

# **Review of State Plans for the Workforce Investment Act From A Disability Policy Framework**

## **Executive Summary**

This report, Review of State Plans for the Workforce Investment Act From a Disability Policy Framework, with findings and recommendations, seeks to advance the public discussion about the implementation of public policy to improve the employment and economic status of Americans with disabilities. The implementation of the Workforce Investment Act offers an important step forward in the redeployment of public resources to support persons with disabilities in their desire to be productive and more self-sufficient. Most important of all, it challenges the public and private sector to redefine working relationships and promote access and opportunity in a workforce system that is responsive to all Americans, including individuals with disabilities.

In August, 2000, the Presidential Task Force on Employment of Adults with Disabilities (Task Force) contracted with the Rehabilitation Research and Training Center on Workforce Investment and Employment Policy for Persons with Disabilities (RRTC) operated by Community Options Incorporated to review state plans mandated under the Workforce Investment Act (Public Law 105-220). The purpose of the review was to establish a research baseline for evaluating current and future state implementation efforts to provide effective and meaningful participation of individuals with disabilities in state programs.

### **WORKFORCE INVESTMENT ACT**

The purpose of the Workforce Investment Act (WIA) is to consolidate workforce preparation and employment services into a unified system of support that is responsive to the needs of job seekers, employers, and communities. Under Title I of the Act, a framework is provided for the delivery of workforce investment activities at the state and local levels that provides services in an effective and meaningful way to all customers, including persons with disabilities. Specifically, individuals seeking employment

assistance will have a single point of contact in a service delivery system anchored by One-Stop career centers through which to access core, intensive, training, and supportive services.

Title IV of the WIA reauthorizes the Vocational Rehabilitation (VR) program. The law specifically states that "linkages between the VR program and other components of the statewide workforce investment system are critical to ensure effective and meaningful participation by individuals with disabilities in workforce investment activities" (Section 100(a)(1)(G)). The preamble to the proposed regulations for WIA explains further that collaboration between the state units administering the VR program and generic workforce development services (Departments of Labor) is intended to produce better information, more comprehensive services, easier access to services, and improved long-term employment outcomes. Thus effective participation of the state VR program is critical to enhancing opportunities for individuals with disabilities in the VR program itself, as well as in other components of the workforce investment system in each state and local area (65 FR 10621, 10624, February 28, 2000).

To receive funds under Title I of WIA, each state must submit a state plan to the U.S. Department of Labor (DOL). States have the option of either submitting a unified plan under Title I of WIA that includes state VR programs or submitting a separate state plan for VR programs. WIA also sets forward specific requirements that must be described and responded to in each plan. DOL guidelines call for the state plans to follow a standard format that covers ten core areas:

1. Vision and Goals
2. Services Delivery System
3. Plan Development
4. State and Local Governance
5. Coordination and Nonduplication
6. Youth
7. Special Populations

8. Professional Development
9. Performance Accountability
10. Data Collection

Between April 1, 1999 and April 1, 2000 all fifty states and the District of Columbia submitted plans to DOL. On July 1, 2000, all fifty states and the District of Columbia began implementation of WIA contingent upon DOL's approval of their plans.

## **STATE PLAN REVIEW AND ANALYSIS**

The RRTC conducted a review of the WIA state plans submitted by each of the fifty states and the District of Columbia using an analytic framework. Two policy documents were used to guide the review: (1) *The Emerging Disability Policy Framework: A Guidepost for Analyzing Public Policy*; and (2) *A Description of the Workforce Investment Act Legal Framework from a Disability Policy Perspective*. Both documents were written by Bobby Silverstein, Director of the Center for the Study and Advancement of Disability Policy, as part of research conducted jointly by the RRTC and the Center for the Study and Advancement of Disability Policy.

