

# Suggestions for Aligning Alternate Achievement Standards with WIOA

**Ensuring that all students** achieve successful post-school outcomes has been a goal of U.S. education policy for many years. Clear statements and policy priorities emerged in the late 2000s about a goal for all students to leave high school ready for success in postsecondary education or employment (often referred to as college and career readiness).

With the reauthorization of the Elementary and Secondary Education Act (ESEA) as the Every Student Succeeds Act in 2015, states were required to coordinate educational services with the requirements of the

Workforce Innovation and Opportunity Act (WIOA) of 2014. Although states had already begun this work by aligning their English Language Arts (ELA), mathematics, and science standards with college and career readiness, there were questions about how to meet the requirements outlined in the ESSA assessment regulations for alternate assessments based on alternate academic achievement standards (AA-AAAS).

States face peer reviews of their assessments; these require states to demonstrate that students with the most significant cognitive disabilities who met the states' alternate academic achievement standards were on track to pursue postsecondary education or competitive integrated employment. Critical element 6.3 of the *Peer Review Guidance*<sup>1</sup> states:

If the State has adopted alternate academic achievement standards for students with the most significant cognitive disabilities, the alternate academic achievement standards (1) are aligned with the State's challenging academic content standards for the grade in which a student is enrolled; (2) promote access to the general curriculum consistent with the IDEA; (3) reflect professional judgment as to the highest possible standards achievable for such students; (4) are designated in the IEP for each student for whom alternate academic achievement standards apply; and (5) **are aligned to ensure that a student who meets the alternate academic achievement standards is on track to pursue postsecondary education or competitive integrated employment.** (Emphasis added)

Although the *Peer Review Guidance* examples of evidence for Critical Element 6.3 are all relevant to demonstrating the "on track" requirement, just

<sup>1</sup>Peer Review Guidance is available at: <https://www2.ed.gov/admins/lead/account/saa/assessmentpeerreview.pdf>.

one example of evidence directly addresses the requirement:

Follow-up studies that examine proficiency on the high school assessments and performance in post-secondary education, vocational training or competitive integrated employment. (U.S. Department of Education, 2018, p. 69)

This Brief provides information on alternate achievement standards and WIOA, then makes several suggestions about ways to show that a student who meets a state's alternate academic achievement standards is on track to pursue postsecondary education or competitive integrated employment. In addition, several recommendations are provided for states on how to build a strong system to support the realization of the intent of ESSA and WIOA requirements for their students with the most significant cognitive disabilities.

### **ESSA Assessment Regulations, Section 200.2(b)(3)(ii)(B)(2), State Responsibilities for Assessment**

With respect to alternate assessments for students with the most significant cognitive disabilities, measure student performance based on alternate academic achievement standards defined by the State consistent with section 1111(b)(1)(E) of the Act that reflect professional judgment as to the highest possible standards achievable by such students to ensure that a student who meets the alternate academic achievement standards is on track to pursue postsecondary education or competitive integrated employment, consistent with the purposes of the Rehabilitation Act of 1973, as amended by the Workforce Innovation and Opportunity Act, as in effect on July 22, 2014.

## What are Alternate Academic Achievement Standards?

Students with the most significant cognitive disabilities who participate in the AA-AAAS learn content aligned to the challenging state academic standards. For example, a state's content standard for the general English language arts assessment in grade 9 might be: *Determine a theme or central idea of a text and how it is conveyed through details; provide a summary of the text distinct from personal opinions or judgments.* For the AA-AAAS, the focus of the content standard (possibly called an extension or connector) might be: *Identify the theme or main idea of a text.*

In math, the state might have a high school content standard of: *Represent data with plots on a real number line (dot plots, histograms, and box plots).* For the AA-AAAS, the focus of the content standard might be: *Given data, construct a simple graph (line, pie, bar, picture) or table, and interpret the data.* These standards confirm that students with the most significant cognitive disabilities must have access to content similar to their peers without disabilities.

