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Policy Brief: Provisions in the Workforce Investment Act Describing the Interplay Between Workforce Investment Systems and Vocational Rehabilitation Programs

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Center on State Systems and Employment Outcomes (RRTC) • Institute for Community Inclusion/UAP
Center on Workforce Investment and Employment Policy (RRTC) • Community Options, Inc.

Provisions in the Workforce Investment Act Describing the Interplay between Workforce Investment Systems and Vocational Rehabilitation Programs

Introduction

On August 7, 1998 President Clinton signed into law the Workforce Investment Act of 1998 (Public Law 105-220). Title I of the Act provides assistance to states interested in establishing statewide and local workforce investment systems. Title IV of the Workforce Investment Act sets out a complete rewrite of the Rehabilitation Act of 1973, including title I which authorizes the vocational rehabilitation program.

The purpose of this policy brief is to identify and describe the sections in title I of the Workforce Investment Act (statewide and local workforce investment systems) that specifically reference the vocational rehabilitation program, individuals with disabilities, and organizations representing individuals with disabilities. The policy brief also identifies and describes specific references to statewide and local workforce investment systems in title I of the Rehabilitation Act (the vocational rehabilitation program).

It is our hope that this brief will provide policy makers, researchers, individuals with disabilities, organizations representing individuals with disabilities, state agencies serving adults with disabilities (e.g., Mental Health, Mental Retardation, Developmental Disabilities, Education, Health, Welfare), community rehabilitation programs, and other stakeholders a focus on some of the key areas of policy in the Workforce Investment Act, in order to ensure that individuals with disabilities are provided "effective and meaningful participation in workforce investment activities" (Section 100(a)(1)(G) of the Rehabilitation Act).

Subsequent issue briefs will identify additional provisions in the Workforce Investment Act that do not include specific references to "disability" or "vocational rehabilitation" but are nonetheless critical to achieving the Act's objective of ensuring effective and meaningful participation for individuals with disabilities.

Statewide and Local Workforce Investment Systems

(Title I of the Workforce Investment Act)

1. State Workforce Investment Board

- **Membership.** The membership of the Board, which is appointed by the Governor, must include the lead state agency officials with responsibility for the programs and activities (including vocational rehabilitation programs authorized under title I of the Rehabilitation Act) carried out by one-stop partners (Section 111(b)(1)(C)(vi)(I)).
- **Functions.** The Board must assist the Governor in developing the State plan and in developing and continuously improving a statewide system of activities carried out through a one-stop delivery system. In carrying out this function, the Board must develop linkages with the vocational rehabilitation program in order to assure coordination and avoid duplication (Section 111(d)(2)(A)).

2. State Plan

- **Coordination and Avoiding Duplication.** The state plan must include a description of the procedures it will use to assure coordination of and avoid duplication with the vocational rehabilitation program (Section 112(b)(8)(A)).
- **Common Data Elements and Reporting.** The state plan must include a description of the common data collection and reporting process used for workforce investment activities and the vocational rehabilitation program (Section 112(b)(8)(B)).
- **Meeting the Needs of Individuals with Disabilities.** With respect to the employment and training activities authorized by the Workforce Investment Act, the state plan must describe how the state will serve the employment and training needs of individuals with disabilities (Section 112(b)(17)).

3. Local Workforce Investment Boards.

- The local board must include representatives of community-based organizations (including organizations representing individuals with disabilities) for a local area in which such organizations are present (Section 117(b)(2)(A)(iv)).

4. Local Plan.

- The local plan must include a description of the one-stop delivery system to be established or designated in the local area, including a copy of each memorandum of understanding between the local board and each one stop partner (which includes the vocational rehabilitation agency) concerning the operation of the one-stop system in the area (Section 118(b)(2)(B)).

5. Establishment of One-Stop Delivery System (Section 121).

- Consistent with the state plan, the local board must develop and enter into a memorandum of understanding with one-stop partners (including the State vocational rehabilitation agency).
- Each partner (including the vocational rehabilitation agency) must make available to participants, through the one-stop delivery system “core services” that are applicable to the vocational rehabilitation program.
- Each partner (including the vocational rehabilitation system) must participate in the operation of the one-stop delivery system consistent with the terms of the memorandum of understanding and the requirements of the Rehabilitation Act.
- The memorandum of understanding must contain provisions describing the services to be provided through the one-stop delivery system; how the costs of the services and the operating costs of the system will be funded, and the method for making referrals between one-stop operators and the vocational rehabilitation system.

6. Use of Funds for Youth Activities (Section 129(c)(5)).

- Youth activities are provided to “eligible youth” generally defined as low-income youth. Five percent of funds for youth activities can be used for youth that are not low-income if the youth meet a specified category, such as individuals with disabilities (including individuals with learning disabilities).

7. Use of Funds for Employment and Training Activities.

- **Establishment of One-Stop Delivery System (Section 134(c)).** Each state accepting funds must establish a one-stop service delivery system, which, among other things, provides core services, intensive services, and access to vocational rehabilitation programs carried out by one-stop partners (including vocational rehabilitation agencies). At a minimum, the one-stop delivery system must make these programs, services, and activities accessible at not less than 1 physical center in each local area of the state and may make programs, services, and activities available through networks of eligible one-stop partners using an affiliated site or an electronically or technologically linked access point.
- **Core Services (Section 134 (d)).** Core services include, among other things, performance information and program cost information on eligible providers of vocational rehabilitation services.

8. Performance Accountability System (Section 136(d)(2)(F)).

- Each state must prepare an annual report on its progress in achieving State performance measures, including performance indicators for individuals with disabilities.

