

# ACICIEID Presentation Rehabilitation Services Administration (RSA)

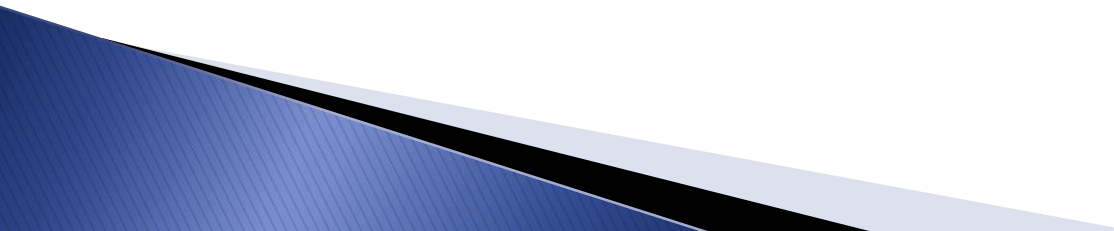
Janet LaBreck, Commissioner

May 12, 2015

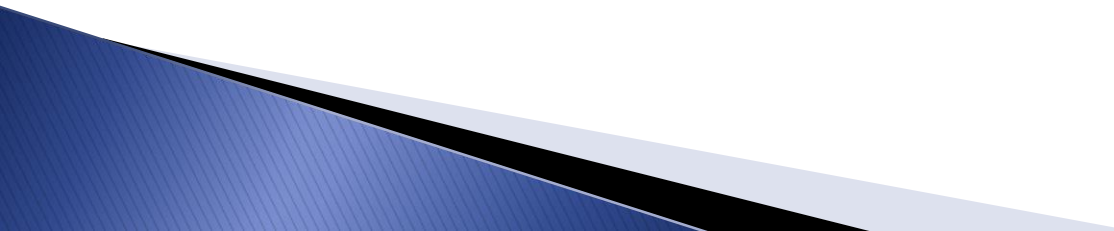
# RSA's Mission

- ▶ To provide leadership and resources to assist state and other agencies in providing vocational rehabilitation (VR), independent living and other services to individuals with disabilities to maximize their employment, independence and integration into the community and the competitive labor market.

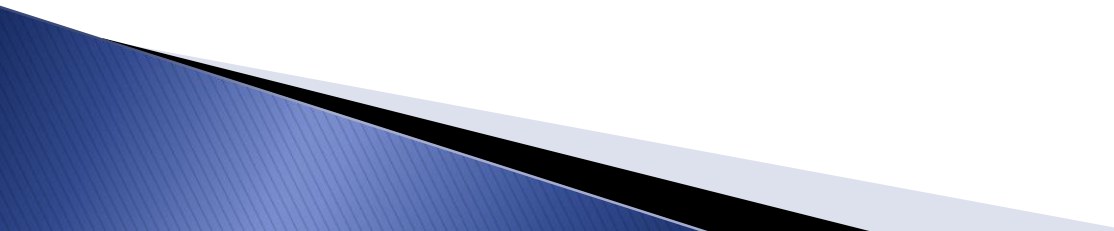
# RSA's Responsibilities

- ▶ administering formula and discretionary grant programs authorized by Congress;
  - ▶ evaluating, monitoring, and reporting on the implementation of federal policy and programs and the effectiveness of vocational rehabilitation, supported employment, and other related programs for individuals with disabilities; and
  - ▶ coordinating with other federal agencies, state agencies, and the private sector including professional organizations, service providers, and organizations of persons with disabilities for the review of program planning, implementation, and monitoring issues.
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# RSA's Scope

- ▶ RSA is appropriated approximately 3 billion dollars each fiscal year to administer the basic VR State Grant Program to help support a wide range of services designed to help individuals with disabilities to prepare for and engage in gainful, competitive employment in integrated settings.
  - ▶ Millions in additional funding is appropriated each year to support other RSA grant programs.
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# Three Types of Programs

- ▶ Formula Grants
  - ▶ Discretionary Grants
  - ▶ Other Programs (contracts, interagency agreements, non-funded programs), including
    - services provided to individuals with disabilities
    - technical assistance activities
    - evaluation activities.
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# RSA Programs

