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May 21, 2021

Dear Senate HELP Committee Members,

On behalf of the State of Nevada, Vocational Rehabilitation program (Title IV of the Workforce Innovation and Opportunity Act (WIOA)), I offer the following stakeholder feedback. Thank you for the opportunity and for your consideration.

As you know, people with disabilities are employed at a much lower rate than those without disabilities. The gap is as high as 45 percentage points in some states. People with disabilities are in poverty at a much higher rate than those without disabilities. As per Cornell University Disability Statistics, in Nevada, that rate is 25.5% vs. 10.4%. Early studies are showing that individuals with disabilities have been disproportionately impacted by the COVID-19 pandemic. Programs that assist individuals with disabilities to become successfully employed need funding and flexibility to support this vulnerable population's return to work, which will aid in their states' economic recoveries.

Nevada is struggling in its post-pandemic economic recovery. Like other states, we've seen the state funded safety net and workforce development programs' funding reduced in response to the pandemic. This includes Nevada's Vocational Rehabilitation (VR) program, whose funding is currently at historical lows. Low levels of state general funds make it more challenging to meet the requirements for the 15% funding reserve for Pre-Employment Transition Services (Pre-ETS) for students with disabilities, while having sufficient funding remaining to fully serve the general population. Because the reserve requirement is 15% of the final VR grant award, as opposed to 15% of the funds budgeted for the purchase of direct client services, Nevada's Pre-ETS reserve is more than 50% of its total client services funding. This will make it difficult to fully serve Nevadans with disabilities. Many states in similar circumstances may have to consider an Order of Selection. As per 34 CFR 361.36(a)(1), a state VR agency is required to implement an order of selection when it anticipates that it will not have sufficient fiscal and/or personnel resources to fully serve all eligible individuals.

It would be a benefit to states' VR programs to offer flexibility in meeting the Pre-ETS restrictions. This could be done in a variety of ways to give states more flexibility to serve *all* eligible individuals with disabilities in their states.

- First, the 15% reserve requirement could be reduced to a more reasonable percentage, such as 15% of client services funding.
- Second, the services provided by the Pre-ETS reserve could be expanded to include *all* transition services provided to students with disabilities, rather than the very restrictive 5 Pre-ETS "required" services.
- Third, the Pre-ETS funding reserve requirement could be eliminated altogether, while maintaining the mandate to provide the 5 Pre-ETS required services to all students with disabilities in need of these services. Rather, they would be paid for out of the state's allocated client services funding, like any other client service. The only difference would be that the requirements to provide Pre-ETS services to students with disabilities would remain in the law.
- Fourth, it would be important for WIOA and the Individuals with Disabilities Education Act (IDEA) to be aligned. If schools had an equal mandate within IDEA to provide Pre-ETS, or at



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least to collaborate with VR programs to provide Pre-ETS, the funding for these services could be better distributed between schools and VR programs, and more students could be reached. Schools will better collaborate if the law dictating the way they do business (IDEA) included the same language and mandates for Pre-ETS which exist in WIOA. VR staff spend a great deal of time in their efforts to collaborate with schools to provide Pre-ETS to students with disabilities.

Further suggestions for reform/reauthorization of WIOA, Title IV, include elimination or transfer of the Supported Employment grant. It simply adds another layer of administrative activity for a fund source that is now extremely limited in the services it may provide to individuals with disabilities. Nevada would also suggest that state VR programs are not the appropriate entity to provide long-term follow-along services for individuals with disabilities after they have become employed. VR programs are focused on workforce development and assisting individuals with disabilities to earn skill gains and credentials to meet the needs of businesses through training and education programs. The Department of Health and Human Services Regional Centers are better poised to provide follow-along services, which is their area of expertise. The Supported Employment grant could be moved to these Centers. VR should be focused on work-readiness and services that eliminate or mitigate barriers to employment for individuals with disabilities.

One of the most common barriers to employment experienced by individuals with disabilities is transportation. Yet states struggle to fund transportation systems, including expansion of paratransit routes. It might be a benefit for the Department of Education, Rehabilitation Services Administration (RSA) to earmark some of its discretionary funding for competitive grants related to the development of transportation systems for individuals with disabilities. People cannot maintain employment if they are unable to consistently report to work on time. This same holds true for any member of the workforce with transportation barriers.

Thank you for consideration of Nevada's comments. Please feel free to reach out to me with any questions or follow-up.

Sincerely,

DocuSigned by:

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