



**CONSORTIUM FOR CITIZENS
WITH DISABILITIES**

February 2, 2018

Nancy Berryhill
Acting Commissioner
Social Security Administration
6401 Security Boulevard
Baltimore, MD 21235-6401

Submitted on www.regulations.gov

Re: Request for Information Regarding Strategies to Improve Adult Outcomes for Youth Receiving Supplemental Security Income (SSI)

Dear Acting Commissioner Berryhill:

The undersigned organizational members of the Consortium for Citizens with Disabilities (CCD) Social Security Task Force (SSTF) and the Employment & Training Task Force (E&TTF) are pleased to submit the following comments responding to the request for information regarding strategies to improve adult outcomes for youth receiving supplemental security income, 83 Fed. Reg. 411, published on January 3, 2018 [Docket No. SSA-2017-0049]. CCD is the largest coalition of national organizations working together to advocate for Federal public policy that ensures the self-determination, independence, empowerment, integration and inclusion of children and adults with disabilities in all aspects of society. The CCD SSTF focuses on disability policy issues in the Title II disability programs and the Title XVI SSI program. The Employment & Training Task Force concerns itself with public policies affecting the workforce participation of individuals with disabilities.

Thank you for the opportunity to provide information regarding strategies for improving outcomes for youth receiving SSI and the proper role of the Social Security Administration (SSA) in achieving improved outcomes. The importance of childhood SSI benefits for children with disabilities and their families cannot be overstated. SSI's modest financial support helps low-income families offset some of the often extraordinary costs of raising a child with a disability, such as meeting the child's basic needs for food, clothing, and shelter; paying for special therapies, specially trained child-care workers, medically prescribed diets, diapers for older children, adaptive equipment, and transportation to doctors and specialists – many of which are not covered or are inadequately covered by insurance or have high copays; and losing income when a parent must take time off to take the child to medical appointments or reduce work hours to care for the child.

Families raising children with disabilities are more than twice as likely as other families with children to face material hardships such as homelessness, food insecurity, and utility shutoff. SSI is cost-effective, allowing families to care for children with disabilities in their own homes instead of in harmful, costly institutions. SSI benefits also help families maximize a child's opportunity to achieve an independent, rewarding, productive life including work in adulthood.

Given the importance of SSI to children with disabilities and their families, SSI should not be blamed for the disappointing outcomes achieved by childhood SSI beneficiaries. Rather, the post-secondary education outcomes for children receiving SSI reflect the need to improve outcomes for all children who grow up in poverty.

The Task Forces are pleased that SSA is interested in improving the outcomes for youth who receive SSI in adulthood, but it is the position of the SSTF and the E&TTF that SSA does not and should not have responsibility for outcomes for SSI youth. Poor children rely on a number of systems that have a responsibility to ensure that children with disabilities are prepared to achieve good economic outcomes when they transition from school. The Department of Education and, to a lesser but very important extent the Department of Health and Human Services (HHS) through the provision of Early and Periodic Screening, Diagnostic and Treatment (EPSTD) services, are and should remain primarily responsible for identifying the needs of childhood SSI beneficiaries as they transition to adulthood and ensuring that SSI beneficiaries leave secondary education prepared for employment and/or post-secondary education. The Department of Labor should assist through youth training programs and apprenticeship opportunities.

The Task Forces recommend that SSA provide data and assist with evaluation to the other agencies and that the other agencies fund and provide services and training to SSI youth. For example, SSA should establish a data exchange with the Department of Education to ensure that all kids receiving SSI have at least been identified and offered an evaluation for special education and other services through an IEP or 504 plan.

It is also imperative that SSA provide accurate information about how work affects Social Security and other Federal, state, and local benefits. Specifically, SSA should include a legislative proposal in its FY 2019 budget proposal to increase funding to both the Work Incentives Planning and Assistance (WIPA) and the Protection and Advocacy Program for Beneficiaries of Social Security (PABSS) programs and to provide additional dedicated funding to provide outreach and advocacy for youth SSI beneficiaries and their families. SSA's role in assisting SSI youth should not be expanded beyond the preceding.

It is our also our recommendation that if SSA decides to move forward with additional pilots or demonstrations, it wait until it has results on the longitudinal effects of the PROMISE initiative, the results of the implementation of the Workforce Investment and Opportunity Act (WIOA)¹ with its enhanced focus on youth both in the Vocational Rehabilitation (VR) and the general

¹ [P.L. 113-128](#)

workforce system, and any other youth related demonstrations that are currently underway by SSA and other agencies. SSA should be sure to understand and take those results into account before designing or undertaking any new pilots or demonstrations regarding youth SSI beneficiaries.

Along with results from the PROMISE demonstration and the implementation of WIOA, changes to SSI should also consider the effects of the Achieving a Better Life Experience (ABLE) Act.² Access to ABLE accounts is new in some states and not yet existent in others; people eligible for ABLE accounts and their families may not know about the accounts yet or may need time to consider, establish, and fund them. And although ABLE accounts offer many advantages and opportunities for savings, they are not appropriate for every circumstance and require financial stability beyond that of many families where a child receives SSI.

