

## Pending Changes and Opportunities for the Rehabilitation Act of 1973:

### S.1356

#### The Current Debate:

The Senate released the Workforce Investment Act of 2013 (S.1356), in July and cleared it through the Health, Education, Labor and Pensions committee. The Senate bill—crafted on a bipartisan basis by Senator Patty Murray (D-WA) and Senator Johnny Isakson (R-GA), ranking member of the Employment and Workplace Safety subcommittee.

The next step is for the bill to move to the Senate floor, but it is unclear when or if the measure will be considered by the full Senate. When the bill does reach the Senate floor, members on both sides of the aisle will likely offer a number of amendments to the bill, including amendments that would potentially strengthen the bill. If the Senate passes its bill, the measure will then move to conference, a process by which the House and Senate each appoint “conferees” to reconcile the differences between the two pieces of legislation in an effort to produce a version that could gain enough support for passage in both chambers. The House has indicated that it is committed to going to conference if the Senate is able to pass a bill, and key Senate offices on both sides of the aisle seem anxious to bring the bill to the floor. However, given the current fiscal situation as well as the partisan divide in Congress, it is difficult to predict exactly how the bill will proceed. National Skills Coalition will provide updates as additional information becomes available.

#### **Suggestions for Improvement of S-1356**

##### ***1. Realign funds and clarify eligibility to support transition and competitive, integrated employment***

**Issue:** Section 519 of S.1356 would require States to reserve at least 15% of allotted funds for the provision of transition services to assist students with disabilities and youth with disabilities in transitioning from education or training to employment, including pre-employment transition services. The bill would also limit the ability of states to draw down federal dollars for supported employment by requiring states to match these funds.

**Alternative:** To effectively serve transition youth, State’s should set aside at least 30% of their combined Federal and state vocational rehabilitation funds to serve eligible youth with disabilities transitioning from school to the workforce, including pre-employment services. To further ensure adequate funds for this population, amendments to the bill should eliminate the state match requirement for supported employment services funds.

**Rationale:** Effectively serving young people with disabilities requires dedicating resources to individuals transitioning from school to the workforce and offering pre-employment services even before individuals become eligible for VR.

## ***2. Retain the Rehabilitation Services Administration in the Department of Education while Realigning Priorities***

Issue: Section 596 of S.1356 would move the Rehabilitation Services Administration (RSA), which is responsible for VR at the federal level, from the Department of Education (DOE) to the Department of Labor (DOL).

Alternative: RSA should remain within DOE.

Rationale: Moving RSA to the DOL, rather than realigning the priorities within OSERS: (1) has no substantiated benefits and is unnecessarily disruptive; (2) would move the program to an office that has never administered programs; (3) comes with no estimate of the programmatic or fiscal costs associated with a move; (4) undermines the understanding that rehabilitation is more than just “job placement” and that transition from the educational system to the broader workforce requires effort while students with disabilities are in school -- long before they graduate.

The Department of Labor retains a generic model which emphasizes a one-size-fits-all approach to securing employment. However, the U.S. Department of Education emphasizes an individualized, comprehensive approach to the eligible individual in securing what The National Rehabilitation Association considers to be the three Cs of success: College; Careers and Community living.

## ***3. Restore personnel standards to require a knowledge of the core services of vocational rehabilitation***

Issue: S. 1356 would change requirements for the education and training of the professional staff who deliver VR services to individuals with disabilities and business.

Alternative: Maintain current law that VR personnel standards are based on the highest requirements in the State. Add a provision stating that, when standards are not based on highest requirements, the state will provide the steps they are taking to ensure personnel have an understanding of VR, including the medical and psychological aspects of disability, vocational assessment, person-centered planning, career services, and building relationships with businesses who employ or would like to hire or retain individuals with disabilities.

Rationale: The programs administered under the Rehabilitation Act provide services and supports by qualified public and private rehabilitation providers, many of whom hold Master's degrees in the disciplines that make a difference in the lives of individuals with disabilities -- vocational rehabilitation, vocational assessment, and job development and placement. It has been consistently demonstrated that professionals with Master's degrees have greater success in assisting individuals with disabilities to become employed.

The role of a VR counselor in the 21<sup>st</sup> century workplace is one built on a solid understanding of both the needs and goals of the individual with disability(ies) as well as the employment needs and other supports required by business partners. This requires a specialized skill set that should remain recognized in law to ensure that individuals across the country are served by qualified counselors.