## Amy Porter, CT General

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# Title I Provisions

## Sec 101: Role of the State Board

## Sec 102: Unified State Plan

## Sec 103: Combined State Plan

#  Sec. 102: Unified State Plan

## Governor submits to Secretary of Labor

## Outlines a 4-year strategy for core programs

## Content

### Strategic Planning Elements

### Operational Planning Elements

### Existing Analysis

# Sec. 102: Submission and Approval

## Initial plan – not later than 120 days prior to commencement of second full program year after the date of enactment of this Act.

## Subsequent plans – not later than 120 days prior to the end of the 4-year period covered by the prior plan

## Approval – subject to approval of both Secretary of Labor and Secretary of Education, after approval of the RSA Commissioner for the VR portion

## Approval – shall be considered approved at the end of the 90-day period beginning on the day the plan is submitted unless one of the Secretaries makes a written determination that the plan is inconsistent with the provisions.

# Sec 103: Combined State Plan

## A state may develop and submit a combined state plan for the core programs and 1 or more of the following programs in lieu of submitting 2 or more plans:

### Career and technical education programs

### Programs under part A of title IV of the Social Security Act

### Programs under 6(d)(4) of the Food and Nutrition Act

### Work programs under 6(o) of the Food and Nutrition Act

### Activities under Chapter 2 of title II of the Trade Act

### Activities under chapter 41 of title 38, US Code

### Programs under State unemployment compensation laws

### Programs under title V of the Older Americans Act

### Employment and training activities through HUD

### Employment and training activities under CSBG

### Programs under section 212 of the Second Chance Act

# Sec 103:Approval

## Appropriate Secretary shall have authority to approve the corresponding portion of a combined plan.

## No portion of the plan relating to a core program shall be implemented until the appropriate Secretary approves the corresponding portions of the plan for all core programs.

## Combined plan shall be considered approved at the end of the 90-day period beginning on the day the plan is submitted unless written determination is made that the plan is not consistent with the requirements.

## If a Secretary other than Labor or Education has authority to approve a portion of a combined plan, shall be considered approved at the end of the 120-day period beginning on the day the plan is submitted unless written determination is made.

# Sec. 116: Performance

## A state may identify additional performance accountability indicators in the state plan.

## Expected levels of performance shall be identified in the state plan.

## State shall reach agreement with the Secretary of Labor, in conjunction with the Secretary of Education on levels of performance on each indicator for each of the first 2 program years covered by the state plan.

## Levels of performance for years 3 and 4 are determined prior to the 3rd program year.

## Governor shall establish and operate a fiscal and management accountability information system.

# Sec. 412: State Plans

## This section amends Section 101(a) of the Rehabilitation Act of 1973, as amended.

## To receive funds under this title for a fiscal year, a State shall submit and have approved a unified or a combined state plan.

## The unified or combined plan shall include the provisions of a state plan for vocational rehabilitation services.

# Sec. 412:Duration

## The VR portion of the unified or combined state plan shall remain in effect until the State submits and receives approval of a new state plan, or until the submission of modifications determined as necessary by the state or the Commissioner based on a change in state policy, a change in Federal law (including regulations), an interpretation of this Act by a Federal court or the highest court of the state, or a finding by the Commissioner of state noncompliance with the requirements of this Act.

# Sec. 412: DSU

## The requirements related to the DSU include the following additions:

### In reference to the requirement for a full-time director, the following was added: “… who is responsible for the day-to-day operation of the vocational rehabilitation program.”

### A new requirement was added to clarify the role of the DSU: “has the sole authority and responsibility within the designated state agency … to expend funds made available under this title in a manner that is consistent with the purposes of this title.”

# Sec. 412:Unchanged Sections

## Nonduplication

## Non-federal share

## Statewideness

## Methods for administration

## IPE

## Residency

## Services to American Indians

## Public Comment

## Use of Funds for construction

## Role of the DSA

## Innovation & Expansion activities

## Choice

## Information and referral services

## State independent consumer-controlled commission; SRC

## Supported Employment supplement

## Annual Updates

## Certain contracts/cooperative agreements

# Sec. 412:Order of Selection

## This section is amended to include the following:

## “Notwithstanding subparagraph (C), permit the State, in its discretion, to elect to serve eligible individuals (whether or not receiving vocational rehabilitation services) who require specific services or equipment to maintain employment”.

