



ADA Live!

Episode 86: Celebrating 100 Years of Vocational Rehabilitation with Commissioner Schultz

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Speaker: Mark Schultz, Commissioner, Rehabilitation Services Administration (RSA)

Host: Barry Whaley, Director - Southeast ADA Center

Mark Schultz: Hi, I'm Mark Schultz and you're listening to ADA Live!.

4 Wheel City: (rapping)

Barry Whaley:

Hi, everybody. On behalf of the Southeast ADA Center, the Burton Blatt Institute at Syracuse University, and the ADA National Network, I want to welcome you to ADA Live! I'm Barry Whaley. I'm the project director of the Southeast ADA Center. As a reminder, listening audience, if you have questions about the ADA, you can use our online forum at adalive.org. 2020 is pretty remarkable year, especially in regard to the employment of people with disabilities. 30th anniversary of the Americans with Disabilities Act, the ADA, it's the 75th anniversary of NDEAM, National Disability Employment Awareness Month. Our theme for 2020 this year is increasing access and opportunity. It's also a chance for us to celebrate the 100th anniversary of the vocational rehabilitation program.

Barry Whaley:

The vocational rehabilitation program or VR is under the guidance of the Rehabilitation Services Administration, the RSA. It's designed to assist people with disabilities to get a job, keep a job, or return to work. Vocational rehabilitation is critical given that the employment of people with disabilities still remains disproportionately low when you compare statistics to those who do not identify as having a disability. Currently, 2019, I should say, 19% of people with disabilities were in the labor force as opposed to 66% for people who do not have a disability. So, on this episode of ADA Live!, we are honored to talk with the commissioner of the RSA, Mark Schultz. Mark, I believe you became director, what? Just about a year ago, correct?

Mark Schultz:

That's correct. A year and a couple of weeks now.

Barry Whaley:

Great. Well, congratulations and welcome. I want to begin... As we celebrate the 100th anniversary of VR, let's start by looking back at those early VR efforts, Smith-Hughes, Fess-Smith and other things. So why don't we start with a little history of the program and how it began in the United States?

Mark Schultz:

Well, as you know, we've been celebrating the anniversary of the VR program all year long with a number of events, and actually culminated June 2nd with the celebration of the passage of the Smith-Fess Act, which happened in 1920 when president Woodrow Wilson signed the Smith-Fess Act, establishing a public VR program for civilians funded on a matching basis with states. It wasn't until about 20 something years later that the Barden-Lafollette Act made significant changes to the VR program and expanded the nature of the services that could be provided and extended eligibility to people with intellectual and mental health disabilities and created separate agencies to serve people who are blind and also changed the name of the legislation to the Vocational Rehabilitation Act.

Mark Schultz:

In 1954, VR Act amendments significantly expanded the scope of the VR program once again. It expanded services to include people with intellectual and developmental disabilities and mental health conditions by increasing the services provided as well as establishing grants for research and training for rehabilitation counselors and other wide-reaching enhancements. In 1973, the Rehabilitation Act, which replaced the VR Act, brought additional changes to the VR program. And that included prioritizing serving people with the most significant disabilities and emphasizing evaluation and research as well as staff training. But most importantly, it provided greater consumer involvement in the planning process, funding demonstration grants for Independent Living Centers, and then title five of the Act, advanced civil rights for people with disabilities by including employment in federal agencies through federal contractors and recipients of federal funds, as well as the provision of federally funded programs and activities.

Mark Schultz:

The legislation also tied disability to major life functions and that was the beginning of the shift away from the medical model. Subsequent amendments to the Rehabilitation Act continue to expand access to VR services such as funding the development of VR programs for Native Americans and Alaska Natives, emphasizing the needs for serving deaf, deaf-blind, and hard of hearing consumers, and also strengthening the priority to serve people with the most significant disabilities and mandating that applicants be presumed employable and given greater choice. And those changes reflected, again, the emerging model of supported employment for people with intellectual disabilities.

Mark Schultz:

The Workforce Investment Act amended the Rehabilitation Act and increased collaboration between VR and other federal employment and training programs, enabling VR consumers to be served by a variety of programs through the increased coordination under the Act. As a part of this, WIA, the Workforce Investment Act mandated equal access to all state and local workforce services for individuals with disabilities. It also

strengthened consumer involvement in the VR process again by integrating the state rehabilitation councils into the VR agency planning.

