



## JOINT SYSTEM INNOVATION BRIEF

# WIOA Section 188 & AJC Certification: A Window of Opportunity to Impact Equal Opportunity Policy & Practice to Better Serve Individuals with Disabilities

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*A Joint Innovation Brief written by three Technical Assistance Centers: LEAD Center, Disability Employment Initiative (DEI) and the Workforce Innovation Technical Assistance Centers (WINTAC)*

## I. BACKGROUND: NATIONAL TECHNICAL ASSISTANCE (TA) CENTERS JOIN FORCES

The LEAD Center and Disability Employment Initiative (DEI) Technical Assistance Center each provide training and technical assistance (TA) to state/local regions as they implement the Workforce Innovation and Opportunity Act (WIOA) in areas of disability and accessibility. With funding from the U.S. Department of Labor's (DOL) Office of Disability Employment Policy (ODEP), the LEAD Center brings together a range of organizations, thought leaders, and best-practice innovators to expand policy, employment, leadership, and economic advancement opportunities and outcomes for all people with disabilities. DEI is administered by DOL's Employment and Training Administration (ETA) and is jointly funded with ODEP. Since 2010, DOL has awarded DEI grants to 55 projects in 30 states to improve education, training, and employment outcomes of youth and adults with disabilities.

The overarching goals of the LEAD and DEI TA Centers, both led by National Disability Institute (NDI), include enhancing physical and programmatic accessibility consistent with the requirements of the WIOA Section 188 nondiscrimination and equal opportunity provisions and its implementing regulations (29 C.F.R. part 38). Section 188 serves as part of the regulatory framework for American Job Center (AJC) Certification, through which all AJCs must regularly evaluate and certify the physical and programmatic accessibility for a diverse workforce. As a core partner of WIOA, Vocational Rehabilitation (VR) is well positioned to support physical, communication, and programmatic accessibility in AJC services and partner programs. The Workforce Innovation Technical Assistance Center (WINTAC), led by the Interwork Institute at San Diego state University with multiple partners, including NDI, works with state VR Agencies and their partners on implementing the many requirements of WIOA related to people with disabilities. All three technical assistance centers receive frequent requests for support in implementing WIOA's Section 188 provisions from AJC staff, EO officers, VR staff, and other WIOA partners. In different jurisdictions, different partners initiate the request and/or take the lead. Because of high need for technical assistance in this area, WINTAC joined forces with the LEAD Center and DEI to further boost TA and training around Section 188 and AJC Certification to further improve employment opportunities for individuals with disabilities.

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## II. THE WIOA WINDOW OF OPPORTUNITY

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In working closely to provide TA support to workforce regions across the country, LEAD, DEI, and WINTAC encountered similar experiences. Despite the significant framework laid out in WIOA's Section 188 for equal access and opportunity, and the ongoing evaluation of policy and practice through AJC Certification, there was limited awareness among many workforce staff and partners of how both offer a critical window to impact employment for individuals with disabilities. Some of the shared takeaways from these TA Centers' experiences with state/local workforce regions/staff and partners included:

- *All WIOA Core Partners share responsibility for aspects of WIOA service delivery, yet not all partners are aware of Section 188 requirements.*
- *Section 188 is part of the regulatory framework for AJC Certification, yet AJCs may not be consistently connecting the two.*
- *Section 188 and AJC Certification both require AJCs to continuously evaluate and improve accessibility of AJC services and programs. Therefore, there is a need for shared policies and consistent messaging across all titles and all partners.*
- *In many jurisdictions, Equal Opportunity Officers (EOOs) and VR staff are not collaboratively engaged in AJC Certification, yet both are Subject Matter Experts (SMEs) in accessibility.*
- *AJCs that are certified may not be compliant with Section 188 requirements, yet many do not understand the distinction and are not effectively implementing continuous improvement plans related to nondiscrimination and equal opportunity.*
- *AJCs and partners are in need of resources and strategies to implement the requirements of both Section 188 and AJC Certification effectively.*

In order to increase knowledge of WIOA's disability-related requirements in Section 188 and AJC Certification, the LEAD and DEI TA Centers jointly developed and presented a training series. As part of the series, multiple state/local workforce partners shared their experiences, strategies, challenges, and actions in creating partnerships and implementing equal opportunity policies and practices. The overall objectives of the webinar series were for participants to:

1. *Increase foundational knowledge of the intersection between WIOA's disability-related provisions, Section 188 Equal Opportunity (EO) regulations, and AJC Certification, especially related to programmatic access.*
2. *Identify the need for states to update state/local Section 188 compliance procedures and AJC Certification processes to reflect the expanded role of AJC core partners under WIOA.*

3. *Learn replicable strategies and action steps from multiple states to implement effective AJC Certification processes, with Section 188 as the framework.*

4. *Identify key components for effective Section 188 and AJC Certification implementation for state/local regions, including the essential roles of cross-system partners, EOOs, and VR.*

The three-part national webinar series on AJC Certification & Section 188: A Window of Opportunity to Impact Equal Opportunity Policy & Practice for People with Disabilities included:

[Part 1: WIOA from a Disability Perspective & Section 188: A Powerful Foundation for Access -](#)

The series kicked off with an overview of disability-related provisions in WIOA and its Section 188 Nondiscrimination and Equal Opportunity Regulations. Participants learned about the roles of WIOA Core Partners in complying with WIOA disability-related provisions and Section 188, as well as their shared responsibility for administering aspects of AJC service delivery. They also learned about critical resources and key partners that can play a major role in supporting the workforce system, particularly in improving programmatic access to boost employment outcomes of individuals with disabilities.

[Part 2: State Workforce Systems That Are Making Equal Opportunity a Priority: Missouri, Virginia, and California](#)

- In the second webinar, representatives from three states— Missouri, Virginia, and California — shared their motivations, strategies, challenges, and actions in implementing effective AJC Certification procedures, with Section 188 as the framework. Missouri's commitment to Section 188 implementation was emphasized through the state's increased funding, strengthened partnerships, and statewide training efforts, all designed to ensure equal opportunities for a diversity of customers. Virginia's diverse, action-oriented WIOA taskforce is influencing policy, clarifying roles of partners, and leveraging promising practices from the state's DEI to improve programmatic access and outcomes for individuals with disabilities. Finally, California is employing two levels of AJC Certification to motivate AJCs to more strategically evaluate programmatic accessibility and develop continuous improvement plans that demonstrate ongoing priorities and progress.

[Part 3: Achieving 188 Compliance: Key Strategies & Actions from Policy to Practice](#)

- The final webinar gave a snapshot of the foundation set by WIOA's disability-related provisions and Section 188. The webinar highlighted the most impactful strategies across all three states, including which partners were essential to each region's Section 188 implementation and AJC Certification. Representatives from the three states responded to questions from the audience.

Specifics from the webinar series follow.

### III. MAKING IT HAPPEN: HOW DID MISSOURI, VIRGINIA, AND CALIFORNIA ACHIEVE SYSTEMS CHANGE AND TRANSFORM PARTNERSHIPS?

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Implementing a new initiative, modifying a policy or practice, or making a culture shift within any organization can be inherently difficult. Some people will dig into the status quo, while others may walk away with information, but very little motivation for changing behavior. So, how did Missouri, Virginia, and California achieve a systems level change, transform partnerships and ultimately reach a new normal?

#### THE SCIENCE OF CHANGE: IMPLEMENTATION DRIVERS

For Missouri, Virginia, and California, success was much more than an effort to replicate another state's model. Intentional goals, actions, and roles of partners may have been different among the states, yet all applied key drivers of change to make a significant impact.

Implementation Science is the study of factors that influence the full and effective use of innovations and change processes. In short, it is the science of "making it happen." The National Implementation Research Network (NIRN) has studied evidenced-based practices in the implementation of projects, initiatives, and change efforts for decades. Their findings show that there are specific drivers of change and progressions that significantly increase the successful implementation of a program or innovation (Fixsen, Naoom, Blase, Friedman, & Wallance, 2005) (NIRN, 2016).

The evidence-based factors that improve and sustain an organization's systems change efforts involve three categories of drivers: Competency, Organizational, and Leadership. All are equally important for a systems-level shift to occur. A weakness in one driver can be mitigated by strengths in others. However, if one driver is lacking, it will be difficult for change to happen. Consider how these three states applied key implementation drivers to motivate change, ensure buy-in, and positively impact accessibility and employment for people with disabilities.