Achievement standards define how well students are to perform on the assessment. They are reflected in the performance level descriptors that states develop, and have three or more levels (e.g., below proficient, proficient, above proficient). From the examples above, the proficient achievement standard for a high school student with a significant cognitive disability might be:

- The student is able to read a text with moderate text complexity to identify key details that support the development of a central idea of an informational text<sup>2</sup>
- The student who is proficient uses graphs to interpret concrete information and understands

bar graphs, picture graphs, line plots, and pie charts<sup>3</sup>

It is this type of alternate academic achievement standards that states must show ensure that students who are proficient are on track to postsecondary education or competitive integrated employment.

## What is WIOA?

The Workforce Innovation and Opportunity Act (WIOA) was enacted in 2014 to: (a) improve and promote the alignment and coordination of federal, state, and local workforce development systems; (b) support job seekers with disabilities to pursue training, education, and employment through coordinated services; (c) improve the quality of the labor market with an investment in workers with disabilities, and through partnerships with employers; and (d) decrease the barriers to education and employment for people with disabilities.<sup>4</sup> Simply stated, WIOA seeks to increase the employment, career advancement, and economic self-sufficiency of people with disabilities through collaborative federal, state, and local partnerships. Regulatory guidance for states was issued to support the WIOA legislation in July 2016.<sup>5</sup>

WIOA replaces the Workforce Investment Act (WIA, 1998), and is the modern iteration of the Rehabilitation Act of 1973, which invested in state Vocational Rehabilitation (VR) programs to provide research, training, support and education to those with the most significant disabilities. It includes Section 504, which extended civil rights to people with disabilities, including reasonable accommodations in work and school (Pub. L. 9-112, 87 Stat. 355 (1973)).

<sup>3</sup>This example is derived from a Dynamic Learning Maps (DLM) performance level descriptor.

<sup>4</sup>WIOA replaces the Workforce Investment Act (WIA). It is the current version of the Rehabilitation Act of 1973.

<sup>5</sup>The Final Rules are available at: <https://www2.ed.gov/about/offices/list/osers/rsa/wioa-final-rules.html>.

<sup>2</sup>This example is derived from a Multi-State Alternate Assessment (MSAA) performance level descriptor.

WIOA is primarily implemented through state VR programs to provide research, training, support, and education to individuals with disabilities, including youth with the most significant disabilities. WIOA includes a focus on increasing access to education, employment, and training for job seekers with disabilities, with additional investments being made for in-school and out-of-school transition-aged youth.

There are currently a number of directives and expectations outlined in WIOA that have a direct impact on transition age youth with disabilities, including those with the most significant cognitive disabilities:

- Allocation of state VR spending to target transition-aged youth (e.g., 15% of a state’s VR allocation is for Pre-Employment Transition Services for youth with disabilities who are eligible or potentially eligible for VR services)
- Increased focus on out-of-school youth of transition age, including educational attainment and skills training
- Reduction and limitation in the use of sub-minimum wage
- Focus on paid work experience during school
- Increased role of state VR programs, including partnerships with school districts, during a youth’s transition into adulthood
- Definition of competitive, integrated employment and customized employment
- Required agreements and partnerships between state VR and state Medicaid systems (i.e., State Intellectual and Developmental Disability) and Local Education Agencies

State VR programs are to prioritize services for individuals with significant disabilities, which includes those with significant cognitive disabilities. Although each state VR program

### WIOA Definition of “Individual with the Most Significant Disability”

IN GENERAL.-The term “individual with a most significant disability” used with respect to an individual in a State, means an individual with a significant disability who meets criteria established by the State under section 101(a)(5)(C). (P.L.114-95, Sec.7(21)(E)(i))

defines “individual with the most significant disability,” the definition must be consistent with the statutory definition. Individuals who receive Social Security benefits, such as Supplemental Security Income (SSI) or Social Security Disability Insurance (SSDI) are considered to be individuals with significant disabilities under the Rehabilitation Act ((Section 102(a)(3)(A)).

Competitive, integrated employment (CIE) is identified by WIOA as the optional and preferred outcome for job seekers with disabilities. CIE employment can include supported and customized employment supports.<sup>6</sup> The CIE definition and prioritization within WIOA represents a significant shift in the expectations for both youth and adults with disabilities to be employed. Local Education Agencies (LEAs) play a critical role in supporting youth in developing the tools, skills, and experiences that will prepare youth for a

<sup>6</sup>For additional information about CIE see the Competitive Integrated Employment FAQs published by the U.S. Department of Education. It is available at <https://www2.ed.gov/about/offices/list/osers/rsa/wioa/competitive-integrated-employment-faq.html>.