Mark Schultz:

And then most recently, 2014, the Workforce Innovation and Opportunity Act affirm VR's role as a core component of the nation's public workforce system. And it strengthened the goal of equal partnership and providing equal access to customers across programs and services, included a specific focus on improving employment opportunities for people with disabilities with a special emphasis on providing preemployment transition services for students with disabilities. And it made changes to the supported employment program as well to strengthen the achievement of competitive integrated employment. It also emphasized VR's role in serving businesses to meet their workforce needs. As you can see, the VR program has a long history of continuing to evolve to meet the needs of individuals with disabilities.

Barry Whaley:

Thank you for that history, Mark. That was great. And as you talk through it in my mind, you can just see the evolution of services and policy and how the very nature of how those policies and services have evolved along with our understanding of vocational rehabilitation. So that's great. Mark, vocational rehabilitation is made up of a number of different services. I would imagine that many folks don't know all of what VR does. Can you give us an overview of those various VR components?

Mark Schultz:

Vocational rehabilitation services program is administered by the Rehabilitation Services Administration. We're located in the department of education and are a part of the Office of Special Education and Rehabilitative Services. We provide the grants to assist states in operating the statewide VR programs, each of which is an integral part of the statewide workforce development system. The CPR programs provide VR services for individuals with disabilities, consistent with their strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice so that they may prepare for and engage in

competitive integrated employment or supported employment and achieve economic self-sufficiency.

Mark Schultz:

To be eligible for the VR program, individuals must have a physical or mental impairment that results in a substantial impediment to employment and who require and can benefit from VR services to achieve employment and maximize career goals. Some states may have more than one VR agency, one for individuals who are blind and one for all other individuals with disabilities. Priority must be given to serving individuals with the most significant disabilities. The state VR agency is unable to serve all eligible individuals. State VR agencies also provide preemployment transition services to students with disabilities who are potentially eligible for the VR program. In addition, VR agencies engage with employers to increase job opportunities for individuals with disabilities.

Mark Schultz:

So some of the services that VR agencies can provide include assisted technology assessment, provision and training, assisted technology, funding of post-secondary training and education, counseling and guidance, benefits counseling, orientation and adjustment training for blind individuals including orientation and mobility training, braille and adjustment to blindness. Also, job readiness and job placement services, funding of apprenticeship training and just to name a few. Really, the VR program and the services and supports that can be provided are very flexible because they're based on what's necessary to help someone achieve their employment goals. The VR agencies also administer the state's supported employment services program, which provides services such as job coaching to individuals with the most significant disabilities to support them in competitive integrated employment.

Barry Whaley:

Over the past 100 years, as I said, we've seen many advancements in public policy for people with disabilities and a growing understanding that we've moved from this institutionalization or custodial care to, as you mentioned, a social model of disability with

community-based supports, which include like supported decision-making, supported employment, person-centered planning, and a whole range of other approaches. Maybe if you could talk a little bit about how vocational rehabilitation itself has changed or evolved over the years to keep in step with our understanding of policy and practice.

Mark Schultz:

VR program has a long history of evolving to meet the needs and to respond to the changes that are going on around us. To help meet those needs, RSA has provided information, training and technical assistance to state VR agencies in the field, both directly and through these Technical Assistance Centers on what the current practices are, but also those promising initiatives that have resulted from the changes. We've moved away and are moving away from helping individuals get any job, just a job to respond to that immediate need. So a focus on career pathways and what I would call quality employment to help individuals become more economically self-sufficient.

Mark Schultz:

So that include changes and improvements in services through such things as customized employment and particularly the focus on competitive integrated employment. The employment is meaningful for those individuals with disabilities as they seek jobs. And even now, let's say the challenges that we're facing with COVID-19 in terms of providing services remotely and connecting with employers, students, and other individuals with disabilities has resulted in additional creativity and innovation among the programs as we look to continue to address those needs.

Barry Whaley:

Mark, the pandemic has forced us all to change the way we work and how we go to school. I'm curious if you could talk a little more about how the pandemic has affected VR services and the RSA, how you've met those challenges.

