

## No. 2016-26

## AN ACT

HB 400

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 (Public Law 93-112, 29 U.S.C. § 701 et seq.).

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

The Office of Vocational Rehabilitation shall provide preemployment transition services to 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.

(2) Arrange for 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 publicly accessible Internet 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.

#### 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.

APPROVED—The 17th day of May, A.D. 2016

TOM WOLF