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REPORT ON FEDERAL ACTIVITIES

UNDER THE *REHABILITATION ACT*

OF 1973, AS AMENDED

Rehabilitation Services Administration

Annual Report

Fiscal Year 2008

REPORT ON FEDERAL ACTIVITIES

UNDER THE *REHABILITATION ACT OF 1973*, AS AMENDED

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U.S. Department of Education
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U.S. Department of Education

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ABBREVIATIONS

Acronym	Full Term
ABA	Architectural Barriers Act
ACAA	Air Carrier Access Act
ADA	Americans with Disabilities Act
ADHD	Attention Deficit Hyperactivity Disorder
AIMFREE	Accessibility Instruments Measuring Fitness and Recreation Environments
AIVRS	American Indian Vocational Rehabilitation Services
APR	Annual Performance Report
ARO	Adaptive Recreation Opportunities
ARRT	Advanced Rehabilitation Research Training
AT	Assistive Technology
BAC	Business Advisory Council
BEP	Business Enterprise Program
BMS	Burns Model System
CAP	Client Assistance Program
CCP	Center for Community Partnerships
CFR	Code of Federal Regulations
CIL	Center for Independent Living
CORC	Coordination, Outreach, and Research Center
CRD	Civil Rights Division
CSAVR	Council of State Administrators of Vocational Rehabilitation
CSNA	Comprehensive Statewide Needs Assessment
CSPD	Comprehensive System of Personnel Development
CSU	Colorado State University
DBTAC	Disability and Business Technical Assistance Center
DD Act	Developmental Disabilities Assistance and Bill of Rights Act
DRNC	Disability Rights North Carolina
DRRP	Disability and Rehabilitation Research Projects
DRS	Division of Rehabilitation Services
DSU	Designated State Unit
DVR	Division of Vocational Rehabilitation
EEOC	Equal Employment Opportunity Commission
FIP	Field-Initiated Projects

Acronym	Full Term
FY	Fiscal Year
GAPS	Grant Administration and Payment System
GPRA	Government Performance and Results Act
GSA	General Services Administration
HIV/AIDS	Human Immunodeficiency Virus/Acquired Immunodeficiency Syndrome
HKNC	Helen Keller National Center for Deaf-Blind Youths and Adults
IAOE	Intake Assessment and Outcome Evaluation
ICDR	Interagency Committee on Disability Research
IEP	Individual Education Plan
IFE	in-flight entertainment
IL	Independent Living
IPE	Individualized Plan for Employment
IRI	Institute on Rehabilitation Issues
KT	Knowledge Translation
MIS	Management and Information System
MSFW	Migrant and Seasonal Farmworkers Program
NCAM	National Center for Accessible Media
NCD	National Council on Disability
NCRTM	National Clearinghouse of Rehabilitation Training Materials
NIDRR	National Institute on Disability and Rehabilitation Research
OCIO	Office of the Chief Information Officer
OCR	Office for Civil Rights
OFCCP	Office of Federal Contracts Compliance Programs
OIB	Older Individuals Who Are Blind
OMB	Office of Management and Budget
ORSC	Ohio Rehabilitation Services Commission
OSEP	Office of Special Education Programs
OSERS	Office of Special Education and Rehabilitative Services
P&A	Protection and Advocacy
PAAT	Protection and Advocacy for Assistive Technology
PAIR	Protection and Advocacy of Individual Rights
PART	Program Assessment Rating Tool
PEPM	Program to Develop and Implement a Strategy for Enhancing Performance Measurement
PVRES	The Post Vocational Rehabilitation Experiences Study

Acronym	Full Term
PWI	Projects With Industry
RERC	Rehabilitation Engineering Research Center
RRCEP	Regional Rehabilitation Continuing Education Program
RRTC	Rehabilitation Research and Training Center
RSA	Rehabilitation Services Administration
SAP	Systems Approach to Placement
SBIR	Small Business Innovative Research
SCI	Spinal Cord Injury
SCIMS	Model Systems Programs in Spinal Cord Injury
SILC	Statewide Independent Living Council
SILS	State Independent Living Services
SMPID	RSA's State Monitoring and Program Improvement Division
SRC	State Rehabilitation Council
SSA	Social Security Administration
SSDI	Social Security Disability Insurance
SSI	Supplemental Security Income
TBI	Traumatic Brain Injury
TBIMS	Traumatic Brain Injury Model System
TBINDSC	TBI Model Systems National Data and Statistical Center
UI	Unemployment Insurance
VA	Veterans Administration
VR	Vocational Rehabilitation
WIA	Workforce Investment Act
WISCI	Walking Index for Spinal Cord Injury

FOREWORD

The *Rehabilitation Act of 1973*, as amended (the *Rehabilitation Act*), provides the statutory authority for programs and activities that assist individuals with disabilities in the pursuit of gainful employment, independence, and full integration into community life.