Mark Schultz:

It's true. The pandemic has created some difficulties, but I would say at the same time, it's created some opportunities. Like many others, the Rehabilitation Services Administration has continued to work primarily through telework and our state VR agencies have also continued to carry out their programs through telework and using hybrid approaches, so in-person services with the combination of telework and doing some of the services remotely as well. They've been using innovative strategies and technical assistance from our Technical Assistance Centers and from RSA staff. VR agencies have continued to deliver effective services to program participants as well as preemployment transition services to potentially eligible and eligible students with disabilities through virtual means.

Mark Schultz:

They've had to emphasize and strengthen their connections with schools. The schools are providing educational services either remotely or in person. We've been able to coordinate with those schools and be able to tap into access of those students through those means as well. Clearly, the pandemic has had an effect on all of us and also the business community clearly in terms of how we approach employment business operations. We're viewing the remote aspects of business operations resulting from the pandemic as an opportunity for VR participants to demonstrate their ability to contribute to work and to meet employer needs and labor market demands. As employers shift to telework, VR support also had to shift. The transition for individuals to telework and working from home had to be supported with assistive technology in some cases or other technology, as well as training to help individuals keep their jobs through that transition.

Mark Schultz:

In addition, as the economy begins to rebound from the pandemic, we know there will be many individuals who have lost their jobs and will need to return to work, and we will need to support them as they seek new employment. Our agencies stand by and stand ready to assist them. I think there is also an opportunity through employers as employers realize that some of the work can be accomplished remotely. That opens up additional opportunities for individuals with disabilities as that flexibility around the work environment and the work hours can allow for greater individualization to the abilities and needed

accommodations of individuals. While there are some difficulties, there are also opportunities out there that we need to take advantage of.

Barry Whaley:

Yeah. When talking just now, I was thinking, Mark, that the critical role that VR plays, especially in the economic recovery, because when you consider that many people with disabilities were on maybe the lower income level or entry level jobs or jobs that were the first to go, VR has a very critical role in the economic recovery. Mark, you had mentioned a few minutes ago the Rehab Act of 1973. The Rehabilitation Act is the foundational law for the Americans with Disabilities Act. And that was truly a legislative milestone. So let's spend a few minutes talking about the Rehab Act of 1973 and why that particular law is so important for people with disabilities

Mark Schultz:

The Rehabilitation Act of 1973 really prioritized serving individuals with significant disabilities and addressed self-direction and the rights and roles of individuals with disabilities to ensure consumer involvement in the development and approval of the... well, back then was called the Individualized Written Rehabilitation Plan, which is now known as the Individualized Plan for Employment. And then involvement was really critical. And as a part of that, really started to move away from that medical model again by authorizing funding for the demonstration grants for Independent Living Centers, focusing on consumer control through that

Mark Schultz:

That was critical in terms of moving away from that medical model, so one of consumer involvement in the process. And I think that to me is really one of the most significant milestones in the program evolution. My background, working in a Center for Independent Living for a number of years, it's shortly after the Rehabilitation Act of 1973 was passed and beginning to be implemented could see some of those major changes, importance of having individuals with disabilities contributing and being included into that planning process and in the services that were being provided and that move away from medical

models. For me, that was one of the most significant milestones in terms of the program's evolution.

Barry Whaley:

Thanks, Mark. Yeah. So not only people with disabilities being part of the conversation, but as you mentioned with the CILs, the Centers for Independent Living managed, operated, guided by people with disability fundamentally changed everything, thinking back to Ed Roberts and Berkley CIL and how revolutionary that was. Mark, in 2014, the Workforce Innovation and Opportunity Act that you had mentioned before it was passed, I'm curious your thoughts on how WIOA is different from the law it replaced, the Workforce Investment Act, WIA, and if you could talk a little about that.

Mark Schultz:

Yeah. With the passage of WIA, it really established the need for partners in the workforce system, first of all, identifying who those key partners are. But it created the need for communication and to work together. What I saw as a director of a VR program in Nebraska during that period of time was that there really wasn't much action that occurred as a result. Implementation was inconsistent across many states as they implemented the program. WIOA really strengthened and increased the collaboration and coordination between programs by calling for alignment of services across all those programs, creating more opportunities for job seekers and connecting them with employers. And that one workforce system model through the alignment of services I think helped to start to create some efficiencies around that to reduce duplication of services, definitely increased collaboration. I think makes it easier for individuals to get the services they need and connect employers.

