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Pennsylvania Still Has Work to Do to Prepare Students with Disabilities for Employment

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EXECUTIVE SUMMARY

This article analyzes the reports published by the Pennsylvania Office of Vocational Rehabilitation (OVR) as required by the Work Experience for High School Students with Disabilities Act, also known as Act 26.

The Pennsylvania Legislature passed Act 26¹ in May of 2016. The purpose of Act 26 is to increase the number of students with disabilities ages 14-21 who are obtaining Competitive Integrated Employment (CIE) during high school and entering competitive employment upon graduation. CIE is secured when students with disabilities earn at least minimum wage and work alongside their non-disabled peers.

In order to achieve this purpose, the Act directs OVR to collaborate with school districts and other educational entities, such as the Pennsylvania Department of Education (PDE), in several ways. For example, “when possible, OVR shall attend individual education plan meetings in person or by alternative means.”² These meetings should include school district personnel, an individual student, and his or her family members. The purpose of these meetings is to create goals that will lead to the student securing competitive employment.³

¹ 2015 Pa. HB 400 The full text of Act 26 can be viewed online:
<http://www.legis.state.pa.us/cfdocs/legis/li/uconsCheck.cfm?yr=2016&sessInd=0&act=26>

² 2015 Pa. HB 400 §3(1)

³ *Id*

To determine if Act 26 is having an impact, OVR must also collaborate with PDE in the collection and sharing of data on students with disabilities ages 14-21 across six metrics. The Act requires OVR to publish this data in a report on its website within 45 days of the end of each calendar quarter. These reports are potentially powerful tools for advocates seeking to hold OVR accountable.

As of November 1, 2018, OVR has issued six reports. All of the reports were either published late or did not have data for the entire reporting period. OVR has offered no public explanation for these failings. More importantly, the reports reveal two troubling findings: 1) the numbers across all six metrics are disturbingly low suggesting that Act 26 is not having the impact that it could; and, 2) at the same time the Act’s required data collection is insufficient for stakeholders to fully assess the impact of Act 26. The chart below summarizes the most concerning data:

SUMMARY OF FINDINGS

<i>Act 26 Metric</i>	<i>School Year 16-17</i>	<i>Percentage</i>	<i>School Year 17-18</i>	<i>Percentage</i>
Staff Attended IEP Meeting	1,478	1.4 %	2,774	3.0%
Job Referrals Made	1,238	1.2%	4,476	4.3%
Students Worked PT/Summer Jobs	832	Less than 1%	1,888	1.8%
Students Received Job Coaching	76	Less than 1%	30	Less than 1%
Students Entered CIE w/in 3 mos of Graduation	19	Less than 1%	58	Less than 1%

While these OVR Reports demonstrate that Pennsylvania has significant work to do to increase the number of students with disabilities who are obtaining CIE, these reports are an important first step in improving outcomes for high school students with disabilities because they shed light on the gaps in services and provide information for advocates.

DISCUSSION

Legal Landscape

Transition services help students enrolled in special education move from school to post-school activities including further education and employment. Research has shown that gaining paid work experience while still in high school is a strong predictor of whether a student with a disability will be employed after high school.⁴ Furthermore, under federal special education law (the Individuals with Disabilities Education Act or IDEA),⁵ school districts must provide transition services to students enrolled in special education ages 16 – 21. In Pennsylvania, the School Code mandates an expansion of that population to include students ages 14 – 21. The main tool that school districts use to fulfill their obligations under the Individuals with Disabilities Education Act is the Individualized Education Program (IEP).

There are over 105,000 students with IEPs between the ages of 14 and 21 eligible for transition services in Pennsylvania. Under federal law, school districts are able to partner with outside agencies to provide transition services. One such agency available to school districts is Vocational Rehabilitation. Each state has a Vocational Rehabilitation agency, which is responsible for helping people with disabilities prepare for, obtain and maintain employment. The Vocational Rehabilitation agency in Pennsylvania is called the Office of Vocational Rehabilitation (OVR). In order to improve collaboration between OVR and school districts, in May of 2016 the Pennsylvania Legislature passed the *Work Experience for High School Students with Disabilities Act*, also called Act 26. Act 26 requires OVR to collaborate with school districts to ensure that students with disabilities are prepared to enter the workforce upon graduation.

