

July 24, 2014
U.S. DEPARTMENT OF EDUCATION
THE WORKFORCE INNOVATION AND OPPORTUNITY ACT
OVERVIEW OF TITLE IV:
AMENDMENTS TO THE REHABILITATION ACT OF 1973

THE WORKFORCE INNOVATION AND OPPORTUNITY ACT (WIOA)

On July 22, 2014, President Obama signed into law the Workforce Innovation and Opportunity Act (WIOA), which replaces the Workforce Investment Act of 1998 (WIA) and amends the Rehabilitation Act of 1973 (Rehabilitation Act). This new law, which was a bipartisan and bicameral effort, represents a renewed commitment to workforce development with an eye to the future through innovation and support for individual and national economic growth. It is aimed at increasing opportunities, particularly for those individuals with disabilities who face barriers to employment, and invests in the important connection between education and career preparation.

The following summary highlights significant changes made to the Rehabilitation Act by title IV of WIOA, which took effect on the date of enactment – July 22, 2014. This is not intended to be a comprehensive listing of changes. The Rehabilitation Services Administration, in the Office of Special Education and Rehabilitative Services, U.S. Department of Education, will provide detailed technical assistance on the statutory changes in the near future.

HIGHLIGHTS OF CHANGES TO REHABILITATION ACT PROGRAMS

Increases Services to Youth with Disabilities: Throughout WIOA, especially in the amendments to the Rehabilitation Act, there is a significant emphasis on the provision of services to youth with disabilities. To that end, WIOA:

- Emphasizes the need for youth with disabilities to have more opportunities to practice and improve their workplace skills, to consider their career interests, and to get real world work experience.
- Requires State vocational rehabilitation (VR) agencies to make “pre-employment transition services” available to all students with disabilities.
- Requires State VR agencies to set aside at least 15 percent of their Federal VR program funds to provide pre-employment transition services to assist students with disabilities make the transition from secondary school to postsecondary education programs and competitive integrated employment.
- Allows State VR agencies to prioritize serving students with disabilities.
- Allows State VR agencies to support advanced training in STEM and other technical professions.
- Dedicates half of the Federal Supported Employment program funds to provide youth with the most significant disabilities with the supports they need, including extended services, to enable them to obtain competitive integrated employment.

Supports Employer Engagement: WIOA contributes to economic growth and business expansion by ensuring that the workforce is job-driven, matching employers with skilled individuals.

- WIOA places strong emphasis on employer engagement across all programs.
- There are increased opportunities under the VR program to assist employers in providing work-based learning experiences for individuals with disabilities, including participation in apprenticeships and internships.
- VR State agencies will describe in their State plans how they will work with employers to identify competitive integrated employment opportunities for individuals with disabilities.

Emphasizes Competitive Integrated Employment: WIOA places significant emphasis on obtaining competitive integrated employment, especially in the amendments to the Rehabilitation Act.

- WIOA promotes competitive integrated employment in all of its programs, especially the VR and Supported Employment programs authorized under the Rehabilitation Act.
- VR program services are designed to maximize the ability of individuals with disabilities, including individuals with the most significant disabilities, to achieve competitive integrated employment through customized employment, supported employment, and other individualized services.
- The VR State plan must ensure that priority is given to individuals who are otherwise eligible for VR program services and who are at imminent risk of losing their jobs unless they receive additional necessary post-employment services.
- An Advisory Committee on Increasing Competitive Integrated Employment for Individuals with Disabilities is established to develop strategies for improving opportunities for competitive integrated employment for individuals with disabilities, especially those with the most significant disabilities.

Enhances Accountability: WIOA puts a premium on ensuring the accountability of Federal programs.

- WIOA increases accountability and places stronger emphasis on results through the establishment of common employment outcome measures across core WIOA programs, including the VR program.
- In order to promote increased transparency about the outcomes of Federal workforce programs, WIOA includes six primary indicators of performance for adults served under programs authorized under the Rehabilitation Act, and six primary indicators for youth served under the Rehabilitation Act.
- The common outcome measures across core WIOA programs will allow policymakers, program users, and consumers to better understand the value and effectiveness of the services.

Promotes Collaboration and Efficiency: WIOA establishes several new requirements to ensure greater efficiency within the programs and to ensure collaboration among all relevant stakeholders at both the Federal and State levels to ensure that the vision of WIOA is implemented.

- WIOA seeks to improve coordination between the primary Federal programs that support employment services, workforce development, adult education, and VR activities.
- WIOA encourages alignment between the four core programs: (1) the Adult, Dislocated Worker, and Youth formula programs administered by the Department of Labor (DOL) under title I; (2) the Adult Education and Literacy program administered by the Department of Education (ED) under title II; (3) the Wagner-Peyser Act employment services program administered by DOL; and (4) the VR program administered by ED.
- The core programs of the Workforce Innovation System, including the State VR program, must submit a Unified State Plan that includes common goals and strategies for fulfilling Federal requirements.
- The evaluation standards for all programs are aligned throughout WIOA.

Promotes training and technical assistance for grantees:

- WIOA adds a 1.8 to 2 percent set-aside in the American Indian Vocational Rehabilitation Services program for training and technical assistance to grantees.
- WIOA adds a 1.8 to 2 percent set-aside in the Independent Living Services for Older Individuals Who Are Blind program for training and technical assistance to grantees.

Transfers Programs: WIOA transfers certain programs from ED to the Department of Health and Human Services (HHS) and gives the Secretaries of ED and HHS authority to ensure an orderly transition as they implement these changes.

- WIOA transfers the following programs from ED to the Administration for Community Living (ACL) in HHS:
 - State Independent Living Services Program (IL, Part B),
 - Centers for Independent Living Program (IL, Part C),
 - National Institute on Disability and Rehabilitation Research; and
 - Programs under the Assistive Technology Act of 1998.
- ED retains the administration of the Independent Living Services for Older Individuals Who Are Blind program, and it continues to reside in State VR agencies (blind or combined agencies) at the state level.
- ED will continue to administer the affected programs until the orderly transfer to HHS can be completed as soon as reasonably possible.
- The transfers will be managed in a manner that minimizes any disruption to the provision of services by the grantees under these programs and to the individuals with disabilities who are served by those programs.
- ED and HHS will inform grantees as new information about the transfers becomes available.

Repeals Programs: WIOA repeals several programs, including the following programs under the Rehabilitation Act.

- In-Service Training Program.
- Migrant and Seasonal Farmworker Program.
- Recreational Programs.
- Projects with Industry.