

**REGULATIONS IMPLEMENTING THE  
REHABILITATION ACT OF 1973, AS AMENDED BY THE  
WORKFORCE INNOVATION AND OPPORTUNITY ACT**

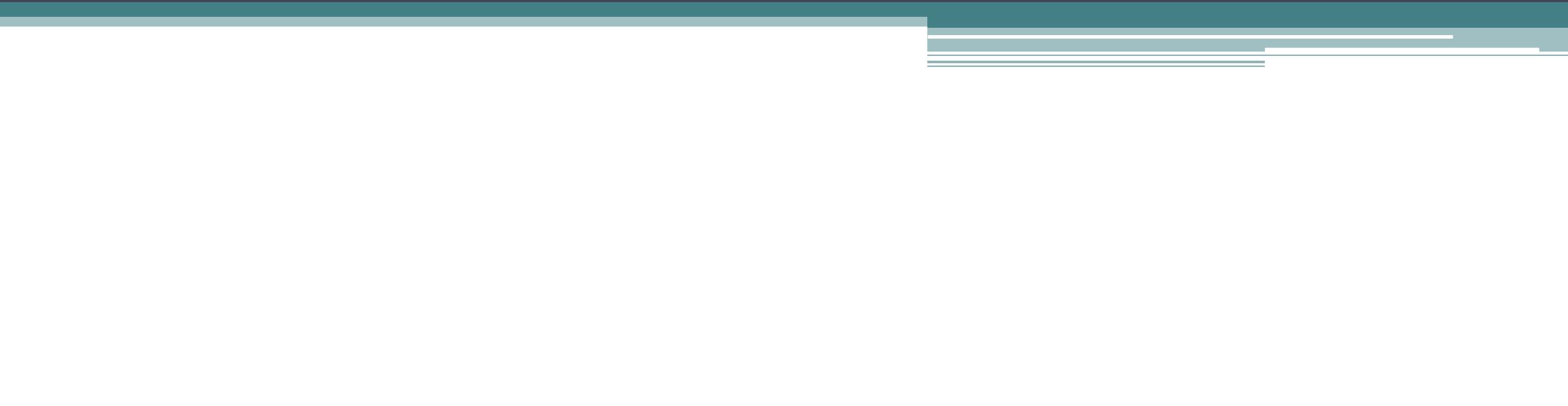
**REGIONAL TRAINING SERIES**

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**REHABILITATION SERVICES ADMINISTRATION**



# **STATE SUPPORTED EMPLOYMENT SERVICES PROGRAM – TITLE VI OF THE REHABILITATION ACT, AS AMENDED BY WIOA**



# What is the purpose of the Supported Employment program?

Under the Supported Employment program, the Secretary provides grants, in addition to the VR program grants, to assist States in developing and implementing collaborative programs with appropriate entities to provide supported employment services for individuals with the most significant disabilities, including youth with the most significant disabilities, to enable them to achieve supported employment outcomes in competitive integrated employment.

(Section 602 of the Act and §363.1 of the implementing regulations)

# What is Supported Employment?

Supported employment is—

- Competitive integrated employment, including customized employment; or
- Employment in an integrated work setting in which an individual with a most significant disability is working on a short-term basis toward competitive integrated employment; and
- Employment that is individualized and customized, consistent with the individual's unique strengths, abilities, interests, and informed choice, including with ongoing support services for individuals with the most significant disabilities.
- (Section 7(38) of the Act and §363.1(b))

# Who does the Supported Employment program serve?

Individuals with the most significant disabilities, including youth with the most significant disabilities, for whom—

- Competitive integrated employment has not historically occurred; or
- Competitive integrated employment has been interrupted or intermittent; and
- Intensive supported employment services and extended services are needed in order to perform the work involved, because of the nature and severity of their disability.

