



NEW YORK
STATE

BOARD OF
REGENTS

—

FEDERAL
LEGISLATIVE

and

FUNDING

PRIORITIES

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WORKFORCE INVESTMENT ACT (WIA)



The future prosperity of New York State and the nation depends on a skilled and knowledgeable workforce. The Workforce Investment Act, enacted in 1998, supports workforce development by connecting the vocational rehabilitation, adult education and family literacy, and postsecondary career and technical education systems for the delivery of high-quality education and training to out-of-school youth and adults.

Title I: Workforce Investment Act

Title I requires that each of nearly 600 local workforce investment areas in the nation develop and administer a one-stop delivery system.

In every local workforce investment area in New York State, programs for adult education, vocational rehabilitation, and postsecondary career and technical education, which are administered by the New York State Education Department, are mandatory partners and contribute to the delivery centers' shared costs.

Recommendations for Title I

- **Create a separate line-item appropriation to fund the one-stop delivery center infrastructure.** Dedicated funding, in the form of a separate line-item appropriation, is needed to maintain system capacity and ensure efficient service delivery.
- **Maintain the representative balance on Youth Councils and simplify eligibility determinations.** The current ratios of in-school and out-of-school representatives on Youth Councils should be maintained. An alternative would be to provide State Workforce Investment Boards with the authority to determine the appropriate representation ratio. To simplify the time-consuming and costly eligibility determination process for youth participation, programs should be permitted to use eligibility for free and reduced-price lunches as a proxy.
- **Ensure the representation of key partners on Local and State Workforce Investment Boards.** On *local* boards, representation by key education and vocational rehabilitation partners designated by the state education agency should be maintained. On *state* boards, membership should be expanded to include representatives from agencies and organizations overseeing programs for persons with disabilities.

Title II: Adult Education and Family Literacy Act

Title II provides out-of-school youth over age 16 and adults with the literacy, English language, and GED preparation instruction needed to become effective workers, parents, citizens, and community members.

According to the January 2009 report from the National Center for Educational Statistics, 22 percent of all out-of-school youth and adults in New York State lack basic literacy skills. Due in part to the loss of \$7 million in federal funding since 2002, the State's literacy programs are able to serve only five percent of the eligible population. In 2008, the number of students age 25 or older without a high school diploma totaled 2.6 million and the number of adults who do not speak English well was estimated at 2.3 million, but only 129,000 individuals could be served.

Recommendations for Title II

- **Reward good state performance.** Provide additional funding to states with high-performing adult education programs. To be eligible programs should meet or exceed core performance indicators in the National Reporting System.
- **Expand funding for state leadership activities.** To assist states in providing stronger support for statewide activities, raise the current ceiling on funding for state leadership activities from 12.5 percent to 15 percent.
- **Retain the state maintenance of effort requirements.** The current maintenance of effort (MOE) requirements are important to sustaining current levels of service; New York determines its level of state funding through a formula based on contact hours.
- **Create a separately funded health literacy program.** A new health literacy program with dedicated funding is necessary to improve the ability of adults with limited literacy or English language skills to read, understand, and use health information to make appropriate healthcare decisions and follow instructions for treatment.
- **Create a separately funded literacy zone pilot program.** A new separately funded pilot program is needed to test comprehensive approaches for addressing the intergenerational literacy and English language proficiency needs in rural and urban communities of concentrated poverty. Program elements should include support for family welcome centers that link effective adult education with broader educational initiatives, provision of postsecondary transition and workforce development services, and coordination with other benefits and services designed to provide a pathway out of poverty.

Title IV: Vocational Rehabilitation Act

Title IV empowers individuals with disabilities to maximize employment, economic self-sufficiency, independence, and inclusion.

Based on trend data, New York State projected that just over 90,000 individuals would be served by the state's vocational rehabilitation system in FY 2008, but by the end of FY 2007, the State had already served more than 93,100. Eligibility determinations and applications for services increased throughout FY 2008 and it is likely that the state will once again substantially exceed the data trend projection for FY 2009.