The *Emerging Disability Policy Framework* is intended as a benchmark for both designing and evaluating public policy that seeks to address the needs of Americans with disabilities. It is the result of extensive review of the hearing records, committee reports, statutory and regulatory bases for the Americans with Disabilities Act, the Developmental Disabilities Assistance and Bill of Rights Act, and the Individuals with Disabilities Education Act. The purpose of the review was to discern the fundamental values, principles, and policies inherent in these laws and the extent to which they define the fundamental goals of disability policy. In order to validate the *Emerging Disability Policy Framework*, analyses and interpretations were subject to peer review by key stakeholders in the outcomes of disability policy: federal, state and local policy makers; persons with disabilities, their families, and advocates; researchers; service providers; and other experts in disability policy. The *Emerging Disability Policy Framework* includes

general questions for analyzing the extent to which disability-specific and generic programs and policies reflect the goals of disability policy in their precepts, goals, definitions, core policies, methods of administration, and program supports. These questions serve as a guide for evaluating, expanding, and improving the design and implementation of public policies affecting persons with disabilities. To that end, the *Emerging Disability Policy Framework* provides a framework that can be used to design, implement, and evaluate public policies and programs to ensure meaningful inclusion of people with disabilities in mainstream society.

Using the *Emerging Disability Policy Framework* as its basis, the RRTC developed a Template for analyzing each state plan to identify specific approaches, activities, policies, procedures, and strategies related to effective and meaningful participation by persons with disabilities in the system proposed by that state. (A copy of the Template appears at the end of the Executive Summary).

The Template covers the state plan development process, a state's vision and goals, and specific provisions related to governance, service delivery, and performance measurement. It includes 35 questions across 14 discrete areas of analysis. Some questions included in the Template are based on specific citations in the law and regulations related to the inclusion of persons with disabilities. Other questions are included to gather a better understanding of how the interests and needs of persons with disabilities will be met under a comprehensive workforce development system mandated under Title I of the Workforce Investment Act.

The Template also allows for a description of how each state addresses the needs of customers with disabilities within each of the 14 discrete areas of analysis. For example, some states simply include "persons with disabilities and/or multiple barriers to employment" as part of a list of all customer groups that would be served but provide no further explanation as to how they would meet the needs of specific groups. Other states provide more comprehensive descriptions of how their state will address the needs of particular customer groups, including persons with disabilities and/or multiple barriers to employment. The design and format of the Template facilitated this level of analysis.

Areas Reviewed Using the Template include:

- I. Descriptions of the State Workforce Investment Board
- II. Design of the State Plan
- III. Definition of Disability Included in the State Plan
- IV. State Plan Development Process
- V. State Vision and Goals
- VI. State Assessment
- VII. State Strategies for Improvement
- VIII. State Level Performance Measurements
- IX. Provisions in the State Plan Relating to Local Governance
- X. Provisions in the State Plan Relating to the Local Services Delivery System
- XI. Youth Activities
- XII. Assurances
- XIII. State Monitoring and Enforcement
- XIV. Miscellaneous (additional State initiatives to enhance the employment of persons with disabilities.)

The analysis of the 51 state plans took place in three phases. In Phase 1, each state plan was reviewed with regard to how it addressed the questions posed in all 14 sections of the Template. In Phase 2, the information within each of the 14 sections was combined and compared across all 51 jurisdictions. In Phase 3, a composite report based on findings from Phase 2 was created for each area addressed in the Template. The full report, *Review of State Plans for the Workforce Investment Act from a Disability Policy Framework*, summarizes the information analyzed in each of the three phases, and draws heavily on the section-by-section summaries presented in the Composite Reports.

### **Findings and Conclusions**

Implementation of the Workforce Investment Act nationwide offers an unprecedented opportunity to redefine relationships at multiple levels --between the federal and state governments, between employers and a workforce development system, and between generic service delivery of Departments of Labor and specialized service delivery of state Vocational Rehabilitation agencies, and between customers with disabilities and One-Stop Resource Centers. In order to receive federal financial assistance under the Workforce Investment Act, a state must submit a state plan to the U.S. Department of Labor (DOL). The Department has three key roles in this process:

- Approval of state performance indicators. (Section 1125(c) and 136(g) of WIA (29 USC 2822(c)).
- Leadership, including guidance on interpretations of statutory and regulatory provisions. (Section 189 of WIA (29 USC 2939); and
- Monitoring and oversight authority to hold states accountable for performance based on their individual plans and WIA statutory and regulatory requirements.