Mark Schultz:

It was critical, I think, to also create the requirement around core partners and other partners and bringing them to the table, to the planning process. It was critical to do that to increase communication between all the partners and thus assuring alignment of that workforce system. In addition, I think under WIOA, a major tenant is that anyone can

work. And that for individuals with disabilities, with the appropriate supports, and even those with the most significant disabilities, they can work in the labor market. And that was important for not just VR, we knew that. But all our partners under the workforce system in WIOA I think helped emphasize that.

Mark Schultz:

And again, WIOA clearly views the employer as a partner in the workforce development system and for the VR program. That was an important shift away from just serving individuals to serving the needs of the workforce as well and providing for better matches, frankly, between the existing labor market and the needs and the desires of those individuals who were disposed, who were looking to get back into the workforce. So one other major focus under WIOA is the services to you and the introduction of the preemployment transition services for students with disabilities. That became a major initiative for the VR program, but also better connected with our workforce partners and their youth programs. So I think those were the changes that we saw, WIA to WIOA with the passage of that legislation.

Barry Whaley:

Thanks for that answer. That was great. You had mentioned preemployment transition services or pre-ETS. I think that was possibly the most significant part of the WIOA legislation because that planning beginning long before transition to whether work or school or whatever is just so critical. The earlier we begin, the better the outcomes for people.

Mark Schultz:

I absolutely agree with that. I think working with those students with disabilities and helping them to do career planning, to do some exploration, and begin to establish the expectation that they should be part of the competitive workforce and establishing opportunities for career plays really will help them be able to establish a goal for themselves and see their opportunities much differently through the involvement of the preemployment transition services.

Barry Whaley:

I come out of having worked in the vocational rehabilitation program in the 1980s and have done a lot of work in supported employment, so dates have either passed legislation or now have an executive order on Employment First. And Employment First, we know is a movement to ensure that competitive integrated employment is the first and preferred outcome for people with disabilities and that those jobs have fair wages and offer career advancement. I'm curious what your thoughts are on the intersection of Employment First and the VR program and how do they compliment each other.

Mark Schultz:

I don't even know that it's an intersection. I think they are parallel and really need to work cohesively. As VR programs, as we look at them, I think many have embraced Employment First. There are also similar initiatives that lead to equitable wages and career advancement. What's in common is competitive integrated employment as goal for all individuals. And that's particularly true for the VR program, but is also the goal around Employment First and helping to get individuals back into and to along a career pathway in Employment First. In many states, Employment First programs have VR as an integral partner or even a lead in that initiative. So I think it's an intersection perhaps, but also very much in alignment with those services in a collaborative effort.

Barry Whaley:

Thanks, Mark. Listeners, again, if you have questions on this topic or any other ADA Live! topic, you can use our online forum at adalive.org, or you can call the Southeast ADA Center. Our number is 404--541-9001. So let's pause for a moment for a word about our featured organization.

Celestia:

The Rehabilitation Services Administration, known as RSA, provides leadership and resources to assist state and other agencies in providing vocational rehabilitation and other services to individuals with disabilities to maximize their employment,

independence, and integration into the community and their competitive labor market. RSA is a component of the Office of Special Education and Rehabilitative Services, OSERS, within the US Department of Education. Their mission is to improve early childhood educational and employment outcomes and raise expectations for all people with disabilities, their families, their communities, and the nation. OSERS vision is that all Americans with disabilities will live and thrive with their disabilities in their own communities. For more information, please visit their website at rsa.ed.gov.

Barry Whaley:

Thanks, Celestia. Welcome back, everybody. We're talking with Mark Schultz, the commissioner of the RSA, the Rehabilitation Services Administration. RSA is responsible for the state supported employment services program. And supported employment, a unique employment service for people with the most significant disabilities who require ongoing support to succeed in competitive employment. Mark, could you talk a little bit about how supported employment began and how it's evolved?

Mark Schultz:

So is all VR has evolved over time so as supported employment. The first models for supported employment programs began through community integration initiatives in the 1970s. And during that period, advocacy groups began to focus on long-term services and supports for people with disabilities and recognizing the importance of gaining independence through an integrated work environment. Back in 1978, the pilot projects were authorized under title six. And through subsequent amendments to title six, the grants were made to state agencies. Today, supported employment programs include diversified models of supported employment across the country.

