

# Investing In America

*The Public Vocational Rehabilitation Program –  
Helping Qualified People with Disabilities to Work Even in Difficult Economic Times*

*"Across the country, millions of people with disabilities are working or want to work, and they should have access to the support and services they need to succeed."*

- President Barack Obama  
October 9, 2009

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### **STATUS OF THE AMERICAN RECOVERY AND REINVESTMENT ACT**

In 1998, with the passage of the Workforce Investment Act, then Secretary of Labor Alexis Herman remarked, "With an economy more vibrant than any we've seen in 30 years, America is looking forward to a new century filled with endless possibilities for growth and opportunity. Just this year, millions of new jobs have been created. Unemployment is at an all-time low, and wages are on the rise." Much has changed since these remarks were made more than 10 years ago, and we find ourselves in a much different economy. Today, we have one of the highest unemployment rates our country has ever seen. States, due to falling revenues, have had to make multiple reductions in their budgets and programs to the point of eliminating and drastically shrinking workforces. The last thing many employers in this economy have been doing is hiring.

Despite these challenges, The American Recovery and Reinvestment Act (ARRA) of 2009 targeted \$540 million of valuable federal monies to the Public VR program to enhance its ability to serve more people with disabilities and assist more into competitive employment. This provided a challenge and an opportunity to the Public VR program which assisted about 179,500 people with disabilities to go to work in 2009 who in their first year of employment will earn more than \$3 billion.

In a survey of VR agencies done by the Council of State Administrators of Vocational Rehabilitation (CSAVR) in February 2010, with a little over half the agencies reporting, almost 40,000 more people with disabilities are receiving services due to the investment of ARRA funds in this program, and more than 1,700 people with disabilities have been placed in competitive employment already. These numbers are continuing to grow.

Members of the House of Representatives and Senate and their staffs, governors across the country, disability advocates, State Rehabilitation Councils, VR state directors and CSAVR staff were instrumental in securing ARRA funding for Public VR. Without the belief of these individuals in the program, helping so many more people with disabilities to work would not have been possible. Prior to the influx of the ARRA dollars, many state VR agencies were facing challenging cuts due to strained state budgets.

Many state VR agencies have had large waiting lists because of higher demand for their services than available resources. These states have been taking advantage of the ARRA dollars to serve more people with disabilities by drastically reducing or eliminating these waiting lists. The Mississippi and Tennessee State Vocational Rehabilitation Programs, for example, used their VR ARRA dollars to totally eliminate their waiting lists and provide services to more than 8,200 additional people with disabilities that otherwise would continue to be waiting for services rather than training for employment to become self supporting members of the workforce. Other states have not been able to totally eliminate waiting lists and have used the VR ARRA dollars to open waiting categories previously not open. For example, the California State Vocational Rehabilitation Program, which has been limited to serving only those with significant and most significant disabilities, was able for the first time since 1995 to offer services to eligible persons with non-significant disabilities. The Colorado State Vocational Rehabilitation Program has been able to open a waiting category previously closed and serve an additional 3,500 people with disabilities using VR ARRA dollars who again would not have had the chance to train for employment without these funds.

State VR agencies are using the money to launch exciting new projects and partnerships that will result in more people being served during the life of ARRA and beyond. The Idaho General State Vocational Rehabilitation Program has launched two programs: one is a partnership with the Departments of Correction and Transportation to train offenders with disabilities to be heavy equipment operators and then provide them with experience after release, and the other is to provide training to offenders with disabilities in halfway houses for construction, landscaping and wood working jobs. The Washington General State Vocational Rehabilitation Program has developed Project HIRE in partnership with community technical colleges, workforce development councils, and community-based organizations with a goal of using ARRA dollars to serve an additional 1,500 people with disabilities and assist at least 1,000 more to obtain jobs with benefits earning more than \$15 an hour in desirable health care, aerospace, and information technology occupations.

### **WHAT PUBLIC VR WAS ABLE TO ACCOMPLISH . . .**

Despite the many challenges faced by all Americans and employers due to the difficult economic situation, 179,500 people with disabilities went to work in FY 2009 as a result of the VR program. Together, they earned about \$3.2 billion in wages in this first year of work and paid almost \$1 billion in federal, state and local taxes, which in two to four years will pay back the cost of their VR services.

Another bonus is that individuals now working and no longer eligible for Social Security benefits (8,712 people in FY 2009) also generated savings to the federal treasury and Social Security Trust Fund in an amount of \$7 for every \$1 spent, totalling \$854 million in savings in FY 2009.