The review of state plans provides a snapshot, at a single point in time, of state specific approaches, policies, procedures, and proposed strategies for effective and meaningful participation by youth and working-age adults with disabilities in the proposed system of workforce development. The general and specific findings provide an important baseline to help guide future DOL leadership activities that will assist the states in meeting Congressionally mandated obligations of access and equal opportunity for customers with disabilities.

The review of state plans resulted in five general findings. In addition, 23 specific findings were identified across eight core areas: plan development and governance, definitions, state assessment, strategies for improvement, state level performance measurements, local governance and service delivery, youth activities, and state monitoring and enforcement.

### **General Findings**

1. The plans as a group vary significantly in their comprehensive narrative descriptions of core areas of focused analysis: policy goals, program design, interagency collaboration, and performance accountability.
2. Individual plans were inconsistent in their attention to detail across the fourteen areas analyzed through the disability policy lens.
3. Within specific sections of individual plans, however, there were detailed descriptions of policies, practices, and proposed strategies to include persons with disabilities and public and private agencies representing or serving persons with disabilities in the

governance, service delivery design, and continuous program improvement process of the state's workforce development system.

4. There was a relationship between the degree that federal plan development guidelines require states to describe proposed procedures or activities in detail and the nature and scope of detailed descriptions provided by states in specific sections of their plans.
5. More than 80% of the state plans include persons with disabilities and/or representatives of public and private agencies, such as vocational rehabilitation programs, that serve persons with disabilities in the state plan development process. However, the majority of plans did not describe the nature and scope of their involvement in detail.

The analysis of the state plans reveals that federal guidance and regulations affect the degree of description and narrative included in core areas of analysis. To the extent the federal regulations require a list of major customer groups without further narrative, the state plans include individuals with disabilities as a major customer segment. Only a few states provided further description of their proposed approach. To the extent federal guidance and regulations require more detailed descriptions or documentation of proposed approaches or actions regarding support of this customer group, the state plans provide more detail to set a measure of accountability for future policy and systems change activities.

#### *Consideration of the Needs of Local Populations in the Design and Delivery of Services*

When the statutory and regulatory authority require states to provide further documentation and describe how the needs of individuals with multiple barriers to employment will be met, including persons with disabilities, the result is a more detailed response of proposed procedures, strategies, and actions. Forty-nine of the 51 state plans mention that local boards will consider the needs of customer segments including individuals with disabilities in the design and delivery of services. Twenty-five of these plans included an in-depth explanation of their strategy or approach to considering the needs of persons with disabilities.

### *Definition of Disability*

As noted in the general findings listed above, there is “a relationship between the degree that federal plan development guidelines require states to describe proposed procedures or activities in detail and the nature and scope of detailed descriptions provided by states in specific sections of their plans.” For example, for purposes of WIA, the term “individual with a disability” means an individual with any disability (as defined in Section 3 of the ADA). However, the proposed regulations—which were in effect during the time when the state plans were being drafted—did not include a requirement that disability be defined as part of a state plan, although the final WIA regulations did include such a requirement. Because all states had completed their state plan submissions prior to the release of the final regulations, none of the state plans included a definition of disability.

### *Comprehensive Policies, Procedures, and Proposed Strategies*

Inconsistencies among states in the level of detail provided in individual state plans make it impossible to predict whether or not states, individually or as a whole, are likely to respond to and satisfy the individualized needs of customers with disabilities. However, the review did identify, on a state specific basis, more comprehensive policies, procedures, and proposed strategies that could assist other states still developing responsive approaches for this mandated target population. Examples of these more comprehensive approaches appear in Appendix Three and cover such diverse areas as detailed policies, procedures, and strategies to identify needs; governance; coordinated services for youth; use of accessible technology; plans for collaborative service delivery strategies; accessible resources on line and on site; and performance measures for customers with disabilities.

