

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 AND DIGIROLAMO, FEBRUARY 17, 2015

AS REPORTED FROM COMMITTEE ON LABOR AND INDUSTRY, HOUSE OF REPRESENTATIVES, AS AMENDED, FEBRUARY 26, 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  
15 in an integrated setting for which an individual is compensated

1 at or above the minimum wage, but not less than the customary  
2 wage and level of benefits paid by the employer for the same or  
3 similar work performed by individuals who do not have  
4 disabilities.

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

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

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

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

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

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

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

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

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

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

30 (i) the number of individualized education meetings

1 attended by Office of Vocational Rehabilitation staff;

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

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

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

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

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

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

22 (i) the Secretary of Labor and Industry;

23 (ii) the Pennsylvania Rehabilitation Council; and

24 (iii) the State Board of Vocational Rehabilitation.

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

29 (i) Published on the publicly accessible Internet  
30 website of the Office of Vocational Rehabilitation in a

1 format that is easily understandable by members of the  
2 public.

3 (ii) Made available to:

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

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

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

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

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

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

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

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

20 Section 4. State Board of Vocational Rehabilitation.

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

28 Section 5. Construction.

29 This act may not be construed to reduce the obligation under  
30 the Individuals with Disabilities Education Act (Public Law 91-

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

6 Section 6. Appropriations.

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

24 Section 7. Effective date.

25 This act shall take effect July 1, 2015.