- ▶ Grant Programs
  - Basic VR State Grants
  - Client Assistance Program (CAP)
  - Independent Living Services for Older Individuals Who Are Blind
  - Protection and Advocacy of Individual Rights (PAIR)
  - Supported Employment State Grants
- ▶ Discretionary Grant Programs
  - Training and Demonstrations
  - Rehabilitation Training
  - American Indian Vocational Rehabilitation Services
  - Capacity-building for Traditionally Underserved Populations
- ▶ Other Programs
  - Helen Keller National Center (HKNC)
  - Randolph-Sheppard Vending Facility Program

# Collaboration with OSEP

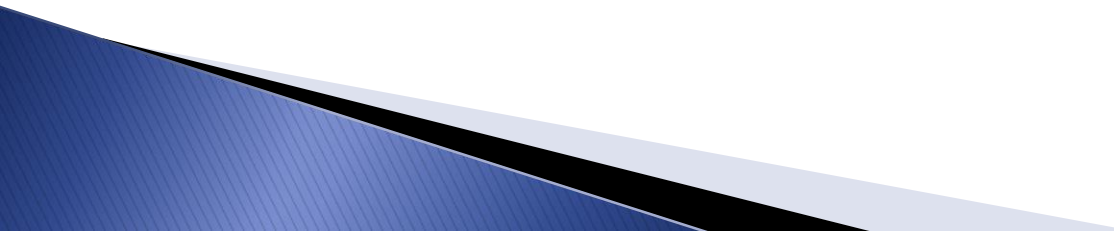
- ▶ Collaboration with transition age youth
- ▶ Joint OSEP–RSA technical assistance center on Transition

# *Workforce Innovation and Opportunity Act (WIOA)*

- ▶ In July 2014, the President signed the *Workforce Innovation and Opportunity Act (WIOA)*, which revises and reauthorizes the Workforce Investment Act of 1998.
- ▶ The passage of *WIOA*—a bipartisan and bicameral effort—marked the most significant reform of the Federal adult education and workforce development system in over a decade.
- ▶ *WIOA* presents tremendous opportunities to change the way our systems operate. Through *WIOA*, we look forward to streamlining the way we do business in order to shape the nation's employment and training system into one that continues to provide improved outcomes for all job seekers, workers, and employers.
- ▶ The new law supports innovative strategies to keep pace with changing economic conditions and calls for improved collaboration between adult education, vocational rehabilitation, and workforce development agencies—not just at the state- and local-levels, but at the federal level as well.
- ▶ *WIOA* provides expanded training and employment opportunities for the millions of youth and adults served annually by our systems.
- ▶ Together, with our partners at the Departments of Labor (DOL) and Health and Human Services (HHS), and the continued efforts and commitment of States and local providers performing the work on the front lines, we can make a difference for those individuals who have the greatest barriers to employment by offering them enhanced access and clear pathways to good jobs making family-sustaining wages.



# Overview of *WIOA* Reforms

- ▶ Increased coordination of core programs with Unified and Combined State Plans
  - ▶ Emphasizes accountability and improvements in program outcomes
  - ▶ Commitment to improving training and employment opportunities for individuals with barriers to employment
  - ▶ Promotes connections to employers, businesses, and regional and community needs
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## *WIOA—Changes to Programs Authorized under the Rehabilitation Act of 1973 (Title IV of WIOA)*

- ▶ *WIOA* makes significant changes to programs authorized under the *Rehabilitation Act* of 1973 (Title IV of *WIOA*), particularly to the Vocational Rehabilitation program, one of the core programs administered by the Department of Education, which provides vocational rehabilitation services to individuals with disabilities.

