

September 3, 2003

Senator Orrin Hatch
104 Hart Senate Building
Washington DC 20510

Dear Senator Hatch,

Listed below are a number of issues that have been identified by your Advisory Committee on Disability issues concerning the reauthorization of the Workforce Investment Act and Title IV of that Act, the Rehabilitation Act. The proposed legislation has already passed the House (HR 1261) and legislation is currently being drafted by the Senate HELP Committee for introduction and mark up the first part of September.

Issue 1: Funding to support the infrastructure of the one-stop service delivery system.

Both the House and Senate bills have provisions that would require the Vocational Rehabilitation Program and all other partners to pay a portion of the infrastructure (rent, utilities, etc.) costs of the one-stop centers under the Workforce Investment Act. Currently, these charges are figured under a cost allocation method. In Utah, the one-stop centers are bursting at the seams and do not have room for the Vocational Rehabilitation Program to be co-located, so VR pays no funds under cost allocation. At present, the Utah Department of Workforce Services and the Utah State Office of Rehabilitation have a very active partnership and will have electronic consumer information ties between offices in the near future. In addition, the Utah State Office of Rehabilitation and the Utah Department of Workforce Services also jointly sponsor a Choose to Work Program to assist individuals with disabilities in obtaining employment.

As a committee, we are opposed to taking money from an already financially strapped Vocational Rehabilitation program to support the infrastructure of one-stop centers. The following solutions are proposed:

1. Create a new separate line item appropriation for overall WIA infrastructure costs, rather than tap program funds from WIA partners for this purpose.
2. Maintain current law, which permits VR to contribute funds for infrastructure through the cost allocation process," thus, giving current law time to work.
3. If the language in section 108 of H.R. 1261 becomes law, advocate to define "proportionate use" as number of clients served at the center; and create a .25 percent cap on the transfer of VR funds so that VR will have a limit on the amount of funds that can be used for infrastructure, just as the other program partners have

a limit under the Kline amendment which was approved by the House. The Administration has proposed a cap of .75 percent – much more than most Vocational Rehabilitation programs are currently paying for infrastructure under cost allocation.

Issue 2: Dedicated Funding to Provide Transitional Services for Youth with Disabilities.

A number of research findings have clearly demonstrated the need to improve transition outcomes for students with disabilities. The Advisory Committee strongly supports improving transitional services for students with disabilities and recognizes that additional dedicated financial resources must be allocated to Vocational Rehabilitation to implement the new mandates being proposed. S. 1248, the Senate bill to reauthorize IDEA, amends the Rehabilitation Act of 1973, to establish a separate appropriation for VR services for transition-age students with disabilities. As a committee, we support this language (Section 204(b) of S. 1248) but only as long as \$300 million is appropriated to Vocational Rehabilitation to implement the mandates. If the \$300 million is not appropriated, the Advisory Council supports substitute language that has been proposed by the Council of State Administrators of Vocational Rehabilitation to avoid an unfunded mandate.

Issue 3: Representation on Local Workforce Investment Boards.

Currently, WIA requires representatives of local community-based organizations (including organizations representing individuals with disabilities and veterans) to be included in the membership of Local Workforce Investment Boards (Local WIBs). As a result of this requirement, many Local WIBs include representatives of community rehabilitation programs (CRPs), the Public VR program, and individuals with disabilities. In Utah, a staff member of the State Office of Rehabilitation sits on each local board. It has been proposed in the House and Senate bills that Local Workforce Investment Boards be primarily composed of employers, thus eliminating organizations that serve individuals with disabilities or individuals with disabilities themselves from serving on these local boards. The Advisory Committee believes that, in order for Local Workforce Investment Boards to be effective in meeting the needs of individuals with disabilities, representatives of organizations serving individuals with disabilities or individuals with disabilities must be members of local boards. Without this representation, the issues of preparing individuals with disabilities for employment and finding appropriate jobs will get lost in the shuffle of other Council business.

Issue 4: Commissioner's Status:

The House bill to reauthorize the Rehab Act (H.R. 1261) changes the status of the position of the Rehabilitation Services Administration (RSA) Commissioner. The Commissioner is currently appointed by the President and confirmed by the Senate. In addition, current requirements ensure that the person selected to administer the RSA programs possesses the requisite expertise, skills and support of the rehabilitation and disability communities. This selection process gives a voice to those most impacted by rehabilitation programs and encourages their input. Under the House bill, the Secretary of Education will appoint future RSA Commissioners. This selection process could

potentially undermine the participation and involvement of those directly impacted by rehabilitation programs. RSA is the lead Federal agency overseeing policy on the employment of persons with disabilities. With an increasing number of people with the most significant disabilities not working (for a variety of reasons), this goal and degree of access to achieve it are essential. Removing the President's responsibility to appoint the RSA Commissioner would signal a reduction in the importance given to disability employment programs. This would have the unintended consequence of isolating the Commissioner from access to high-levels of policymaking at the Office of Management and Budget and other Federal agencies. The Advisory Committee recommends that the Senate maintain the current status of the position of the RSA Commissioner, i.e., as a Presidential appointment with Senate confirmation.

