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Analysis of the Workforce Investment Act: Implications for Persons with Disabilities, Postsecondary Education and Life-long Learning Opportunities

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Abstract

On July 1, 2000, the Workforce Investment Act (WIA) took effect replacing the Job Training Partnership Act (JTPA). The overall purpose of WIA is to create an integrated workforce participation and employment system that meets the needs of job seekers as well as the employment needs of the nation's employers. Regulations, policies and reports from Congress and the U.S. Department of Labor have made it clear that persons with disabilities are among those who are supposed to benefit from this restructuring. This recent passage of federal policy could lead to changes in the manner in which students with disabilities are supported in post secondary education and other life long opportunities leading to subsequent employment. This article will review the new policy and analyze specific components of the policy concerning persons with disabilities and postsecondary education and life long learning opportunities.

Introduction

The recent change of federal policy and the development of new directives (Workforce Investment Act, Ticket to Work, Social Security Administration directives) concerning preparation and employment of persons with disabilities could lead to improvements in how students with disabilities are supported in post-secondary education and other life-long learning opportunities leading to subsequent employment. As this article goes to press, the impact of this new policy on students seeking participation in postsecondary education and other lifelong learning opportunities is just beginning to be explored.

This paper will specifically review the Workforce Investment Act (WIA) and conduct an analysis of those policy components that might impact upon the participation of student with disabilities in postsecondary education.

The New Policy: Workforce Investment Act

On August 7, 1998, President Clinton signed into law the Workforce Investment Act (WIA). This law replaces the Job Training Partnership Act (JTPA) and took effect on July 1, 2000. The overall purpose of WIA is to create an integrated workforce preparation and employment system that meets the needs of job seekers as well as those seeking to advance their careers. The employment needs of the nation's employers are also addressed through the WIA. The overarching goal of the Act is to consolidate and improve employment, training, literacy, and vocational rehabilitation programs meeting the needs of both individual job seekers and employers by providing job seekers with access

to employment and training opportunities and linking employers to a pool of qualified applicants.

One of the main features of WIA is the creation of "One-Stop" employment centers. At these centers, job seekers can access both a broad range of employment-related and training services in one central location. Designated agencies that have traditionally provided services to different groups (welfare recipients, youth, people with disabilities, displaced homemakers) are required to integrate access to their services through the One-Stop Career Centers. Partners in the One-Stop system include state vocational rehabilitation and employment service agencies.

Under Title I of WIA, the workforce investment system provides a framework for the delivery of workforce investment activities (at both state and local levels) to individuals who need such services. Directives from Congress and the U.S. Department of Labor make it clear that persons with disabilities are among the people who are intended to benefit from this legislation. Under the new legislation, programs included in the WIA system must effectively serve individuals with disabilities, and the vocational rehabilitation program in the state must be an integral component of the system. WIA incorporates seven key principles that are to guide the restructuring:

- **Universal Access:** all job seekers are to be given universal access to a core set of tools for career decision-making and job search.
- **Flexibility:** state and local stakeholders must be given flexibility to ensure that delivery systems are responsive to the needs of local employers and communities.
- **Streamlining:** services must be streamlined by coordinating multiple employment and training programs through the One-Stop Career Centers with seamless responsibility to all customers. The customers must include "individuals with disabilities and other persons with multiple barriers to employment" (64 FR 9403-9404, February 25, 1999). To make all services available to all customers, all centers that are part of the One-Stop system must be accessible to people with disabilities.
- **Empowerment:** the system should empower individuals, in part by providing them with skills demanded by employers, the information, resources they need to manage their own careers. This management occurs through the establishment of Individual Training Accounts (ITA) and the collection of better information on the performance of service providers.
- **Accountability:** there must be state and local accountability for performance of the workforce system. Reviews of both training providers as well as training programs must be able to show documented evidence of successful performance and customer satisfaction to remain eligible to receive funds.
- **Strategic Planning and Oversight:** local Workforce Investment Boards and the private sector must be given a stronger role. This role will in part include a shift in emphasis, from oversight of day-to-day operational details to strategic planning and oversight of the One-Stop service delivery system.
- **Youth emphasis:** youth activities funded under the Act must strengthen linkages between centers of academic and occupational learning and other youth development activities.

