



**CONSORTIUM FOR CITIZENS
WITH DISABILITIES**

**WRITTEN STATEMENT TO THE
HEALTH EDUCATION LABOR AND PENSIONS COMMITTEE
HEARING OF
MARCH 2, 2011
BY THE
CONSORTIUM FOR CITIZENS WITH DISABILITIES
EMPLOYMENT AND TRAINING TASK FORCE**

On behalf of the Consortium for Citizens with Disabilities (CCD) Employment and Training Task Force, we thank the Health Education Labor and Pensions Committee for its attention to challenges and opportunities surrounding the employment of people with intellectual and developmental disabilities (ID/DD). The Consortium for Citizens with Disabilities (CCD) is a coalition of over 100 national disability organizations and advocates for national public policy that ensures the inclusion of children and adults with disabilities in all aspects of society. The Employment and Training Task Force is a smaller group within the coalition that addresses Federal disability employment issues, working to secure national public policy that advances self-determination, independence, empowerment, integration and inclusion in employment for individuals with disabilities.

This hearing is part of the Committee's movement toward developing proposals for the reauthorization of the Individuals with Disabilities Education Act (IDEA), Workforce Investment Act (WIA), and Rehabilitation Act. We applaud the effort to put on record numerous examples of innovative and successful public policies that advance the economic self-sufficiency of people with disabilities and promote greater community integration of a population too often relegated to the sidelines of society.

It is important to place this hearing topic in the context of some alarming and ongoing statistics. The Bureau of Labor Statistics reported that, in February 2011, the percentage of people with disabilities in the labor force was 20.6 percent. By comparison, the percentage of persons with no disability in the labor force was 69.5 percent. The official unemployment rate for those with disabilities, meaning those who have lost their jobs and those who are actively seeking employment, was 15.4 percent, compared with 9.3 percent for persons with no disability.

If these numbers are to change, we believe that the presumption in public policy should be a preference for integrated, competitive employment and that self-directed, person-centered planning should drive systems for people with disabilities – especially youth in transition. Employment must be viewed as more than just an after-thought in planning, development and funding of programs and services for people with disabilities. To achieve such an outcome, however, requires a high level of coordination among all agencies that touch the lives of these individuals as well as strong, reciprocal collaboration among all affected

stakeholders. This can be done only with extensive communication among and between people with disabilities and their families, school personnel, state agency leadership and staff, advocates, community rehabilitation providers, the employer community and other relevant actors.

To that end, we offer in this statement several sets of recommendations developed during the last Congress by this task force for reauthorization of WIA and the Rehabilitation Act, in addition to principles for aiding youth with disabilities in the transition from school to work. Additional recommendations are under consideration at this time.

Ironically, this hearing occurs in an environment of turmoil over FY 2011 funding, debates surrounding reductions in the FY 2012 budget, reigning in the federal deficit and addressing the federal debt. Many of the promising practices cited in the testimony of the Rehabilitation Services Administration Commissioner and innovative programs mentioned by the Commissioner for the Administration on Developmental Disabilities may fall victim to the indiscriminate budget cuts now being proposed in Congress. Moreover, despite the abysmally low rate of labor force participation among people with disabilities, for the eighth year in a row, an administration has proposed cuts in key programs aimed at enhancing employment of people with disabilities.

Congress must invest in the programs that prepare youth for employment and support adults in competitive employment. Significant resources are needed to achieve the level of employment envisioned by the HELP Committee and the advocacy community.

ACCSES

American Network of Community Options and Resources

APSE

Association of Assistive Technology Act Programs

Association of University Centers on Disabilities

Council of State Administrators of Vocational Rehabilitation

Easter Seals

International Association of Business Industry and Rehabilitation

National Disability Rights Network

National Down Syndrome Congress

NISH

Paralyzed Veterans of America

The Arc of the United States

United Cerebral Palsy

I. Addressing the Employment Needs of Youth with Disabilities

Today, there continues to be a stubborn dilemma facing youth with disabilities. They are more likely to drop out of high school, not receive adequate job training, become involved in the juvenile justice system, and remain on government programs resulting in a life of government dependence and poverty. Too many youth with disabilities experience poor education as a result of school services and settings that are inappropriate and sometimes improper. Many of these youth will continue to experience high unemployment as well as insufficient opportunities to obtain competitive employment with the potential of career growth. Much of this is a result of low expectations on the part of society.