With those overarching answers in mind, the Task Forces are pleased to provide specific answers to the questions posed in the RFI.

Question 1: What specific programs or practices have shown promise at the Federal, State, or local level in improving the adult economic outcomes of youth with disabilities receiving SSI?

The Task Forces recommend that SSA consider two promising best practices and one promising demonstration program aimed at improving post-secondary school outcomes, including employment and economic self-sufficiency, for youth with disabilities. The best practices are work-based learning and transportation education, including travel training and transportation-related technology. The demonstration program is the Transition and Postsecondary Programs for Students with Intellectual Disability or TPSID program.³

Work-based learning experiences, such as internships, short-term employment, and apprenticeships, link knowledge gained at a work site with a planned program of study.⁴ Work-based learning is a strong predictor of employment success for individuals with disabilities and other populations with barriers to employment.⁵ Research has found that work-based experiences lead to positive employment outcomes, including for students with significant disabilities.⁶ Work-based learning experiences were found to develop positive work habits, improve work and soft skills, promote independence and leadership skills, and increase employment success.⁷ The Department of Labor should ensure that childhood SSI beneficiaries are able and encouraged to

² P.L. 113-295, Division B: <https://www.gpo.gov/fdsys/pkg/PLAW-113publ295/html/PLAW-113publ295.htm>

³ P.L. 110-315; Title VII, Part D, Section 760; <https://www.gpo.gov/fdsys/pkg/PLAW-110publ315/html/PLAW-110publ315.htm>

⁴ What to Know about Work-Based Learning Experiences for Students and Youth with Disabilities [report](#), 2015

⁵ Predictors of Postschool Employment Outcomes for Young Adults with Severe Disabilities [research paper](#), 2015

⁶ Transitioning Youth With Intellectual and Other Developmental Disabilities: Predicting Community Employment Outcomes [report](#), 2015

⁷ What to Know about Work-Based Learning Experiences for Students and Youth with Disabilities [report](#), 2015

participate in its youth apprenticeship program.⁸ Unfortunately, the current apprenticeship program lacks any focus on outreach to or inclusion of youth with disabilities.⁹

Project SEARCH is one of the many successful work-based learning models that provide students with disabilities with on-site work experiences within a major community employer. Research has found that the majority of Project SEARCH participants secured permanent jobs following their work-based learning experiences. Congress recognized the effectiveness of work-based learning by including the best practice as a required activity under the pre-employment transition services (Sec. 422) provision of WIOA. Under WIOA, students with disabilities are required to receive work-based learning experiences through a 15 percent VR program funding set aside. Although the Task Forces anticipate that the WIOA focus on youth has the potential to significantly improve outcomes for SSI youth, we caution that it is very early in implementation of the [WIOA state plans](#) and reiterate the recommendation that SSA wait to understand the impact of those plans before designing additional demonstrations or pilots.

Transportation education, which includes travel training and education around emerging transportation technologies, helps to increase knowledge and utilization of community transportation solutions. Access to and knowledge of reliable and accessible transportation remains a significant barrier to employment and transition success for youth with disabilities, particularly those living in rural areas.¹⁰ Transportation education helps to mitigate this significant barrier by helping individuals with disabilities access public transportation or other viable accessible transportation. In addition, transportation education includes support around new, emerging technology solutions, including smart phone applications. Research has found that travel training increases independence, confidence, and self-sufficiency while expanding employment opportunities and reducing reliance on specialized, more-costly paratransit options.¹¹ The National Technical Assistance Center on Transition identified transportation training as an essential element of successful work-based learning and employment programs.¹² Transportation education is a promising best practice and predictor of employment and self-sufficiency success.

Another program that has shown promising employment outcomes for SSI youth with intellectual disabilities (ID) in early stages of implementation are the Transition and Postsecondary Programs for Students with Intellectual Disability (TPSIDs) model demonstrations programs created by the Higher Education Opportunity Act of 2008. The TPSID programs provide support to students with ID to attend post-secondary school focusing on academic enrichment, socialization, independent living, and employment. Although the TPSID model demonstrations have only been in place since 2010, the program has shown promising results so far. For example, nearly two thirds of individuals who completed a TPSID initiative

⁸ <https://youthbuild.workforcegps.org/resources/2016/02/26/14/20/Registered-Apprenticeship-Toolkit>;

⁹ <http://c-c-d.org/fichiers/CCD-Apprenticeship-Letter-11-17-17-FINAL.pdf>

¹⁰ U.S. General Accountability Office “Challenges in the Transition from High School” Report; [report](#),

¹¹ A Cost-Benefit Model for Travel Training [Findings Brief](#), 2012

¹² NTACTION Paid Work Correlated with Improved Education, Employment, and Independent Outcomes [Report](#)

(62%) had a paid job 1 year after exit,¹³ compared to 17% of adults with intellectual/development disabilities in the general population had a paid job in the community in 2014–2015.¹⁴

Question 2: Given the requirement of VR agencies to serve transition-age individuals, the availability of Individualized Education Programs (IEP) and Section 504 plans in school settings, and the availability of services and supports elsewhere available to youths, what should SSA’s role be in assisting the transition of youths to adulthood?