Analysis of the Workforce Investment Act (WIA)

To gain a better understanding of how WIA might be implemented at the state level, the federal government issued a request for proposals which offered states opportunities to receive special funding based on innovative approaches for implementation of the legislation. Nine states were selected to receive federal grants to test the implementation of WIA regulations: Florida, Indiana, Louisiana, Kentucky, New Jersey, Texas, Utah, Vermont and Wisconsin. The analysis of these nine states' innovative approaches will deal with five areas:

1. Eligibility of Training Providers
2. Post Secondary and Disability Representation on Local Workforce Investment Boards
3. Performance Accountability

4. Youth Programs: Self-Advocacy Training
5. Disability Awareness Issues

Eligibility of Training Providers

States must, according to WIA, develop procedures to ensure that the policies related to program quality and outcomes meet the objectives of the Act. These requirements include the establishment of one-stop centers and training providers. Kentucky, Texas and Vermont all have clear requirements for establishment of both of these components outlined within their state plans. Texas has taken a different approach: listing initial determination, state maintenance of the provider list, and the process for removing providers from the list. Vermont and Kentucky are very detailed as well, outlining requirements for providers to be eligible to provide services under WIA. Much of Florida's eligibility requirements are framed within Title IV of the Higher Education Act of 1965 (HEA), National Apprenticeship Act, and Florida Education and Training Information Program (FETPIP). All other private providers eligible for exemptions to ITA's specified in WIA may also be included in the list. Florida insures that their Regional Workforce Development Boards will track outcomes.

The Indiana State plan includes policies relating to Community Based Organizations (CBO). However, the descriptions are rather brief. Indiana also includes eligibility found in Title IV of the Higher Education Act of 1996 and the National Apprenticeship Act. The SCORECARD, a component of Louisiana Occupational Information System (LOIS), is the main means representatives of the state will use to provide information on the performance of training providers. The New Jersey plan assures that comprehensive performance information will be available on all service providers in the state at each of the state's one-stop centers. The Utah State plan mentions that the Utah State Office of Education's Office of Rehabilitation will be assigned the task of approving training providers. It will develop an application which includes requirements both from the WIA and from the Office of Rehabilitation. Wisconsin has a plan that includes a process for collecting data on the performance of training providers.

The purpose of the WIA is to create a national workforce preparation and employment system to simultaneously improve workforce quality and reduce welfare dependency. This statute serves the need of all job seekers, including people with disabilities. To ensure that people with disabilities have universal access to this new workforce system and are able to participate freely, there is a need for a directive mandating disability awareness training for training providers and all persons employed at One-stop centers.

Postsecondary institutions should be eligible to serve as training providers chosen through Individual Training accounts. Thus far, the statute does not specifically outline the criteria by which training providers are selected. There is a need for clarification of selection criteria to ensure that students with disabilities wanting to pursue higher education career goals are not denied this choice.

Postsecondary and Disability Representation on Local Workforce Investment Boards (WIB)

The Governor of each state appoints a State Workforce Investment Board (WIB) to monitor and coordinate each state's workforce investment system. At the local level, the workforce investment system is overseen by Local Workforce Investment Boards, each of which is located in major population areas of the state. Under WIA, these local boards have considerable discretion and flexibility. They make many operational decisions, including the appointment of local One-Stop operators. The Local Board is appointed by the Chief Local Elected Official (usually a mayor, or head of an elected county board). A representative of the Vocational Rehabilitation System sits on each Local Board since the Local Boards must include all One-Stop partners.

WIA mandates Board membership to include at least one member representing each One-stop partner and two or more members representing categories described in the WIA including

"organizations representing individuals with disabilities." WIA regulations do not, however, mandate a membership seat for each category of entities listed in the statute.

There is a need to ensure the representation of people with disabilities and postsecondary education institutions on state and local Boards. To ensure equal opportunity, self-determination and economic self-sufficiency (all key principles of federal disability policy) students with disabilities should be encouraged to strive for higher educational goals leading to high-end employment and lifelong learning. Thus, state and local Workforce Investment Boards should be directed to include representation of postsecondary education institutions.