This report is intended to provide a description of accomplishments and progress made under the *Rehabilitation Act* during fiscal year (FY) 2008 (October 2007 through September 2008). To that end, the report identifies major activities that occurred during that fiscal year and the status of those activities during that specific time period.

The report provides a description of the activities of the Rehabilitation Services Administration (RSA), a component of the Office of Special Education and Rehabilitative Services (OSERS), U.S. Department of Education. RSA is the principal agency for carrying out Titles I, III, VI and VII, as well as specified portions of Title V of the *Rehabilitation Act*. RSA has responsibility for preparing and submitting this report to the president and Congress under Section 13 of the *Rehabilitation Act*.

The *Rehabilitation Act* also authorizes research activities that are administered by the National Institute on Disability and Rehabilitation Research (NIDRR) and the work of the National Council on Disability (NCD) and includes a variety of provisions focused on rights, advocacy and protections for individuals with disabilities. A description of those activities is provided in this report.

THE *REHABILITATION ACT*
AN OVERVIEW

THE *REHABILITATION ACT*: AN OVERVIEW

Federal interest and involvement in rehabilitation issues and policy date initially from 1920 with the enactment of the *Vocational Rehabilitation Act*, commonly called the *Smith-Fess Act*. The *Smith-Fess Act* marked the beginning of a federal and state partnership in the rehabilitation of individuals with disabilities. Although the law was passed shortly after the end of World War I, its provisions were specifically directed at the rehabilitation needs of persons who were industrially injured rather than those of veterans with disabilities.

A major event in the history of the federal rehabilitation program was passage of the *Rehabilitation Act of 1973*, as amended (the *Rehabilitation Act*). The *Rehabilitation Act* provides the statutory authority for programs and activities that assist individuals with disabilities¹ in the pursuit of gainful employment, independence, self-sufficiency, and full integration into community life. Under the *Rehabilitation Act*, the following federal agencies and entities are charged with administering a wide variety of programs and activities: the departments of Education, Labor and Justice, the Equal Employment Opportunity Commission, the Architectural, and Transportation Barriers Compliance Board, and the National Council on Disability.

The U.S. Department of Education has primary responsibility for administering the *Rehabilitation Act*. The Department's Office of Special Education and Rehabilitative Services (OSERS) is the administrative entity responsible for oversight of the programs under the *Rehabilitation Act* that are funded through the Department. Within OSERS, the Rehabilitation Services Administration (RSA) and the National Institute on Disability and Rehabilitation Research (NIDRR) share responsibility for carrying out the administration of those programs. RSA is the principal agency for carrying out titles I, III, VI and VII, as well as specified portions of Title V of the *Rehabilitation Act*. NIDRR is responsible for administering title II of the *Rehabilitation Act*. (See fig. 1 for title names).

Figure 1. The *Rehabilitation Act of 1973*, as Amended, by Its Various Titles

Title	Name
I	Vocational Rehabilitation Services
II	Research and Training
III	Professional Development and Special Projects and Demonstrations
IV	National Council on Disability
V	Rights and Advocacy
VI	Employment Opportunities for Individuals with Disabilities
VII	Independent Living Services and Centers for Independent Living

¹ An individual with a disability is defined, for purposes of programs funded under the *Rehabilitation Act*, at Section 7(20) of the act. See Appendix C for the definition.

RSA administers grant programs that provide direct support for vocational rehabilitation (VR), independent living, and individual advocacy and assistance. The agency also supports training and related activities designed to increase the number of qualified personnel trained in providing VR and other services. RSA also provides training grants to upgrade the skills and credentials of employed personnel.

In addition, RSA conducts model demonstrations and systems-change projects to improve services provided under the *Rehabilitation Act*, evaluates programs to assess their effectiveness, and identifies best practices. Finally, RSA conducts monitoring, provides technical assistance, and disseminates information to public and private nonprofit agencies and organizations to facilitate meaningful and effective participation by individuals with disabilities in employment and in the community.