(Section 7(38) of the Act and §§361.5(c)(53) and 363.1(b))

# Who is eligible for supported employment services?

A State may provide supported employment services to any individual who—

- Has been determined eligible for vocational rehabilitation services;
- Is an individual with a most significant disability; and
- Has had supported employment identified as the appropriate employment outcome based on a comprehensive assessment of rehabilitation needs and an evaluation of rehabilitation, career and job needs.

(Section 605 of the Act and §363.3)

# Authorized Activities

The State uses funds allotted under the Act for the Supported Employment program to—

- Provide supported employment services, as defined in section 7(38) of the Act and §361.5(c)(54); and
- Provide extended services to youth with the most significant disabilities for a period of time not to exceed four years, or until such time that a youth reaches the age of 25 and no longer meets the definition of a “youth with a disability” whichever occurs first.

(Section 604 of the Act and §363.4(a)(1) and (2)).

## Authorized Activities (cont.)

Nothing in the Act prohibits a State from providing—

- Supported employment services in accordance with the State plan submitted under section 101 of the Act by using funds made available through a State's VR program allotment; and
- Discrete postemployment services in accordance with the State plan submitted under section 101 by using funds made available through a State's VR program allotment to an individual who is eligible under this title.

(Section 608 of the Act and §363.4(c))



# Definitions

Most of the definitions applicable to the Supported Employment program are found in section 7 of the Rehabilitation Act and the regulations implementing the VR program in 34 CFR part 361.

What other definitions apply?

- Definitions in 34 CFR part 77; and
- Definitions in 2 CFR part 200, Subpart A.

# Overview of Significant Changes to the Supported Employment Program Made by WIOA

Significant changes include:

- Extending the time frame for the provision of supported employment services from 18 months to 24 months;
- Requiring that supported employment be in competitive integrated employment or, if not in competitive employment, in an integrated work setting in which the individual is working toward competitive integrated employment on a short-term basis;
- Requiring the availability of supported employment funds and/or VR program funds for providing extended services to youth with the most significant disabilities;

# Overview of Significant Changes to the Supported Employment Program Made by WIOA (cont.)

- Requiring a reservation of 50 percent of a State's allotment under the Supported Employment program for the provision of supported employment services, including extended services, to youth with the most significant disabilities;
- Requiring not less than a 10 percent match for the 50 percent of the allotment reserved to serve youth with the most significant disabilities; and
- Reducing the amount of funds that may be spent on administrative costs.



# Extended Time Frame for Provision of Supported Employment Services

The time frame for the provision of supported employment services was extended from 18 months to no longer than 24 months, unless under special circumstances the eligible individual and the rehabilitation counselor jointly agree to extend the time to achieve the employment outcome identified in the individualized plan for employment (IPE).

(Section 7(39)(C) of the Act and §§361.5(c)(54)(iii) and 363.50(b)(1))

# Competitive Integrated Employment and Short-Term Basis

Supported employment is now required to be in competitive integrated employment or, employment in an integrated work setting in which the individual is working on a short term basis toward competitive integrated employment.

(Section 7(38) of the Act and §363.1(b))

# Short-Term Basis

In the definition of supported employment, short-term basis is described as follows:

Short-term Basis. For purposes of supported employment, an individual with a most significant disability, whose supported employment in an integrated setting does not satisfy the criteria of competitive integrated employment, as defined in 34 CFR 361.5(c)(9), is considered to be working on a short-term basis toward competitive integrated employment so long as the individual can reasonably anticipate achieving competitive integrated employment—

## Short-Term Basis (cont.)

- (1) Within six months of achieving a supported employment outcome; or,
- (2) In limited circumstances, within a period not to exceed 12 months from the achievement of the supported employment outcome, if a longer period is necessary based on the needs of the individual, and the individual has demonstrated progress toward competitive earnings based on information contained in the service record.

