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, DUSH, SABATINA, BARBIN AND KILLION, FEBRUARY 17, 2015

SENATOR BROWNE, APPROPRIATIONS, IN SENATE, RE-REPORTED AS AMENDED, JUNE 26, 2015

AN ACT

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

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

Section 1. Short title.

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

Section 2. Definitions.

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

"Competitive integrated employment." Work in the competitive
labor market that is performed on a full-time or part-time basis
in an integrated setting for which an individual is compensated
at or above the minimum wage, but not less than the customary
wage and level of benefits paid by the employer for the same or
similar work performed by individuals who do not have
disabilities.

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

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

"PREEMPLOYMENT TRANSITION SERVICES." SERVICES PROVIDED IN
ACCORDANCE WITH SECTION 113 OF THE REHABILITATION ACT OF 1973

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

The Office of Vocational Rehabilitation shall PROVIDE
PREEMPLOYMENT TRANSITION SERVICES TO YOUTH STUDENTS WITH
DISABILITIES AND facilitate the process of job and career
development between local education agencies and public and
private employers to ensure the successful transition of high
school students with disabilities into competitive integrated
employment. In collaboration with officials of local education
agencies and other relevant public agencies, the Office of
Vocational Rehabilitation shall:

(1) Provide information for the development of individual education plans for high school students with disabilities ensuring that job skill training is included in the plans when appropriate. When possible, the Office of Vocational Rehabilitation shall attend individual education plan meetings in person or by alternative means, such as video conferences and conference calls, when invited by local education agencies. A representative from the Office of Vocational Rehabilitation shall attend at least one meeting per year of individual education plan meetings for the last two years prior to the anticipated graduation of high school students with disabilities.

(2) Arrange for, monitor and support the placement of high school students with disabilities in lawful internships, on-the-job training and full-time or part-time work after school, evenings and during the summer, WORK-BASED LEARNING EXPERIENCES, WHICH MAY INCLUDE IN-SCHOOL OR AFTER-SCHOOL OPPORTUNITIES OR EXPERIENCE OUTSIDE THE TRADITIONAL SCHOOL SETTING, INCLUDING INTERNSHIPS, at competitive wages in integrated settings with public or private sector employers.

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

(4) Provide counseling on opportunities for enrollment in comprehensive transition or postsecondary educational programs at institutions of higher education.
(5) Publish on its public website 45 days after the end of each calendar quarter the following information, at a minimum, pertaining to the implementation of this act in each county in this Commonwealth for the prior calendar quarter:

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

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

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

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

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

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

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

(i) the Secretary of Labor and Industry;

(ii) the Pennsylvania Rehabilitation Council;

(iii) the State Board of Vocational Rehabilitation; and
(iv) the Secretary of Education.

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

(i) Published on the publicly accessible Internet website of the Office of Vocational Rehabilitation in a format that is easily understandable by members of the public.

(ii) Made available to:

(A) the President pro tempore of the Senate;

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

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

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

(E) the Speaker of the House of Representatives;

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

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

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

Section 4. State Board of Vocational Rehabilitation.

(A) DUTIES.--THE STATE BOARD OF VOCATIONAL REHABILITATION SHALL BE RESPONSIBLE FOR REVIEWING REPORTED PROGRESS AND PROVIDING ADVICE TO OFFICE OF VOCATIONAL REHABILITATION
OFFICIALS ON ACHIEVING THE OBJECTIVES OF THIS ACT. THE REPORTS MUST BE:

(1) PUBLISHED ON THE PUBLICLY ACCESSIBLE INTERNET WEBSITE OF THE OFFICE OF VOCATIONAL REHABILITATION IN A FORMAT THAT IS EASILY UNDERSTANDABLE BY MEMBERS OF THE PUBLIC.

(2) MADE AVAILABLE TO:

(I) THE PRESIDENT PRO TEMPORE OF THE SENATE;

(II) THE MAJORITY AND MINORITY LEADERS OF THE SENATE;

(III) THE CHAIRMAN AND MINORITY CHAIRMAN OF THE LABOR AND INDUSTRY COMMITTEE OF THE SENATE;

(IV) THE CHAIRMAN AND MINORITY CHAIRMAN OF THE PUBLIC HEALTH AND WELFARE COMMITTEE OF THE SENATE;

(V) THE SPEAKER OF THE HOUSE OF REPRESENTATIVES;

(VI) THE MAJORITY AND MINORITY LEADERS OF THE HOUSE OF REPRESENTATIVES;

(VII) THE CHAIRMAN AND MINORITY CHAIRMAN OF THE LABOR AND INDUSTRY COMMITTEE OF THE HOUSE OF REPRESENTATIVES; AND

(VIII) THE CHAIRMAN AND MINORITY CHAIRMAN OF THE HUMAN SERVICES COMMITTEE OF THE HOUSE OF REPRESENTATIVES.

(B) REVIEW.--Prior to the issuance of any policies or procedures necessary for the implementation of this act, the State Board of Vocational Rehabilitation shall review and approve the policies and procedures. The Pennsylvania Rehabilitation Council shall be afforded an opportunity to comment on the policies and procedures prior to their consideration by the State Board of Vocational Rehabilitation.

Section 5. Construction.
This act may not be construed to reduce the obligation under the Individuals with Disabilities Education Act (Public Law 91-230, 20 U.S.C. § 1400 et seq.) of a local education agency or another agency to provide or pay for a transition service that is also considered special education or related services and that is necessary for ensuring a free, appropriate public education to children with disabilities.

Section 6. Notice of funding.

Upon the initial appropriation of sufficient funds to carry out the provisions of this act, the Office of Vocational Rehabilitation shall publish notice of the appropriation in the Pennsylvania Bulletin.

Section 7. Effective date.

This act shall take effect as follows:

(1) Section 6 and this section shall take effect immediately.

(2) The remainder of this act shall take effect upon publication of the notice under section 6.