#### PURPOSEFUL VS. HOPEFUL

Implementation Science supports a purpose-driven mission for change, which is a 'make it happen' approach. Compare this to an information-only campaign, which is a 'let it happen approach' or a 'hope it happens approach.' In those approaches, participants are expected to make the change through training. Both of the latter approaches lack purpose and yield very little impact (NIRN, 2016).

Consider the purpose-driven missions in Missouri, Virginia, and California.

**Missouri:** Leverage the longstanding partnership between the state EOO and state VR Director to implement Section 188 and a statewide AJC Certification process collaboratively across all WIOA core partners.

**Virginia:** Build a diverse, action-oriented collaborative taskforce with representatives from workforce and cross-disability partners to improve policies and practices that impact accessibility of employment services for individuals with disabilities.

**California:** Improve the AJC Certification process by motivating AJCs to strategically evaluate physical and programmatic accessibility, thereby demonstrating a commitment to their areas of priority and progress through continuous improvement.

## ASSEMBLING A ‘GO-TEAM’

Part of the making it happen approach of Implementation Science is assembling the right ‘go-team.’ Each state brought together a specialized go-team with people who have a range of skills and expertise from within and outside of the workforce system, representing both leadership and program perspectives. They assessed organizational dynamics; the culture of the state workforce system and local AJCs; and the dynamics between WIOA core partners and cross-disability partners. Go-teams took responsibility for exploring, defining, and clarifying goals to ensure understanding and agreement of the overall purpose in implementing the innovation. Most importantly, each state’s go-team specified the change they wanted to generate (Blase & Fixsen, 2018).

## DRIVERS OF INNOVATION & CHANGE

Within each of the major drivers of Implementation Science (i.e., Competency, Organizational, and Leadership) there are various factors that improve and sustain an organization’s change efforts. Below are examples of how each state applied various factors of a key driver to contribute to implementing systems change successfully.

**Competency Drivers** involve strategies that can improve and sustain an intervention to produce desired results. Factors include the selection of who will drive the implementation, training approaches, and coaching methods that actively support the change in behavior and the system (Fixsen, et al., 2005).

**MISSOURI:** In order to educate WIOA core partners on Section 188’s equal opportunity and nondiscrimination provisions, Missouri partners developed a multi-pronged training approach, with support from the LEAD Center. First, the state EOO and state VR Director jointly led a statewide webinar, modeling collaboration and leadership on the state level for local partners. Following the webinar, local EOs and VR staff collaboratively facilitated discussions, discussed action steps, and provided opportunities for dialogue with AJCs and partners. Overall, the response from AJC staff and partners that participated in the training and action activities was overwhelmingly positive. Having the opportunity to engage in discussion after training, ask questions, explore new resources, practice what they learned, and receive feedback not only helped staff to better understand Section 188, but ultimately changed how they interacted with customers with disabilities.

**Leadership Drivers** focus on providing the right leadership strategies for the types of challenges that exist or that may arise from the change management process. Leadership drivers guide decision-making, provide guidance, and support organizational functioning. Implementation science also focuses on styles of leadership during change processes (e.g., reactive, adaptive, creative, responsive, etc.) (NIRN, 2016).

**VIRGINIA:** Virginia's WIOA Combined State Plan has a focus on enhancing accessibility of their state one-stop delivery system and improving customer service. Therefore, leadership initiated the creation of an Accessibility Taskforce, which became their go-team. The Taskforce consisted of WIOA core partners, state EOOs, Workforce Development Board members, and diverse disability organizations, with cross-system agreement by all partners that accessibility is everyone's responsibility. The Taskforce committed to working together and taking action around priority areas, including universal access across core and required partners, improving policies and procedures that impact access for individuals with disabilities, effective training for all workforce partners, and expanding communication and outreach efforts. When the Taskforce hit any roadblocks, they leaned into the problems to determine the solutions together rather than dismantling initiatives or letting the challenges persist. The VA Taskforce leadership proved, over time, that they could handle the uncertainty that comes with change, understanding that, if changes were easy, they would have already done them.

**Organization (System) Drivers** are mechanisms to create and sustain a hospitable organizational and system environment for effective services. Factors include using data to determine action, applying technology in a deliberate way that adds value, vigorously focusing on reducing barriers, and promoting alignment across all levels of an organization.