## **Specific Findings**

Specific findings have been subdivided into eight core areas of focus:

### **1. Plan Development and Governance**

- 1.1. Fifteen states specify that the state agency for Vocational Rehabilitation must be represented on the State Workforce Investment Board (SWIB). Nineteen states included a description of how members of the State Board represent the interests, needs, and priorities of VR, when VR is not represented as a SWIB member.
- 1.2. Eleven states chose to submit a Unified Plan in which the description of the VR program was an integral part.
- 1.3. Forty-one states include the VR program/agency in the state plan collaboration process. Only seventeen of the forty-one states also listed additional groups/individuals that represent the interests and needs of persons with disabilities outside of VR as part of work groups or committees who helped in plan development.
- 1.4. Twenty-four of the state plans included references to customer segments that include "customers with multiple barriers to employment," including "persons with disabilities," in their statement of vision and goals. However, only four of the twenty-four state plans provided an explanation of their approach to "customers with multiple barriers to employment," and/or "persons with disabilities" in this statement.

## **2. Definitions**

- 2.1. None of the State Plans include a definition of disability. Forty-seven states, while not including a definition of disability, do make reference to different types of disabilities.

## **3. State Assessment**

- 3.1 Although forty-one states include a reference to customers with multiple barriers, i.e., individuals/persons with disabilities/special needs when identifying major customer segments in the state plan, only eighteen of the forty-one state plans provided an explanation of the needs of customers with multiple barriers in their state assessment.

## **4. Strategies for Improvement**

- 4.1. Twenty-seven state plans include a process at the state level for improving operational collaboration and linkages among state agencies including agencies serving individuals with disabilities.
- 4.2. Twenty-five states mention strategies, such as technical assistance, training, and professional development, for improving the capacity of One-Stops to develop and manage effective programs for individuals with disabilities. However, only four of the twenty-five states provided an in-depth explanation of their strategies for support of individuals with disabilities
- 4.3. Twenty-three states say that they will use technology that is accessible for persons with disabilities. However, only nine of the twenty-three states provide an in-depth explanation about their strategy or approach to the use of accessible technology for persons with disabilities.
- 4.4. Thirty-eight of the state plans describe how the state will ensure nondiscrimination and equal opportunity.

## **5. State Level Performance Measurements**

- 5.1. Only nine states include a description of how they will collect data and track performance on persons with disabilities.
- 5.2. One state indicates it will track the customer satisfaction of individuals with disabilities. Ten other states indicate their capability of analyzing data by participant group, although these states do not mention persons with disabilities specifically.

## **6. Local Governance and Service Delivery**

- 6.1. Forty-three states provide for the inclusion of the Vocational Rehabilitation agency as a member of the Local Workforce Investment Board (LWIB). However, only twenty-four of the forty-three states describe the VR agency as a mandatory One-Stop partner. Eight states include VR as a member of the LWIB but do not indicate in what capacity; in three states, the LWIB will mirror the composition of the SWIB, which includes VR as a member; another three states include representatives from an agency that oversees the VR program;

and five of the forty-three states are single service delivery areas in which the SWIB serves as the LWIB, and VR is a member of the SWIB.

- 6.2. Only eleven states, in addition to including the VR agency as a member of the LWIB, provide for the inclusion of other agencies serving persons with disabilities as members of the Local Workforce Investment Board.
- 6.3. Forty-four of the states mention collaboration and coordination among mandatory partners, including the Vocational Rehabilitation program, through processes such as MOUs and cooperative agreements. Only thirteen of the forty-four states also include collaborations with other organizations that serve individuals with disabilities, such as the Client Assistance Program, Commission/Services for the Blind
- 6.4. Forty-nine states provide directions to local boards requiring the consideration of the needs of customer segments that include individuals with disabilities in the design and delivery of services. However, only twenty-five of the forty-nine states provided an in-depth explanation of their strategy or approach to considering the needs of persons with disabilities.
- 6.5. Twelve states include guidance for Local Boards regarding the establishment of priorities for funding training when funds are limited to include persons with disabilities as a priority group.

