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THE WORKFORCE INNOVATION AND OPPORTUNITY ACT'S AMENDMENTS TO THE REHABILITATION ACT OF 1973

Amendments made by The Workforce Innovation and Opportunity Act (Act) to the Rehabilitation Act of 1973 represent an important shift in the involvement of the Office of Vocational Rehabilitation (OVR) in the transition of students with disabilities to post-secondary life. The changes should provide significant additional resources to local education agencies (LEAs) in addressing their free appropriate public education (FAPE) obligation in this regard.

Based upon a review of the Act, Department of Education announcements and other agency bulletins, the amendments emphasize the state (vocational rehabilitation) units' obligation to make "pre-employment transition services" available to all students with disabilities and coordinate those services with transition services provided by LEAs under the Individuals with Disabilities Education Act (IDEA).

Generally speaking, the responsibility is placed on the state unit to allocate funds and provide certain services to school-aged students with disabilities. The state unit retains the responsibility to coordinate with the LEA and attend IEP meetings when invited. The state unit must coordinate their services with the LEA, which will be providing the transition services required under the IDEA.

Under the amendments, states shall ensure that the designated state unit shall, in collaboration with the LEA, provide or arrange for the provision of, pre-

employment transition services for all students with disabilities. The funds available shall be used for the following "required" activities:

- Job exploration counseling;
- Work-based learning experiences (which may include in-school or after school opportunities or experience outside the traditional school setting);
- Counseling for enrollment in transition or post-secondary education programs at institutions of higher education;
- Workplace readiness training to develop social skills and independent living; and
- Instruction in self-advocacy, which may include peer mentoring.

Funds available under this subsection can also be used to pay for "authorized" activities to improve the transition of students with disabilities into post-secondary education or employment, including, but not limited to:

- Implementing strategies to increase independent living skills, inclusion in communities and competitive integrated employment opportunities;
- Developing strategies for people with disabilities to live independently, participate in post-secondary education and obtain competitive integrated employment;

- Providing instruction to vocational rehabilitation counselors and school transition personnel;
- Coordinating activities with transition services provided by LEA's under IDEA; and
- Disseminating information and strategies to improve transition to members of underserved populations and provide information about effective and efficient approaches to the goals listed above.

It is the responsibility of the local office of a designated state unit to:

- Attend IEP meetings when invited;
- Work with local workforce development boards to develop opportunities for students with disabilities; and

- Work with schools, including those carrying out activities under IDEA requirements for transition services, to ensure the services are provided.

The above requirements are referenced in Title IV, Section 422 of the Act, which revised the Rehabilitation Act at 29 U.S.C. §730.113. The Act can be found [here](#).

For more information about this alert, please contact Brian E. Subers at 610.397.6516 or bsubers@foxrothschild.com or any member of Fox Rothschild's Education Practice.



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