As stated above, it is the Task Forces’ position that SSA’s role should be one of ensuring that youth have accurate information and that SSA’s rules do not discourage work-based learning and other vocational preparation experiences while in school (see answer to question 5 for more details). In addition to the obligations of the Department of Education you mention above, it is important to keep in mind that the vast majority of youth receiving SSI live in low-income households. As such, every means-tested program available to low-income households helps youth receiving SSI to improve their current and future economic outcomes. These include educational programs like Head Start, nutrition programs such as WIC and SNAP, subsidized housing and home energy assistance, medical assistance including Medicaid and CHIP, job training for youth and their families, home visiting programs for new parents, income supports like TANF and the Earned Income Tax Credit, and many others. Cuts to federal, state, and local programs that assist low-income households will increase poverty for youth receiving SSI and harm their adult economic outcomes.

Successful transition for SSI youth can also require strong support from Medicaid and other state and local level service systems with which the youth interact, such as the state level intellectual and developmental disability service systems. Medicaid and these other systems provide vital services to many SSI youth that make work and post-secondary education possible, including access to supported employment services, job coaches, personal attendant care, and other home and community-based services and supports (HCBS). The ability to find accessible affordable housing, which often exceeds SSI payments by a significant amount in many areas, can prevent a successful transition. In fact, “in 2016, there was no housing market in the United States where a person with a disability whose sole source of income was SSI could afford a safe, decent rental unit.”¹⁵ SSI youth and their families must be provided access to needed HCBS, employment supports and affordable and accessible transportation and housing to ensure they have the opportunity for successful outcomes in adulthood but it is not SSA’s role to provide them.

¹³ Grigal, M., Hart, D., Smith, F. A., Domin, D., Weir, C. (2017). Think College National Coordinating Center: Annual report on the transition and postsecondary programs for students with intellectual disabilities (2014–2015). Boston, MA: University of Massachusetts Boston, Institute for Community Inclusion.

¹⁴ National Core Indicators. (2017). Chart generator 2014-15. National Association of State Directors of Developmental Disabilities Services and Human Services Research Institute. Retrieved from www.nationalcoreindicators.org/charts/

¹⁵ <http://www.tacinc.org/media/59493/priced-out-in-2016.pdf>

SSA's main role in assisting the transition of youth to adulthood should be to inform youth approaching transition age about their upcoming redeterminations, adhere to the agency's duty to develop the record for such redeterminations, and carry out redeterminations and any appeals of them in a prompt and policy-compliant fashion.

Question 3: How might SSA better support other agencies' youth transition-related activities?

SSA can and should support the Department of Education in doing a better job of ensuring that youth SSI beneficiaries are prepared to transition from secondary school by providing data regarding which students are receiving SSI. As stated above, SSA should establish a data exchange with the Department of Education to ensure that all kids receiving SSI have at least been identified and offered an evaluation for special education and other services through an IEP or 504 plan. SSA can also provide its publications designed to assist youth receiving SSI and their families for the age 18-year-old redetermination and how work affects a young person's benefits both to the SSI beneficiary and local education agencies for distribution to SSI youth.

SSA can also partner with state child welfare agencies to ensure that youth transitioning out of foster care are receiving the necessary supports to make successful transitions. On any given day, about 400,000 youth are in foster care, and as many as 24,000 of them receive SSI or other Social Security benefits.^[1] Each year, nearly 25,000 young people age out of foster care. Some youth who are receiving SSI and transitioning out of congregate care placement settings are ultimately held responsible for SSI overpayments where the foster care agency is the payee. SSA can play a role in partnering with state child welfare agencies to make sure that SSA is making the appropriate payments to the child welfare agencies. SSA could also provide additional outreach or training for state child welfare agencies to ensure that they are able to furnish the necessary information and resources for these children up to and after their disability redetermination.

Question 4: Are there aspects of SSA's publications, mailings, and online information that SSA can improve to better support successful transitions to adulthood of youths receiving SSI?

SSA's new brochure for youth approaching the age-18 redetermination is a positive addition to SSA's publications because it informs youth of their rights and provides essential information that will help them prepare for the transition to adulthood. SSA should continue sending the brochure to youth and ensure that its partners at the Department of Education are aware of the publication and share it when appropriate. SSA could do a better job of communicating with SSI youth in a variety of ways.

^[1] https://greenbook-waysandmeans.house.gov/sites/greenbook.waysandmeans.house.gov/files/2012/documents/RL33855_%20v3_gb.pdf

The brochure, like many SSA publications, is complex and difficult for many young people with disabilities to understand, so we recommend a few steps to improve the brochure. First, we recommend that SSA simplify the language in the brochure because some youth with disabilities have lower literacy levels than their peers. Second, we suggest that SSA puts some of the information from the brochure in another format, such as video, to make it more accessible and engaging. Finally, we urge SSA to conduct research to evaluate the effectiveness of the brochure in terms of how well youth access, understand, and implement the information.