The reality is, with additional funding for Public VR, more people with disabilities can go to work, support themselves and their families and contribute to the economy. There

are 54 million Americans with disabilities, and 70% of working age people with disabilities are not employed. With \$3.96 billion/year, the Public VR program is only able to serve about one million consumers, a fraction of the people with disabilities who are not employed and who want to and are able to work, or could be with VR services.

## RECOMMENDATIONS OF CSAVR FOR AMENDMENTS TO WIA AND THE REHABILITATION ACT

RECOMMENDATION	WHY?
New dedicated line-item funding for transition youth services.	Transition from school to work for youth with disabilities needs more attention and resources than it has had until now to ensure youth have access to opportunities in the new labor market.
Maintain line-item funding for Supported Employment, Migrant and Seasonal Farmworkers, and Projects with Industry as complementary programs to the Rehabilitation Act.	Public VR, due to high demand within the general population of people with disabilities, needs to focus more on service delivery to specialized populations such as recipients of Supported Employment and Projects with Industry, and Migrant and Seasonal Farmworkers.
Amend The Rehabilitation Act to include language that acknowledges and supports business as a partner of Vocational Rehabilitation as well as the eligible individual with a disability.	Rehabilitation Act language does not address the obvious reality that VR and employers need to work together so people with disabilities can take their rightful place in the workforce.
Retain the Rehabilitation Services Administration (RSA) with the Department of Education (DOE) and maintain the status of the RSA Commissioner's position as a Presidential appointee in current law.	The close relationship between VR and special education is critical to ensure a successful transition for students with disabilities leaving the education system. These students represent the single largest source of potential consumers for VR services.
The RSA Commissioner represents the most visible federal office for the disability community and therefore should remain a Presidential appointment.	
Maintain the requirements of the Comprehensive System of Personnel Development (CSPD) in current law.	There is a need for qualified staff within Public VR who are trained to deal with the unique vocational rehabilitation and counseling needs of people with significant disabilities.
Amend The Rehabilitation Act to strengthen the authority of the State VR Director, to ensure that funds appropriated serve individuals with significant disabilities are spent only for that purpose.	States sometimes have challenges ensuring the VR funds allocated to them for the purpose of assisting eligible people with disabilities to go to work are used only for that purpose. When these funds are so redirected, it is detrimental to Public VR's goal of assisting the maximum number of people with disabilities to go to work, including people with the most significant disabilities.
Secure a dedicated line-item to fund the infrastructure costs of One-Stop Centers.	States are having to use Public VR monies for supporting infrastructure costs of One-Stop Centers, thereby reducing resources available for case services. To alleviate that situation at the federal level there should be a line-item to fund One-Stop Centers and not scarce partner's resources.
Ensure the physical and programmatic accessibility of One-Stops, Job Training Programs, Educational Programs and other service programs.	Not all manpower training programs in the state are physically and programmatically accessible to people with disabilities.
Ensure that State VR Directors maintain seats on State and Local Workforce Boards.	Public VR needs to be an integral part of manpower training at the state and local level to ensure the employment needs of individuals with disabilities are adequately represented.

### THE STATE REHABILITATION COUNCILS

The Public VR program is one of those few programs that is truly customer driven at both the administrative and direct service levels. At the administrative level, the VR agency must be an independent consumer controlled state commission or have a State Rehabilitation Council (SRC) that works very closely with the state VR agency. Currently, the majority of VR agencies have SRCs that take an active visible role in how the Public VR program is administered in their state to ensure that consumers with disabilities are receiving the quality services they need.

SRCs are made up of individuals who are interested in the success of people with disabilities in receiving the services they need from the Public VR program. The California SRC, for example, says in its Mission Statement: "It is the mission of the California SRC, in partnership with the California Department of Rehabilitation, to assure that all Californians with disabilities are represented, informed and empowered; receive necessary, sufficient and timely individualized services; and that these services are excellent and lead to meaningful employment."

Governors appoint the members of the SRCs. They include a cross section of people with physical, cognitive, sensory, and mental disabilities including current and former recipients of services as well as representatives from education, employment, industry and consumer advocacy groups. These individuals give of their time to perform such important functions as:

1. Reviewing, analyzing, and advising the VR agency regarding their performance and ways to continue to improve it,
2. Developing and agreeing to State goals and priorities,
3. Assisting in the preparation of the State plan and amendments to this plan, the blueprint for VR services in the State,
4. Reviewing and analyzing the effectiveness and consumer satisfaction with services to consumers and employment outcomes achieved, and
5. Preparing and submitting an annual report on the effectiveness of the VR program to their Governor and Secretary.