## Note: The above-referenced Subparagraph (C) reads “include an assurance that, in accordance with criteria established by the State for the order of selection, individuals with the most significant disabilities will be selected first for the provision of VR services”

# Sec. 412:CSPD

## This will be covered separately . . .

# Sec. 412:Comparable Services

## Availability - Additional language was added as follows: “The state plan shall include an assurance that, prior to providing an accommodation or auxiliary aid or service or any VR service to an eligible individual, except …the DSU will determine whether comparable services and benefits are available under any other program … unless…”

## Interagency Agreements – added the same language as underlined above to this section “…in order to ensure the provision of VR services . . . and, if appropriate, accommodations or auxiliary aids and services that are included in the IPE… including the provision of such VR services (including, if appropriate, accommodations or auxiliary aids) during the pendency of any dispute…”

## Coordination of services procedures – added the same language

# Sec. 412: Reporting Requirements

## Annual reporting – the Commissioner shall require annual reporting of information on eligible individuals receiving the services, that is necessary to assess the state’s performance on the standards and indicators described in section 106(a) . . .

# Sec. 412: Reporting Requirements

## Addt’l Data: Prior Law

## # of applicants and # eligible or ineligible , including the # ineligible because they didn’t require VR services and # too severely disabled to benefit from VR services

## Addt’l Data: New Law

## # of applicants and # eligible or ineligible, including the # ineligible (disaggregated by type of disability and age)

# Sec. 412: Reporting Requirements

## Addt’l Data: Prior Law

## # receiving VR services, including # received I&R but not assistance under an IPE,

##  # of those with SD who received services under an IPE, and

## # of non-SD who received assistance under an IPE

## Addt’l Data: New Law

## # receiving VR services, including # received I&R but not assistance under an IPE,

## # of those with SD who received services under an IPE,

## # of non-SD who received assistance under an IPE,

## # with open cases (disaggregated by those who are receiving training and those in postsecondary) and the type of services received (including SE),

## # of students receiving pre-employment transition services,

## # referred to VR by onestop operators and the # referred to onestop centers by VR.

# Sec. 412: Reporting Requirements

## Addt’l Data: Prior Law

## Of applicants and eligible recipients who are SD,

## # who ended participation and # who achieved employment outcomes after receiving VR services, and

## # who ended participation and were employed for 6 months and 12 months after securing or regaining employment , including:

### # who earned minimum wage

### # who received employment benefits from an employer

## Addt’l Data: New Law

## same

# Sec. 412: Reporting Requirements

## Addt’l Data: Prior Law

## Of those applicants or eligible recipients not SD,

## # who ended participation and the # who achieved employment outcomes

## # who ended participation and were employed for 6 months and 2 months after securing or regaining employment , including:

### # who earned minimum wage

### # who received employment benefits from an employer

## Addt’l Data: New Law

## Of those applicants or eligible recipients not SD,

## # who ended participation and the # who achieved employment outcomes and for those who achieved employment outcomes, the average length of time to obtain employment

## # who ended participation and were employed for 6 months and 2 months after securing or regaining employment , including:

### # who earned minimum wage

### # who received employment benefits from an employer

# Sec. 412: Reporting Requirements

## Addt’l Data: Prior Law

## Costs and Results

## Costs of conducting administration, providing assessment services, counseling and guidance and other direct services, services purchased under and IPE, supporting small business, establishing/developing/ improving CRPs, providing other services and facilitating use of other programs under this Act and title I of WIOA.

## Results of annual evaluation by the state of program effectiveness

## Addt’l Data: New Law

## same

# Sec. 412: Reporting Requirements

## Addt’l Data: Prior Law

## Age, gender, race, ethnicity, education, category of impairment, severity of disability, and students with disabilities

## Dates of application, eligibility or ineligibility, initiation of IPE, closure

## Earnings at application and closure

## Work status and occupation

## Types of public or private service providers

## Reasons for closure

## Addt’l Data: New Law

## same

# Sec. 412: Reporting Requirements

## Addt’l Data: Prior Law

## Information necessary to determine the success of the state in meeting -

## State performance measures under section 136 (b) of WIA to the extent the measures are applicable to individuals with disabilities

## Standards and indicators established pursuant to section 106.

## Addt’l Data: New Law

## Information necessary to determine the success of the state in meeting -

## Standards and indicators established pursuant to section 106.

# Sec. 412: Reporting Requirements

## New sections:

## Rules for Reporting of Data: disaggregation of data shall not be required within a category if the # in a category is insufficient to yield statistically reliable information, or if the results would reveal personally identifiable information about an individual.