SSA should also evaluate all communications and publications targeted at youth to ensure that they are culturally and linguistically appropriate for the audience.¹⁶ Part of doing so is to ensure that every publication targeted at youth is evaluated for understandability by both SSI youth and their families prior to publication.

The redesigned brochure should be easy to find on the SSA website. The Task Forces recommend that SSA provide an easy-to-find, easy-to-access, dedicated resource page for youth receiving SSI to access relevant materials from SSA and to connect to other agencies. Examples of relevant resources include: the Red Book, “Resources To Assist Youth With the Transition To A Successful Adulthood” (<https://www.ssa.gov/redbook/eng/resources-youth.htm>); the brochure, “What You Need to Know About Your Supplemental Security Income (SSI) When You Turn 18” (<https://www.ssa.gov/ssi/spotlights/spot-disabled-youth.htm>); and the “Spotlight On SSI Benefits For Disabled Or Blind Youth In Foster Care” (<https://www.ssa.gov/ssi/spotlights/spot-disabled-youth.htm>).

SSA should maximize the accessibility of its content including for youth with low literacy, learning disabilities, and intellectual disability. The Cognitive and Learning Disabilities Accessibility Task Force of the World Wide Web Consortium (<https://www.w3.org/WAI/PF/cognitive-all-y-tf/>) is currently developing recommendations and, on a preliminary basis, recommends use of multi-modal content delivery including captioned video. More information is available at:

- <https://w3c.github.io/coga/gap-analysis/#solutions-for-multi-modal-content-delivery>
- <https://w3c.github.io/coga/issue-papers/multi-modal.html>

In addition, the availability of the WIPA and PABSS programs to assist young people with questions regarding work and transition should be highlighted on this page.

Question 5: How can SSA improve its existing work incentive policies, such as the Student Earned Income Exclusion (SEIE) and Impairment-Related Work Expenses (IRWE), to better support and increase SSI youth engagement in work? Are there alternative models that SSA should consider to replace existing work incentives?

¹⁶ See <https://content.iospress.com/articles/journal-of-vocational-rehabilitation/jvr821> for suggestions in this area.

SSA should improve its existing work incentive policies in a number of ways to better support and increase engagement in work by youth receiving SSI.

First, SSA should take immediate regulatory action to strengthen the Student Earned Income Exclusion (SEIE) and recommend legislative proposals to improve the SEIE as part of its fiscal year 2019 budget proposal. Under current SEIE rules, a blind or disabled child who is a student regularly attending school can only have up to \$1,820 per month or \$7,350 per year of earned income (in 2018). We believe that youth receiving SSI should be allowed to save all of their earnings and that SSA should not depress work effort by counting earnings against the SSI income and resource limits. To promote work effort for young people who are transitioning, we recommend that SSA disregard any income that children and young adults may earn when calculating either eligibility or the benefit payment for SSI.

SSA can take an immediate step toward strengthening the SEIE in this manner by revising its regulations at 20 C.F.R. 416.1112 to eliminate the SEIE earnings caps.¹⁷ SSA should also recommend legislative proposals as part of its fiscal year 2019 budget to disregard all earnings by SSI youth from resource calculations and to eliminate the requirement that a youth must be “a student regularly attending a school, college, or university, or a course of vocational or technical training designed to prepare him for gainful employment.” Eliminating these requirements will remove barriers to work that occur due to fear of loss of SSI or Medicaid benefits or concerns about being able to navigate the complexity of the current SEIE and Impairment-Related Work Expense (IRWE) rules. It will also greatly simplify SSA’s administration of the SEIE and end the need for SSA to calculate IRWEs for youth receiving SSI.

The SEIE can also be strengthened without legislative action by simplifying the ability of youth to access it. The ongoing requirement to prove student status can be a barrier to utilizing the existing work incentive. The Task Forces recommend that SSA look into the feasibility of entering into a data exchange with the Department of Education to allow SSA to electronically verify the participation of a youth SSI beneficiary in a program that meets the requirements for eligibility for the SEIE.

Second, we recommend that SSA include the following proposals in its fiscal year 2019 proposed budget:

- **Codify current rules regarding continuing disability reviews (CDRs) for children and young adults.** We recommend that SSA not conduct CDRs or redeterminations for children engaged in transition-to-work activities and that the current mandatory SSI redetermination at age 18 be moved to age 22 to parallel the time frames under the

¹⁷ Section 1612(b)(1) of the Social Security Act requires SSA to exclude: “(1) subject to limitations (as to amount or otherwise) prescribed by the Commissioner of Social Security, if such individual is under the age of 22 and is, as determined by the Commissioner of Social Security, a student regularly attending a school, college, or university, or a course of vocational or technical training designed to prepare him for gainful employment, the earned income of such individual;”.