The on-going direct customer input that the SRCs and others provide VR agencies ensures that they are accountable to their customers and provide those services within the framework of The Rehabilitation Act that the consumers in that state need. They do this as summed up in Vermont's mission statement that Vermont's SRC "advocates

for consumer-directed and effective vocational services and for the creation of resources and services that will result in equal opportunities for Vermonters with Disabilities".

*In FY 2010, the federal appropriation for Public VR was \$3.07 billion with an estimated state match of \$893 million. It is estimated that ARRA funding appropriated in 2009 remains available through 2011. For the first time, multiple agencies are dealing with potential issues due to budget reductions that may impact the state match.*

### VR – EMPLOYER PARTNERSHIPS

Over the years, state VR agencies have worked hard to develop stronger relationships with the business community. Recently the Council of State Administrators of Vocational Rehabilitation (CSAVR) has created a National Employment Team (NET) that is a network of the 80 state VR agencies and their employer partners to focus on increasing the employment of VR consumers. The NET has working partnerships with major corporations such as Walgreens, Safeway, Convergys, Microsoft, and also with federal agencies such as the Internal Revenue Service (IRS) and the Department of Transportation (DOT), to name a few.

Through the coordinated national team, VR's relationship with business effectively meets their employment needs while it incorporates "real time" information from employers into VR's career planning and Individualized Plan of Employment (IPE) process with consumers. This upfront work with business opens the doors to national employment opportunities for VR consumers. In essence, VR is partnering with business to meet their employment needs by matching them with the goals of individuals and providing training and support services that result in the success of both the employee and the employer. Through the NET, the public VR program is effectively serving both consumers and business customers nationally.



## Public VR Success Stories

### EDUCATION IN VOCATIONAL REHABILITATION

*State of New Hampshire – Department of Education / Bureau of Vocational Rehabilitation*

John Robinson works as Director of Corporate Support for the PBS television station in Albany, New York. He is married and has three children, plays golf, hikes and drives. He is also an author and a motivational speaker who brings his story of being a congenital amputee to businesses and college campuses across the country.



John was born with no hands or forearms, and no thighs or knees. He stands 3' 9" tall and has figured out how to manage all activities of daily living with a bit of ingenuity and tenacity, like getting dressed on his own, shaving and coaching soccer, in addition to raising a family and managing a successful career.

Growing up in Manchester, New Hampshire, John's family was worried at first about his future, but treated him like any other kid. When it came time to think about college, John's father was referred to the Bureau of Vocational Rehabilitation where a counselor helped John through the process of qualifying for VR services. He was offered full tuition at a state school, or funding toward an out-of-state university. Since John wanted to major in communications, he decided on Syracuse University in New York where he graduated in 1990 with a degree in Telecommunications Management.

"The New Hampshire BVR was great. They provided everything I needed at a time when I didn't realize I needed it. Looking back on it now, their help was essential – it got me into school, propelled me into a career, and motivated me," John said.

In 2001, John carried the Olympic torch as it passed through Albany on its way to Salt Lake City for the 2002 games. He recently became the subject of a 60-minute documentary, *Get off Your Knees: The John Robinson Story*, profiling his story on American Public Television stations across the country that focuses on the foundation built through his education and his continued successes, struggles and perseverance obtaining a job and building a family. The Council of State Administrators of Vocational Rehabilitation,

the Office of the Chancellor of Syracuse University and Cornell University helped to support that effort.

His autobiography, *Get Off Your Knees: A Story of Faith, Courage, and Determination*, was also recently published by Syracuse University Press last year. The book is available through *Amazon.com*, *BarnesandNobel.com*, SU Press and major book retailers across the country.

"This is the only life I know. At times it was difficult. But what alternative do I have?" he said. "I'm living a normal life and that's what I wanted all along. I'm a happy, normal, tax-paying individual."

### SELF EMPLOYMENT IN VOCATIONAL REHABILITATION

*State of Washington – Division of Vocational Rehabilitation*

Kelly Yarnes dreamed of one day being self employed. She liked to make lavender sachets and greeting cards and wanted to sell them in a little shop along with garden décor and other gift items. Although she had talent and enthusiasm, Kelly didn't see how she could make her dream a reality because of the odds she faced having a disability.