## Comprehensive Report: Commissioner will provide an annual comprehensive report that includes the reports and data from this section, as well as a summary for each fiscal year. (Submission required no later than 90 days after the end of the fiscal year involved).

# Sec. 412: Cooperation, Collaboration, Coordination

## Prior Law

## Cooperative agreements with other components of the statewide workforce investment system may provide for:

## Staff training and TA on availability of benefits and info on eligibility standards, and promotion of equal, effective and meaningful participation by individuals with disabilities … through the promotion of program accessibility, use of nondiscriminatory policies and procedures, provision of accommodations, auxiliary aids and services and rehab tech.

## New Law

## Cooperative agreements with other components of the statewide workforce development system may provide for:

## Staff training and TA on availability of benefits and info on eligibility standards, and promotion of equal, effective and meaningful participation by individuals with disabilities … through the promotion of program accessibility (including programmatic/physical accessibility), use of nondiscriminatory policies and procedures, provision of accommodations, auxiliary aids and services and rehab tech.

# Sec. 412: Cooperation, Collaboration, Coordination

## Prior Law

## Use of information and financial mgmt systems that will link all components of the system

## Use of customer service features such as common intake and referral, customer databases, resource info, and human services hotlines,

## Establishment of cooperative efforts with employers

## Identification of staff roles, responsibilities, resources, and financial responsibilities

## Procedures for resolving disputes

## New Law

## same

# Sec. 412: Cooperation, Collaboration, Coordination

## Prior Law

## State plan shall include descriptions of interagency cooperation with Federal, state and local agencies and programs including programs carried out by the Under Secretary for Rural Development of the Dept of Agriculture and state use contracting programs.

## New Law

## State plan shall include descriptions of interagency cooperation with Federal, state and local agencies and programs including the state AT programs, programs carried out by the Under Secretary for Rural Development of the Dept of Agriculture, noneducational agencies serving out-of-school youth and state use contracting programs.

# Sec. 412: Cooperation, Collaboration, Coordination

## Prior Law

## State plan shall contain plans, policies, procedures to facilitate transition of students with disabilities from educational services to VR -

## Consultation and TA

## Transition planning the facilitates development and completion of IEPs

## Roles and responsibilities

## Procedures for outreach and identification of students with disabilities

## New Law

## State plan shall contain plans, policies, procedures to facilitate transition of students with disabilities from educational services to VR, including pre-employment transition services -

## Consultation and TA

## Transition planning the facilitates development and implementation of IEPs

## Roles and responsibilities

## Procedures for outreach and identification of students with disabilities

# Sec. 412: Cooperation, Collaboration, Coordination

## New section added: Coordination with Employers

## The state plan shall describe how the DSU will work with employers to identify competitive integrated employment opportunities and career exploration opportunities, in order to facilitate the provision of –

### VR services, and

### Transition services for youth with disabilities, such as pre-employment transition services

# Sec. 412: Cooperation, Collaboration, Coordination

## Coordination with SILC and CILs

## State plan shall include an assurance that the DSU, the SILC, and the CILs have developed working relationships and coordinate their activities as appropriate.

# Sec. 412: Cooperation, Collaboration, Coordination

## New section added: Cooperative Agreements regarding individuals eligible for HCBS waiver programs:

## State plan shall include an assurance that the DSU has entered into a formal cooperative agreement with the state agency responsible for administering Medicaid and the state agency responsible for providing services and supports for individuals with intellectual and developmental disabilities, with respect to the delivery of VR services, including extended services, for individuals with MSD eligible for HCBS under a Medicaid waiver, state plan amendment or other Medicaid authority.