Postsecondary representation on local WIBs is to be found. Five states (Indiana, Kentucky, Texas, Vermont, and Wisconsin) all include this type of representation. Indiana mentions "strong linkages" between academic institutions, including organizations such as the Commission for Higher Education. The Kentucky plan states that the WIB will include postsecondary educational institutions including representation of community colleges. The WIB in Texas has three voting members one of whom represents public postsecondary education. Vermont's membership includes the president of the University of Vermont and a member representing Vermont's independent colleges. Wisconsin's core partners include postsecondary vocational educational organizations. The other states do not explicitly include in such representation.

Florida and Texas include "disability representation" on the WIB. Florida requires the local board to include representatives from private educational institutions and community based organizations serving individuals with disabilities. Texas local boards must include at least one representative who has contacts with the local vocational rehabilitation service providers. In addition, all local boards are encouraged to designate that representative, or an additional member, to represent "general disability related issues." Local boards are each required to designate a staff person to work with clients with disabilities. The other implementation states do not explicitly mention disability representation on WIBs.

Performance Accountability

A key provision of the Workforce Investment Act is state and local accountability for the performance of the workforce system. In order to remain eligible to receive funds, training providers as well as programs must demonstrate and document successful performance and customer satisfaction. For the adult program, state performance indicators include entry into employment, retention, earnings, and educational or occupational credentials. Local workforce investment areas are subject to the same indicators in addition to indicators the Governor may select. Local performance indicators should therefore include both "career advancement" and "improved quality of life" to further the achievement of higher education goals and lifelong learning for students with disabilities.

All of the state plans address systems for maintaining eligibility for service providers in compliance to WIA mandates. Florida, Indiana, Kentucky and Texas provide the respective state policies for training providers certification and customer satisfaction reports. Vermont and Louisiana incorporate a "scorecard" measurement system for evaluating potential providers. Wisconsin posts "job seekers satisfaction" surveys. Texas, Indiana, and Utah list areas for which providers must give outcomes in order to receive and maintain certification. These states list each pertinent area with Texas being the most comprehensive and complete. These areas include retention rate, costs, percentages of completion and employment, wages, rate of licensure, degree, and certification.

Youth Programs: Self-Advocacy Training

One of the features of the WIA is the creation of statewide Youth Councils to serve the needs of low-income youth ages 14 to 21 who face at least one of six barriers to employment (for example, youths with disabilities). The design framework for local youth programs must include preparation courses for

postsecondary education programs among others. In addition, the Council is charged with providing linkages between academic and occupational learning. Prior to becoming eligible to begin to deliver services to individuals with disabilities, all training providers must participate in disability awareness training. For youth with disabilities, self-advocacy training is an essential component of, as well as pre-requisite for, academic and occupational learning. As a result of such training, adults with disabilities would be better able to understand both their disability rights and advocacy needs in the workplace.

All nine state plans mention areas of youth advocacy training. The various components involved with youth support are itemized in most detail in the plans developed by government officials in Indiana and Vermont. These areas include, but are not limited to, life skills training self-esteem building, educational and career opportunities, and positive social behaviors.

The WIA requires states to provide activities and services that are directed to help eligible youth achieve academic and employment success. However, none of the plans elaborate on the methods for fulfilling this requirement. Utah extends the scope of their plan in relation to this area by ensuring that all youth participants receive follow-up services for a minimum of 12 months.

Florida, Texas and Vermont all cite WIA as their vehicle of allowing advocacy group participation (as described in the Wagner-Peyser Act). However, Florida, Kentucky, New Jersey, and Texas do not identify sources for accomplishing this. In contrast, Louisiana names various specific programs and agencies that are focused on providing youth with the necessary supports. Texas cites many programs and agencies quite a few of which are already in existence. Utah links closely with their State Office of Rehabilitation. Wisconsin and Vermont provide general descriptions focusing on the value of the Youth Councils to address these needs.

Disability Awareness Issues

Kentucky and Wisconsin stand out as leaders in disability awareness. Kentucky's state plan incorporates assurances that local boards, one-stop operators, and service providers will comprehensively address these issues with staff as well as with persons with disabilities. The Kentucky state plan mentions cross training, technical assistance, and outreach programs for persons with disabilities to ensure that many of the barriers to services and employment will be overcome. Wisconsin itemizes policies for special needs populations that include the necessary tools for universal access to core services.