Since birth, Kelly has had a seizure disorder that affects learning. She was in Special Education classes throughout school and struggled with reading, writing and math. When under stress or exceptionally tired, Kelly experienced severe seizures. Perseverance, however, always kept Kelly going.

Kelly did her best to establish a market for her handmade items, wearing a Victorian dress and wide brimmed hat at the Sequim, Washington annual Lavender Festival and during the Sequim Open Air Market on weekends where she sold her wares. She also was known for her delicious homemade banana bread that she sold at a roadside stand.

Kelly continued to work as a dining room attendant and a janitor while dreaming of having her own business. Despite having severe learning disabilities, an IQ of 54, and a seizure disorder, she was determined. After losing her job as a pizza prep worker in December 2006, Kelly her mother, Laurie, and her VR counselor

started to brainstorm, and Kelly shared her long-standing employment goal with her counselor.

"My dream job would be to meet and greet people at a bed and breakfast, make lavender sachets, and sell them along with other gifts or garden décor in a little store at my house".

From this modest entrepreneurial concept, "Banana Belt Kelly" evolved. Kelly and her VR counselor worked together to develop a self employment plan while Kelly continued to stockpile handmade sachets, her own greeting cards, antiques and collectibles by frequenting "going out of business" sales. People who met and heard of Kelly's vision and dream were constantly contributing to her collection.

In July 2009, two years after that first brainstorming meeting, Kelly saw her dream fulfilled when Banana Belt Kelly officially opened its doors. Kelly immediately started giving back to her community by collecting small donations at the sales counter for the Epilepsy Foundation. While Banana Belt Kelly is a destination in itself, it is not the end of Kelly's dream but only the beginning.

"Kelly has been an absolute joy to work with," said Marcia Farrell, Kelly's VR Counselor. "In 38 years of vocational counseling, Kelly's story has been one of the most rewarding and inspirational. She has such a 'never give up on the dream' approach and is simply a remarkable woman!"

Her story illustrates beautifully the spirit and intent of the Public VR program – to deliver services and expertise that level the playing field and enable individuals with disabilities to pursue and achieve employment that is meaningful and fulfilling.

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### **What is the state vocational rehabilitation (VR) services program?**

Under The Rehabilitation Act of 1973 (The Act), as amended, states receive federal grants to operate a comprehensive VR program. This state-operated program is designed to assess, plan, develop and provide VR services to eligible individuals with disabilities, consistent with their strengths, resources, priorities, concerns, abilities, capabilities, interests and informed choice. By providing services in this way, the VR program enables individuals with disabilities to prepare for and engage in gainful employment.

### **What does it mean to be an "individual with a disability"?**

An "individual with a disability" means any individual who:

- has a physical or mental impairment which constitutes or results in a substantial impediment to employment for the individual; and
- can benefit from VR services to achieve an employment outcome.

### **Who is eligible for VR services?**

To be eligible for VR services, an individual must:

- be an "individual with a disability," as defined above; and
- require VR services to prepare for, secure, retain or regain employment.

### **Is anyone presumed eligible for VR services leading to employment?**

Individuals who receive Supplemental Security Income (SSI) and/or Social Security Disability Insurance (SSDI) benefits are presumed to be eligible for VR services leading to employment, unless there is clear and convincing evidence that they are too severely disabled to benefit from VR services.

### **Does every eligible individual receive VR services?**

No. The Act requires VR to serve individuals with the most significant disabilities first when there are not enough resources to serve everyone who is eligible for VR services. This means that individuals with the most significant disabilities are given a priority over those with less significant disabilities. This process is called an "order of selection."

### **How does an individual apply for VR services?**

- An individual has the right to submit a written application.
- An individual will be considered to have "submitted an application" when he/she "requests" VR services and provides sufficient information for VR to determine eligibility.

- VR should determine eligibility within 60 days of application.