Several sets of statistics offer a bleak picture for these young people:

- Of youth age 14-21 served under IDEA Part B in the 2004-05 school year, 54% graduated with a standard diploma, 28% dropped out, 15% received a certificate of attendance, and just over 1% reached the maximum age to stay in school;
- Youth with disabilities are half as likely as their peers without disabilities to participate in postsecondary education. Many students are not encouraged or adequately prepared to go to college;
- Young adults with disabilities are three times likelier to live in poverty as adults than their peers without disabilities;
- The rate of youth with disabilities entering the juvenile justice system is four times higher than for youth without disabilities;
- More than a quarter million youth with disabilities transitioning to adult services sit on waiting lists for services across multiple systems;
- A large number of youth with disabilities, particularly youth with significant disabilities, tend to be underemployed, working at minimum and sub-minimum wage jobs, and in segregated settings rather than competitive employment in integrated settings;
- Statistics show that almost all youth with disabilities receiving benefits will spend a lifetime receiving government support and not at work.

Youth with disabilities face this reality in spite of years of advancing disability public policy such as the Americans with Disabilities Act (ADA), Rehabilitation Act, and the Individuals with Disabilities Education Act (IDEA). However, these and other education and employment related statutes and policies are not aligned to solve this crisis. Congress has the opportunity to strengthen its commitment to improving the full participation of youth with disabilities in society and their transition to the workforce and the adult world. Congress should take the opportunity to look at legislation with a lens toward improving opportunities to access appropriate and proper education, competitive employment, community activities, and supportive programs. To achieve these goals transition related programs and services need to be improved. Funding for transition-related programs has been inadequate and in order for programs to work effectively funding must be dedicated and increased.

The CCD Employment and Training Task Force – in concert with the Education Task Force – has prepared the following policy principles as a guide in the reauthorization and appropriation processes affecting young people with disabilities.

Essential Transition Principles for Youth with Disabilities:

- Federal and state policy should promote positive transition outcomes including additional education opportunities, competitive employment, economic self-sufficiency, and community living.
- All transition-related statutory and policy changes should be driven by an underlying belief in high expectations for all youth, self-determination, and equality of opportunity (including nondiscrimination, individualization, inclusion, and integration).

- Transition planning and services must be based on self-determination and be individualized, person-centered, youth driven, and based on the strengths and interests of the youth.
- Transition strategies should be evidenced-based and include school-based preparatory experiences, career preparation and work-based learning experiences, youth development and leadership, connecting activities (such as services, activities, and supports that help youth gain access to chosen post-school options), and family involvement and supports.
- Businesses and employers need to be engaged as partners in the transition process.
- Agencies, programs, and organizations coordinating services and supports should align their missions, policies, procedures, data, and resources to serve all youth, including youth with disabilities, to provide a unified flexible array of programs, services, accommodations, and supports.
- All youth need to be held to the highest academic expectations and participate in educational programs that are grounded in research-based standards with clear performance expectations. Their academic goals must be aligned with their goals for life after high school and must include the necessary services and supports to prepare them for life after high school.
- Definitions for transition and transition services should be embedded in relevant federal legislation and regulation. Definitions should be consistent while allowing for program focus.
- To achieve positive transition outcomes, federal and state policy should promote interagency coordination, agency responsibilities, and a set of incentives for Labor, Education, Vocational Rehabilitation, Medicaid, and other sources of public funds to maximize funding and develop cross-agency transition strategies.
- Schools and other relevant agencies should have adequate numbers of knowledgeable, responsive, accountable, and culturally competent staff to help youth achieve their goals.
- Public policy should promote innovative strategies for achieving academic and social inclusion and integrate transportation and extracurricular activities.

Core Elements of Transition-Related Legislation

Federal Policy:

Because youth with disabilities are served by numerous systems, federal and state policy should define and align the following terms where relevant (suggested definitions provided as an attachment):

- Transition
- Transition Services
- Universal Design
- Universal Design for Learning

- Federal statutes need to be amended to support interagency coordination, cooperation and collaboration, including through state and local planning tools and councils, authorized activities, reporting and data collection systems, and with formalized agreements.
- Federal statutes need to be amended to connect performance systems that recognize multiple stages to achieve outcomes across systems. Data collection and reporting systems requirements need to be aligned and systems offered incentives to do so.
- Changes in federal statutes need to be implemented with vigor and strong leadership. This should include outreach to students with disabilities and their families.

Education Policy:

- There is a need for greater education, implementation, enforcement, and accountability for policies already in place regarding inclusion of transition-age youth with disabilities in education programs.
 - Transition planning should start as soon as possible and no later than 14 years old.
 - Students should be supported in maximizing opportunities to participate in and advocate for themselves in the Individualized Education Program (IEP) process. IEPs must address their unique strengths, needs and preferences and prepare them for further education, employment, and independent community living goals. Students and families should be encouraged to contact disability and family advocacy groups to assist them in driving their IEP process.
 - Diplomas and certificates should be tied to state standards, have post-school meaning and offer youth options. Similarly, effective assessment tools need to be developed, that can measure the achievement of each student and convey the student's abilities to employers and other stakeholders.
 - Youth with disabilities need to be taught how to effectively exercise their rights and responsibilities.
 - Programs and agencies should expose participants to disability history, culture, pride, mentors and role models with and without disabilities, disability public policy, self-advocacy and self-determination, disability disclosure, and leadership activities.
 - While in school, youth with disabilities should be exposed to career exploration, guidance and counseling, soft skills training and work-based learning opportunities including internships.
 - Programs and agencies should inform young people with disabilities and their families how to access programs, services, activities, and supports that help them gain access to chosen post-school options (including, but not limited to, programs and eligibility requirements, benefits planning, accessible transportation, housing, mental and physical health services, personal assistance services, independent living centers, and assistive technology).
 - Recently enacted programs and policies to support increased post-secondary education participation and success by youth with disabilities should be fully implemented. Existing programs should be expanded.
 - Schools and systems should demonstrate a commitment to family involvement and the family's role in supporting high achievement and post school result.

Professional Development/Recruitment:

- Interdisciplinary professional standards and in-service/pre-services training programs, including those in post-graduate settings, need to be expanded and updated in the various systems that serve people with disabilities, particularly youth with disabilities.
- The current personnel crisis among agencies and organizations who work with youth with disabilities demands increased opportunities for training and professional development to attract professionals, and those beginning their careers to occupations that support youth in transition (e.g. transition specialists, special education teachers, job developers, service providers, and direct support professionals).

Funding:

- Funding levels must be dedicated and increased across programs to achieve these transition-related goals.

Federal Statutes to be Addressed:

At a minimum, the following statutes need to be considered for amendment to improve transition outcomes as they come up for reauthorization:

- Workforce Investment Act Titles I, II, III, & IV
- Individuals with Disabilities Education Act Parts B & D
- Elementary & Secondary Education Act
- Higher Education Opportunity Act
- Developmental Disabilities Act
- Other Youth-focused legislation in the health, mental health, & community service arenas

II Principles for Workforce Investment Act Reauthorization

- People with disabilities using the workforce investment system must be thought of as job seekers first. The workforce investment system should then respond to their needs from this assumption as it would any job seeker utilizing the system.
- The workforce investment system should be reconstructed using the principles of universal design to ensure that any job seeker can access the full array of services available.
 - Training should be enhanced for workforce investment system staff to respond to differing levels of customer need.
 - The workforce investment system should be structured to access and utilize a variety of approaches and strategies to infuse disability awareness throughout local service delivery systems.
 - This reauthorization should strengthen the workforce investment systems commitment to physical, technological and programmatic accessibility.
 - People with disabilities must be included in any categories of priority of service and funds should be dedicated to meeting those needs. Workforce investment funds should prioritize targeted at-risk groups.
- The workforce investment system should approach each job seeker as an individual and respond to their needs accordingly.
 - It should provide each job seeker with access to training needed to meet local labor market needs.

- It should utilize strategies such as customized employment, job restructuring, and flex arrangements that allow job seekers access to maximize opportunities in the local labor market.
- It should provide reasonable accommodations when appropriate.
- A dedicated federal funding stream should be established to adequately fund all of the infrastructure costs of our nation’s job training system.
- The workforce investment system must be held accountable for its services to people with disabilities. This means that:
 - The performance measurement system should be redesigned so as to not create disincentives to serving people with disabilities.
 - Reporting requirements must be changed to include data on services to people with disabilities.
 - State and local system governance plans should explicitly outline strategies for serving individuals with disabilities.
 - Governance bodies should assure that staff is appropriately trained to respond to the needs of job seekers with disabilities.
- The employment interests of people with disabilities must be represented in the workforce investment system’s governance structure.

To implement the WIA principles we recommend the following changes to the Workforce Investment Act. (*New language is in italics*)

Section 101 Definitions

Asset development is a strategy to help low-income workers and job seekers, including individuals with disabilities, move toward economic security and greater financial self-sufficiency through income preservation, effective money and credit management, the pursuit of post-secondary education, the purchase of a home, business startup and growth, and the setting aside of resources for longer term needs and retirement.

Asset Development Services are a blend of services and supports that help advance economic self-sufficiency for low-income jobseekers, including individuals with disabilities including financial education, tax filing assistance and access to beneficial tax credits and other provisions, use of social security work incentives and individual development accounts (IDAs) and coordination with other savings programs including family self-sufficiency programs, college savings accounts, and home and small business ownership assistance.

Hard-to-Serve Populations - The term ‘hard-to-serve populations’ means populations of individuals who are hard to serve, including displaced homemakers, low-income individuals, Native Americans, individuals with disabilities, older individuals, ex-offenders, homeless individuals, individuals with limited English proficiency, individuals who do not meet the definition of literacy in section 203, individuals facing substantial cultural barriers, migrant and seasonal farm workers, individuals within 2 years of exhausting lifetime eligibility under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.), single parents (including single pregnant women), and such other groups as the Governor determines to be hard to serve.’;

Programmatic Access- The term —programmatic access// means policies, practices, and procedures providing people with disabilities an equal opportunity to participate in or benefit from the provision of all workforce development services.

