

CAP UPDATE

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ANN'S "PLAN"

(Part 4 of our ongoing series)

By Margaret Passio McKenna & Cindy Crissman

Ann has been very busy. Ann decided she has gathered enough information to contact her counselor. She called her counselor and they set up a time to meet in two weeks. When they met, Ann was very excited to share with her counselor her findings. Ann detailed how she has been filling out financial aid forms, filling out applications, talking with advisors, and financial aid people. She has also been gathering lots of information on the program each school offers that she believes would best meet her needs. "It is almost as much work, effort and time as a full time job", she said to her counselor. Ann realized this is all necessary for her to become successful in her chosen field. Ann's counselor asked her if she decided that Early Childhood Teach would be her goal. "During this process I had the realization that I would like to be a special education teacher who is certified to teach the blind and visually impaired", Ann added. As this goal became clearer to her, she found out through her college investigation not all colleges that help certify you as a teacher offer this specialized degree. Ann believes the

college she selected meets her needs. It seems disability friendly, is a smaller school, which is important for her disability needs, and offers this type of degree. The counselor asked her why she just couldn't be a regular teacher. Ann replied, "she has a nephew who is blind and would love working with and teaching children like him". She replied, this school will cost more money and you will have to live on campus".

Ann's counselor explained that R had a set financial contribution amount that could be

Ann stated she understands this and was hoping her counselor could let her know of any other resources or options for paying more of the tuition. The counselor seemed very vague at first and then mentioned something about a "possible waiver" but she wasn't sure. Ann said she would try anything if she can get more money, which will enable her to attend this school. She asked what she needed to do to get a waiver. Ann told her counselor to keep in mind she will be living on her own and will be paying for her own medicine which her insurance won't cover. Ann's counselor told her to write down the reasons why the college she chose was the best one to meet her disability needs. She also told Ann to make a detailed list of her expenses. Her counselor told Ann to be specific. Ann agreed to do this. When Ann gets the information she needs, she will schedule a meeting with her counselor



paid toward college educations. This amount includes such items as tuition, fees, books and supplies.

CareerLink Barriers to Individuals who are Deaf and /or Hard of Hearing

The Center for Disability Law and Policy, which administers the Client Assistance Program (CAP) in Pennsylvania, has conducted a survey over the past several months to investigate what barriers persons who are deaf and/or hard of hearing have when contacting CareerLinks in our state. The findings of the survey are summarized below, and findings specific to each CareerLink site are also attached. They reveal a systemic failure to ensure access to programs, services, and benefits provided at CareerLinks to persons who are deaf, and/or hard of hearing. **By way of example, 104 Careerlinks were surveyed, of those, only 15 answered calls placed to their TTY phones (telephones for individuals who are deaf). 30 did not have a TTY at all!** It is our recommendation that the State Board of Vocational Rehabilitation take prompt action directing the Department of Labor & Industry and the Commonwealth of Pennsylvania to remedy these failures.

PENNSYLVANIA CAREERLINK INFORMATION

The Pennsylvania CareerLink System is a cooperative effort to provide “one-stop” delivery of career services to job seekers, employers and other interested individuals. The “one-stop” service delivery concept is part of the Workforce Investment Act (WIA). In Pennsylvania, these “one-stop” service delivery centers are called CareerLinks. CareerLinks are designed to function as a self-directed job search system, providing quality customer service to the people of Pennsylvania, and enabling all customers to make informed job-related choices. Through this self-service system, individuals have access to employment, education, and training resources. Job seekers can find information on resume preparation, support services, and training programs. Employers can submit and update job orders, search for qualified applicants, and access economic development, and labor market information. For more information about the CareerLink system in Pennsylvania, please visit www.pacareerlink.state.pa.us.



Identifying and developing accommodations and supports is an integral part of assisting people with disabilities to find employment. Successful job development involves fitting the job to the person as much as fitting the person to the job. One-Stop staff that work with people with disabilities need a basic knowledge of how to accommodate individuals with disabilities, and how to modify programs, services and benefits to ensure accessibility.

Access to Programs, Services, and Employment Benefits by People who are Deaf and/or Hard of Hearing

This one-stop delivery system is mandated to exist as part of the Workforce Investment Act (WIA), federal legislation that includes the Rehabilitation Act of 1973. See Title I § 121 et seq.; Workforce Investment Act of 1988, Title IV, § 401 et seq. Recently, the Department of Labor (DOL) developed a checklist designed to assist one-stop centers in complying with the accessibility requirements of both WIA and the Rehabilitation Act. While the checklist does not create any new or additional accessibility requirements for one-stops, it is intended as a compliance tool. A copy of this checklist is attached. For purposes of this study, the Center

for Disability Law & Policy focused on those sections of the checklist dealing with effective communication with individuals with disabilities. As outlined in Section 5.5 of this checklist, steps must be taken to ensure that communication with individuals with disabilities is as effective as communication with others. [64 FR 61700]. Where a CareerLink communicates by telephone with the individuals it serves, it must use telecommunication devices for individuals with hearing impairments (TDDs/TTYs) or equally effective communication systems [64 FR 61724].