Issue 5: Inadequate Resources Available for Vocational Rehabilitation to Meet the Comprehensive System of Personnel Development:

The role of the VR counselor is the cornerstone of the VR Program. As the key professional in the system, the counselor is responsible for interacting with individuals with disabilities who are seeking or receiving VR services to assist them in entering the workforce and becoming economically independent. VR counselors are uniquely qualified to assist individuals with disabilities in assessing their needs for individualized services and supports to achieve high quality employment outcomes.

In 1992, Congress mandated that VR employ qualified counselors, i.e., counselors that meet the national standard or the highest state standard for persons in that profession (in most cases, requiring a master's degree). With minimal increases in funding and expanding external pressures, VR is finding it more and more difficult to attract and retain qualified individuals. State VR agencies are facing a dwindling pool of potential qualified applicants for counselor positions. The situation is likely to become critical over the next 5 to 10 years because a significant percentage of individuals currently working for VR will be retiring.

The Advisory Committee supports increased resources for Section 302 of the Rehab Act so that additional funding will be available for training rehabilitation professionals, particularly for in-services training for staff of the VR agency that are having problems meeting requirements for a Comprehensive System of Personnel Development found in Title I of the Rehab Act.

Issue 6: The State Plan for Independent Living (SPIL) will establish the priority for the statewide network of Centers for Independent Living.

While the Rehabilitation Services Administration is required to take state priorities into account when making funding decisions, RSA has funded entirely different priorities than those set by the SPIL's design for the establishment of a statewide network of Centers for Independent Living. The solution would be to provide the State Plan for Independent Living be the highest priority for funding centers for independent living. Amend Section 722(e) to add "Following the priorities for funding set forth in this section, the state

plan for independent living shall identify a plan for the development of a statewide network of centers for independent living, and the Commissioner shall be guided by the SPIL in allocating funds among centers for independent living within a state. RSA will follow all recommendations of the state plan including, but not limited to base funding, the number of Centers for Independent Living (CIL), satellite offices, and/or branch offices to be established in the state, as well as the area(s) within the state that the SPIL identifies as a priority for establishing a CIL, satellite and/or branch office."

Issue 7: To meet the needs of people with disabilities, Independent Living funding must be increased and the distribution formula must be changed.

The Rural Institute on Disabilities research findings states that each Center for Independent Living today covers approximately 5.7 counties. Forty percent (40%) or 1,230 of our nation's counties receive no service whatsoever from a Center for Independent Living, and for many others, the coverage is only superficial. Many existing centers are woefully under-funded. Increase funding for Title VII, Part C by amending Title VII, PARTC--CENTERS FOR INDEPENDENT LIVING, SEC. 721. PROGRAM AUTHORIZATION, (c) to read:

(c) In General.--

(1) States.--

(A) Funding for programs and services under Part C of this title shall be appropriated, and funded, at an increased amount of \$25 million a year.

(B) Maintenance of 2003 amounts, --Subject to the availability of appropriations to carry out this part, the amount of any allotment made under subparagraph (A) to a State for a fiscal year shall not be less than the amount of financial assistance received by centers for independent living in the State for fiscal year 2003 under part B of this title, as in effect on the day before the date of enactment of the Rehabilitation Act Amendments of 2003.

(C) Increased Appropriations, -- (a) 50% of the total of all newly appropriated funds will be distributed equitably among the states and territories. (b) The remaining 50% of the total of all newly appropriated funds shall be divided among the states in an amount bearing the same ratio as the population of the state bears to the population of all states.

(c) Receipt of all funds from this Part shall be contingent upon the continuation of funding by the states equal to or exceeding the previous year's level.

Issue 8: Section 112 (e)1, Native American Client Assistance Program.

The committee supports the authorization of a Native American Client Assistance Program (CAP) to be administered by the Native American Protection and Advocacy System (NAPAS). This agency serves Native Americans in the Four Corner area of Utah and will work cooperatively with the state's Rehabilitation Program to increase the employment skills and opportunities in this underserved region of the state.

Issue 9: Vocational Rehabilitation Funding.

The Committee did not want to mix issues and will work with you regarding appropriations. However, the VR program desperately needs new funding for growth. For the past ten years, the only increases have been the CPI Urban for the Title I Vocational Rehabilitation Program. The Rehabilitation Services Administration reports

that there are currently 37 VR programs on order of selection. Utah is getting closer to being forced into an order of selection.