

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, DUSH, SABATINA AND BARBIN, FEBRUARY 17, 2015

AS RE-REPORTED FROM COMMITTEE ON APPROPRIATIONS, HOUSE OF REPRESENTATIVES, AS AMENDED, APRIL 13, 2015

AN ACT

1 Providing for the Work Experience for High School Students with
2 Disabilities Act; AND imposing duties on the Office of <--
3 Vocational 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, the Office of Vocational Rehabilitation shall:

26 (1) Provide information for the development of
27 individual education plans for high school students with
28 disabilities ensuring that job skill training is included in
29 the plans when appropriate. When possible, the Office of
30 Vocational Rehabilitation shall attend individual education

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

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

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

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

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

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

29 (ii) the number of individual education plans that
30 include new or significantly modified goals and specific

1 steps toward the attainment of competitive integrated
2 employment;

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

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

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

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

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

19 (i) the Secretary of Labor and Industry;

20 (ii) the Pennsylvania Rehabilitation Council;

21 (iii) the State Board of Vocational Rehabilitation;

22 and

23 (iv) the Secretary of Education.

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

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

1 public.

2 (ii) Made available to:

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

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

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

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

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

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

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

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

19 Section 4. State Board of Vocational Rehabilitation.

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

27 Section 5. Construction.

28 This act may not be construed to reduce the obligation under
29 the Individuals with Disabilities Education Act (Public Law 91-
30 230, 20 U.S.C. § 1400 et seq.) of a local education agency or

1 another agency to provide or pay for a transition service that
2 is also considered special education or related services and
3 that is necessary for ensuring a free, appropriate public
4 education to children with disabilities.

5 ~~Section 6. Appropriations.~~ <--

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

20 SECTION 6. NOTICE OF FUNDING. <--

21 UPON THE INITIAL APPROPRIATION OF SUFFICIENT FUNDS TO CARRY
22 OUT THE PROVISIONS OF THIS ACT, THE OFFICE OF VOCATIONAL
23 REHABILITATION SHALL PUBLISH NOTICE OF THE APPROPRIATION IN THE
24 PENNSYLVANIA BULLETIN.

25 Section 7. Effective date.

26 This act shall take effect ~~July 1, 2015.~~ AS FOLLOWS: <--

27 (1) SECTION 6 AND THIS SECTION SHALL TAKE EFFECT
28 IMMEDIATELY.

29 (2) THE REMAINDER OF THIS ACT SHALL TAKE EFFECT UPON
30 PUBLICATION OF THE NOTICE UNDER SECTION 6.