Universal Design for the Workforce Development System – The term —universal design for the workforce development system// means the design of environments, products and communication practices as well as the delivery of programs, services and activities to meet the needs of all customers of the workforce development system.

Section 111 State Workforce Investment Boards

Amend section 111 (b) (1) (C) (vi) by adding two new subsections –

In the case of the Public Vocational Rehabilitation Program authorized under title I of the Rehabilitation Act of 1973 (29 U.S.C. 720 et seq.), the Vocational Rehabilitation Director employed by the Designated State Unit or the Vocational Rehabilitation Directors in States that have a separate State entity that is responsible for the rehabilitation of individuals who are blind and visually impaired;

People with disabilities or their representative or community based organizations serving people with disabilities.

Amend section 111 by adding new (d) (10):

(d) Functions.—The State Board shall assist the Governor in—
(10) *increasing the availability of skills training, employment opportunities, and career advancement for people with disabilities.*

Section 112 State Plan Contents

Amend section 112 (b) by adding the following new provisions –

a description of the procedures that will be taken by the State to assure that individuals with disabilities have physical and programmatic access to the statewide workforce investment system;

a description of how the State will increase the capacity of the statewide workforce investment system to serve people with disabilities; including the provision of outreach, intake, assessments, and service delivery, the development of performance measures, and the training of staff

a description of the strategies and approaches the State will use to incorporate universal design when designing or implementing workforce development services.

Sec. 117 Local Workforce Investment Boards

Amend Section 117(b) (2) (A) by adding a new subsection –

people with disabilities or their representatives.

Amend section 117 (d) by adding a new requirement –

One-Stop Certification. – The local board will annually assess and certify the physical and programmatic accessibility of all One-Stop operators and providers. The local boards may

partner with independent entities familiar with disability accessibility and that have expertise in certifications and assessments.

Amend section 117(d) (2) by adding new subsection:

Consumer Choice Requirements.—Consistent with section 134(d)(3) and (d)(4), the local board shall ensure there are a sufficient number and variety of eligible providers in the local area in a manner that maximizes consumer choice, including providers with expertise in assisting individuals with disabilities.

Section 118 Local Plan

Amend Section 118 by adding new requirements to (b) –

a description of how the local board will utilize a universal design approach in the delivery of workforce development services.

a description of how the local board will work with eligible employment and training providers in the local area to ensure that programs and services are physically and programmatically accessible to individuals with disabilities;

Sec. 121 Establishment of One-Stop Delivery Systems

Amend section 121(d) (2) by adding a new subparagraph (C) as follows:

(d) One-Stop Operators.—

(2) Eligibility.—To be eligible to receive funds made available under this subtitle to operate a one-stop center referred to in section 134(c), an entity (which may be a consortium of entities)—

(C) shall report annually to the local board that its facilities, technology, and services are physically and programmatically accessible to individuals with disabilities.

Section 122 Identification of Eligible Providers of Training Services

Amend section 122(h) (1) by adding (new language in italics)

“providers of on-the-job training, *supported employment* or customized training” and amend (2) by adding “on-the-job training, *supported* and customized training” and inserting “on-the-job training, supported employment services, and customized training.”

Section 134 Use of Funds For Employment and Training Activities

Amend Section 134(a) (2) to specify that statewide employment and training activities shall include, among other things:

- *disseminating information on physical and programmatic accessibility for individuals with disabilities and providing technical assistance and capacity building, which may include development and training of staff to provide opportunities for hard-to-serve populations to enter high-wage, high-skilled, and nontraditional occupations.*

- *activities to improve coordination between employment and training assistance and programs carried out in the local area for individuals with disabilities, including programs carried out by State agencies relating to intellectual disabilities and developmental disabilities, Statewide Independent Living Councils, and centers for independent living.*
- *deployment of an effective and responsive statewide system of full-time dedicated expert staff to navigate a pathway to higher skilled and higher paying jobs and economic security for individuals with disabilities and others with multiple barriers to employment by:*
 - a. improving meaningful and effective participation in and outside the One-Stop systems including physical, communication and programmatic access;*
 - b. improving coordination and collaboration among employment and training and asset development programs carried out at a state and local level;*
 - c. improving the leveraging of resources to provide effective integrated supports and services from multiple public systems (MH, VR, DD, Transportation, Education, Housing); and*
 - d. improving critical linkages to the business community*

Amend section 134(a)(2)(B)(i) by adding “eligible providers of on-the-job training, *supported employment* and customized training”

Amend section 134(a) (3) (A) by adding new provisions:

Implementing innovative programs serving individuals with disabilities consistent with section 188 including the use of supported employment for serving hard-to-serve populations;

Promoting universal design of services and expanding physical and programmatic access of the local one-stop centers and providers.