## **7. Youth Activities**

- 7.1. Forty-one states describe a system approach that offers youth, including youth with disabilities, a range of coordinated services. However, only six of the forty-one states provided an in-depth explanation of their system approach of coordinated services for youth with disabilities.
- 7.2. Fourteen states include organizations of individuals representing persons with disabilities on the Youth Councils.
- 7.3. Twenty-one state plans include eligibility criteria for youth services that include services for youth with disabilities.

- 7.4. Twenty-three states provide state guidance regarding the inclusion of the needs of youth with disabilities in the development of the local youth program.
- 7.5. Twenty-nine states describe program elements that incorporate the needs of youth with disabilities. However, only five of the twenty-nine states provided an in-depth explanation of the program elements for youth with disabilities.

## **8. State Monitoring and Enforcement**

- 8.1. Fifty states describe a system for monitoring and enforcement in general. In most cases, it is in the form of an assurance. Only one of the fifty states includes specific policies relative to monitoring and enforcement of persons with disabilities.

### **State Level Performance Measurements**

The area of focus in the state plans where the least detail and explanation was provided was the description of state level performance measurements. Just nine of the states included a description of how they will collect data and track performance of persons with disabilities, and only one state indicated it would track customer satisfaction of individuals with disabilities. Without disaggregated data regarding registered customers with disabilities, it will be impossible to understand the impact of the workforce development system on achieving increased employment results for this target group. Furthermore, it will be impossible to evaluate the performance of certified training providers regarding individuals with disabilities. It will be equally difficult to identify facilitators or barriers in the service delivery system and to determine how best to meet the needs of individuals with disabilities and provide them with effective and meaningful opportunity to participate in core, intensive, and training services. The specific findings identify areas to focus further information gathering

### **Nondiscrimination and Equal Opportunity**

Interim final regulations issued by DOL on November 12, 1999 (29 CFR Part 37) implement the nondiscrimination and equal opportunity provisions set out in Section 188 of the WIA. Section 188 prohibits discrimination based on disability in any WIA Title I

financially assisted program or activity. These regulations are modeled on regulations issued under the Job Training Partnership Act. (29 CFR Part 34). In addition, on August 25, 2000, DOL issued "State Guidance for Developing Methods of Administration Required by Regulations Implementing Section 188 of the Workforce Investment Act." (Attachment to 29 CFR Part 37 published in the Federal Register at 65 FR 51984-51980 (August 25, 2000))

Of particular importance is the requirement in the interim final regulations that each Governor develop and maintain a written document called a "Methods of Administration," describing how a state will meet its Section 188 nondiscrimination and equal opportunity responsibilities. Although at the time the interim final regulations were issued state plan development was substantially completed, states are now in the process of submitting their proposed Methods of Administration to DOL. These separate documents will provide an important baseline to evaluate future state implementation activities.

### **State Monitoring and Enforcement**

The Secretary of DOL is authorized to monitor all recipients and subrecipients of all grants awarded and funds expended under Title I of WIA to determine compliance with the Act and the implementing regulations. In addition, the Secretary may investigate any matter deemed necessary to determine compliance. Federal oversight will be conducted primarily at the recipient level. Each fiscal year, the Secretary will also conduct in-depth reviews in several states, with priority given to states not meeting annual adjusted levels of performance. (Section 183 of WIA (20 U.S.C. 2933); 20 CFR 667.400). Fifty of the state plans describe a system for monitoring and enforcement in general. Only one state includes specific policies relative to monitoring and enforcement of persons with disabilities. With respect to monitoring, most of the State Plans include the following assurance:

The State assures that it will comply with Section 184(a)(6), which requires the Governor to, every two years, certify to the Secretary, that: (a) The State has implemented the uniform administrative requirements referred to in Section

184(a)(3); (b) the State has annually monitored local areas to ensure compliance with the uniform administrative requirements as required under Section 184(a)(4); and; (c) the State has taken appropriate action to secure compliance pursuant to Section 184(a)(5).

Without a more detailed explanation, it will be difficult to hold states accountable for their monitoring obligations.