Individuals with Disabilities Education Act (IDEA) and Social Security's Disabled Adult Child program. Current regulations provide that benefits will continue for students age 18 through 21 if they receive services under an individualized education plan, even if they recover medically or their disability has been determined to have ended. This is consistent with the statutory provision that provides continuation of SSI and Title II disability benefits where disability has ceased if (1) the individual is participating in vocational rehabilitation, employment, or other support services; and (2) completion or continuation in the program will increase the likelihood of permanent removal from the disability rolls. We recommend that this provision be codified since it encourages young people with disabilities to remain in school and complete their educational and vocational training. Evidence shows that there is a positive relationship between staying in school and employment success for students with disabilities.

- **Ensure that work above SGA level does not create work disincentives for youth who would, in the future, otherwise qualify as DAC beneficiaries.** We recommend amending the statute to remove work disincentives for young people with disabilities, whose conditions began prior to age 22, who might attempt SGA but fear losing future eligibility to receive disabled adult child (DAC) benefits when their parents retire, die, or become disabled. Individuals who earn above the SGA level at any time before applying for DAC benefits will not be eligible for them. This is a significant work disincentive for youth receiving SSI who may in the future need the benefits earned for them by their parents. Existing law allows re-entitlement to DAC benefits after a 7-year re-entitlement period if the beneficiary's previous entitlement had terminated because of earnings above the SGA level. This same principle could apply to individuals whose parents have not yet retired, died or become disabled. If an individual would receive a DAC benefit, except that his/her parents have not yet retired, died or become disabled, then the individual should not lose DAC eligibility due to earnings above SGA. A clear statement in the statute could establish that individuals otherwise eligible for DAC benefits (i.e. when their parent dies, retires or becomes disabled) will qualify for those benefits even if they performed work at SGA level at any time during their life. One approach would be to create a "deemed DAC status" for individuals in these circumstances. To implement this recommendation, SSA could allow youth to secure "protective filing status" and receive a statement from SSA that, should the person ever need the DAC benefits, they will qualify regardless of any earnings above SGA.

Third, SSA could improve its work incentive policies for youth SSI recipients by expanding and improving its online tool for reporting earnings. SSA created an online wage reporting tool for SSI recipients as directed by the Bipartisan Budget Act of 2015.¹⁸ SSA should make sure that SSI recipients of all ages are aware of and able to access the tool. The tool should be improved so that it can handle reports of self-employment income and there should be an option for recipients to report earnings by telephone. The benefits reporting tool should also ask questions

¹⁸ P.L. 114-74; <https://www.congress.gov/bill/114th-congress/house-bill/1314>

to elicit whether the recipient may be eligible for some of their income to qualify for exclusion due to work incentives like IRWE, SEIE, or subsidized work. There are also steps that Congress should take to improve incentives for SSI recipients to work. Increasing and inflation-adjusting SSI's resource limits and earned income exclusion would also encourage SSI recipients to work and save, while reducing improper payments and increasing program efficiency.

Fourth, SSA could improve its work incentives by simplifying and improving implementation of Section 301 of the Rehabilitation Act. Section 301 has enormous potential to encourage youth participation in education and vocational rehabilitation (VR) programs. Section 301 provides the critical financial resources and eligibility for health insurance that youth rely on for transportation, medical treatment, and basic necessities to support their ongoing participation in education and VR training. However, the policy is complex, not widely understood, and some provisions conflict with VR policies. We recommend a number of changes to simplify Section 301 and make it more compatible with VR and education policies.

- **Establish information and data sharing with VR and education programs.** The SSTF and the E&TF recommend that SSA explore data-sharing agreements that would allow VR agencies to recruit youth SSI recipients for services. Youth are already generally eligible for VR services before age 18, and WIOA requires VR agencies to increase their services to youth. Data sharing would help VR agencies find youth who need their services while simultaneously connecting youth to programs necessary to maintain eligibility for benefits under Section 301. We also recommend that SSA contact the Department of Education's Office of Special Education Programs to offer Section 301 information to Parent Centers and other groups to ensure youth and their families are aware that enrollment in VR services may impact their eligibility to receive continuing benefits under Section 301.
- **Modify the requirement to begin participating in a qualifying VR or similar program before disability benefits cease.** We recommend changing the requirement that a youth begin participating in a VR or similar program before disability ceases, as currently outlined in 20 C.F.R. § 416.1338, 20 C.F.R. § 404.1586, and related regulations. We suggest changing this rule to require youth to begin participating in a VR or similar program within the two-month grace period after benefits cease. Although SSA has taken commendable steps to inform youth of their rights prior to the age-18 redetermination process, many youth remain unaware of VR programs and Section 301. We suggest that SSA include information about Section 301 in disability cessation notices and provide youth an additional two months to join a qualifying program.
- **Modify the definition of "participating" in recognition of unavoidable delays youth face as they transition between education and VR programs.** We propose that SSA change its regulations at 20 C.F.R. § 416.1338 and 20 C.F.R. § 404.327 to modify the definition of "participating" in a program. To be eligible for continuing benefits under Section 301, a youth must be participating in a qualifying VR or similar program. Youth

