sub-minimum wage.

**Procedures and Documentation for all Individuals Regardless of Age Working in Subminimum Wage Employment**

**Step 1:** The individual with a disability must be provided with career counseling, and information and referral services

1. **Provision of career counseling, and information and referral services (CC&I&R)**
2. In order for an individual with a disability to continue working in subminimum wage employment, the individual must receive CC&I&R to Federal and State programs and other resources in the individual’s geographic area that offer employment-related services and supports designed to enable the individual to explore, discover, experience and attain competitive integrated employment;
3. The CC&I&R must be provided in a manner that facilitates informed choice and decision-making by the individual;
4. The information and referral services must not be for subminimum wage employment by a 14(c) entity and the employment-related services are not compensated at subminimum wage and do not result in work at a subminimum wage;
5. CC&I&R cannot be provided by a 14(c) entity;
6. CC&I&R must be provided to the individual once every six months during the first year of employment at subminimum wage and annually thereafter for the life of the subminimum wage employment;
7. CC&I&R can be provided directly by the VR program or other service provider as long as the provider does not hold a 14(c) certificate;
8. CC&I&R can be provided individually or in a group setting and can be provided at the work site.
9. **Documentation of career counseling and information and referral services**
10. Provided by the VR program or service provider to the individual as soon as possible upon completion, but no later than 45 days after completion of the activities.
11. The documentation must include, at a minimum, the following:
12. Name of the individual;
13. Description of the service or activity completed;
14. Name of the provider of the required service or activity;
15. Date required service or activity completed;
16. Signature of individual documenting completion of the required services or activity;
17. Date of signature;
18. Signature of designated State unit personnel transmitting documentation to the individual with a disability; and
19. Date and method (*e.g.,* hand-delivered, faxed, mailed, emailed, etc.) by which document was transmitted to the individual.

**Importance and consequence as it relates to Section 511:** All individuals must receive CC&I&R in order to either enter into or continue working in subminimum wage employment.

1. **Refusal of CC&I&R**
2. If an individual, or as appropriate, an individual’s representative, refuses to participate in CC&I&R, the VR program or the provider must document this refusal. The documentation must contain, at a minimum, the following information:
3. Name of the individual;
4. Description of the of the refusal and the reason for such refusal;
5. Signature of the VR program personnel documenting the individual’s refusal;
6. Date of signatures; and
7. Date and method (*e.g.,* hand-delivered, faxed, mailed, emailed, etc.) by which document was transmitted to the individual.
8. Documentation of refusal has to be provided to the individual within 10 days of the refusal.

**Importance or consequence as it relates to Section 511:** If an individual refuses CC&I&R, they **cannot enter in, or continue working in** a subminimum wage job.

**Step 2:** The individual must be informed of self-advocacy, self-determination and peer mentoring training opportunities available in the individual’s geographic area.

1. **Provision of information on self-advocacy, self-determination and peer mentoring training opportunities available in an individual’s geographic area.**
2. It is the responsibility of the 14(c) holder to arrange for the provision of this information to the individual seeking to enter subminimum wage, and the 14(c) holder cannot provide the information themselves. If the 14(c) employer has less than 15 employees, then the responsibility can be fulfilled by referral to the VR program.
3. The VR program can provide this directly or arrange for it to be provided.
4. The information can be provided by a Center for Independent Living or similar program that has information about or provides the services.
5. The information must be provided to the individual within 30 calendar days of being known to the VR program that the individuals is seeking to enter, or is currently working in, subminimum wage employment.
6. The information must be provided to the individual every six months for the first year of employment and annually thereafter for the life of the subminimum wage employment.

**Importance and consequence as it relates to Section 511:** All individuals must receive information on self-advocacy, self-determination and peer mentoring training opportunities in their geographic area at the prescribed intervals. Documentation of this must be given to the individual working at sub-minimum wage.