Monitoring and oversight responsibilities at a federal level could compliment carefully planned and coordinated training and technical assistance activities to build the capacity of the workforce development system to respond to the needs of youth and adults with disabilities. The lack of descriptive narrative to explain a state's approach to interagency collaboration, performance measurement, reasonable accommodation and system change strategies documents the need for timely federal leadership activities. Moreover, the absence of detailed strategies documenting approaches to interagency collaboration at a local service delivery level reinforces the need for further guidance at a federal level. As a bridge to multiple public and private sector supports to customers with disabilities, the One-Stops require new strategies to bring together the human and financial resources of labor, vocational rehabilitation, transportation, housing, education, Medicaid, and the Social Security system. To the degree such interagency coordination, collaboration, and problem solving occurs at the federal level, there will be important leadership to the states.

### **Recommendations**

In the first year of implementation of the Workforce Investment Act, there is a unique opportunity to focus attention on important areas of policy and procedure that can advance effective and meaningful participation of youth and working age adults with

disabilities in the workforce development system. The new Office of Disability Policy can mobilize the resources of its office in the Department of Labor to provide federal leadership to states in order to recognize the importance of coordinated and collaborative policy development at a federal, state, and local level regarding service delivery; consumer choice and direction; performance measurement, and customer satisfaction. Policy guidance, training, and technical assistance activities to states can accelerate the identification and replication of promising policies and practices to advance equal opportunity, reasonable accommodation strategies, and collaborative service delivery in the most integrated setting appropriate to the needs of qualified individuals with disabilities. Based upon the findings and conclusions drawn from the analysis of the state plans, the following actions are recommended:

**Recommendation One: Further Information Be Gathered from the States**

The Secretary is required to submit an annual report to Congress that includes a summary of major findings regarding state performance. The least detail and explanation provided in the plans across all 51 jurisdictions was the description of strategies and approaches to track customer satisfaction and performance of persons with disabilities. Without an additional information request to each state to describe and document their approach to capture and analyze data that will provide a system of performance measurement regarding customers with disabilities, there will be no mechanism in place to evaluate the impact of this new workforce development system on this target customer group. Additional information inquiries to states would target those findings in core areas which across the board provided the least documentation and detail including cross agency collaboration and linkages, capacity improvements of One-Stops, and coordinated services for youth.

**Recommendation Two: Targeted Training and Technical Assistance**

Utilizing the research findings from the state plan reviews, it is recommended that the Office of Disability Policy fund targeted technical assistance activities in, at a minimum, four areas of focus:

1. Local Governance and Service Delivery:

Identify and support replication of promising policies and practices that embrace coordination and collaboration at a local level including memoranda of understanding (MOU) between mandated and nonmandated partners (Mental Health, Medicaid, Mental Retardation/Developmental Disabilities), blended resource support for customers with disabilities, and customer and employer incentives to participation.

2. State Level Performance Measurement:

Identify and replicate promising policies, practices, and strategies that include the collection and analysis of data on performance measurement of the workforce development system for individuals with disabilities including approaches to risk adjustment and indicators that document interagency collaboration.

3. Technology Accessibility and Reasonable Accommodation:

Identify and replicate promising policies, practices, and strategies that advance electronic and information technology accessibility of the One-Stop delivery system as well as program accessibility that is effective and meaningful.

4. Youth Activities:

Identify and replicate promising policies, practices, and strategies that enhance effective and meaningful participation of youth with disabilities in governance and sponsored activities including after school and summer programs.

In recommending these four areas for targeted training and technical assistance, it is recognized that no single funding stream or agency has complete control of the policies or interventions that will facilitate or accelerate the entrance to or advancement in the workforce of an individual with a disability. The intent of the Workforce Investment Act is to build and implement a comprehensive approach to workforce development that encourages collaboration and coordination. The review of the state plans reinforces the

importance of collaboration and coordination in policy development, governance, service delivery, and performance measurement. For an individual with a disability, federal leadership can build on the themes of the Workforce Investment Act to promote partnerships within and outside government and provide information, training, and technical assistance that raise expectations and performance regarding access and equal opportunity.

