



COMMONWEALTH OF VIRGINIA
Virginia Board for People with Disabilities

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TO: Virginia Board of Workforce Development

FROM: Heidi L. Lawyer

A handwritten signature in blue ink, appearing to read "Heidi Lawyer", written over a horizontal line.

RE: Public Comment on the Commonwealth Workforce Innovation and Opportunity Act
Combined State Plan

I am writing on behalf of the Virginia Board for People with Disabilities (VBPD) to comment on the Commonwealth's Proposed Workforce Innovation and Opportunity Act (WIOA) Combined State Plan. WIOA, and the coordinated workforce planning that it requires, presents the Commonwealth with a tremendous opportunity to reevaluate the ways in which it prepares its citizens for the workforce and supports individuals to obtain and maintain meaningful employment, especially individuals with barriers to employment, including individuals with disabilities. The VBPD appreciates this opportunity to provide feedback on the draft state plan. We look forward to additional opportunities to engage in the planning and implementation phases of WIOA to ensure that people with disabilities receive the education, supports, and opportunities that they need to obtain competitive integrated employment and to close the opportunity gap that separates people with disabilities from their peers without disabilities in the Commonwealth of Virginia.

We applaud the efforts of the Virginia Board of Workforce Development to coordinate the activities of the multiple agencies and other local and state entities involved in this complex planning process. The result is a draft plan that lays out a number of important priorities and the steps needed to move towards achievement of those priorities in the Commonwealth. We are especially pleased to see that people with barriers to employment included in the combined plan's overall goals, specifically Goal 4: "Help individuals, including individuals with barriers, gain access to the middle class and demonstrate career progression."

While the proposed plan has many positive attributes, we believe that it can and must better address the needs of people with disabilities. The emphasis on people with barriers to employment, including people with disabilities, is one of the signature improvements of WIOA over its predecessor statutes, and the combined plan should do the same. The VBPB offers the following recommendations to enhance the combined plan's disability-specific elements:

1. Expand the analysis of employment data related to people with disabilities in the Economic and Workforce Analysis section of the plan.

States are required under WIOA to include in their Unified or Combined State Plan:

An analysis of the current workforce, employment and unemployment data, labor market trends, and the educational and skill levels of the workforce, including individuals with barriers to employment (including individuals with disabilities), in the State. WIOA §102(b)(1)(B).

The overall workforce analysis contained in the draft Combined State Plan lacks meaningful analysis of employment data, educational and skill levels, and barriers to meaningful employment related to people with disabilities. The economic and workforce analysis paints a thorough picture of Virginia's overall economic outlook, but it provides minimal data about populations with barriers to employment, especially people with disabilities. The only data points contained in the analysis that relate to people with disabilities are the percentage of Virginians who have a disability (9.1%), the area of the state with the highest percentage of people with disabilities (Southwest), and the percentage of Virginians with a disability who participate in the labor market (43.4%). The economic and workforce analysis lacks analysis of the specific barriers to employment that people with disabilities face. Taken together, the data points addressed in the workforce analysis tell us very little about the employment needs of people with disabilities or how those needs might be met through coordinated interagency statewide goals and strategies.

Both the Department for Aging and Rehabilitative Services (DARS) and the Department for the Blind and Vision Impaired (DBVI) provide additional data in the Vocational Rehabilitation portion of the combined plan. These data should be expanded upon and incorporated into the Economic and Workforce Analysis in order to inform the combined state plan's goals and strategies, rather than relegated to the Vocational Rehabilitation-specific sections of the plan. Only by assessing the barriers and needs of Virginia's most vulnerable populations can the Commonwealth develop a combined plan that serves the needs of all of its citizens.

One of the Workforce Innovation and Opportunity Act's (WIOA's) signature improvements over its predecessor Acts is its emphasis on competitive integrated employment for people with disabilities. **Virginia has historically over-relied on segregated day programs and employment options for people with disabilities.** This over-reliance on segregated employment was noted by the Department of Justice (DOJ) in its 2011 Summary of Findings, which resulted in the DOJ Settlement Agreement that the Commonwealth is currently implementing. The DOJ's Summary

of Findings noted that Virginia is “overly reliant on segregated, sheltered workshops and day programs.” According to the Institute for Community Inclusion, *National Report on Employment Services and Outcomes* (Butterworth et. al., 2014), only one in four people with intellectual and other developmental disabilities who received day or employment services in Virginia in 2013 received those services in integrated employment settings; over 80% of the funds invested in day and employment services for people with developmental disabilities in Virginia were invested in segregated and non-work services. This overreliance on segregated employment is an important part of understanding how people with disabilities fit into Virginia’s broader economy today. Yet the data are not captured either in the overall workforce analysis or in the Vocational Rehabilitation sections of the plan.