# Sec. 412: Cooperation, Collaboration, Coordination

## New section added to Cooperative agreements for recipients of grants for services to American Indians.

## Maintains same assurance requirements as previous law, including

### Strategies for interagency referral and information sharing.

### Procedures for ensuring provision of VR services for those living on or near a reservation or tribal service area.

### Sharing of resources in cooperative studies, joint training, and other collaborative activities.

## Adds requirement to identify strategies for provision of transition planning by staff from the DSU, the SEA, and the Part C recipient

# Sec. 412: Cooperation, Collaboration, Coordination

## New section added on Coordination with AT Programs.

## State plan shall include an assurance that the DSU and the lead agency (and implementing agency if different) for AT have developed working relationships and will enter into agreements for the coordination of their activities, including referral.

# Sec. 412: Cooperation, Collaboration, Coordination

## New section added on Coordination with Ticket to Work and Self Sufficiency Program .

## State plan shall include an assurance that the DSU will coordinate activities with any other state agency that is functioning as an Employment Network under the Ticket program.

# Sec. 412: Cooperation, Collaboration, Coordination

## New section added on Interagency Coordination:

## State plan shall describe how the DSU(s) will collaborate with the state agency responsible for administering the Medicaid plan, the state agency responsible for providing services for individuals with developmental disabilities, and the state agency responsible for providing mental health services, to develop opportunities for community-based employment in integrated settings, to the greatest extent possible.

# Sec. 412:Extended Employment

## Annual review of individuals in extended employment or other employment under special certificate provisions

## Required for those who work in extended employment or under a special certificate provision for 2 years after the achievement of the outcome and thereafter if requested by the individual or their representative.

## Semi-annual review of individuals in extended employment or other employment under special certificate provisions

## Required for those who are employed in extended employment or under a special certificate provision for 2 years after the beginning of such employment, and annually thereafter

## New assurance that the state will report this information to the Administrator of DOL’s Wage and Hour Division for each FY, no later than 60 days after the end of the FY.

# Sec. 412:Annual Goals/Reports

## Maintains requirements for results of a triennial comprehensive assessment, looking at the rehabilitation and VR needs of:

### Individuals with MSD, including SE needs

### Individuals who are minorities & those unserved or underserved by VR

### Individuals served through other workforce components

## Adds a new component to the assessment – youth and students with disabilities, including their need for pre-employment or other transition services, including the extent to which such services under this Act are coordinated with transition services under IDEA.

## Maintains assessment of the need to establish, develop or improve CRPs within the state,

## Maintains requirement to submit a report regarding updates to the assessments for any year the state updates the assessments.

# Sec. 412:Annual Goals/Reports

## Maintains requirements for annual estimates including:

### # eligible for services

### # who will receive services under Part B

### Estimated # by category if the state is in OOS

### Costs of services , and the service costs by category if the state is in OOS

## Adds a requirement to report on the # eligible for services but who are not receiving services due to an OOS.

# Sec. 412:Annual Goals/Reports

## Maintains requirements for goals and priorities.

## Adds a new component to the strategies section, requiring reporting on the methods to be used to improve and expand VR services for students with disabilities, including the coordination of services to facilitate transition.

## Maintains requirements for Evaluation and Reports of Progress.

# Sec. 412:Services for Students

## Adds a new section for services to students with disabilities, requiring an assurance that the State –

### Has developed and will implement –

#### Strategies to address the needs identified in the assessments

#### Strategies to achieve the goals and priorities identified by the state to improve and expand VR services for students with disabilities on a statewide basis

### Has developed and will implement strategies to provide pre-employment transition services.

# Sec. 412:Job Growth/Development

## Adds a new section for Job Growth and Development, requiring an assurance describing how the State will utilize initiatives involving in-demand industry sectors or occupations to increase competitive integrated employment opportunities for individuals with disabilities.

# Sec. 412: Submission, Approval, Modifications

## Modifies the section on Approval/Disapproval of the State Plan to “Submission; Approval; Modification” and indicates that the state plan for VR services shall be subject to sections 102 or 103 of WIOA.

# Sec. 412:Construction

## Adds a new Construction clause, indicating that nothing in this part shall be construed to reduce the obligation under IDEA of a local educational agency or any other agency to provide or pay for any transition services that are also considered special education or related services and that are necessary for ensuring a free appropriate public education to children with disabilities within the State involved.