### **Recommendation Three: Analysis of State "Methods of Administration" Section 188 Nondiscrimination and Equal Opportunity**

A third recommendation focuses on a state's implementation of the nondiscrimination and equal opportunity provisions set out in Section 188 of the Act. The Task Force recommends that a review similar to the state plan review be conducted of each state's Method of Administration to again establish a baseline of understanding of state-proposed policies, procedures, and strategies to protect individuals with disabilities from discrimination and ensure equal opportunity. Such analysis may identify further areas in which federal training and technical assistance activities are needed.

### **Recommendation Four: Cross Agency Problem Solving**

As a fourth recommendation, a working group should be formed at the federal level that engages key policymakers with the U.S. Department of Labor's Employment and Training Administration, the Rehabilitation Services Administration, Office of Special Education Programs, the Social Security Administration, and the Health Care Finance Administration. The working group will problem-solve critical policy issues identified by states that pose barriers to effective participation by youth and adults with disabilities in the One-Stop delivery system. The focus will be on improving understanding, collaboration, and coordination at a policy and practice level including but not limited to issues of eligibility, access to health care, benefits counseling, and blended funding and service delivery support.

### **Recommendation Five: Monitoring Activities**

The Secretary has the authority to conduct in-depth reviews in selected states as part of the Department's monitoring authority. The Department's Civil Rights Center has the authority to monitor the states' obligations to ensure compliance with the Section 188 nondiscrimination and equal opportunity provisions. The Task Force recommends site reviews of a selected sample of states to review policy implementation procedures and administrative methods regarding program accessibility, eligibility screening for programs and services, reasonable accommodation activities, and effective meaningful participation in the most integrated setting appropriate for customers with disabilities. The findings and resulting recommendations would be shared with the new Office for Disability Policy to help identify priorities for further policy guidance, training, and technical assistance activities.

**TEMPLATE FOR ANALYSIS OF STATE PLANS UNDER THE  
WORKFORCE INVESTMENT ACT  
FROM A DISABILITY POLICY PERSPECTIVE**

**I. Descriptions of the State Workforce Investment Board in the State Plan**

1. Is the Director of the State Vocational Rehabilitation program on the State Board?
2. If not, does the State Plan include a description of how members of the State Board represent the interests, needs, and priorities of the State Vocational Rehabilitation program and how the employment needs of people with disabilities in the State will be addressed?
3. In addition to the State Vocational Rehabilitation program, does the State Board include other organizations or individuals representing persons with disabilities such as community rehabilitation providers?
4. In describing the organization and structure of the State Board, does the State Plan describe how the service system will be organized to most effectively serve customers with multiple barriers to employment, such as individuals with disabilities?

**II. Design of the State Plan**

5. Was a Unified State Plan submitted that includes the State Vocational Rehabilitation program and was the description of the State Vocational Rehabilitation program integrated or discrete and separate?

**III. Definition of Disability Included in the State Plan**

6. Whether and what definition of disability is included in the State Plan?

**IV. State Plan Development Process**

7. Does the State Plan include a description of a collaborative process for developing the State Plan that includes input from Workforce Investment Act partners such as the State Vocational Rehabilitation agency?
8. Does the State Plan describe how comments regarding the State Plan were incorporated in the final version of the State Plan wherever possible?

**V. State Vision and Goals**

9. How does the vision Statement refer to the customers of the workforce investment system? Does it include a specific reference to customers with multiple barriers to employment, including persons with disabilities or is the reference generic? [Note, there is no obligation in the legal framework to include specific reference to persons with disabilities in the vision and goal Statement]

## **VI. State Assessment**

10. Does the State Plan identify its major customer segments, including individuals with disabilities, their needs, and the State's ability to fulfill them?

## **VII. State Strategies for Improvement**

11. Does the State Plan describe how it will meet the needs of major customer groups, including individuals with disabilities?

12. Does the State Plan describe how the State will ensure nondiscrimination and equal opportunity?

13. What processes at the State level (such as the entering into of State-level memoranda of understanding, MOUs) are described in the State Plan for improving operational collaboration and linkages among State agencies, including State agencies serving persons with disabilities such as State Vocational Rehabilitation agencies, MR/DD agencies, and mental health agencies?