The low labor force participation rate of people with disabilities in Virginia is the product of a confluence of factors. According to Virginia Department of Education (VDOE) data, **People with disabilities consistently have higher high school dropout rates and lower graduation rates than people without disabilities. People with disabilities are significantly less likely to obtain postsecondary degrees and occupation-related credentials than their peers without disabilities.** Additionally, studies confirm that **people with disabilities are victims of low expectations, conscious and unconscious biases, and discrimination in the labor market** (Houtenville and Kalargyrou, 2012; Fiske, Cuddy and Glick, 2007). These factors are not adequately captured in the plan’s analysis of Virginia’s workforce and this is reflected in the absence of goals and strategies focused on addressing these issues in the unified state plan.

People with disabilities face poverty at rates that far exceed their peers without disabilities. **People with disabilities who are employed often work limited hours for low wages, some even earning subminimum wages.** Low labor market participation and low wages conspire to ensure that large numbers of people with disabilities live in poverty. In 2013, 9.8% of Virginians without disabilities lived below the poverty line, while 25.4% of all people with disabilities and 32.5% of people with cognitive disabilities lived below the poverty line that same year (Butterworth, 2014).

The Economic and Workforce Analysis section of the Combined State Plan should address the Commonwealth’s historical overreliance on segregated employment, the burdens of low expectations and biases to which people with disabilities are subjected, and the extreme poverty that many people with disabilities endure. These data are relevant to understanding the employment barriers faced by people with disabilities and necessary for fashioning informed goals and strategies to meet their needs.

2. Address strengths and weaknesses of Virginia’s workforce development activities that are specific to people with disabilities and the programs that are designed to serve them

The Combined state plan must address the state’s workforce development activities, including:

An analysis of the strengths and weaknesses of such activities, and the capacity of State entities to provide such activities, in order to address the identified education and skill needs of the workforce and the employment needs of employers in the state. WIOA §102(b)(1)(C).

The VBPB applauds the Commonwealth for recognizing the fragmented nature of employment services in Virginia as a weakness of the system. Overall, however, the identified weaknesses are not sufficiently specific or comprehensive. We recommend a review of Hawaii's draft combined state plan, which contains a fairly comprehensive strengths and weaknesses section, including a chart that lists the strengths and weaknesses of the system, as well as of each individual program contained in the plan. This approach ensures that weaknesses specific to each program are included in the plan.

Key flaws of the Virginia's workforce assistance system specific to individuals with disabilities are not identified in the strengths and weaknesses section of the combined state plan. In addition to Virginia's historical overreliance on segregated employment and lack of efforts to address lasting stigma and biases about people with disabilities in the workforce, vocational rehabilitation services have been chronically underfunded in Virginia. The Department of Aging and Rehabilitative Services (DARS) has been operating an Order of Selection since 2007, because of insufficient funding to serve everyone on its waiting list for services. Although it is positive that two categories are now open under the DARS Order of Selection, numerous individuals who could benefit from the program remain unserved.

Virginia's workforce assistance system does not adequately serve all students with disabilities. Transition services for students with disabilities under an Individualized Education Program (IEP) begin at age 14 in the public schools. Like workforce services, however, the availability and comprehensiveness of these services varies significantly throughout the state (VBPB *2014 Assessment of the Disabilities Services System*). DARS recommends that students with disabilities initiate transition services with their agency three years prior to exiting high school. Many families, however, report that these services were not available until as late as their child's senior year of high school. This discrepancy may be due to a number of factors, including Virginia's fragmented school system and the lack of uniformity in how information is disseminated to families and how referrals to DARS are initiated.

As an Employment First state, competitive employment-focused transition services should be a regular part of the school experience for every child with a disability, beginning early in each student's education. There has been increasing collaboration between the Virginia Department of Education (VDOE) and DARS which have worked together to sponsor innovative employment programs for students such as Project Search. More models, however, are needed in order to address a broader spectrum of student abilities and needs.

It is also important to note that there are students with disabilities in the public schools who are not receiving services under an IEP, but as a result of their disability still face barriers to employment (i.e., a physical disability that does not impact educational achievement). For

these students, specialized school-based transition services are not required. There are also inadequate post-secondary education opportunities for people with disabilities in Virginia, particularly those with developmental disabilities, including intellectual disabilities and Autism Spectrum Disorders. Some colleges and universities in Virginia, as in other states, have invested in innovative programs focused on equipping students with disabilities with the skills that they need to succeed in the workplace and in life. The Virginia Commonwealth University's (VCU's) Ace-It program and the George Mason University's Mason LIFE program are good examples. Yet the most extensive network of career training centers in the Commonwealth, the system of community colleges in Virginia, does not have sufficient focus on including students with disabilities in its programs. Community colleges often impose inflexible barriers to entry to many programs, such as placement testing requirements, that effectively screen out students with serious disabilities who would benefit from participation in such programs. A description of college programs from around the country can be found in a 2013 guide published by the University of Massachusetts Institute for Community Inclusion, titled *Profiles and Promising Practices in Higher Education for Students with Intellectual Disabilities*.