9. Nondiscrimination (Section 188).

- Programs and activities funded or otherwise financially assisted in whole or in part under the Workforce Investment Act are considered to be programs and activities receiving federal financial assistance and therefore subject to the provisions of section 504 of the Rehabilitation Act of 1973.

10. State Plans for Adult Education and Literacy (Section 224).

- The state plan must include a description of how the eligible agency will develop program strategies for populations that include, at a minimum, individuals with disabilities. The state plan must also include an assurance that the eligible agency will award not less than one grant to an eligible provider who offers flexible schedules and necessary support services (such as child care and transportation) to enable individuals, including individuals with disabilities, to participate in adult education and literacy programs.

11. State Unified Plan (Section 501).

- The state may develop and submit a unified state plan that includes the vocational rehabilitation program. The portions of the state unified plan covering vocational rehabilitation programs are subject to the requirements applicable to the submission of the state plan provisions set out in the Rehabilitation Act.

Rehabilitation Act, as amended

(Amendments to the Rehabilitation Act are contained in Title IV of the Workforce Investment Act)

1. Statement of Findings.

- Increased employment of individuals with disabilities can be achieved through implementation of statewide workforce investment systems that provide meaningful and effective participation for individuals with disabilities in workforce investment activities and activities carried out under the vocational rehabilitation program (Section 2 (a)(4)).
- The provision of workforce investment activities and vocational rehabilitation services can enable individuals with disabilities (including those with the most significant disabilities) to pursue meaningful careers by securing gainful employment commensurate with their abilities and capabilities (Section 100(a)(1)(F)).
- Linkages between the vocational rehabilitation programs and other components of the statewide workforce investment systems are critical to ensure effective and meaningful participation by individuals with disabilities in workforce investment activities (Section 100(a)(1)(G)).

2. Statement of Purpose.

- The purposes of the Rehabilitation Act include empowering individuals with disabilities to maximize employment, economic self-sufficiency, independence, and inclusion and integration into society through statewide workforce investment systems implemented in accordance with title I of the Workforce Investment Act that include, as integral components, comprehensive and coordinated state-of-the-art programs of vocational rehabilitation (Section 2(b)(1)(A)).
- The purposes of title I of the Rehabilitation Act include assisting states in operating statewide, comprehensive, coordinated, effective, efficient, and accountable programs of vocational rehabilitation which is an integral part of a statewide workforce investment system (Section 100(a)(2)).

3. Information Clearinghouse (Section 15(a)(1)).

- The Secretary of Education shall establish a central clearinghouse for information and resource availability for individuals with disabilities that provides information and data, including information and data provided by state workforce investment boards regarding services and programs under title I of the Workforce Investment Act.

4. State Plan

- **Timing of Submission (Section 101(a)(1)(A)).** The state must submit its state plan for vocational rehabilitation programs on the same date that it submits a state plan under title I of the Workforce Investment Act.
- **Interagency Agreements Regarding the Payment for Vocational Rehabilitation Services (Section 101(a)(8)(B)).** The state plan must include an assurance that the Governor will ensure that an interagency agreement or other mechanism for interagency coordination takes effect between a component of the state workforce investment system and the vocational rehabilitation agency regarding payment of vocational rehabilitation services provided to an individual with a disability in the individualized plan for employment.
- **Reporting and Data Elements (Section 101(a)(10)).** The state plan must include an assurance that the state will submit data in reports deemed necessary by the Commissioner of the Rehabilitation Administration. The Commissioner shall require annual reporting on the eligible individuals receiving vocational rehabilitation services on those specific data elements described in the Workforce Investment Act (Section 136(d)(2)) that are determined by the Secretary of Education to be relevant in assessing the performance of state vocational rehabilitation agencies in carrying out the vocational rehabilitation program.
- **Cooperation, Collaboration, and Coordination (Section 101(a)(11)).** The state vocational rehabilitation agency must enter into a cooperative agreement with other entities that are components of the statewide workforce investment system. The agreements may provide for:
 - the provision of intercomponent staff training and technical assistance with regard to the eligibility for and the availability of benefits under the vocational rehabilitation program,
 - the promotion of equal, effective, and meaningful participation by individuals with disabilities in workforce investment activities through the promotion of program accessibility,
 - the use of nondiscriminatory policies and procedures, and the provision of reasonable accommodations, auxiliary aids and services, and rehabilitation technology,
 - the use of information and financial management systems that link all components of the statewide workforce investment system,
 - the use of customer service features such as common intake and referral procedures, customer data bases, resource information, and human services hotlines,
 - the establishment of cooperative efforts with employers, and
 - the identification of staff roles, responsibilities, and available resources and specifications of the financial responsibility of each component of the statewide workforce investment system.
- **Goals and Priorities (Section 101(a)(15)(D)(v)).** The state plan shall include strategies for assisting entities carrying out other components of the statewide workforce investment system (other than the vocational rehabilitation component) in assisting individuals with disabilities.
- **Information and Referral (Section 101(a)(20)(B)).** The state plan must include an assurance that the state vocational rehabilitation agency will implement an information and referral system that includes, among other things, appropriate referral to other components of the statewide workforce investment system.

5. Evaluation Standards and Performance Indicators (Section 106(a)).

- Effective July 1, 1999, to the maximum extent practicable, the standards and indicators developed by the Commissioner of RSA for the vocational rehabilitation program shall be consistent with the core indicators of performance established under section 136(b) of the Workforce Investment Act.



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