“Telephone relay services” have been identified by both WIA regulations and the Department of Labor as an example of an “equally effective communications system” for individuals who are deaf and/or hard of hearing. In defining “telephone relay services”, WIA relies upon the definition already established under Title IV of the Americans with Disabilities Act (ADA) to permit communications between individuals who communicate by TDD/TTY and individuals who communicate by the telephone alone. These relay services involve a relay operator using both a standard telephone and a TDD/TTY to type voice messages to the TDD/TTY user, and read the TDD/TTY messages to the standard telephone user. Where such relay services are available, a one-stop center may use these services to meet the requirements of this section. However, where the one-stop has extensive telephone contact with the public, or where the provision of telephone services is a major function of the one-stop, it should use TDDs/TTYs to ensure more immediate access [64 FR at 61700].

CareerLinks must ensure that interested individuals, including individuals with visual and hearing impairments can obtain information as to the existence or location of accessible services, activities, and facilities [64 FR 61724]. The CareerLink must furnish appropriate auxiliary aids and services where necessary to afford individuals with disabilities an equal opportunity to participate in, and enjoy the benefits of, the WIA Title I-financially assisted program or activity. Primary consideration must be given to the requests of the individual with a disability when determining what type of auxiliary aid or service is appropriate [*Id.*, see also 64 FR at 61700]. Auxiliary aids or services include, but are not limited to,:

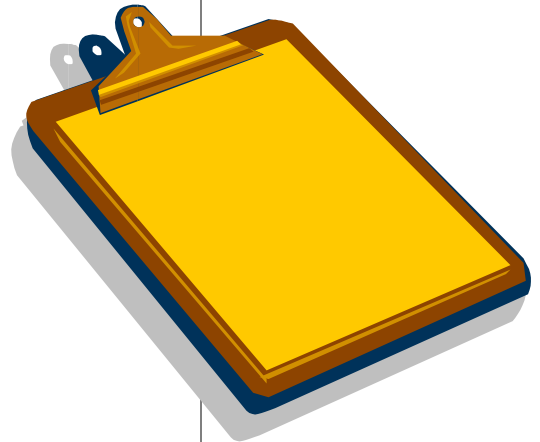
Qualified interpreters, note takers, transcription services, written materials, telephone handset amplifiers, assistive listening systems, telephones compatible with hearing aids, closed caption decoders, open and closed captioning, telecommunications devices for deaf persons (TDDs/TTYs), videotext displays, or other effective means of making aurally delivered materials available to individuals with hearing impairments;

(2) Qualified readers, taped texts, audio recordings, brailled materials, large print materials, or other effective means of making visually delivered materials available to individuals with visual impairments;

(3) Acquisition or modification of equipment or devices; and

(4) Other similar services and actions.

NOTE: The complete report can be viewed on our website: <http://equalemployment.org/publications/careerlink.html>



Pennsylvania Client
Assistance Program

Philadelphia Office

Suite 800
1617 JFK Blvd.
Philadelphia, PA. 19103

Voice/TDD: 215-557-7112
FAX: 215-557-7602
Toll Free: 888-745-CDLP

Harrisburg Office

Suite 100
2 North 2nd St.
Harrisburg, PA. 17101

Voice/TDD: 717-364-1733
FAX: 717-236-8800
Toll Free: 888-745-CDLP

Pittsburgh Office

Suite 620
Two Gateway Center
Pittsburgh, PA. 15222

Voice: 412-255-4016
TDD: 888-745-2357

E-mail:
info@equalemployment.org

REGIONAL RSA OFFICE RESPONDS WITH MIXED MESSAGE ON MERIT SCHOLARSHIP ISSUE

In the June 2004 issue of CAP's newsletter, we reported on our challenge to the current OVR/BBVS policy which allows counselors to consider the amount of merit-based scholarships received by customers when computing the amount of financial aid to be provided by the state vocational rehabilitation agency. Our local Rehabilitation Services Administration Office (RSA) has since responded to our challenge stating that, while CAP is correct that merit scholarships are not to be considered "comparable benefits", the definition of "comparable benefit" may be unclear, and therefore, it may be permissible for the agency to consider these types of scholarships in some instances. This opinion is contrary to that previously provided to the National Federation of the Blind (NFB) by RSA Commissioner Joanne Wilson, and leaves more questions unanswered than answered.

In its response, RSA indicates that the issue will become part of its FY 2005 monitoring efforts for CAPs in Region III. You can look to future editions of the CAP Newsletter for updates on this developing issue. If your OVR or BBVS Counselor has considered your merit-based scholarship in determining the amount of financial assistance the agency will provide, we want to hear from you! Please contact CAP toll free at 1-888-745-2357 (voice/TTY).

We're On The Web

<http://www.equalemployment.org>