Amend section 134(c) (1) by adding a new provision (F) as follows:

(F) shall provide physical and programmatic access to individuals with disabilities.

Amend 134(d) (2) (B) by inserting the following clause at the end: “*and customer support to navigate multiple adult service delivery systems for special participant populations that face multiple barriers to employment, including individuals with disabilities.*”

Amend section 134(d) (4) (D) by inserting at the appropriate place: “*supported employment services*”

Amend section 134(d) (4) (G) by adding on-the-job training provided by an employer, *supported employment* or customized training”

Section 170 Technical Assistance

Amend Section 170 (a) (1) by adding new language -

- (1) IN GENERAL The Secretary shall provide ,coordinate, and support the development of, appropriate training, technical assistance, staff development and other activities, including assistance in replicating programs of demonstrated effectiveness, *assistance*

in formulating State and local workforce development systems based on universal design concepts, to States and localities, and

Sec. 188 Nondiscrimination

Amend section 188 (a) by adding new requirement

State that receives allotments under this Act shall ensure that its statewide workforce investment system shall comply with section 508 of the Rehabilitation Act of 1973 (29 U.S.C. 794d).

TITLE I - New Section Authorizing Office of Disability Employment Policy

Subtitle ____: Office of Disability Employment Policy

- (a) There is established within the U. S. Department of Labor an Office of Disability Employment Policy, hereinafter referred in this chapter to as ODEP, to provide leadership, develop policy and initiatives, and award grants furthering the objective of eliminating barriers to the training and employment of youth and adults with disabilities and increasing their economic self-sufficiency.

The specific duties of ODEP are to include, but not be limited to, the following:

- (i) Provide leadership and promote effective policies and practices related to training and employment of youth and adults with disabilities;
- (ii) With the Assistant Secretary of Employment and Training Administration jointly develop a five year plan to improve the accessibility of the workforce development system, increase the employment of people with disabilities throughout the federal government and improve employment of people with disabilities through the federal procurement processes. The plan will be submitted to Congress no later than xxxx. In each subsequent year the agencies shall provide a progress report to Congress.
- (ii) Ensure coordination among DOL agencies, and across Federal Government programs, on matters or programs related to disability employment and advancing economic-self-sufficiency;
- (iii) Keep the President, Secretary, and Congress fully informed regarding the employment and economic status of workers with disabilities through reports on critical issues;
- (iv) Award demonstration grants furthering the objective of eliminating barriers to the employment and training of youth and adults with disabilities with an emphasis on cross-system collaboration and integrated service delivery within and outside the workforce development system;
- (v) In coordination with the National Council on Disability, design and implement research and technical assistance grants and contracts to develop policy that reduces barriers to employment and advances economic self-sufficiency for youth and adults with disabilities; and,
- (vi) Ensure effective dissemination of research results to federal agencies and other stakeholders.

(b) The office shall be lead by an Assistant Secretary appointed by the President, subject to Senate confirmation, and operate under the general direction of the Secretary.

SEC ____: Authorization of Appropriations

There are authorized to be appropriated to carry out this part such sums, and not less than \$50,000,000, as may be necessary for each of the fiscal years xxxx forward.

IV Reauthorization of the Rehabilitation Act

The State-Federal Public Vocational Rehabilitation (VR) program is the nation's longest serving and largest employment program for people with disabilities. New technology and the aspirations of people with disabilities to higher education have created more opportunities for employment than ever before. Recently, injured veterans returning from the conflicts in Iraq in Afghanistan and heightened emphasis on youth with disabilities in transition from secondary school to either employment or higher education has further increased the demand for VR services. However, the VR program is unable to help all who seek these new opportunities because funding for the program hasn't kept pace.

The funding shortfall has resulted in about half of the 80 state VR agencies being forced to implement an "Order of Selection" a condition whereby the state agency must prioritize providing services to consumers based on significance of disability; and those who cannot be served are referred to other agencies for services as appropriate, or assigned to waiting lists. Waiting lists in some state agencies have grown as large as 14,000 individuals.

A significant increase in funding for the VR state grant program, supported employment, transition services, Projects with Industry and other successful rehabilitation programs are needed to address the urgent employment and rehabilitation needs of individuals with disabilities.