Recommendations for Title IV

- **Enhance the current funding formula.** The funding formula for vocational rehabilitation must ensure that states have adequate support for increased service demand and producing quality employment outcomes. Preserving the overall cost-of-living increase based on the Consumer Price Index is critical to maintaining system capacity. In addition, the funding formula should be adjusted to ensure that no state receives less than a cost-of-living increase when the total federal appropriation increases.
- **Create a new \$100 million separately funded program to provide school to adult life transition services.** New York State's IDEA State Performance Plan data indicate that *schools* lack adequate resources to provide comprehensive and effective transition planning and services for students with disabilities. To fill the gap, additional dedicated resources are needed to assist *state vocational rehabilitation programs* in providing employment focused interventions and supports as part of the transition process. The cost and benefits of such programs are well documented. Absent transition services, prospects for a student's success in adult life are compromised. Many students in need of transition services, but unable to access them, end up unemployed or incarcerated.
- **Create a new \$100 million separately funded program to provide services to veterans.** Disabled Gulf War and Vietnam veterans represent constituencies that need and deserve access to comprehensive training and services leading to successful employment. Dedicated funding for this population will allow state vocational rehabilitation programs to meet the particularly challenging demands of veterans who experience traumatic brain injuries (TBI) and post-traumatic stress disorders (PTSD) and provide better coordination with other state and federal services for veterans.
- **Restore/create incentives to increase the supply of qualified vocational rehabilitation counselors.** The lack of qualified staff represents a substantial challenge to state vocational rehabilitation programs and has resulted in many states struggling to meet the requirements of WIA's Comprehensive System of Personnel Development. Compounding the problem is that many qualified vocational rehabilitation counselors are moving to service systems that offer better pay and less demanding environments. To address the acute shortage of qualified vocational rehabilitation counselors, support should be restored for expanding university-based vocational rehabilitation programs and incentives should be created for students who pursue master's level degrees or higher vocational rehabilitation credentials.
- **Maintain the 18-month limitation on *intensive* supported employment services.** New York State provides substantial financial resources for *extended* supported employment, which allows the State to provide long-term services to individuals with developmental, mental health and other disabilities. Eliminating the 18-month limitation on *intensive* supported employment services would blur the line between *intensive* and *extended* services and could result in a reduction of State designated funds for *extended* services and a decreased capacity for new recipients of *intensive* services.



- **Increase opportunities for entrepreneurship and self-employment.** Entrepreneurship and self-employment are employment environments that are highly flexible and customized to accommodate interests, abilities and limitations of individuals with a broad range of disabling conditions. To take advantage of such opportunities, provisions should be included that would facilitate linkages between state vocational rehabilitation services and the emerging self-employment resources and opportunities in one-stop employment centers, the Small Business Administration and Department of Veterans Services.
- **Expand the Social Security Administration's (SSA) demonstration authority.** SSA should be given the authority to test rule changes to mitigate the complexity associated with current work incentive provisions and evaluate new rules that would allow for a more gradual reduction in Social Security Disability Insurance benefits as recipients increase their work-based earnings. The demonstration authority also should allow for the evaluation of changes in eligibility requirements for related service systems, such as Supplemental Security Income, housing subsidies, food stamps and Medicaid/Medicare.
- **Encourage the Office of Special Education and Rehabilitation Services (OSERS) to promote federal hiring of qualified individuals with disabilities.** There is broad-based recognition that efforts to promote Schedule A hiring opportunities across federal agencies has not been well coordinated. In addition, federal outreach and hiring efforts have not been adequately funded. The Rehabilitation Services Administration (RSA) should have the authority and funding to effectively coordinate Schedule A recruitment and hiring practices across federal agencies.
- **Modify the funding formula and, if additional resources are provided, expand the "core services" provided by Centers for Independent Living (CILs).** Future funding for current independent living core services should be tied to increases in the Consumer Price Index. If additional funding is provided, transition services should be added as a fifth "core service." Transition services provided by CILs have proven effective in assisting individuals with disabilities transition from nursing homes to community living and students with a wide range of disabling conditions transition from school to adult life. However, without additional funding, CILs would be unable to meet the demands of a new core service requirement.
- **Improve the effectiveness of Statewide Independent Living Councils (SILCs):**
 - Require the chairperson to be selected from among the voting members of the SILC;
 - Require the Council to provide advice and assistance to the Designated State Unit regarding the performance of its responsibilities;
 - Require the Council to facilitate the improvement and coordination of services provided to individuals with disabilities by CILs, the Designated State Unit, other government agencies and community organizations;
 - Require the Council to conduct resource development activities to obtain funding from public and private resources to support the provision of independent living activities and services; and
 - Require the Council to perform other functions, *including but not limited to systems advocacy*, consistent with its purpose.

For additional information:

Cynthia Woodside, Federal Relations Liaison, cwoodside@mail.nysed.gov or 202-659-1947