(Section 7(38) of the Act and §363.1(c))

## Short-Term Basis (cont.)

The six-month short-term basis period, and the additional six months that may be available in limited circumstances, begins after an individual has completed up to 24 months of supported employment services (unless a longer period of time is necessary based upon the individual's needs) and the individual has achieved a supported employment outcome, meaning that the individual is stable in the supported employment placement for a minimum period of 90 days following the transition to extended services. At this point, the individual has achieved a supported employment outcome in accordance with the criteria set forth in §363.54.

# Extended Services for Youth with the Most Significant Disabilities

Prior to WIOA, VR agencies were not permitted to expend Supported Employment or VR program funds for extended services.

Section 604(b)(2) of the Act, as amended by WIOA, mandates that the VR agency make available extended services for youth with the most significant disabilities for a period not to exceed four years.

The Act defines “youth with a disability” in section 7(42) as an individual with a disability who is not younger than 14 years of age, and not older than 24 years of age.

## **Extended Services for Youth with the Most Significant Disabilities (cont.)**

This new requirement is implemented in the definition of “extended services” in §361.5(c)(19)(v) and is an authorized service in §363.4(a)(2) for a period of time not to exceed 4 years or until such time that a youth reaches the age of 25 and no longer meets the definition of a youth with a disability under 34 CFR 361.5(c)(58), whichever occurs first.

Although the VR agency must discontinue funding extended services once a youth reaches age 25, it should explore the availability of funding from other sources.

# **Extended Services for Youth with the Most Significant Disabilities (cont.)**

A State may use Supported Employment program or VR funds to provide extended services only to youth with the most significant disabilities; it may not use either source of funding to provide extended services to individuals with the most significant disabilities who are not youth.

(Sections 604(b)(1) of the Act and §363.4(b))

# Supported Employment Reservation of Funds

- Consistent with its emphasis on youth with disabilities, the Act, as amended by WIOA, requires States to reserve half (50 percent) of their Federal supported employment allotment for the provision of supported employment services, including extended services, to youth with the most significant disabilities.  
(Section 603 of the Act and §363.22)
- The reservation of funds for the provision of supported employment services for youth with the most significant disabilities is a State, not an agency, requirement and must be resolved at the State level when there are two VR agencies that receive Supported Employment program funds.

# Supported Employment Program Match (Non-Federal Share)

States must provide a match of at least 10% in non-Federal expenditures for the total amount of expenditures incurred with the half of the allotment reserved to provide supported employment services, including extended services, to youth with the most significant disabilities. Total expenditures means both the Federal reserved funds and the non-Federal share incurred for the provision of supported employment services, including extended services, to youth with the most significant disabilities.

- The non-Federal share is only applicable to the 50 percent reserved funds for youth with the most significant disabilities and must be spent on supported employment services, including extended services, to youth with the most significant disabilities.

## Supported Employment Program Match (non-Federal share) (cont.)

- A State must match the 50 percent reserve of supported employment funds for the provision of supported employment services, including extended services, to youth with the most significant disabilities by September 30 of the fiscal year of appropriation for the State to fully expend the reserved funds, or permit the carryover of any unobligated portion of the reserved funds into the succeeding FFY for obligation and expenditure. Any amount of the reserved funds carried over into the next Federal fiscal year must be spent on supported employment services, including extended services, for youth with the most significant disabilities in that carryover year.

(Section 606(b)(7)(I) and §363.23)



# Administrative Costs

A State may not use more than 2.5 percent of its Supported Employment program allotment to pay for administrative costs.

(Section 603(c) and §363.51(c))

# Requirements for an Employment Outcome in Supported Employment

Requirements that must be satisfied for an employment outcome are set forth in §363.54 of the implementing regulations:

- First, the individual must have completed supported employment services, which may be received for up to 24 months, or longer if the counselor and the individual have determined that such services are needed to support and maintain the individual in supported employment. Any other vocational rehabilitation services listed on the IPE provided to individuals who are working on a short-term basis toward the achievement of competitive integrated employment in supported employment need not be completed prior to satisfying the achievement of an employment outcome;



# Requirements for an Employment Outcome in Supported Employment (cont.)

- Second, the individual has transitioned to extended services provided either by the VR agency for a youth with the most significant disability, or another provider, consistent with the provisions of §§363.4(a)(2) and 363.22;
- Third, the individual has maintained employment and achieved stability in the work setting for a minimum of 90 days after transitioning to extended services, and;
- Finally, the employment must be individualized and customized consistent with the strengths, abilities, interests, and informed choice of the individual.