While the transition section of a student's IEP is supposed to include measurable goals to help the student prepare for and obtain employment, many schools do not have staff with the expertise to help students with disabilities find employment that fits their unique needs. Act 26 helps address this issue by requiring OVR counselors to attend IEP meetings when possible, to assist in creating individualized employment goals, and to offer additional services such as job coaching.

Act 26 also requires OVR and the Pennsylvania Department of Education (PDE) to collaborate in the collection and sharing of data related to students with disabilities ages 14-21. OVR must publish the following information on its website 45 days after the end of each calendar quarter for the prior quarter for each county in the Commonwealth:

- the number of IEP meetings attended by OVR staff
- the number of IEPs that included new or significantly modified goals and specific steps toward the attainment of competitive integrated employment (CIE)
- the number of job referrals made to employers on behalf of students with disabilities while still in high school
- the number of high school students with disabilities working in part-time or summer jobs as a result of referrals made by OVR staff

⁴ https://www.witig.org/wstidata/resources/journal-of-disability-policy-studies-2012-carter-50-63_1445367527.pdf

⁵ 20 U.S.C. § 1400

- the number of high school students who are receiving job coaching services
- the number of students who entered CIE within three months of graduation

It is important to note a key difference between the language used in Act 26 and the language used in the IDEA with regards to who is eligible for services. Act 26 requires data about “high school students with disabilities” while only “students enrolled in special education” are legally entitled to transition services under the IDEA. While all high school students enrolled in special education have disabilities, not all students that have a disability are enrolled in special education, which ultimately means that actual number of students eligible for services through OVR is much higher.

The full reports can be found here <http://www.dli.pa.gov/Individuals/Disability-Services/Pages/Act-26-Information.aspx>

Findings

The two main findings from the reports are that the numbers in every category are low and the law does not require agencies to provide enough information for stakeholders to fully assess the impact of Act 26.

A. Low Numbers In Every Category

The chart below summarizes the data for both school years by metric. It compares the statewide data and the counties where the three largest school districts are located.

ACT 26 METRIC	SCHOOL YEAR 16-17				SCHOOL YEAR 17-18			
	State Wide (16-17)	Phila	Allegheny	Bucks	State Wide (17-18)	Phila	Allegheny	Bucks
Staff Attended IEP Meeting	1,478	8	71	19	2,774	43	151	31
Job Referrals Made	1,238	33	198	7	4,476	215	423	93
Students Worked PT/Summer Jobs	832	3	326	5	1,888	69	368	15
Students Received Job Coaching	76	25	6	1	30	2	2	0
Students Entered CIE w/in 3 mos of Graduation	19	N/A	N/A	N/A	58	N/A	N/A	N/A

N/A – Not Available

1. Number of IEP Meetings Attended by OVR Staff

OVR counselors attended almost 1,500 IEP meetings for 2016-2017 and 2,774 for the 2017-2018 school year. Under the IDEA, IEP teams must meet at least annually.⁶ Therefore, there should have been at least 105,000 IEP meetings in both 2016-2017 and 2017-2018.

The reports provide no information regarding the total number of meetings to which OVR counselors were invited. Therefore, it is difficult for stakeholders to gauge how well or how poorly OVR is responding to students' needs. While the numbers for 2017-2018 were higher than the numbers for 2016-2017, the numbers are still extremely low. In addition, the data shows that OVR's performance is better in some counties than in others.

Advocates should press PDE to collect the data regarding requests for OVR attendance at IEP meetings so that stakeholders can evaluate OVR's performance responding to those requests. Moreover, a small number of requests may also indicate that parents are not receiving information about the option to invite a representative from OVR to attend the IEP meeting.

2. Number of IEPs with New or Significantly Modified Goals

Although Act 26 required the reports to include data on the number of IEPs that included new or significantly modified goals, ***only the fourth quarter report for 2017-2018 contained this information.*** This analysis does not address this metric because the fourth quarter report indicated that the data reported was only preliminary and would not be finalized until November of 2018.

3. Number of Referrals Made to Employers on Behalf of High School Students

See chart on page 4.

4. Number of Students Working Part-Time or During the Summer Based Upon Referrals Made by OVR

See chart on page 4.

5. Number of Students Receiving Job Coaching in Summer or Part-Time Jobs

See chart on page 4.