may remain eligible under Section 301 when there is a temporary interruption in program participation that lasts three months or less, for example, if they transition from special education services in school to a VR program within three months. The current definition of “participating” requires that youth have a written employment or education plan in place, and that youth are engaged in the activities outlined in that plan. However, it often takes longer than three months to develop a written plan, particularly in the VR context. A VR office has up to 150 days, i.e. 5 months, from the initial application to develop an Individualized Plan for Employment (IPE) – 60 days to make an eligibility determination and 90 days to develop the IPE.¹⁹ Even if a youth applies for VR services the day before graduating high school, they would most likely not have an IPE within three months of leaving school and would never be able to satisfy the requirement to begin participating in a new program within three months. Furthermore, many VR offices take longer than 150 days to develop a plan because they need additional evaluations or cannot meet demand.²⁰ As a result, even youth who apply for VR months before graduation may be denied benefits based on VR delays. Youth who make a good faith effort to access VR or similar programs should not be prejudiced for delays in processing their application for services. We suggest that SSA modify its definition of “participating” in a qualifying program to make Section 301 more consistent with VR policy and practice.

- **Simplify the method of verifying participation in a qualifying VR or similar program.** We recommend changing SSA’s policies to verify participation in a qualifying VR or similar program in POMS DI 14510.015, DI 14510.020, and related sections. Currently, to establish eligibility for benefits under Section 301, SSA sends SSA Form 4290-F5 to the VR agency or similar program where the youth is enrolled to confirm participation. However, when the form is not completed and returned, youth are unable to use a different means to prove they are participating in the program, leading to unnecessary and prejudicial delays. We recommend that SSA make SSA Form 4290-F5 one of several methods that may be used to show the youth is participating in a VR or similar program. We suggest that SSA primarily use data sharing to confirm youth participation in an appropriate program. Alternatively, we recommend that SSA accept an IPE or other written employment plan as evidence that a youth is participating in an appropriate program.
- **Publicize and evaluate data regarding Section 301.** There is currently no data available regarding the number of youth, or claimants more generally, who receiving continuing benefits under Section 301. We suggest that SSA develop a mechanism to track the number of youth who are considered for benefits under Section 301, the number of youth approved for benefits under Section 301, and the number of youth denied benefits under Section 301, along with the reason for that denial. Without data about the

¹⁹ 34 C.F.R. §§ 361.42, 361.45

²⁰ For example, in Pennsylvania in FY2014, 52% of cases exceeded the 60-day statutory time limit to make an eligibility determination, and 18% of cases exceeded the 90-day statutory time limit to develop an IPE.

Section 301 process, it is difficult to determine how effective it is or how it could be improved in light of current transition practices for youth.

Question 6: How can SSA enhance and better target its existing service infrastructure including its Work Incentive Planning and Assistance (WIPA) program and Plan to Achieve Self Support (PASS), to increase SSI youth engagement in work and work activities?

In recent years, the state's benefits planners have undergone dramatic reductions in staff leaving beneficiaries waiting on a list to receive information about how working will impact their benefits. This has led to overpayments and confusion among those wishing to seek employment. The PABSS programs have been committed to helping to fill those gaps by stepping in to provide outreach and presentations to the community about work incentives. Almost one-third of the reported PABSS activities last year involved post entitlement work issues including Social Security cessation based on SGA, Benefits Questions/Work Incentives and Work-Related Overpayments. Much of this work is duplicative of WIPA services and drains resources from the PABSS programs who would otherwise be removing barriers to employment, educating individuals on their employment rights as an individual with a disability, ensuring access to appropriate services and programs, and fighting discrimination in the workplace. To meet the demand for services, both WIPA and PABSS need increased funding so they can continue to work together to promote the full employment of individuals with disabilities.

In addition, PABSS programs are focused on oversight and monitoring of transition aged youth, ensuring that the transition requirements of IDEA and WIOA are properly implemented according to law and regulation. According to Carolyn Colvin, former commissioner of the Social Security Administration, less than 45% of SSI kids are receiving Individualized education plans (IEPS) or other education supports. It is the school's responsibility to ensure that all children with disabilities receive a free appropriate public education, including special education and related services that are "designed to meet their unique needs and prepare them for further education, employment and independent living ..." This requirement is called the child find system and according to SSA indicates a clear failure on the part of the school systems to identify children.

As stated above, the Task Forces recommend that SSA enter into a data sharing agreement with the Department of Education to ensure that each local education agency is aware of every student it serves who is receiving SSI and offers each of those students and the student's parents an evaluation to determine the appropriateness of an IEP or 504 plan.