Under the Rehabilitation Act of 1973, As Amended, the Title I State Grants, which provide the significant majority of funding for state VR agencies, receive an annual cost of living adjustment (COLA) based on the Consumer Price Index. Originally intended by Congress to be a "floor" below which the annual COLA increases could not fall, overtime, the COLA has become a ceiling - one that is far too low to meet the rising costs of rehabilitation services

Another major barrier for individuals with more significant disabilities is their isolation from the workforce. The lack of funding for long-term employment supports prevents many individuals from jobs in the community through supported employment. Currently, funding for supported employment is fragile and fragmented and this is not likely to change without federal guidance and leadership. Major weaknesses center around infrastructure development issues and insufficient funds to ensure successful outcomes for individuals with more significant disabilities.

In order to create more employment opportunities for individuals with disabilities the Consortium for Citizens with Disabilities (CCD) Employment Task Force makes the following recommendations.

Draft legislative recommendations – new language in *italics*

Expanding supported employment

1. Revise the definition of supported employment services to increase the time limit from up to 18 months to up to 24 months and to add language clarifying that nothing in the Rehabilitation Act shall be interpreted to allow states to establish, by policy or practice, arbitrary or categorical time limits on supported employment services,

Section 7 Definitions

(36) (B) are *solely* based on a determination of the needs of an eligible individual, as specified in an individualized plan for employment and *cannot be overruled by state policy or practice*.

(C) are provided by the designated State unit for a period of time not to extend beyond 18 24, months unless under special circumstances the eligible individual and the rehabilitation counselor or coordinator involved jointly agree to extend the time in order to achieve the employment outcome identified in the individualized plan for employment.

2. Improve data collection on supported employment programs.

Section 101 State Plans

(10)(C) (iii) NEW PROVISION

(III) the number who ended their participation in the program and who were receiving supported employment services and were employed 6 months and 12 months after securing or regaining employment including

(aa) the number who earned the minimum wage rate specified in section 6(a)(1) of the Fair Labor Standards Act of 1938 or another wage level set by the Commissioner, during such employment and

(bb) the number who received employment benefits from an employer during such employment

3. Expand technical assistance given to states on supported employment and to providers on best practices and collect data relating to the existence and effectiveness of supported employment programs as part of RSA annual review and monitoring of VR programs.

Section 107 (a) (4) (E) (new provision) *Provision of supported employment services to individuals.*

Section 204 (b) (2)(C) new *(vii) research, dissemination and technical assistance on best practices in supported employment and other strategies to promote competitive employment for persons with the most significant disabilities.*

4. Remove (Section 7(35) (B)) —certain transitional employment from the definition of supported employment.

5. Develop a grant program to provide states agencies with multi-year funding to implement programs to significantly increase competitive employment outcomes for people with developmental disabilities. Applications must be jointly submitted by the state developmental disability agency and the vocational rehabilitation agency. The grant would require the lead state agencies to bring together other relevant state agencies, schools, individuals with intellectual disabilities, their family members, advocacy organizations and service providers to plan and implement the initiatives.

Section 303 (b) (4)

(D) Systems change projects *to increase competitive employment for persons with developmental disabilities*

Assisting community rehabilitation providers in building additional capacity to provide competitive employment

1. Revise the legislative authority for VR services to groups of individuals that permit funding for the establishment, development or improvement of community rehabilitation programs to only permit activities that expand individualized competitive employment strategies.

Section 103(b) (2) (A) The establishment, development or improvement of community rehabilitation programs, including under special circumstances, the construction of a facility. Such programs shall be used to provide services that promote integration and *that result in competitive employment, including supported employment.*

2. Develop a national grant program to provide assistance to individual community rehabilitation programs or groups of CRPs to build their internal capacity to provide individualized services and supports leading to competitive employment.

Section 303(b) (5) NEW (iv) *projects that assist individual community rehabilitation programs or groups of programs to build their internal capacity to provide individualized services and supports leading to competitive employment.*

Supporting strategies that work

1. CCD recommends the follow improvements to the Projects With Industry (Section 611 (a)).

Title VI Part A Sec. 611 (a) (2) (A) (ii)

___(A) provide for the establishment of business advisory councils, that shall—

___(i) be comprised of...

___(ii) identify job and career availability within the community *service delivery area*, consistent with the current and projected local employment opportunities identified by the *state or local workforce investment board* for the service delivery area under section 118(b)(1)(B) of the Workforce Investment Act of 1998;

Title VI Part A Sec. 611 (e) (1) (A)

___(e) (1) (A) A grant may be awarded under this section for a period of up to 5 years and such grant may be renewed.

Title VI Part A Sec. 611 (e) (2)

___(2) The Commissioner shall, to the extent practicable, ensure an equitable distribution of payments made under this section among the States. To the extent funds are available, the Commissioner shall award grants under this section to new projects that will serve individuals with disabilities in States, portions of States, *multi-states, or nationally*, Indian tribes, or tribal organizations, that are currently unserved or underserved by projects.