Mark Schultz:

The significant changes to strengthen programs occurred under the amendments through WIOA. The program provides grants to assist states in developing and implementing programs to provide supported employment services for individuals with the most significant disabilities. And under WIOA, included youth with the most significant

disabilities, who require supported employment services following the achievement of a supported employment outcome. Program funds can be used to provide supported employment services once an individual has been placed in supported employment. Those funds can be used for up to 24 months and supplement other VR services necessary to help individuals with the most significant disabilities find work in the integrated labor market.

Mark Schultz:

Funds cannot be used to provide the extended services necessary to maintain individuals in employment after the end of supported employment services. There is an exception though, and that's for youth with disabilities under the age of 25, who may receive extended services for up to 4 years. So as part of the changes under WIOA, states must reserve and expand half of their supported employment allotment to provide supported employment services, including extended services to eligible youth with the most significant disabilities in order to assist them in achieving an employment outcome of supported employment. So while established as a pilot program years ago, the supported employment program has become an integral part of VR. And in many ways is now been integrated into the services of the VR programs as a whole.

Barry Whaley:

Thank you, Mark. I'm curious, how does the Rehabilitation Services Administration support states in improving employment outcomes for people with disabilities?

Mark Schultz:

Well, I think one of the biggest things we do is to distribute funds to the states to operate the programs. Those funds are distributed based on the statutory formula, and it takes into account the population and per capita income in determining the amount of those federal funds that are available to those programs. The other important aspect of the program is the federal funds have to be matched by state funds. And so there are cost sharing requirements under the program as well. The federal portion of the program is about 78.7% and the state's share is 21.3% of the total program costs. So that's an

important aspect of the program are the matching funds and being able to have those dollars focus on individuals with disabilities in employment.

Mark Schultz:

But aside from funding, RSA provides technical assistance to VR agencies and our stakeholders, as well as I think the timely performance data that's so important to states as they monitor their own performance. We have four state teams that regularly interact with each VR agency to address questions, to discuss their performance and periodically conduct monitoring activities onsite and offsite. And particularly during this time, we're doing those offsite to ensure that VR agencies are compliant with the Rehab Act and program regulations. But also as partners in this process, we are there to provide technical assistance and support or refer them to our Technical Assistance Centers for further assistance. These activities help to ensure that individuals with disabilities are receiving the optimal benefit from the VR program.

Mark Schultz:

In addition to our work with the state VR programs, RSA provides demonstration grants and discretionary funds to support National Technical Assistance Centers and projects designed to improve employment opportunities for individuals with disabilities through activities such as the development of career pathways, work-based learning experiences, specialized training such as braille, professional development and more. We share that information and the data in national conferences such as the Council of State Administrators of Vocational Rehabilitation conference to promote quality employment outcomes.

Mark Schultz:

But I think most importantly, we listen to what states need, the issues they face, the possible support that could be provided. And that helps us to shape our own support and the focus of our discretionary grants and our Technical Assistance Centers. For example, we have several work groups right now that includes stakeholders and our VR agencies looking at sustained performance measures, trying to make those performance measures

more meaningful to states as they monitor their services and the outcomes, but also another one looking at our monitoring and looking at how we might revise that to make that more meaningful to our programs.

Barry Whaley:

Mark, we know that successful VR outcomes lead to increased financial resources, and we know that often people with disabilities have lower incomes than the general population. VR is critical in that role too, earning a paycheck and being able to support yourself. So what role do VR counselors play in helping their clients make better informed financial decisions that result from going to work?

Mark Schultz:

VR agencies and counselors assist individuals with disabilities by providing benefits counseling and financial planning. That's important both at the front end in the informed decision-making around planning and establishing career goals, but even after employment is achieved through providing some assistance through the benefits counseling and financial planning around the selection of benefits. Many of our consumers may be introduced to programs such as ABLE and PASS as plans to achieve self-support as appropriate. Guidance and counseling also address the long-term effect of working careers that create opportunities for advancement and livable wages. RSA continues to also maximize employment outcomes for individuals with disabilities that can lead to financial independence and security.

