



NDSC Governmental Affairs Newsline

May 28, 2014

New Legislation for Workforce Programs for People with Disabilities

The U.S. House of Representatives and the Senate have reached agreement on a bill that would update the current workforce system. This bill is called *Workforce Innovation and Opportunity Act*, and includes changes to the Vocational Rehabilitation system (VR) that is supposed to help people with disabilities find and maintain employment.

Background

The VR system, although charged with assisting people with disabilities in finding jobs, has generally not been successful finding meaningful employment for people with significant disabilities. The reasons are varied, but include lack of funding, lack of positive expectations for people with significant disabilities, lack of priority given to their need for services, and lack of understanding about what those needs are. Some state VR directors have tried to change this dynamic, however the success rate remains very low. NDSC has attempted to give a voice in this legislation to people with intellectual disabilities and has promoted competitive, integrated jobs for *all* people.

[The Workforce Innovation and Opportunity Act](#), which is expected to reach the Senate floor for a vote, has many positive provisions, in particular calling for transition-aged youth to access the services and supports they need to succeed in competitive integrated employment.

A few of the specifics of the Rehabilitation Act of the *Workforce Innovation and Opportunity Act* are:

- Stresses competitive integrated employment as the first and best choice for people with disabilities, and directs 15 percent of VR funds to assist with transitioning young people with disabilities to the workforce.
- Increases pre-employment transition services to include experience in competitive integrated settings through internships, part-time jobs and summer jobs, and requires state VR agencies to **presume all individuals with disabilities who want to work can do so with the appropriate supports and services.**
- Aligns disability programs in order to ensure that individuals receive the services, technology, and support they need in order to live inclusive, successful lives.
- Provides for the provision of technical assistance to promote high quality employment outcomes.
- Maintains the Rehabilitation Services Administration (RSA) within the Department of Education, rather than moving it to the Department of Labor as was proposed.

However, the NDSC, along with many members of the *Collaboration to Promote Self Determination*, remain opposed to Section 511, entitled ***Limitations on Use of Subminimum Wage***. While this title purports to limit use of subminimum wage, NDSC believes it actually will achieve the opposite effect and provide a pathway into subminimum wage jobs for people with significant disabilities, many of whom are plagued by low expectations and inappropriate evaluations.

We are pleased that competitive integrated employment plays a prominent role in this legislation. However, we will closely monitor drafting of regulations to implement this law and hopefully be able to increase opportunities for integrated competitive employment for people with Down syndrome and other significant disabilities.

Long Term Support Services and Medicaid Managed Care

As states shift to a managed care model to implement the **Home and Community Based Services Program** (*the program under which virtually all support services for adults with disabilities are provided*), it is important for advocates to be aware of what is happening in their own states and use this knowledge to get involved in the process.

The National Association of Councils on Developmental Disabilities, the National Disability Rights Network, and the Association of University Centers on Disabilities announced a publication for advocates to enable them to follow implementation of the HCBS final rule. The rule sets forth new requirements for several Medicaid authorities under which states may provide home and community-based long term services and supports. The website will have both state and federal resources to help track what states are doing to comply with the rule, and educate advocates about the important provisions. See the website here: <http://hcbsadvocacy.org>.

NDSC envisions a world with equal rights and opportunities for people with Down syndrome.

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