We recommend adding the following weaknesses of Virginia's system specific to individuals with disabilities:

- Virginia's historical overreliance on segregated employment options for people with disabilities
- Insufficient funding for vocational rehabilitation resulting in waiting lists for services and implementation of an Order of Selection
- Inadequate state funding for model employment demonstration programs and their replication
- Inconsistent access to early and meaningful transition services for students with disabilities
- Insufficient quantity and quality of postsecondary opportunities for students with disabilities
- Lack of proactive efforts to combat low expectations, biases and stigma of people with disabilities in the workforce

3. Incorporate disability-specific goals and strategies into the Vision and Goals section of the Combined State Plan

States are required under WIOA to include in their Unified or Combined State Plan:

A description of the State's strategic vision and goals for preparing an educated and skilled workforce (including preparing youth and individuals with barriers to employment).... WIOA §102(b)(1)(D).

The Combined Plan's goals and strategies that relate to people with disabilities and other barriers to employment should be based on the economic and workforce analysis and the

strengths and weaknesses sections of the plan. Goals and strategies should specifically target the barriers and weaknesses identified. With respect to people with disabilities, they should directly address the educational, training, and support needs those individuals, as well as the problems associated with stigma and employer biases. They should also address those individuals who are unserved or underserved by Virginia's underfunded vocational rehabilitation system today.

One of the signature focuses of WIOA is its emphasis on competitive integrated employment at minimum wage or above for all people, including people with disabilities and other barriers to employment. Section 511 of WIOA places new restrictions on the use of subminimum wages for people with disabilities. The Board does not believe that this emphasis is captured in the proposed goals of the combined WIOA plan.

The Board recommends adding the following goals to Virginia's combined state plan to correct these oversights:

- Close the education, employment, and income gaps between the general workforce and people with identified barriers to employment, including people with disabilities
- Identify ways to fully fund Virginia's vocational rehabilitation programs and move DARS out of Order of Selection
- Ensure that all of Virginia's employment services are accessible to people with disabilities
- Combat stigma and bias in the workforce

In addition to identifying statewide goals, states are required to include in their plans the strategies for accomplishing their goals, which must take into account the analyses of the economic conditions of the state, the workforce, and the strengths and weaknesses of the existing system of workforce development activities. One of the goals identified in the draft Combined State Plan relates to individuals with barriers to employment. However, none of the strategies described in the plan specifically relate to people with disabilities or address other barriers to employment. The VBPB recommends including strategies that directly address the specific barriers to employment that people with disabilities face. Such strategies should include at least the following:

- Analyze the cost of fully funding Virginia's Vocational Rehabilitation programs and eliminating DARS's waiting list
- Expand funding for innovative model employment programs for students with disabilities transitioning from secondary school
- Expand opportunities for individuals with disabilities to gain entry into postsecondary programs by removing needless barriers to entry, including unnecessary entrance examinations
- Ensure that employment services in all settings are delivered in accessible locations and accessible formats

- Partner with business entities such as Chambers of Commerce and the Virginia Business Leadership Network (VABLN) to increase outreach and public education focused on eliminating the stigma of disability and combating bias in the job market

In summary, to truly achieve the goals of WIOA, the employment and income gap between the general workforce and individuals with employment barriers, including people with disabilities, must be addressed at a systemic level. Meeting the employment needs of people with disabilities cannot be the sole province of the vocational rehabilitation agencies, but must be incorporated into the overarching economic and workforce goals and strategies. This can only be achieved by analyzing the systemic barriers that continue to limit employment outcomes for people with disabilities despite the Commonwealth's commitment to employment first policies, and despite the strong efforts of DARS, DBVI, and other disability focused governmental and nongovernmental organizations. Once these barriers are identified, then disability-specific goals and strategies must be built into the Commonwealth's overarching Combined State Plan. The recommendations contained in this comment offer a starting point for addressing disability-specific employment barriers in the Commonwealth of Virginia. We look forward to working with all of the partners involved in WIOA planning and implementation to ensure that the Commonwealth's efforts to improve its employment services and supports for all Virginians is a success.

Once again, thank you for the opportunity to comment.