6. Number of Students Who Obtained CIE Within 3 Months of Graduation

The final required data item is the number of students who entered CIE within three months of graduation. While the data in every other category is broken down by county, and while the law requires OVR to present this data on a county-by-county basis, all the reports combine this

⁶ 20 U.S.C. § 1414(d)(4)(A)(i)

data from all counties. Without this breakdown, it is difficult to compare counties' performance, and it will be difficult in the future to know which counties, if any, are making significant improvements.

In addition, the reports do not provide any information as to how these numbers compare to the total number of students with disabilities who should have obtained CIE; that is, how many graduated or reached 21 and thus aged out of school in Pennsylvania. It is possible, however, to compare the numbers from the reports to data from PDE, which indicates that for the 2016-2017 school year 18,231 students enrolled in special education either graduated or reached maximum age.⁷

The reports offered several reasons for why the reported numbers of students who obtained employment within three months of graduation were "imperfect." The reasoning included that many students who became employed over the summer would not be able to be "closed" as a successful placement until they had worked for the entire three months. Therefore, OVR was sometimes not initially aware of employment outcomes, which may have caused a delay in data entry. The reports also pointed out that many students with open cases need multiple services to become employed, including job training and post-secondary education, which may take years to complete. In addition, in the second and third reports, OVR asserts that for the reporting periods this item was not applicable because high school students had not yet graduated.

B. Lack of Information Makes it Difficult to Fully Evaluate Act 26's Effectiveness

The data OVR is required to provide under Act 26 does not give stakeholders enough context to fully assess how well the state is ensuring that students with disabilities ages 14-21 are gaining work experience while still in high school. For example, the law requires OVR to provide a breakdown of the number of transition-aged (14-21-year-old) students it served in any given quarter by county, but it does not have to determine or disclose the total eligible population in each county. It is therefore impossible to qualify how well OVR is responding in each county. And one cannot find the total eligible population anywhere else. While PDE provides public data on enrollment of special education students by school district, it only provides data for students ages 6-21. There is no way to accurately extrapolate the data for only students ages 14-21.

The lack of information regarding the number of transition-age students is problematic because there is significant variation in the number of students enrolled in special education by school district. For example, the chart below compares the three largest school districts in Pennsylvania. Based on their drastic differences in size, one would expect OVR's report to show that in Philadelphia, the largest district in the state, OVR served a significantly higher number of students than all the other counties. Yet as shown in the chart below, the number of students served in Philadelphia is similar to every other county in every reporting category and nothing in the data that is currently required to be reported by OVR explains this incongruity.

⁷ https://penndata.hbg.psu.edu/Portals/66/documents/ADR/Exitingpartb_2017.pdf; this information has not been released for 2017-2018 at the time of this publishing

School District	County	Students Aged 6-21 in School District (16-17)	SP. Ed. Students Age 6-21 in School District (16-17)⁸	SP. Ed. Students Age 6-21 in School District (17-18)	Students Age 14-21 in School District	Students Age 14-21 in County
Philadelphia City	Philadelphia	132,612	19,487	19,402	Unknown	Unknown
Pittsburgh Public	Allegheny	22,507	4,208	4,294	Unknown	Unknown
Central Bucks	Bucks	18,451	2,332	2,340	Unknown	Unknown

In addition to the information that is not required to be reported by Act 26, it is important to note a key difference between the language around required data in Act 26 and the data collected by PDE. Act 26 requires data about “high school students with disabilities” while PDE publishes data about “students enrolled in special education.” While all high school students enrolled in special education have disabilities, not all students that have a disability are enrolled in special education. The 105,000 students with IEPs only represents students enrolled in special education. The number of students eligible for services through OVR is much higher because it includes students with disabilities who do not need special education. Students with disabilities who do not need special education can receive a 504 plan through their school. These students are eligible for services with OVR and should be included in Act 26 data.

Conclusion

The legislature and advocates need to press OVR to increase its services because thousands of students with disabilities are not getting the services they need so that they can become contributing members of our society. The legislature should also amend Act 26 to require OVR to provide sufficient data so that parents and advocates can actually understand which students are receiving appropriate services.

Nevertheless, these reports are a key first step in improving outcomes for these students. The reports provide stakeholders with some of the data necessary to track the number of students with disabilities who are obtaining paid work experience during high school and upon graduation and provides insight into where to direct resources to increase these numbers.

⁸ <https://penndata.hbg.psu.edu/PublicReporting/DataataGlance/tabid/2523/Default.aspx>