### **How does an individual receive VR services?**

- The VR agency assigns a VR counselor to each eligible individual.
- The counselor gathers as much information as possible about the individual's work history, education and training, abilities and interests, rehabilitation needs and possible career goals. In gathering the information, the counselor will first look to existing information, so it is important for an individual to bring copies of medical, educational and similar documentation.
- If existing information is not sufficient to determine whether the individual is eligible for VR services, then VR will provide assessment services to gather the needed information.
- Based on the information gathered in this assessment phase of the VR process, an Individualized Plan for Employment (IPE) that identifies the individual's desired employment outcome is developed. The IPE also lists, among other things, the steps necessary to achieve the individual's employment outcome, the services needed to help the individual achieve that outcome and evaluation criteria used to determine progress toward the employment outcome. The VR agency may only provide those services listed on the IPE.
- The state VR counselor provides some services directly to the eligible individual and arranges for other services from providers in the community.

### **How does an individual develop an IPE?**

- Once an individual is determined eligible to receive VR services, he or she must develop an IPE. The individual must be given the opportunity to make an informed choice in selecting, among other things, an employment outcome, needed VR services and providers of those VR services.
- The individual may develop the IPE: on his/her own, with the assistance of a qualified VR counselor or with the assistance of anyone else who is willing to help.
- The VR agency must provide the individual with information in writing, as well as in an appropriate mode of communication, explaining the assistance available to the individual when developing the IPE as well as the full range of components that must be included in the IPE.
- The IPE must be approved by the VR counselor and signed by both the individual and the VR counselor.



### **What are the VR services an eligible individual may receive?**

VR services are those services that an eligible individual may need in order to achieve his/her employment outcome. These include, but are not limited to, the following:

- an assessment for determining eligibility and VR needs;
- vocational counseling, guidance and referral services;
- physical and mental restoration services;
- vocational and other training, including on-the-job training;
- maintenance for additional costs incurred while the individual is receiving certain VR services;
- transportation related to other VR services;
- interpreter services for individuals who are deaf;
- reader services for individuals who are blind;
- services to assist students with disabilities to transition from school to work;
- personal assistance services (including training in managing, supervising and directing personal assistance services) while an individual is receiving VR services;
- rehabilitation technology services and devices;
- supported employment services; and
- job placement services.

### **Does the eligible individual have to pay for VR services?**

Based on the individual's available financial resources, the state VR agency may require an eligible individual to help pay for services. However, the following services are available to all eligible individuals, regardless of their financial resources, without charge:

- assessments to determine eligibility and VR needs;
- vocational counseling, guidance and referral services; and
- job search and placement services.

### **What are comparable services and benefits?**

"Comparable services and benefits" are those benefits or services that are:

- paid for, in whole or in part, by another federal, state or local public agency or employee benefits;
- available at the time the individual needs them; and
- comparable to the services that the individual would receive from the VR agency.

Merit-based awards and scholarships are not considered "comparable services and benefits." Before providing certain VR services, the counselor must determine whether another source, such as medical insurance or

Medicaid, etc., can pay for the service. However, the counselor is not required to look for a "comparable service or benefit" if it would delay:

- the individual's progress toward achieving an employment outcome;
- an immediate job placement; or
- the provision of services to an eligible individual who is at extreme medical risk.

### **What is the Client Assistance Program (CAP)?**

CAP is available in each state to assist individuals in their relationships with the VR agency. If an applicant for or recipient of VR services is not satisfied with the services received or the decisions made by the VR counselor, CAP may be able to help resolve the dispute.

### **Do individuals have appeal rights with the VR program?**

Yes. If an applicant for or recipient of the VR program is unhappy with a decision made by a VR employee, he/she may request a review of that decision. The law requires the VR agency to offer at least two methods of resolving a dispute: mediation or a formal hearing process. An individual may choose to use one or both of these processes to resolve the matter. In addition, the law provides the VR agencies with the flexibility to develop and implement informal review procedures to resolve disputes prior to the mediation or formal hearing process. These informal review procedures generally involve the applicant or individual, or, as appropriate, the applicant or individual's representative negotiating a resolution with the counselor or the counselor's supervisor.

### **Where can I get more information about the VR agency in my state?**

The addresses and telephone numbers of the local VR agency offices generally are listed under "state Government" in the local telephone directory. You may also contact the Rehabilitation Services Administration (RSA), the federal agency located in the U.S. Department of Education responsible for administering the VR program. Contact RSA via email at [Carol.Dobak@ed.gov](mailto:Carol.Dobak@ed.gov), via telephone at (202) 245-7325, via fax at (202)245-7590, via the Federal Relay Service at (800) 877-8339, via TDD/TTY at (202) 205-8919, or visit the following web site that contains much of this information at: [www.jan.vwu.edu](http://www.jan.vwu.edu).