

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 400 Session of 2015

INTRODUCED BY GINGRICH, GERGELY, MURT, SIMMONS, MILLARD, KINSEY, BOBACK, MACKENZIE, DUNBAR, PICKETT, V. BROWN, ROZZI, YOUNGBLOOD, GIBBONS, STURLA, SCHLOSSBERG, PETRI, KAUFFMAN, KIRKLAND, COHEN, KAVULICH, D. COSTA, D. MILLER, MATZIE, WATSON, SAMUELSON, FREEMAN, FEE, NEUMAN, RAVENSTAHL, DONATUCCI, CUTLER, DEASY, ROEBUCK, McNEILL, HARKINS, M. DALEY, DIGIROLAMO, BAKER, GODSHALL, DAVIS, READSHAW, RADER, R. BROWN, GROVE, CARROLL, KORTZ, STEPHENS AND DUSH, FEBRUARY 17, 2015

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES, MARCH 30, 2015

AN ACT

1 Providing for the Work Experience for High School Students with
2 Disabilities Act; imposing duties on the Office of Vocational
3 Rehabilitation; and providing for appropriations.

4 The General Assembly of the Commonwealth of Pennsylvania
5 hereby enacts as follows:

6 Section 1. Short title.

7 This act shall be known and may be cited as the Work
8 Experience for High School Students with Disabilities Act.

9 Section 2. Definitions.

10 The following words and phrases when used in this act shall
11 have the meanings given to them in this section unless the
12 context clearly indicates otherwise:

13 "Competitive integrated employment." Work in the competitive
14 labor market that is performed on a full-time or part-time basis

1 in an integrated setting for which an individual is compensated
2 at or above the minimum wage, but not less than the customary
3 wage and level of benefits paid by the employer for the same or
4 similar work performed by individuals who do not have
5 disabilities.

6 "Integrated setting." With respect to an employment outcome,
7 a setting typically found in the community in which an applicant
8 or eligible individual interacts with individuals without
9 disabilities, other than an individual who is providing services
10 to the applicant or eligible individual, to the same extent that
11 individuals without a disability in a comparable position
12 interact with other persons.

13 "Office of Vocational Rehabilitation." The Office of
14 Vocational Rehabilitation established under section 7 of the act
15 of December 20, 1988 (P.L.1306, No.167), known as the Vocational
16 Rehabilitation Act.

17 Section 3. Powers and duties of the Office of Vocational
18 Rehabilitation.

19 The Office of Vocational Rehabilitation shall facilitate the
20 process of job and career development between local education
21 agencies and public and private employers to ensure the
22 successful transition of high school students with disabilities
23 into competitive integrated employment. In collaboration with
24 officials of local education agencies and other RELEVANT public <--
25 agencies, ~~such as an agency taking part in a county mental~~ <--
26 ~~health or intellectual disabilities program,~~ the Office of
27 Vocational Rehabilitation shall:

28 (1) Provide information for the development of
29 individual education plans for high school students with
30 disabilities ensuring that job skill training is included in

1 the plans when appropriate. When possible, the Office of
2 Vocational Rehabilitation shall attend individual education
3 plan meetings in person or by alternative means, such as
4 video conferences and conference calls, when invited by local
5 education agencies. A representative from the Office of
6 Vocational Rehabilitation shall attend at least one meeting
7 per year of individual education plan meetings for the last
8 two years prior to the anticipated graduation of high school
9 students with disabilities.

10 (2) Arrange for, monitor and support the placement of
11 high school students with disabilities in lawful internships,
12 on-the-job training and full-time or part-time work after
13 school, evenings and during the summer, at competitive wages
14 in integrated settings with public or private sector
15 employers.

16 (3) Provide professional guidance relative to job
17 coaching services to eligible individuals when the services
18 are included in an individualized plan for employment by the
19 Office of Vocational Rehabilitation, so that high school
20 students with disabilities may succeed in competitive
21 employment with private sector and public employers.

22 (4) Provide counseling on opportunities for enrollment
23 in comprehensive transition or postsecondary educational
24 programs at institutions of higher education.