The Task Forces also encourage SSA to include a legislative proposal in its FY 2019 budget to increase funding to both the existing WIPA and PABSS programs and to provide additional dedicated funding to provide outreach and advocacy for youth SSI beneficiaries and their families. One of the early findings of the PROMISE initiative appears to be that intensive benefit counseling (averaging 5 hours in length and resembling case management services) that clearly

outlines the impact of the youth's work activities on benefits for the youth and their family can have a significant positive impact on the employment outcomes of the participants.²¹

Question 7: What lessons from SSA's youth demonstration projects, in particular the Youth Transition Demonstration (YTD) and the Promoting Readiness of Minors in SSI (PROMISE) project, should SSA apply to new policies and demonstrations? What partners were not included in those demonstrations that should have been? Why?

As stated above, it is the position of the Task Forces that it is too early to know exactly what lessons to draw from the PROMISE project as the interventions are still ongoing and evaluation will take place until 2022. It does seem clear, however, that any effort to improve transition outcomes for SSI youth must take into account the numerous programs that young people with disabilities and their families must navigate as they prepare for the student to transition from school to work or post-secondary education. Access to comprehensive benefits planning and advocacy regarding access to services and benefits ought to be part of any future demonstration. It is the Task Forces position that the value of benefits counseling and advocacy has already been demonstrated and that Congress should increase both the scope and funding for the WIPA and PABSS programs as discussed above and that any future demonstration will be more successful if comprehensive benefits counseling is included in the intervention design.

The Task Forces also recommend that any technical assistance center already funded through Federal agencies to improve employment outcomes for people with disabilities be included in future demonstrations. For example, given the critical role of transportation in improving employment outcomes, economic self-sufficiency, and community participation, future demonstrations should include the U.S. Department of Transportation (DOT) as a primary partner. DOT's Accessible Transportation Technologies Research Initiative (ATTRI) and programs under the Federal Transit Administration work to develop and implement solutions to improve mobility options for all travelers, particularly those with disabilities. DOT's National Aging and Disability Transportation Center promotes the availability and accessibility of transportation options for older adults, people with disabilities and caregivers, while the DOT's National Center for Mobility Management assists communities to develop and coordinate diverse and innovative mobility solutions. SSA should partner with DOT and its technical assistance centers and initiatives to ensure the transportation needs of youth with disabilities are being addressed in current and future programs and initiatives. Another example of a technical assistance center that should be involved in any demonstration in this area is the National Collaborative on Workforce Disability for Youth funded by the Department of Labor. This recommendation once again highlights the fact that a successful employment outcome for a youth SSI beneficiary is dependent on accessible and affordable housing and transportation, continued attachment to Medicaid and needed long-term services and supports when earnings and assets increase, assistance in understanding and navigating all these systems and not just

²¹ See Office of Disability Employment Policy webinar, Benefits Counseling as a Tool to Improve Employment Outcomes for Youth Who Receive Supplemental Security Income (SSI), for more information.

vocational and other training. Ensuring that any future demonstration takes that into account and utilizes the expertise that the Federal government has already paid for through existing technical assistance centers is therefore recommended.

Question 8: If SSA were to conduct a new demonstration project related to youth, which populations should SSA consider targeting, if any? How can SSA identify these populations? How many individuals enter these populations per year?

The Task Forces recommend SSA to develop a demonstration project for youth who remain in foster care past age 18 or who are aging out of foster care specifically. This is a population that is readily identified through data collaboration with state child welfare agencies. Approximately 400,000 youth are in the foster care system at any given time, and about 24,000 are eligible for SSI or another type of Social Security. The foster care population faces its own unique challenges, including disproportionate rates of chronic health conditions, a lack of family support, and inadequate housing. This is particularly true for youth of transition age who receive SSI. A demonstration project that works collaboratively with state child welfare agencies could support better engagement with this population and improved supports for young people remaining in extended foster care past age 18 or who age out of foster care.

Question 9: Are there entities (for example, State VR agencies, medical practices, local education and training agencies, etc.) we could look to as exemplars based on current practices for serving youth with disabilities? What evidence exists to suggest these sites are effectively providing services that would lead to the increased self-sufficiency of youths with disabilities?

There are numerous service providers and local and national programs that are effectively helping youth with disabilities secure employment and increase their economic self-sufficiency through work-based learning and other employment services. One exemplar is highlighted above: The National Collaborative on Workforce Disability for Youth (NCWD/Y) is the U.S. Department of Labor-funded technical assistance center that assists state and local workforce development systems to better serve youth with disabilities and other disconnected youth. NCWD/Y researched effective transition and employment programs for youth with disabilities and found that they included six core components: 1. Programs prepare youth for work experiences through training and guidance in soft skills. 2. Programs may train youth in technical skills, or hard skills, needed for specific career pathways or work settings. 3. Program staff devote significant time to developing and maintaining relationships with employers. 4. Programs clearly communicate what is expected of employers, youth, and families before the start of a work experience. 5. Programs carefully match youth to work experience opportunities based on individual interests and skills. 6. Programs provide on-going support to youth and employers throughout the work experience.²²

²² Engaging Youth in Work Experiences, National Collaborative on Workforce Disability for Youth [Practice Brief](#), 2011

Another example that included the components highlighted by NCWD/Y is the Maryland Seamless Transition Collaborative (MSTC). One study found that 3/4s of students served by the collaborative achieved a “seamless transition,” moving from secondary education into post-secondary education or employment with no interruption.²³ The MSTC includes all 6 of the recommended components and has resulted in positive outcomes for the participants.