14. Does the State Plan include specific strategies (such as technical assistance, training, and professional development) for improving the capacity of One-Stops to develop and manage effective programs for individuals with disabilities?

15. Does the State Plan describe how it will maximize customer choice, including choice for individuals with disabilities? [Note there is no specific requirement in the legal framework that State Plans specifically explain how consumer choice for persons with disabilities is being provided at the state and local level]

16. Does the State Plan describe how it will use technology, including technology that is accessible for persons with disabilities? [Note there is no specific requirement in the legal framework requiring specific descriptions related to the provision of technology for persons with disabilities]

## **VIII. State Level Performance Measurements**

17. Does the State Plan describe how it will collect data and track performance, including information on indicators of performance for persons with disabilities?

18. Does the State Plan describe whether or not it will disaggregate data based on disability?

19. Does the State Plan describe whether the customer satisfaction surveys used by the State specifically include questions relating to the satisfaction of customers with disabilities?

#### **IX. Provisions in the State Plan Relating to Local Governance**

20. How does the State Plan provide for the inclusion of the State Vocational Rehabilitation agency (in its capacity as a mandatory partner) on local workforce investment boards?

21. Does the State Plan provide for the inclusion of other State agencies serving persons with disabilities (such as MR/DD and mental health agencies) as mandatory partners under WIA and therefore as members of local workforce investment boards?

22. Does the State Plan specify whether local boards must include local service providers, including community rehabilitation providers?

#### **X. Provisions in the State Plan Relating to the Local Service Delivery System**

23. Does the State Plan describe specific policies local boards must adopt describing how best to organize the service delivery system to most effectively serve customers, including individuals with multiple barriers to employment such as individuals with disabilities?

24. Does the State Plan include guidance to local boards regarding collaboration and coordination among mandatory partners, including Vocational Rehabilitation programs, through processes such as Memoranda of Understanding (MOUs)? Does the MOU include processes for handling nondiscrimination and equal opportunity complaints?

25. Does the State Plan include specific directions to local boards requiring the consideration of the needs of local populations, including individuals with disabilities and other special needs populations in the design and delivery of services which responds to those needs?

26. Does the State Plan include specific directions to local boards and One-Stops regarding the appropriate provision of core services? Intensive services? Training services? Do the directions include an explicit Statement regarding the obligation of One-Stops to provide these services to persons with disabilities? Do these directions explain when a One-Stop serves a person with a disability and when it makes eligibility determinations and referrals to the Vocational Rehabilitation program?

27. Does the State Plan include guidelines for local boards regarding the establishment of priorities for funding training when funds are limited and if so, are persons with disabilities listed as a priority group?

28. Does the State Plan include specific guidance regarding the responsibilities of local boards to ensure continuous improvement of eligible providers and if so, does this guidance include any reference to the provision of services to persons with disabilities by these eligible providers?

29. Does the State Plan include policies relating to reimbursement of providers designed to encourage local boards to use a broad array of service providers, including providers serving persons with disabilities?

30. Does the State Plan describe the system for assessing the performance of service providers (appropriate levels of performance) that takes into consideration the characteristics of the population served by the provider? Is the problem of “creaming” addressed?

31. Does the State Plan specifically inform local boards and One-Stops that they may use WIA funds to pay for physical and program accessibility?

#### **XI. Youth Activities**

32. Does the State Plan describe how the State will ensure that local boards comply with the provisions in WIA related to youth activities in general and with respect to youth with disabilities in particular. [Note, there is no specific requirement regarding descriptions in the State Plan of youth programs for youth with disabilities]

#### **XII. Assurances**

33. Does the State Plan include assurances regarding nondiscrimination?

#### **XIII. State Monitoring and Enforcement**

34 . Does the State Plan describe its system for monitoring and enforcement in general and does it include any specific policies related to persons with disabilities? [Note, the provisions in the legal framework relating to the State Plan do not include any specific requirements applicable to persons with disabilities]

#### **XIV. Miscellaneous**

35. Does the State Plan include other State initiatives to enhance the employment of persons with disabilities.