## *WIOA—Changes to Programs Authorized under the Rehabilitation Act of 1973 (Title IV of WIOA)— ...Continued*

- ▶ Makes significant improvements for individuals with disabilities, especially those with significant disabilities and youth with disabilities transitioning from education to employment
  - *WIOA* places emphasis on the achievement of competitive integrated employment through customized employment, supported employment, and individualized services.
  - *WIOA* emphasizes career advancement through graduate degrees, particularly STEM careers.
  - *WIOA* places significant emphasis on serving students and youth with disabilities by increasing opportunities to practice and improve workplace skills, including internships and apprenticeships.
  - *WIOA* requires VR agencies to reserve at least 15 percent of VR program funds for the provision of pre-employment transition services to assist students with disabilities transition from secondary school to postsecondary education programs and employment.

## *WIOA—Changes to Programs Authorized under the Rehabilitation Act of 1973 (Title IV of WIOA)— ...Continued*

- ▶ Enhances services for individuals with the most significant disabilities, including youth with the most significant disabilities, to achieve competitive integrated employment
  - *WIOA* extends the period for the provision of supported employment services from 18 to 24 months.
  - *WIOA* requires VR agencies to reserve 50 percent of their supported employment allotment for the provision of supported employment services to youth with the most significant disabilities, and expands the use of these funds to allow VR agencies to provide extended services for these youth up to four years.
  - *WIOA* limits the amount of supported employment funds that can be used for administrative costs from 5 percent to 2.5 percent.

## *WIOA—Changes to Programs Authorized under the Rehabilitation Act of 1973 (Title IV of WIOA)— ...Continued*

- ▶ Strengthens alignment between Vocational Rehabilitation, Special Education, and Employers
  - *WIOA* expands VR focus on employer engagement to provide work-based learning experiences and to identify competitive integrated employment for individuals with disabilities in the job-driven workforce.
  - VR agencies must provide descriptions in the VR services portion of the Unified or Combined State Plan regarding how they will work with employers to identify competitive integrated employment opportunities for individuals with disabilities.
  - *WIOA* permits VR agencies under an order of selection to serve eligible individuals outside of the order who require specific services or equipment to maintain employment.
  - *WIOA* strengthens coordination between VR agencies and local education agencies in the provision of transition services provided under the *IDEA* and the provision of pre-employment transition services.

## WIOA—Changes to Programs Authorized under the Rehabilitation Act of 1973 (Title IV of WIOA)— ...Continued

- ▶ Adds new provisions related to limitations on the use of subminimum wages
  - *WIOA* requires individuals with disabilities seeking or continuing employment at subminimum wages with entities holding special wage certificates under section 14(c) of the *Fair Labor Standards Act* to access services, including VR services, which will enable them to achieve competitive integrated employment in the community.
  - *WIOA* requires that VR agencies provide these individuals career counseling, and information and referral services at specific intervals while employed at subminimum wages.

## *WIOA—Changes to Programs Authorized under the Rehabilitation Act of 1973 (Title IV of WIOA)— ...Continued*

- ▶ Makes changes to other programs authorized under the *Rehabilitation Act* :
  - *WIOA* transfers certain programs from the Department of Education to the Department of Health and Human Services, including: the Independent Living programs under Title VII, Chapter 1; the National Institute on Disability and Rehabilitation Research; and programs under the *Assistive Technology Act*.
  - *WIOA* repeals several programs under the Rehabilitation Act, including: the In-Service Training, Migrant and Seasonal Farmworker, Recreational, and Projects with Industry programs.
  - *WIOA* makes changes to other programs under the *Rehabilitation Act*, including: Client Assistance, American Indian Vocational Rehabilitation Services, Protection and Advocacy of Individual Rights, Independent Living Services for Older Individuals Who Are Blind programs, and the discretionary grant programs authorized under title III.



# WIOA Implementation

## ► Activities VR agencies can engage in now:

- Pro-actively engaging with the workforce partners in your state in the strategic planning process to develop the Unified or Combined State Plan, including the strategic vision and goals for preparing and educating the skilled workforce and for meeting the needs of employers;
- Reviewing your MOUs with one-stop partners and assessing your presence and participation in one-stops;
- Coordinating with education partners, including local educational agencies, on the provision of pre-employment transition services to students with disabilities and other transition services to students with disabilities under the 15 percent reserve;
- Dialoguing with your State Rehabilitation Council around implementation plans;
- Developing draft policies and procedures on new requirements, such as the new 90-day timeline for the development of the individualized plan for employment, the revised comprehensive system of personnel development requirements, provision of pre-employment transition services;
- Ensuring your staff is familiar with the new requirements;
- Planning with IT staff to update management information systems in preparation for reporting on new data elements;
- Partnering with employers to improve and expand employment opportunities for individuals with disabilities, including work-based learning experiences such as internships and apprenticeships.
- Partnering with local providers to increase resources for extended services for individuals with the most significant disabilities in supported employment, including youth with the most significant disabilities.