2. Entrepreneurship -- *Reinstate Sec. 641 [a]*

Expand VR support for business ownership for individuals with disabilities by creating a grant program in Title VI. This provision first appeared in the 1978 amendments but was taken out

in the 1998 amendments because Congress never funded it. Adding this section would more forcefully support entrepreneurship for people with disabilities.

Business Opportunities for Individuals with Disabilities - Reinstate Sec. 641 [a] - "The Commissioner, in consultation with the Secretary of Labor, Administrator of the Small Business Administration and Secretary of Commerce may make grants to, or enter into contracts with, individuals with disabilities to enable them to establish or operate commercial or other enterprises to develop or market their products or services. Within ninety days after the effective date of this section, the Commissioner shall promulgate regulations to carry out this section, including regulations specifying (1) the maximum amount of money which may be provided under this section to any participant, and (2) procedures for certification, by designated state units, of individuals eligible to participate in any program under this section. [b] There are authorized to be appropriated to carry out this section such sums as may be necessary

3. Expand opportunities for engaging business as a partner in the vocational rehabilitation program.

Title I, Section 109. Providing Training and Support Services to Employers. A state may expend payments received under section 111 to educate and provide services to employers who have or are interested in hiring individuals with disabilities, this includes -- (1) providing training and technical assistance to employers regarding the employment of people with disabilities, including disability awareness, the Americans with Disabilities Act and other employment related laws; (2) working with employers to provide pre-employment training, recruit qualified applicants with disabilities, train employees with disabilities, and to retain employees who are at risk of losing a job due to disability related barriers; (3) providing consultation, technical assistance and support to employers in areas such as workplace accommodations, assistive technology, facilities and workplace access; and (4) assisting employers with access to financial supports, including tax credits and deductions available for hiring or accommodating individuals with disabilities.

4. Authorize RSA to fund special demonstration projects that support the development of working relationships between VR agencies, their community partners and employers on a multi-state and national level. These VR networks work collaboratively to promote the development of careers and employment outcomes for individuals with disabilities by referring qualified VR applicants and providing support services to employer partners, including those that do business on a multi-state and regional level.

Title III, Section 301(a) (1) (B) (6) Support the development of working relationships between VR agencies, their community partners and employers on a multi-state and national level. These VR networks work collaboratively to promote the development of careers and employment outcomes for individuals with disabilities by referring qualified VR applicants and providing support services to employer partners, including those that do business on a national, multi-state and regional level."

Promoting economic security

1. Consistent with our recommendations to the Workforce Investment Act, add to Section 7 the following new definitions:

Asset development is a strategy to help low-income workers and job seekers, including individuals with disabilities, move toward economic security and greater financial self-sufficiency through income preservation, effective money and credit management, the pursuit of post-secondary education, the purchase of a home, business startup and growth, and the setting aside of resources for longer term needs and retirement.

Asset Development Services are a blend of services and supports that help advance economic self-sufficiency for low-income jobseekers, including individuals with disabilities including financial education, tax filing assistance and access to beneficial tax credits and other provisions, use of social security work incentives and individual development accounts (IDAs) and coordination with other savings programs including family self-sufficiency programs, college savings accounts, and home and small business ownership assistance.

2. Add a new option to Vocational Rehabilitation Services to Individuals

Section 103 (a) (19) *Asset development services*

Improving the administration and outcomes of the VR Act

1. Amend Section 12(a) Administration of the Act to add a section which reads:

In carrying out the provision of this Act, the Commissioner shall take necessary action to ensure that funds appropriated pursuant to the Act are expended by states only for the programs, personnel and administration of programs authorized by the Act.

2. Amend Section 12(b) Reports to add new sentence

To ensure funds appropriated pursuant to the Act are being used solely in accordance with the purposes of the Act.

3. Direct RSA and NIDRR to convene stakeholders to examine the case closure system and the standards and indicators used to evaluate VR to assess whether they have a negative impact on the provision of services to people with the most significant disabilities and develop strategies and incentives to address any issues they identify.

Section 204 (a) (2) (A) In no less than 3 months after enactment the Director shall convene stakeholders to examine the case closure system and the standards and indicators used to evaluate VR to assess whether they have a negative impact on the provision of services to people with the most significant disabilities and develop strategies and incentives to address any issues they identify. In no less than 6 months after the stakeholder process is complete, a report will be provided to the RSA Commissioner.

Section 106 (a)(1)(A) The Commissioner shall, not later than 1 year after receiving the report required by Section 204 (a)(2)(A), will revise and update evaluation standards and performance indicator for the vocational rehabilitation program consistent with stakeholder recommendations.

