**Recommendations to Improve Implementation of the**

**Workforce Innovation and Opportunity Act (WIOA)**

Pennsylvania Office of Vocational Rehabilitation

September 20, 2017

Thank you for the opportunity to comment on the Workforce Innovation and Opportunity Act. Below is the Pennsylvania Office of Vocational Rehabilitation’s (OVR) list of suggested changes.

**Pre-Employment Transition Services [34 C.F.R. §361.48(a)]**

Overall, the implementation of PETS is overly complicated and difficult and time consuming to track due to the level of complexity. Staff, schools, providers, students, and parents have reported having a difficult time understanding certain parts of the regulation (e.g. - why some things are allowable and others are not, when funding can be used, when they must open a case, what needs to be tracked and when, etc.). Simplification of the regulations would be helpful to all involved. With that in mind, some suggestions follow.

1. The amount of data tracking is significant for potentially eligible students who do not have open cases and should be reduced. The ability to obtain releases of information to collect the information is difficult and limits the ability of staff to work with students who have not returned their paperwork or whose parents have not signed a release. *[34 C.F.R. §361.40(a)]*
2. Transportation should be made an allowable service in order to get students with disabilities to PETS events or work-based learning experiences. *[34 C.F.R. §361.5(c)(2)(xii)]*
3. Work-based learning development costs should be permitted under WBLE costs. *[34 C.F.R. §361.48(a)(2)(ii)]*
4. Supported Employment services for work-based learning experiences should be allowable using PETS funds. *[34 C.F.R. §361.48(a)(2)(ii)]*
5. Add a 90-day grace period to allow services to continue/complete after graduation or until post-secondary enrollment to help ensure better outcomes and to help negate the drop-off of services after a student graduates. *[34 C.F.R. §361.5(c)(51)]*
6. The requirement to collect a specific disability type as part of the PETS information on potentially eligible students should be dropped. *[34 C.F.R. §361.40(a)]*
7. Assistive Technology equipment and evaluation should be an allowable PETS service under work readiness. *[34 C.F.R. §361.48(a)(2)(iv)]*
8. Vocational assessment should be an allowable PETS service under work readiness. *[34 C.F.R. §361.48(a)(2)(iv)]*
9. The definition of Student with a Disability should be raised to age 24 to further account for students enrolled in post-secondary opportunities. *[34 C.F.R. §361.5(c)(51)]*
10. Expenses associated with the participation in a program (e.g. - uniforms, shoes, safety equipment, etc.) should be allowable, along with other incidental supplies necessary for a student to participate in a PETS event or work experience. *[34 C.F.R. §361.48(a)(3)]*
11. Food should be an allowable PETS expense if it meets the federal four-part test, in order to aid in getting students and parents to participate in evening and weekend events. *[34 C.F.R. §361.48(a)(3)]*
12. The ability to grant funds should be reintroduced. The procurement process for contracts is administratively burdensome and allowing for grants would help to allow services to happen more quickly.

**Section 511 [34 C.F.R. §397]**

Section 511 requirements are proving to be burdensome and time-consuming for an already overwhelmed system with limited resources. PA OVR suggests:

1. Eliminate requiring a six-month and a 12-month visit for individuals who are newly enrolled in subminimum wage, or youth. Suggest only requiring a single visit per year regardless of the individual’s age or when they started.*[34 C.F.R. §397.40(c)]*
2. Add the ability to opt out for participants who are over age 50 to help reduce the burden of performing counseling sessions annually. *[34 C.F.R. §397.1(b)(2)]*

**Supported Employment Services [34 C.F.R. §361.5(c)(54)]**

1. Job development should be an allowable service for Federal Supported Employment funds.*[34 C.F.R. §361.5(c)(54) vs.* *Employment Outcomes, Competitive Integrated Employment, and Limitations on Use of Subminimum Wage* presentation at the RSA Regional Training Series (2016), slide 25] Many state systems have this service built into their SE process. To have to separate this service from the service authorization process adds additional administrative burden and confusion to staff and providers. States spend significantly more on SE services than the Federal SE funds anyway; as a result, there is no perceived gain by requiring the separation of this part of the service.
2. Eliminate the supported employment status 26 closure and just allow those cases to be reported as a status 26. *[34 C.F.R. §363.55; RSA-911, Section XVI]*
3. The changes to the matching requirement for Federal SE funds are overly complicated for such a small amount of funds. *[34 C.F.R. §361.60]*

**Competitive Integrated Employment (CIE) [34 C.F.R. §361.5(c)(9)]**

1. Allow contracts under JWOD and other state-level procurement programs to be considered CIE as long as competitive wage and advancement criteria are met. *[34 C.F.R. §361.5(c)(9)(ii)]*
2. Integration should be optional if it is the customer’s choice to work under a contract as long as the wage is comparable to peers in similar positions and there are opportunities for advancement.*[34 C.F.R. §361.5(c)(9)(i) and 34 C.F.R. §361.5(c)(9)(ii)]*

**RSA 911 Report [Policy Directive RSA-PD-16-04 and Reporting Manual for the Case Service Report (RSA-911) (OMB Control Number 1820-0508, June 2016)]**

A tremendous amount of data collection is currently required. Staff have repeatedly indicated that they are spending more time collecting and entering data than meeting with customers and providing counseling services. A balance between data collection and outcomes would be beneficial to staff, and especially to customers. Better alignment with federal partners on the questions asked and data collected is needed. It would also be beneficial if legislation would be enacted that requires and allows data to be shared between Workforce, Center for Medicare and Medicaid Services (CMS) Waiver providers, and Secondary and Post Education entities to help ensure that funds are able to be maximized and services are not being duplicated. Suggestions related to RSA-911 changes follow.

1. The tracking of Measurable Skill Gains is overly burdensome *[Section XV]*. Suggest eliminating it, or allow it to be by self-report documented in a case progress note. Staff are spending too much time tracking down verification documentation for things that hold little value to them as far as helping a person become employable or employed. Specifically, Educational Functioning Level should not be collected. *[Section XV (A)]*
2. Post-exit information should be eliminated overall, or reduced to eliminate credential attainment after exit.*[Section XVIII (A-G)]*
3. Collecting placement data and closure data on Status 26 closures is overly burdensome and unnecessary. Require the closure information only. *[Sections XVI and XVII]*
4. There is a duplication of data being collected between Data Element 76 (Highest Educational Level Completed) and Data Element 77 (Highest Elementary or Secondary School Grade Completed). It is confusing to staff and customers and seemingly unnecessary. *[Section IX (F)(3,4)]*
5. There is a duplication of data being collected between Data Element 83 (Enrolled in Postsecondary Education – Highest Academic Year) and Data Element 84 (Enrolled in Postsecondary Education). It is confusing to staff and customers and seemingly unnecessary. *[Section IX (F)(10,11)]*

If you have questions about these suggestions, please contact:

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