# Closure of the Supported Employment Service Record

The service record of an individual who has achieved an employment outcome in supported employment will be closed in accordance with §363.55.

Separate requirements are specified for different scenarios, depending on whether individuals with the most significant disabilities, including youth with the most significant disabilities, achieve competitive integrated employment or work toward competitive integrated employment on a short-term basis and whether they are receiving extended services and any other VR services from the VR agency or from other service providers.

# Closure of the Supported Employment Service Record (cont.)

Scenario 1: For an individual with a most significant disability, including a youth with a most significant disability, who has achieved an employment outcome in supported employment in competitive integrated employment, the service record is closed at the time the individual:

- Achieves the employment outcome;
- Satisfies the requirements for case closure in 34 CFR 361.56; and
- Is not receiving extended services or any other vocational rehabilitation service provided by the VR agency with funds under title I or the Supported Employment program.

# Closure of the Supported Employment Service Record (cont.)

Scenario 2: For an individual with a most significant disability, including a youth with a most significant disability who is working toward competitive integrated employment on a short-term basis and is receiving extended services from funds other than those allotted under the Supported Employment program and 34 CFR part 361, the service record is closed when the individual:

# Closure of the Supported Employment Service Record (cont.)

- Achieves competitive integrated employment within the short-term basis period established pursuant to §363.1(c); and
- Satisfies the requirements for case closure in 34 CFR 361.56; and
- Is no longer receiving vocational rehabilitation services provided by the VR agency with funds under 34 CFR part 361.

If an individual does not achieve competitive integrated employment within the short-term basis period, the service record will be closed.

# Closure of the Supported Employment Service Record (cont.)

Scenario 3: For a youth with a most significant disability who is receiving extended services provided by the VR agency from funds under the Supported Employment program or the VR program, the service record will be closed when the youth:

- Achieves an employment outcome in supported employment in competitive integrated employment without entering the short-term basis period; and
- Is no longer eligible to receive extended services provided by the VR agency with funds allotted under the Supported Employment program or the VR program because—

# Closure of the Supported Employment Service Record (cont.)

- The individual no longer meets age requirements established in the definition of a youth with a disability pursuant to 34 CFR 361.5(c)(58); or
- Has received extended services for a period of four years; or
- Has transitioned to extended services provided with funds other than those allotted under the Supported Employment program or the VR program prior to meeting the age or time restrictions; and
- Satisfies the requirements for case closure in 34 CFR 361.56; and
- Is no longer receiving any other vocational rehabilitation service from the VR agency provided with VR program funds.

# Closure of the Supported Employment Service Record (cont.)

Scenario 4: For a youth with a most significant disability who is working toward competitive integrated employment on a short-term basis, the service record will be closed when the individual:

- Achieves competitive integrated employment within the short-term basis period; and
- Is no longer eligible to receive extended services provided by the VR agency with funds allotted under the Supported Employment program or the VR program because—

# Closure of the Supported Employment Service Record (cont.)

- The individual no longer meets age requirements established in the definition of a youth with a disability; or
- Has received extended services for a period of four years; or
- Has transitioned to extended services provided with funds other than those allotted under the VR or Supported Employment programs prior to meeting the age or time restrictions; and
- Satisfies the requirements for case closure in 34 CFR 361.56.

If a youth does not achieve competitive integrated employment within the short-term basis period, the service record will be closed.



# Questions

Send Questions on Today's Meeting to:

**[RSAQuestions@ed.gov](mailto:RSAQuestions@ed.gov)**

**Thank You!**