**CALIFORNIA:** As part of California's Unified State Plan, WIOA partners developed a baseline AJC certification process to ensure physical and programmatic compliance across all local AJCs. However, the state team also wanted to incite motivation in AJCs statewide to set priorities around accessibility and strive for improvement beyond compliance. As a basis for creating continuous improvement, they created the Hallmarks of Excellence. The Hallmarks identify areas where comprehensive One-Stops are performing well, exceeding expectations, and identifying areas in need of improvement.

## IV. WEBINAR SERIES OVERVIEW & IMPACT

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### PART I: WIOA FROM A DISABILITY PERSPECTIVE & SECTION 188: A POWERFUL FOUNDATION FOR ACCESS

In this introductory webinar, presenters clarified roles of WIOA core and required partners in complying with WIOA disability-related provisions and Section 188. This included the shared responsibility for administering aspects of AJC service delivery by all programs that touch the workforce system. Presenters discussed state-level WIOA Cross-Partner Action Committees, and how these groups can move systems from collaboration to action. Diverse partnership, varied roles and perspectives, and initiatives that address policy to practice have been instrumental on these

committees. Presenters shared strategies on how cross-system taskforces are creating definitions, standards, and policies across core programs for physical and programmatic access, including effective communication. In addition, presenters shared cross-partner procedures developed around Section 188 compliance as a part of their AJC Certification processes.

**REFLECTION:** At the conclusion of Part I, participants were asked to reflect on the following questions to learn more about the implementation of Section 188 and AJC Certification in their state/local workforce region.

- 1. Who is leading your state's AJC Certification processes? Is it one entity, such as the State Workforce Development Board (WDB), or all core WIOA partners?*
- 2. Are the Equal Opportunity Officer and representatives from VR involved in the Certification process? If so, how are they involved and what is their role?*
- 3. Are state/local cross-system partners with varied disability and community roles involved in the process? If so, how are they involved and what is their role?*
- 4. Has your state surveyed AJC managers, staff, customers, and partners on Section 188 and accessibility?*
- 5. Has your state provided training on Section 188?*
- 6. Who will monitor your state's continuous improvement plans and provide technical assistance on compliance issues?*

## **PART II: STATE WORKFORCE SYSTEMS THAT ARE MAKING EQUAL OPPORTUNITY A PRIORITY**

The main goal of Part II was for participants to learn effective strategies that they can replicate in their workforce regions to ensure equal opportunity compliance and expand accessibility for individuals with disabilities. LEAD Center and DEI TA Center staff facilitated a question and answer session with the panelists from three states, Missouri, Virginia, and California, who shared their experiences and expertise on how they reshaped policy and procedures to increase accessibility. Panelists also shared statewide training efforts around Section 188, especially related to programmatic access, as well as how they leveraged promising practices from LEAD Center, DEI, or another disability initiative to improve outcomes for individuals with disabilities. Below is a snapshot of each state's perspective.

### **MISSOURI**

Panelists from the Missouri WIOA system included a state Workforce Director, state EOO, and state VR Director of Business Services. The Missouri team described their long-term partnership as instrumental in driving efforts to effectively implement the disability-related provisions of Section 188. The Missouri core partners routinely collaborate in a way that is "business as usual" to ensure the effective implementation of policy into practice, reinforcing that they are all part of WIOA. This partnership reshaped AJC Certification statewide and created joint training approaches between workforce and VR, including strategies that helped build confidence in AJC staff to better serve customers with disabilities. Missouri panelists also highlighted workforce leadership's buy-in, which has ensured that Missouri AJCs have

support and resources for Section 188 of WIOA implementation. This in turn has strengthened statewide and local training and monitoring efforts designed for Missouri Job Centers to ensure equal opportunities for all customers.

## VIRGINIA

The Virginia panel represented varied partners, including the Workforce Development Services Division of their Community College System, WIOA Adult and Dislocated Worker Program's State Coordinator, and DEI Project Lead/Disability Resource Coordinator with state VR. This diverse panel shared their unified state commitment and mission: AJC access is everyone's responsibility (i.e., all core/required partners) and access to AJCs is for everyone. VR shared how influential their leadership has been across all state disability employment grants for more than 15 years, which has helped to ensure that disability is integrated across all workforce priority areas.