### WIOA Definition of “Competitive, Integrated Employment (CIE)”

...full-time or part time work at minimum wage or higher, with wages and benefits similar to those without disabilities performing the same work, and fully integrated with co-workers without disabilities. (34 CFR §§361.5(c)(9)(ii) and 361.5(c)(32)(ii))

competitive job; these LEA activities also support ESSA's requirement for schools to prepare students so they leave school ready for college and career.

WIOA also addresses postsecondary education, which includes technical training programs, community colleges, 2- and 4-year colleges and universities, and registered apprenticeship programs. Participation and completion of postsecondary education can assist youth with disabilities succeed in competitive integrated employment and develop more formal career pathways.

For a student with a significant cognitive disability to be on track to meet WIOA requirements, the student would need to be receiving the services and supports that ensure the student is ready for employment or prepared for a postsecondary option.

## **Suggestions for Sources of Evidence for WIOA Requirements in AA-AAAS Peer Review**

States may want to consider both existing data and new data collection efforts as ways to provide evidence that students with significant cognitive disabilities who are proficient on the AA-AAAS are on track to postsecondary education or competitive integrated employment.

### ***Existing Data Evidence***

State special education departments are required to submit an annual performance report (APR) yearly to show progress on their state performance plans (SPP), which are submitted at least every six years. The Office of Special Education Programs (OSEP) uses information from these to determine whether the state meets the requirements and purposes of the Individuals with Disabilities Education Act (IDEA). For school-age children,

states report on 17 indicators, two of which might be helpful in providing evidence needed to meet the WIOA requirement.

The approaches suggested here use these data and also indicate that the state should determine whether it has other relevant data that are already collected.

### **1. Use data from Special Education SPP/ APR Indicator 13 (Secondary Transition) to document postsecondary goals identified for students who participate in the AA-AAAS.**

Depending on the method the state uses to collect information (e.g., checklist) for OSEP Indicator 13, the data collected potentially could show that students have postsecondary goals that are consistent with pursuit of postsecondary education or employment in competitive integrated settings. States would need to be able to disaggregate these data for students who participate in the AA-AAAS.

#### **Indicator 13:**

“Percent of youth with IEPs aged 16 and above with an IEP that includes 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 services needs. There also must be evidence that the student was invited to the IEP Team meeting where transition services are to be discussed and evidence that, if appropriate, a representative of any participating agency was invited to the IEP Team meeting with the prior consent of the parent or student who has reached the age of majority.” (20 U.S.C. 1416(a)(3)(B))

**2. Use data from Special Education SPP/APR Indicator 14 (Post-School Outcomes) to document work experience and work trajectory.**

Again depending on the method the state uses, OSEP Indicator 14 could provide data on the actual placements of students with the most significant cognitive disabilities who performed at the proficient level on the AA-AAAS and after school were either in postsecondary education or in competitive integrated employment.

**3. Determine whether other data are available to provide evidence.**

One kind of evidence that may already exist is whether students are in paid work experiences in high school. Research indicates that students who have these experiences are more likely to be successful in competitive integrated employment (Carter, Austin, & Trainor, 2012). Citing the literature and data on the high school work experiences of students proficient on the AA-AAAS is one piece of appropriate evidence to show that students proficient on the AA-AAAS are on track to competitive integrated employment.

It may be most efficient to contact the VR office

**Indicator 14:**

“Percent of youth who are no longer in secondary school, had IEPs in effect at the time they left school, and were: A. Enrolled in higher education within one year of leaving high school. B. Enrolled in higher education or competitively employed within one year of leaving high school. C. Enrolled in higher education or in some other postsecondary education or training program; or competitively employed or in some other employment within one year of leaving high school.” (20 U.S.C. 1416(a)(3)(B))

or other state offices that might have data that could contribute information that could be used as evidence. Explore the data that are collected to determine whether those data could be linked to students with the most significant cognitive disabilities who participated in the AA-AAAS during their school years.

