



Disability Rights Ohio
50 W. Broad St., Suite 1400
Columbus, Ohio
43215-5923

614-466-7264 or 800-282-9181
FAX 614-644-1888
TTY 614-728-2553 or 800-858-3542
disabilityrightsohio.org

Michael Kirkman, Esq.
Executive Director

mkirkman@disabilityrightsohio.org

April 26, 2017

Senator David Burke
Ohio Senate
Columbus, Ohio 43215

Re: Opportunities for Ohioans with Disabilities, State Rehabilitation Council

Dear Senator Burke:

First, let me thank you for your willingness to take a pivotal leadership role on an issue of great importance to Ohioans with disabilities. Creation of a State Rehabilitation Council (SRC) will bring Ohio into compliance with federal law and allow people with disabilities to play a meaningful role in shaping policy and services that affect them directly: preparation for meaningful employment through vocational rehabilitation services.

At the suggestion of Director Kevin Miller at Opportunities for Ohioans with Disabilities (OOD), and based on our work with the Disability Policy Coalition, a broad alliance of people with disabilities and their advocates, I am writing today to provide you with background information on this matter. Disability Rights Ohio is designated by the Governor under federal and state law as the system to protect and advocate for the rights of people with disabilities in Ohio, as well as the Client Assistance Program (CAP) under the Rehabilitation Act of 1973. As the CAP, we provide advocacy to people who are applying for or are receiving vocational rehabilitation services from OOD.

As you know from your conversations with Director Miller, the federal Rehabilitation Act, which authorizes and funds vocational rehabilitation (VR) services for people with disabilities, requires that each state have a SRC as a condition of receiving federal financial assistance. 29 U.S.C. § 725(a). Federal law establishes extensive requirements for the composition of the SRC, including a mandate to include people with disabilities and those who are current or former applicants or recipients of VR services. *Id.* at (b)(1)(A)(vii-viii). The SRC is charged with multiple responsibilities, including evaluation of the state VR program and “in partnership with the designated State unit....develop, agree to, and review State goals and priorities....” *Id.* at (c)(2).

A SRC will enhance the ability of Ohioans with disabilities to participate in the provision of VR services. The current structure, with the OOD Commission and also a Consumer Advisory Committee, lacks this strong regulatory component. In fact, Ohio is one of the last states to move to comply with changes in federal law to create a SRC that guides the VR agency.

The SRC is appointed by the Governor and must have at least 15 members. Prior to making appointments, the Governor must “solicit recommendations” from individuals with disabilities and organizations interested in them, and must consider the inclusion of minority populations. *Id.* at (b)(3). Significantly, individuals with disabilities (who do not work for OOD) must make up a majority of the members of the SRC. *Id.* at (b)(4). This ensures that the SRC is a voice for individuals with disabilities and their organizations in the most direct way possible – to ensure that even if there are differences of opinion, people with disabilities will have their voice heard.

Other mandated categories for membership, including “four representatives of business, industry, and labor” ensure a variety of viewpoints are represented. *Id.* at (b)(1)(A)(vi). Finally, the Statewide Independent Living Council, the Client Assistance Program, the Workforce Investment Board, a parent training and information center, and the state Department of Education must be represented, along with other disability-related entities. A qualified VR counselor with experience in VR field work must be a member, to ensure that experience in the actual provision of services is present. The Director of the VR authority sits on the SRC *ex officio*. *Id.* at (b)(1), (2)

The proposed SRC will involve consolidation from the Commission and the CAC as they now exist, allowing for organizational efficiencies but also ensuring that input of the type those groups provided is present in the SRC and shared with OOD. The SRC approach allows OOD to enhance its ability to gather more types of input from more individuals with disabilities and more groups with interest in the provision of VR services.

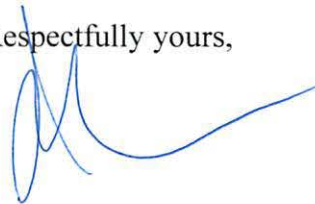
Significantly, federal law also requires that the SRC be given resources “including staff and other personnel, as may be necessary and sufficient to carry out the functions of the Council...” *Id.* at (d), and to make provision for reimbursement of expenses and compensation for members of the SRC. *Id.* at (g).

I apologize for the length and technical nature of this letter, but I wanted to introduce you to the specifics of federal law that will govern creation of an Ohio SRC. In particular, the state law should address the provisions highlighted here, but I have also included key clarifying technical guidance from federal officials so that your staff and LSC may have a more comprehensive understanding of the requirements.

My staff and I are available at your convenience to meet on this and to work with your staff to ensure that draft legislation complies with federal law and meets the needs of Ohioans with disabilities.

Thank you again for your willingness to lead on this important issue.

Respectfully yours,

A handwritten signature in blue ink, appearing to be 'Kevin Miller', written over the typed name 'Respectfully yours,'.

c: Director Kevin Miller (email only)

Enclosure: RSA-TAC-12-01 Federal Requirements Governing the Composition and Membership of, and Appointments to, the State Rehabilitation Councils