4. Support the ability of grant and discretionary programs to carry over funds into the next fiscal year.

Section 19 of the Rehabilitation Act of 1973 (29 U.S.C. 716) is amended—

(1) in subsection (a) (1)

(A) by inserting ___(except for the client assistance program funded under section 112)“ after ___any grant program under part B of title I“;

(B) by striking ___, section 509 (except as provided in section 509(b))“;

(C) by striking ___or C“; and

(D) by striking ___752(b)“ and inserting ___753(b)“; and

(2) by adding at the end the following:

___(c) CLIENT ASSISTANCE PROGRAM; PROTECTION AND ADVOCACY OF INDIVIDUAL RIGHTS.—

___(1) APPROPRIATED AMOUNTS.— Notwithstanding any other provision of law, any funds appropriated for a fiscal year to carry out a grant program under section 112 or 509 (except as provided in section 509(b)), including any funds reallocated under such grant program, that are not obligated and expended by recipients prior to the beginning of the succeeding fiscal year shall remain available for obligation and expenditure by such recipients during such succeeding fiscal year.

___(2) PROGRAM INCOME. — Notwithstanding any other provision of law, any amount of program income received by a recipient under a grant program under section 112 or 509 in a fiscal year that is not obligated and expended by the recipient prior to the beginning of the succeeding fiscal year, shall remain available for the 4 fiscal years following the fiscal year in which the recipient receives the amount”

Section 509 of the Rehabilitation Act of 1973 (29 U.S.C. 794e) is amended—

(1) in subsection (c)(1)(A), by inserting ___a grant for“ after ___to provide“;

(2) in subsection (g)(2), by striking ___was paid“ and inserting ___was paid, except that program income generated from the amount paid to an eligible system for a fiscal year shall remain available to such system for the 4 following fiscal years“;

5. Establish a 90 day deadline on the formulation and completion of the Individual Plan for Employment unless an extension is agreed upon by both the VR representative and the individual.

Section 102 (b) (2) Mandatory Procedures

(A) Written Document – An Individualized Plan for Employment shall be a written document prepared on forms by the Designated State Unit *within 90 days unless an extension is agreed upon by both the VR representative and the individual.*

Native American programs

1. Authorize a Client Assistance Program for the Native American Consortium so that they can access important advocacy services, including under the Section 121 Native American VR program. CCD was very supportive of the language in the Senate draft legislation from

last Congress that would fund a CAP for the P&A system serving the Native American Consortium. In addition, CCD is very supportive of the provision precluding funds for these new services until overall CAP appropriations reach or exceed \$13 million. This trigger will ensure that the creation of this new CAP will not divert funds from the existing CAPs until enough appropriations exist to maintain a level of support for all the CAPs.

Section 112 of the Rehabilitation Act of 1973 (29 13 U.S.C. 732) is amended—

(1) in subsection (a)—

(A) by striking (a)“ and inserting (a)(1)“;

(B) in the first sentence, by striking States“ and inserting agencies designated under subsection (c)“; and

(C) in the second sentence, by striking State“ and inserting State in which the program is located“;

(2) in subsection (b), by striking the State has in effect not later than October 1, 1984, a client assistance program which“ and inserting the State has designated under subsection (c) an agency that“;

(3) in subsection (e)—

(A) in paragraph (1)—

(i) in subparagraph (A), by striking The Secretary“ and all that follows through the period and inserting the following: After reserving funds under subparagraphs (E) and (F), the Secretary shall allot the remainder of the sums appropriated for each fiscal year under this section among the agencies designated under subsection (c) within the States (referred to individually in this subsection as a designated agency’) on the basis of relative population of each State, except that no such agency shall receive less than \$50,000.“;

(ii) in subparagraph (B), by inserting the designated agencies located in“ after each to“;

(iii) In subparagraph (D) (i)—

(I) by inserting the designated agencies located in“ after \$100,000 for“; and

(II) by inserting the designated agencies located in“ after \$45,000 for“; and

(iv) by adding at the end the following:

 (E)(i) For any fiscal year for which the amount appropriated to carry out this section equals or exceeds \$13,000,000, the Secretary shall reserve funds appropriated under this section to make a grant to the protection and advocacy system serving the American Indian Consortium to provide client assistance services in accordance with this section. The amount of such a grant shall be the same amount as is provided to a territory under subparagraph (B), as increased under clauses (i) and (ii) of subparagraph (D).

 (ii) In this subparagraph:

 (I) The term American Indian Consortium’ has the meaning given the term in section 102 of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15002).

 (II) The term protection and advocacy system’ means a protection and advocacy system established under subtitle C of title I of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15041 et seq.).

2. Allow the 121 Program to pursue cost reimbursement from SSA for the rehabilitation of SSI and SSDI beneficiaries.

3. Permanently fund 121 programs rather than force them to compete every three years. Experience and expertise is lost as is momentum for the clients who suddenly can no longer receive services from the Native American Program which loses its funding.