***New Data Collection Evidence***

If there are not existing data in the state that could be used as evidence, the state may need to consider collecting data that will provide the needed evidence. This should be done thoughtfully, through collaboration across divisions, and potentially with buy-in from parents who may be the source of this information or who may need to agree to the collection of this information. Two suggestions for consideration are presented here.

**1. Set up the expectation that information on postsecondary education and employment will be gathered on students who participated in the AA-AAAS.**

Gathering these data for all students who participate in the AA-AAAS, not just those who are proficient, will be informative even though it only needs to be reported on those students who were proficient on the AA-AAAS. Ideally, work with Individualized Education Program (IEP) teams so that they have conversations with parents about the importance of these data for ensuring that programming is meeting students' needs.

**2. Set up the systems needed to collect post-school data on students who participated in the AA-AAAS.**

Develop follow-up systems specifically for AA-AAAS students so that contact information needed to gather information after the students have left school is available. Develop a simple form for collecting the information that will be needed on

the former student's postsecondary education or employment setting.

## Suggestions for Supporting a System That Leads to Postsecondary Education and Competitive Integrated Employment for Students with the Most Significant Cognitive Disabilities

Connections between state and local education agencies and VR programs will increase the likelihood that students with the most significant cognitive disabilities will meet the WIOA goals for postsecondary education and competitive integrated employment. Developing and supporting these connections will require cross-agency and interdisciplinary partnerships.

Each state is required to have a WIOA State Plan that outlines how a state intends to meet the WIOA requirements.<sup>7</sup> State agencies that support individuals with disabilities in education, employment, health, and self-sufficiency can play an important role in the implementation of WIOA, just as VR can play an important role in helping education departments think about how to ensure that students with the most significant cognitive disabilities are on track to meet WIOA requirements.

Among the strategies that a state might employ to foster collaboration among agencies include:

- Review your state's WIOA transition plan and identify areas of common interest in the plan.
- Coordinate the delivery and deployment of pre-employment transition services with state VR programs.
- Encourage IEP team members to invite the assigned high school VR counselor to participate

in IEP meetings for all transition-age youth with significant cognitive disabilities.

- Suggest that schools and districts make referrals of students directly to the state VR program.
- Develop a formal agreement with the state VR program to maximize and coordinate service delivery.

WIOA provides LEA's the opportunity to develop enhanced partnerships with state VR programs to support college and career readiness for students with disabilities, including youth with the most significant cognitive disabilities. This, in turn, will help enable students with the most significant cognitive disabilities to be on track for postsecondary education and competitive, integrated employment after leaving school.

### Resources:

Carter, E. W., Austin, D., & Trainor, A. A. (2012). Predictors of postschool employment outcomes for young adults with severe disabilities. *Journal of Disability Policy Studies*, 23(1), 50-63.

Department of Labor, *WIOA Youth Fact Sheet*: [https://www.doleta.gov/wioa/Docs/WIOA\\_YouthProgram\\_FactSheet.pdf](https://www.doleta.gov/wioa/Docs/WIOA_YouthProgram_FactSheet.pdf)

Government Accountability Office (GAO): *WIOA: States and local areas report progress in meeting youth program requirements*: <https://www.gao.gov/assets/700/692574.pdf>

U.S Department of Education. (2018, September 24). *A state's guide to the U.S. Department of Education's assessment peer review process*: <https://www2.ed.gov/admins/lead/account/saa/assessmentpeerreview.pdf>

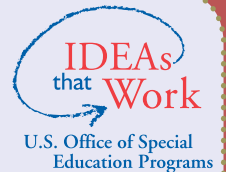
Workforce Innovation Technical Assistance Center (WINTAC): <http://www.wintac.org/>

<sup>7</sup>A list of WIOA state plans is available at: <https://www2.ed.gov/about/offices/list/osers/rsa/wioa/state-plans/index.html>.

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Contributors to the writing of this Brief were Martha L. Thurlow, Kelly Nye-Lengerman, and Sheryl S. Lazarus

NCEO Director, Martha Thurlow; NCEO Associate Director, Sheryl Lazarus; NCEO Assistant Director, Kristin Liu.



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National Center on Educational Outcomes  
University of Minnesota • 207 Pattee Hall  
150 Pillsbury Dr. SE • Minneapolis, MN 55455

Phone 612/626-1530 • Fax 612/624-0879

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