Under WIOA, Virginia VR joined forces with WIOA partners to create a diversified, cross-partner WIOA Accessibility Taskforce, which is shaping policy and practices that positively impact access, opportunity, and employment for individuals with disabilities. This action-oriented Taskforce has taken on challenging areas of accessibility, including aligning the Americans with Disabilities Act (ADA) and Section 188 language and procedures across workforce policies, programs, titles, and partners. The taskforce is also leveraging DEI expertise and promising practices, which they are incorporating into policy, practice, and training approaches statewide. One approach is the use of Integrated Resource Teams (IRTs), through which they support customers with multiple resource needs, bringing together various systems for co-enrollment.

## CALIFORNIA

The panelist from California, who represented the California Workforce Development Board, highlighted the state's two levels of AJC Certification, Baseline, and Hallmarks of Excellence. While Baseline represents a standard level of access required in all AJCs, Hallmarks of Excellence represents AJCs moving beyond this basic level to achieve expanded access leading to increased employment for people with disabilities. Both levels are motivating AJC leadership to evaluate physical, communication, and programmatic accessibility strategically and develop continuous improvement plans that demonstrate ongoing priorities and progress. The state's AJC Certification levels also ensure that policy includes realistic and attainable criteria, promoting the application of continuous improvement with the goal that the workforce system can always improve.

In the Part II webinar, LEAD Center shared a key resource, [\*Promising Practices in Achieving Universal Access and Equal Opportunity: A Section 188 Disability Reference Guide\*](#). The Guide was jointly developed by DOL's Civil Rights Center (CRC) and ODEP, with support and assistance from the LEAD Center. The resource contains diversified promising practices collected nationwide that directly correlate with Section 188 requirements in physical, communication, and programmatic accessibility. It offers a quick and easy way to identify successful strategies that promote effective policies and practices in serving diverse job seekers.



**REFLECTION:** At the conclusion of Part II, participants were asked to reflect on a set of questions to compare and contrast their state’s implementation of Section 188 and AJC Certification with the workforce systems highlighted in this webinar.

- 1. How was WIOA state leadership engaged in the AJC certification process in Missouri, Virginia, and California? How were they effective and what were their challenges?*
- 2. What were the reasons Missouri, Virginia, and California chose to focus on state-level activities to drive AJC certification processes? Do the reasons reflect the current reality in your state/region?*
- 3. Are the cross-partner relationships described by Missouri, Virginia, and California similar to those that exist in your state/region? If not, would they be beneficial and how could they be developed?*

### **PART III: ACHIEVING 188 COMPLIANCE: KEY STRATEGIES & ACTIONS FROM POLICY TO PRACTICE**

In the final webinar, LEAD Center and DEI provided an overview of WIOA disability-related provisions, Section 188 EO regulations, and AJC Certification, with an emphasis on programmatic accessibility. LEAD Center and DEI also compiled and shared impactful strategies implemented in Missouri, Virginia, and California. Finally, LEAD and DEI facilitated questions to the state presenters to gain additional insights and suggested action steps related to Section 188 and AJC Certification. Successful strategies used by each state related to Section 188 implementation, as the framework for AJC Certification, include:

#### **Missouri**

- Using the Section 188 Disability Reference Guide as a framework for training and policy/procedure development.
- EOs & VR collaborating on all EO-related activities.

#### **Virginia**

- Creating a diverse and active state Cross-Partner Cross-Title Taskforce.
- Establishing shared ownership among the core partners for the development and implementation of an action plan focused on continuous quality improvement.

#### **California**

- Creating and implementing Levels of Certification: Baseline and Hallmarks of Excellence.
- Creating and implementing a Continuous Improvement Matrix to track priorities and progress.

## **V. THE ROLE OF TECHNICAL ASSISTANCE IN MAKING CHANGE HAPPEN**

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Working with a technical assistance provider can be valuable to a state/local system or group in

recognizing and growing their capacity to achieve and sustain meaningful systems change. LEAD Center and DEI employed a combined TA approach to support both Missouri and Virginia by drawing from experiences nationwide in implementing DEI, Section 188, AJC Certification processes, and related efforts. As the Competency Driver of Implementation Science indicates, training alone is not comprehensive enough to allow for behavior change or to produce systems change. Coaching methods by the DEI and LEAD TA Centers offered ongoing opportunities for systems and partners to not only engage in reflection, assessment, and feedback, but state/local groups also received encouragement and support to generate changes in behavior and the overall system's culture.