New Jersey's state plan provides in-service training in this area for existing Business Resource Network (BRN) representatives and coordinators along with local Division of Vocational Rehabilitation (DVR) representatives. Texas encourages their employment services staff members to develop training programs for front line workers, boards, center operators, service providers, and other employment service staff, to address disability issues and awareness. Louisiana will utilize existing advocacy groups, along with the Governor's Office of Woman's Services, to provide the One-Stop system with the skill needed to serve groups with special needs.

Although Utah mentions an array of services that they will provide to assist persons with disabilities, there is little mention in their state plan to describe the training of individuals who will be providing the services. The only exception noted was that Salt Lake Community College will provide training to supervisors who work for businesses that have hired applicants with special needs. The Vermont plan provides for Vocational Rehabilitation counselors to provide cross training to one-stop staff members statewide. Currently, Vocational Rehabilitation counselors are also being placed at one-stop centers on an average of 1/2 day a week to assist in further needs. Vocational Rehabilitation appears to be the avenue of choice in establishing or addressing disability awareness issues for many of the remaining states. They mention that services will be provided, but do not say whether front line

workers and service providers will be included within these supports.

Conclusion

The Workforce Investment Act (WIA) appears to be a powerful piece of legislation. It has the potential to make a positive impact upon persons with disabilities who are seeking career advancement and training within post secondary education programs. To determine the potential impact, this paper has analyzed five areas of relevance within the state plans of nine states selected for initial implementation of WIA. Both the review and analysis suggest that federal policy and state implementation plans, for the most part, address the training and employment needs of persons with disabilities, as well as the role of postsecondary education programs in addressing those needs. It is also evident that, given the wording of federal policy and initial state plan guidance, there may be significant opportunities for persons (including youth) with disabilities to be supported in the attainment of postsecondary education and subsequent employment goals.

A personal communication from a person with a disability in another state made comments on his and others' experience. According to this person, the perceived benefits of WIA are: (1) immediate access to a variety of agencies; (2) One Stop partners are learning about the services of other partners and working to provide a full range of services; (3) a broader community is being built around employment and training programs; (4) accessibility to all One Stop partners services has improved; (5) services truly are better coordinated; and (6) the shift of the government from process to product and customer satisfaction is evident.

Given past negative experience regarding the inclusion of persons with disabilities within the federal educational and employment legislation and state level guidance, there is reason for concern that their needs may not receive the necessary attention. Possible barriers could be: fear, gate keepers, money, and risk and responsibility. Public service also has many functions one of which is to create a system of checks and balances to maintain social stability and equity. WIA challenges the existing system to adapt and to change in reflection of the empowered role of people with disabilities and the inclusive support designs of employment support programs. No doubt there are risks and responsibilities in the development of WIA: the system will be challenged and mistakes will be made while at the same time creative people will work hard to collaborate and to serve people.

Recommendations

In response to a survey of the nine implementation states asking how federal policy or state level guidance could be strengthened to support students with disabilities with disabilities better, policy makers suggested that efforts in improvement be focused on the wording of regulations. In addition the survey respondents indicated that improvements could be made in several areas.

First, there should be a mandate for disability awareness training of providers. Second, Workforce Investment Boards, should be directed to include representatives of Postsecondary Educational institutions and insure representation of people with disabilities. Third, include career advancement and improved quality of life criteria to further the achievement of higher educational goals and life long learning. Fourth, the training should include self advocacy training as a component of training in youth programs for preparation for Postsecondary Education as well as life long learning. Fifth, the provision of disability awareness in-service training for all employment service staff. And finally, specific guidance concerning the role of persons with disabilities, from the federal Department of Labor, would assist states with these issues as they proceed with implementation.

The purpose of the Workforce Investment Act is to create a national work preparation and employment system. In spite of a good beginning, the question remains: will it continue to be successful in the future improving the system or will it gradually fail? Only time will tell.

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Analysis of the Workforce Investment Act (WIA): Implications for Persons with Disabilities, Postsecondary Education and Life-long Learning Opportunities contains very good information. It

mentions that persons with disabilities are only one of several target populations for the Workforce Investment Act. The seven principles of the Act - universal access, flexibility, streamlining, empowerment, accountability, strategic planning and oversight and youth emphasis - were of much interest. Also of interest was the discussion of Florida, Indiana, Louisiana, Kentucky, New Jersey, Texas, Utah, Vermont, and Wisconsin, the nine states plans being reviewed. Of further interest was the discussion about youth councils, self-advocacy training, and state implementation.