Question 10: In the absence of legislation renewing SSA’s ability to refer Social Security Disability Insurance (SSDI) beneficiaries and SSI recipients directly to VR, how can SSA help connect youth to VR services?

Several of the recommendations the Task Forces made to previous questions are relevant to this one:

- Connecting a student to the VR should be the role of the local education agency. SSA should enter into a data sharing agreement with the Department of Education to ensure that each local education agency is aware of every student it serves who is receiving SSI and offers each of those students and the student’s parents an evaluation to determine the appropriateness of an IEP or 504 plan.
- SSA should include a legislative proposal in its FY 2019 budget to increase funding to both the existing WIPA and PABSS programs and to provide additional dedicated funding to provide outreach and advocacy for youth SSI beneficiaries and their families.

Question 11: Should SSA expand the Ticket to Work (Ticket) program to include children or create a separate program for children with a similar mission (i.e., reimbursing service providers whose services result in increased employment and reduced need on cash benefits)?

No, SSA should not extend the Ticket Program to SSI beneficiaries under 18 or create a similar program specifically for youth for a number of reasons. These reasons include:

- It is not possible to create a milestone or outcome system payment that makes sense when working with students because the primary focus of students should be educational attainment while in school.
- Students should be encouraged to earn as much as they can while in school without it impacting their SSI benefits (see answer regarding SEIE in question 5 above). Doing so is inconsistent with creating a program of employment support that uses a payment system based on reducing or eliminating benefits for students.

²³ The study found that of 124 students evaluated: “Seventy-seven or 63% of the students had achieved the optimum seamless transition; that is, they were employed in individualized, inclusive jobs (26%), enrolled in postsecondary education (23%), or employed and enrolled in postsecondary education (14%).”

https://www.michigan.gov/documents/mdhhs/Lueckings_Seamless_Model_511755_7.pdf

Rather than trying to replace or supplement existing work preparation programs and transition services provided through the Department of Education, HHS, and Labor, the undersigned organizations recommend that a proactive benefits counseling program for SSI youth and their families that is allowed to perform outreach, helps dispel myths around work and benefits, helps families understand the implications of work on the benefits of the youth and her family, and can assist youth and families access all of the vocational training and supports for which they are eligible. Congress should increase the funding for the current WIPA and PABSS programs, as well as providing additional funding to allow WIPA and PABSS to serve youth receiving SSI and their families.

Question 12: Since the implementation of WIOA, are there specific examples of effective services that are funded through the PROMISE grants but not funded through State VR agencies or other Federal and State funding sources?

It is the position of the undersigned organizations that it is too early to provide an answer to that question. The National Council on Disability (NCD) recently issued a [memorandum](#) outlining some challenges regarding WIOA implementation and the provision of pre-employment transition services to youth.²⁴ Some of the issues highlighted by NCD in the memo included the inadequacy of data collected by VR agencies, such as not knowing how many students were served or what services had been provided to the students who were served. No evaluation of PROMISE has been released yet so there is not data upon which to answer this question at this time. As stated earlier, one of the early findings of the PROMISE initiative appears to be that intensive benefit counseling (averaging 5 hours in length and resembling case management services) that clearly outlines the impact of the youth's work activities on benefits for the youth and their family can have a significant positive impact on the employment outcomes of the participants.²⁵ The Task Forces reiterate support for the additional funding for the WIPA and PABSS programs and dedicated funding to provide benefits counseling to youth SSI beneficiaries and their families.

Conclusion: Thank you for the opportunity to provide information regarding strategies to improve outcomes for youth SSI beneficiaries in adulthood.

Sincerely,

ACCSES
American Academy of Pediatrics
American Association on Health and Disability
Association of University Centers on Disabilities

²⁴ https://ncd.gov/sites/default/files/FINAL_WIOA%20PETS%20Implementation%20Memorandum.pdf

²⁵ See Office of Disability Employment Policy webinar, Benefits Counseling as a Tool to Improve Employment Outcomes for Youth Who Receive Supplemental Security Income (SSI), for more information.

Autism Society of America
Center for Public Representation
Easterseals
Institute for Educational Leadership
Justice in Aging
National Association of Councils on Developmental Disabilities
National Association of Disability Representatives
National Association of State Head Injury Administrators
National Council on Independent Living
National Disability Institute
National Disability Rights Network
National Down Syndrome Congress
National Organization of Social Security Claimants' Representatives (NOSSCR)
RespectAbility
Special Needs Alliance
SourceAmerica
TASH
The Arc of the United States
United Spinal Association