For state/local systems seeking TA support to embark on journeys similar to Missouri, Virginia, and California, technical assistance may be available from a number of sources. TA Centers like LEAD Center and DEI can provide guidance to your state. The WINTAC team may be available to provide TA support to VR partners in concert with a variety of subject matter experts. LEAD Center's website hosts a [Knowledge Translation Consortium](#), which provides links to federally-funded Training and Technical Assistance Centers, each with their own unique mission that addresses different aspects of employment, career readiness and development, and transition and accessibility for youth and adults with disabilities. Ensure that the TA your system receives is more than "drive-by" training. Knowing that real systems change requires Competency, Organizational, and Leadership drivers will help you and your TA provider to assess your TA needs and shape your TA requests.

## **TAKE ACTION: IMPLEMENTATION STAGES**

- **DEFINE THE PURPOSE & IMPACT YOU WANT**

Leaders in your state/local system must define the program or innovation to be implemented, clearly define who will benefit from the program, and develop a practical way to evaluate progress and success.

- **ASSEMBLE A STRATEGIC GO-TEAM**

Assemble a go-team with members who have special expertise in the program you want to be implemented, including partners with influence in multiple areas. Go-teams must be purposeful and action-oriented to implement change effectively.

- **ASSESS & STRENGTHEN YOUR DRIVERS**

- *Competency Drivers* are strategies that can improve and sustain an intervention and produce desired results.

- *Organization (System) Drivers* are mechanisms to create and sustain a hospitable organizational and system environment for effective services.

- *Leadership Drivers* focus on providing the right leadership strategies for the types of challenges faced by a system or that arise from the change management process. A variety of leaders must be in place to make decisions, provide guidance, and support organizational functioning. (NIRN, 2016)

- **ASSESS & REVIEW YOUR IMPLEMENTATION STAGES**

NIRN (2016) identifies four stages of implementation. These stages do not always occur in sequential order. Often, the “end” of one stage overlaps with the beginning of the next stage, and some stages never end or can repeat as implementation progresses. The four stages are Exploration, Installation, Initial Implementation, and Full Implementation, as depicted and described below. It is important to determine your stage(s) of implementation, and that you match your activities to each stage.



**EXPLORATION:** Explore the impact of your initiative on the system, job seekers, and community. Assess if barriers have been addressed, develop benchmarks, and follow a clear implementation plan.

**INSTALLATION:** Establish a foundation, infrastructure, and supports for your initiative. Ensure that there are adequate funding streams, refine data systems, update policies and procedures, and refine expectations for a new way of doing things.

**INITIAL IMPLEMENTATION:** Ensure committed support from leadership, employ ongoing problem-solving teams, and track benchmark data. Surviving this stage depends on the ability to learn from mistakes and develop solutions.

**FULL IMPLEMENTATION:** At this stage, new learning is integrated into policies, procedures, and practices. A culture shift has occurred or is occurring. Continuous reviews ensure targeted outcomes for job seekers, and innovation becomes business as usual (NIRN, 2016).

## V. ADDITIONAL RESOURCES

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### **AJC Certification & Section 188: A Window of Opportunity to Impact Equal Opportunity Policy & Practice for Individuals with Disabilities**

**RECORDING & SLIDES Part I:** <http://leadcenter.org/webinars/wioa-disability-perspective-section-188-powerful-foundation-access-series-1-3>

**RECORDING & SLIDES Part II:** <http://leadcenter.org/webinars/state-workforce-systems-are-making-equal-opportunity-priority-missouri-virginia-california-series-2-3>

**RECORDING & SLIDES Part III:** <http://leadcenter.org/webinars/achieving-188-compliance-ajc-certification-key-strategies-actions-policy-procedures-series-3-3>

**Section 188 Disability Reference Guide**

<https://www.dol.gov/oasam/programs/crc/Section188Guide.pdf>

## **Implementation Science**

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