25 (5) Publish on its public website 45 days after the end
26 of each calendar quarter the following information, at a
27 minimum, pertaining to the implementation of this act in each
28 county in this Commonwealth for the prior calendar quarter:

29 (i) the number of individualized education meetings
30 attended by Office of Vocational Rehabilitation staff;

1 (ii) the number of individual education plans that
2 include new or significantly modified goals and specific
3 steps toward the attainment of competitive integrated
4 employment;

5 (iii) the number of job referrals made to employers
6 on behalf of students with disabilities while still in
7 high school;

8 (iv) the number of high school students with
9 disabilities working in part-time and summer jobs as a
10 result of referrals made by Office of Vocational
11 Rehabilitation staff;

12 (v) the number of high school students with
13 disabilities working in part-time or summer jobs who are
14 receiving job coaching services; and

15 (vi) the number of high school students with
16 disabilities who enter competitive integrated employment
17 within three months of their graduation.

18 (6) Report on the progress of the Office of Vocational
19 Rehabilitation regarding the implementation of this act on at
20 least a quarterly basis to:

21 (i) the Secretary of Labor and Industry;

22 (ii) the Pennsylvania Rehabilitation Council; and <--

23 (iii) the State Board of Vocational Rehabilitation; <--

24 AND

25 (IV) THE SECRETARY OF EDUCATION.

26 (7) The State Board of Vocational Rehabilitation shall
27 be responsible for reviewing reported progress and providing
28 advice to Office of Vocational Rehabilitation officials on
29 achieving the objectives of this act. The reports must be:

30 (i) Published on the publicly accessible Internet

1 website of the Office of Vocational Rehabilitation in a
2 format that is easily understandable by members of the
3 public.

4 (ii) Made available to:

5 (A) the President pro tempore of the Senate;

6 (B) the Majority and Minority Leaders of the
7 Senate;

8 (C) the chairman and minority chairman of the
9 Labor and Industry Committee of the Senate;

10 (D) the chairman and minority chairman of the
11 Public Health and Welfare Committee of the Senate;

12 (E) the Speaker of the House of Representatives;

13 (F) the Majority and Minority Leaders of the
14 House of Representatives;

15 (G) the chairman and minority chairman of the
16 Labor and Industry Committee of the House of
17 Representatives; and

18 (H) the chairman and minority chairman of the
19 Human Services Committee of the House of
20 Representatives.

21 Section 4. State Board of Vocational Rehabilitation.

22 Prior to the issuance of any policies or procedures necessary
23 for the implementation of this act, the State Board of
24 Vocational Rehabilitation shall review and approve the policies
25 and procedures. The Pennsylvania Rehabilitation Council shall be
26 afforded an opportunity to comment on the policies and
27 procedures prior to their consideration by the State Board of
28 Vocational Rehabilitation.

29 Section 5. Construction.

30 This act may not be construed to reduce the obligation under

1 the Individuals with Disabilities Education Act (Public Law 91-
2 230, 20 U.S.C. § 1400 et seq.) of a local education agency or
3 another agency to provide or pay for a transition service that
4 is also considered special education or related services and
5 that is necessary for ensuring a free, appropriate public
6 education to children with disabilities.

7 Section 6. Appropriations.

8 For fiscal year 2015-2016 and each subsequent fiscal year,
9 sufficient State funds shall be appropriated to ensure that
10 Federal funds available to the Commonwealth through the Office
11 of Vocational Rehabilitation under the provisions of the
12 Rehabilitation Act of 1973 (Public Law 93-112, 29 U.S.C. § 701
13 et seq.) are matched by the Federal Government. The difference
14 between the funding for fiscal year 2015-2016 and the amounts
15 appropriated during fiscal year 2014-2015 to the Office of
16 Vocational Rehabilitation and the Federal funds matched by the
17 State funds shall be earmarked and utilized by the Office of
18 Vocational Rehabilitation exclusively to carry out the purposes
19 of this act. This section shall not apply to a future one-time
20 increase in the State appropriation and the matching Federal
21 funds.

22 Section 7. Effective date.

23 This act shall take effect July 1, 2015.