Barry Whaley:

Right. Thank you. And I think, Mark, you had mentioned ABLE a second ago and some folks may not be familiar with ABLE accounts and what ABLE is. So ABLE is Achieving a Better Life Experience. It is a way for people who... especially for people who have a disability that occurred prior to age 26 and who are in means-tested programs like SSI. It allows them to build some financial security by using ABLE accounts to save money that do not have an impact on those means-tested programs. As we come to the close of this

episode, Mark, put on your crystal ball and tell us what do you see are the challenges and the opportunities for RSA and VR as we look into the future?

Mark Schultz:

I think at RSA, our challenge continues to be to anticipate and to provide the necessary technical assistance and support for our programs in order to address the needs, not just for today, but those that we project they're going to be coming in the future. Clearly, one of the challenges right now is the provision of services during COVID-19. And what we're seeing and what this includes is even the loss of some of the state matching funds because the states face challenges around their budgets. We're seeing that some states have cut funds, their state matching funds, and that ends up with reducing the ability of the VR programs be able to fully match the federal funds available, and then ends up reducing the available services for individuals with disabilities. So that is a major challenge.

Mark Schultz:

I think also the limitations on available resources due to the increased focus on preemployment transition services, serving individuals with significant disabilities as they move to competitive integrated employment ended up challenging programs to look at how they may do that effectively. But particularly, the preemployment transition mandate to set aside 15% of federal funds to provide that service while it's an important service resulted in fewer funds being available in other areas, other programs. And we're seeing some of the impact of that currently on states is some of them go into what's called an order of selection, which requires them to place a priority on the individuals they serve. And when they're not able to serve everyone that has a need, those individuals, if they're not in an eligible category, would be put on a waiting list. So that ends up with a reduction in terms of the number of individuals being served.

Mark Schultz:

Also, the continued alignment of services with our workforce partners continues to be a challenge for some states. We need to continue to work on that communication and

planning to ensure the alignment of those services. And then as we look at the outcome and the performance of the program, the performance measures need to truly reflect the value and success of the program. And so that's one of the aspects, as I mentioned earlier, one of our work groups looking at how we can come up with perhaps some suggestions as to what more meaningful performance measures might be in place to truly capture the value and the outcomes that we're experiencing as a program for individuals that we work with.

Mark Schultz:

And then, I think, helping to change the mindset that VR... and the perception that VR programs just help people with disabilities get any job and take an outcome and there's no continued support beyond that. And I think the movement to quality employment will require us to continue to work with individuals to ensure that they get into career pathways that can allow them to advance in their careers and to become economically self-sufficient. That will be a challenge as we move into the future. But just don't want to focus on the challenges because I also think that there are opportunities in the future as well that we can build off with some of the things that are happening right now. And those include increased access to employers. I think through WIOA and the alignment of our services with our partners, that increased access will create job opportunities as we are a core member of that workforce system and a core partner under that system.

Mark Schultz:

Also, through increased access through the collaborative use of our resources with our workforce partners. And that's especially important for states that aren't able to serve everyone due to their limited resources, perhaps could receive some services from our partners. The emphasis on telework that's going on right now through COVID-19 I think provides many new opportunities for individuals with disabilities. So that's going to require our VR programs to be gearing up so that we're providing the appropriate training and support for those work at home opportunities. And then again, as I just shared as a challenge around quality employment, that also presents an opportunity because as we focus more on quality employment, that will lead to more individuals with jobs that have

higher pay and benefits and resulting in not only quality employment, but improved quality of life for those individuals that we serve.

Barry Whaley:

Yeah. I like your reference to quality employment. I think that is just critical moving forward. It sounds like there are some challenges, there are some great opportunities and the future looks bright for VR and for the next 100 years. Mark, thank you. I really appreciate you taking the time to be with us here today. I want to thank our listeners, our ADA Live! listeners for joining for today's episode. Again, I'm just grateful to Mark, the commissioner of RSA, for sharing his time and his valuable insights on the past and on the future of RSA and VR. As a reminder, again, you can submit your questions and comments on this podcast online at adalive.org.

Barry Whaley:

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Barry Whaley:

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Center. Our producer is Celestia Ohrazda with Beth Miller Harrison, Mary Morder, Emily Ruber, Marsha Schwanke, and me I'm Barry Whaley. Our music is from 4 Wheel City: The Movement 4 Improvement. Be safe, everybody. And we'll see you next episode.

4 Wheel City: (rapping)

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