# Notice of Proposed Rulemaking

The following are the 5 NPRMs which were published in the *Federal Register* on April 16, 2015:

- ▶ [Unified and Combined State Plans, Performance Accountability, and the One-Stop System Joint Provision \(Jointly proposed by the U.S. Departments of Labor and Education\)](#)  
Please provide your comments on docket [ETA-2015-0002](#) at [www.regulations.gov](http://www.regulations.gov).
- ▶ [Workforce Innovation and Opportunity Act \(Proposed by the U.S. Department of Labor\)](#)  
Please provide your comments on docket [ETA-2015-0001](#) at [www.regulations.gov](http://www.regulations.gov)
- ▶ [State Vocational Rehabilitation Services program: State Supported Employment Services program: Limitations on Use of Subminimum Wage \(Proposed by the U.S. Department of Education, Rehabilitation Services Administration\)](#)  
Please provide your comments on docket [ED-2015-OSERS-0001](#) at [www.regulations.gov](http://www.regulations.gov)
- ▶ [Workforce Innovation and Opportunity Act: Miscellaneous Program Changes \(Proposed by the U.S. Department of Education, Rehabilitation Services Administration\)](#)  
Please provide your comments on docket [ED-2015-OSERS-0002](#) at [www.regulations.gov](http://www.regulations.gov)
- ▶ [Programs and Activities Authorized by the Adult Education and Family Literacy Act \(Title II of WIOA\) \(Proposed by the U.S. Department of Education, Office of Career, Technical, and Adult Education\)](#)  
Please provide your comments on docket [ED-2015-OCTAE-0003](#) at [www.regulations.gov](http://www.regulations.gov)

# Section 511—Limitations on Use of Subminimum Wage

- ▶ The provisions in section 511 are effective 2 years after enactment, specifically, July 22, 2016.
- ▶ The addition of Section 511 demonstrates the intent that individuals with disabilities, especially youth with disabilities, must be afforded a full opportunity to prepare for, obtain, maintain, advance in, or re-enter competitive integrated employment.
- ▶ The Secretary of Education proposes to promulgate new regulations in part 397 to implement new requirements for designated state units and state and local educational agencies under the purview of the Department that are imposed by section 511 of the *Act*.

# Proposed 34 CFR 397— Limitations on Use of Subminimum Wage

- ▶ Section 511 imposes limitations on employers who hold special wage certificates, commonly known as 14(c) certificates, under the *Fair Labor Standards Act (FLSA)* (29 U.S.C. 214(c)) that must be satisfied before the employers may hire youth with disabilities at subminimum wage or continue to employ individuals with disabilities of any age at the subminimum wage level.
- ▶ Proposed regulations in part 397 focus exclusively on the related roles and responsibilities of educational agencies and DSUs.
- ▶ Any requirements on employers imposed by section 511 are under the purview of the Department of Labor, which administers the *FLSA*. Such requirements are not addressed in part 397.

# *WIOA* Resources

## **U.S. Department of Education**

Office of Career, Technical, and Adult Education (OCTAE)

Website: <http://www.ed.gov/aefta>

Email: [AskAEftA@ed.gov](mailto:AskAEftA@ed.gov)

Office of Special Education and Rehabilitative Services (OSERS)

Website: <http://www.rsa.ed.gov>

Email: [RSA.WIOA@ed.gov](mailto:RSA.WIOA@ed.gov)

## **U.S. Department of Labor**

Website: <http://www.doleta.gov/WIOA>

Email: [DOL.WIOA@dol.gov](mailto:DOL.WIOA@dol.gov)