By far, the largest program administered by RSA is the State Vocational Rehabilitation Services Program, also known as the “Vocational Rehabilitation State Grants Program” (hereinafter referred to as the “VR program”). This program funds state VR agencies to provide employment-related services for individuals with disabilities so that they may prepare for and engage in gainful employment that is consistent with their strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice.

For more than 85 years, the VR program has helped individuals with physical disabilities² not injured as a result of military service to prepare for and enter into the workforce. Nationwide, the VR program serves more than 1 million people with disabilities each year. More than 91 percent of the people who use state VR services have significant physical or mental disabilities that seriously limit one or more functional capacities. These individuals often require multiple services over an extended period of time. For them, VR services are indispensable to their becoming employed and reducing their reliance on public support.

Under Title II of the *Rehabilitation Act*, NIDRR conducts comprehensive and coordinated programs of research, demonstration projects, training, and related activities. NIDRR-funded programs and activities are designed to promote employment, independent living, maintenance of health and function, full inclusion and integration into society, and the transfer of rehabilitation technology to individuals with disabilities. The intent is to improve the economic and social self-sufficiency of individuals with disabilities and the effectiveness of programs and services authorized under the *Rehabilitation Act*.

Toward that goal, NIDRR supports rehabilitation research and development, demonstration projects, and related activities, including the training of persons who provide rehabilitation services or who conduct rehabilitation research. In addition, NIDRR supports projects to disseminate and promote the use of information concerning developments in rehabilitation procedures, methods, and devices. Information is provided to rehabilitation professionals, persons with disabilities, and their representatives. NIDRR also supports data analyses on the demographics of disability

² The *Vocational Rehabilitation Act*, passed by Congress in 1920, defined vocational rehabilitation (VR) as a program for physical disabilities. Mental disabilities were not part of the VR program until 1943.

and provides that information to policymakers, administrators, and other relevant groups. Awards are competitive, with applications reviewed by panels of experts, including rehabilitation professionals, rehabilitation researchers, and persons with disabilities.

The *Rehabilitation Act* has been a driving force behind major changes that have affected the lives of millions of individuals with disabilities in this country. The passage of the *Workforce Investment Act of 1998 (WIA)* was the most recent reauthorization of the *Rehabilitation Act*. This report, covering FY 2008, describes all of the major programs and activities authorized under the *Rehabilitation Act* and the success of the federal government in carrying out the purposes and policy outlined in the *Rehabilitation Act*.

**PROGRAMS UNDER
THE *REHABILITATION ACT***

PROGRAMS UNDER THE *REHABILITATION ACT*

Through partnerships with other federal and nonfederal agencies, RSA directly funds or supports a wide variety of programs, initiatives, or activities that are authorized under the *Rehabilitation Act*. For the purpose of this report, these programs, initiatives, and activities are organized into five major areas: Employment Programs; Independent Living and Community Integration; Technical Assistance, Training, and Support; Evaluation, Research, and Information Dissemination; and Advocacy and Enforcement. Within each area, the report provides a description of the discrete program, initiative, or activity. Each program description includes a budget allocation for FY 2008 and a report of major outcomes and accomplishments. Programs, initiatives, and activities organized by these areas, are:

Employment Programs

- Vocational Rehabilitation Services Program
- Supported Employment Services Program
- American Indian Vocational Rehabilitation Services Program
- Demonstration and Training Program
- Migrant and Seasonal Farmworkers Program
- Projects With Industry
- Randolph-Sheppard Vending Facility Program (also known as the Business Enterprise Program)

Independent Living and Community Integration

- Independent Living Services Program
- Centers for Independent Living Program
- Independent Living Services for Older Individuals Who Are Blind
- Recreational Programs

Technical Assistance, Training, and Support

- Program Improvement
- Capacity-Building for Traditionally Underserved Populations
- Rehabilitation Training Program
- Institute on Rehabilitation Issues

Evaluation, Research, and Information Dissemination

- Program Evaluation
- Information Clearinghouse
- National Institute on Disability and Rehabilitation Research

Advocacy and Enforcement

- Client Assistance Program
- Protection and Advocacy of Individual Rights Program
- Employment of People With Disabilities
- Architectural and Transportation Barriers Compliance Board
- Electronic and Information Technology
- Employment Under Federal Contracts
- Nondiscrimination in Programs That Receive Federal Financial Assistance
- National Council on Disability

EMPLOYMENT PROGRAMS

RSA administers seven programs that assist individuals with disabilities to achieve employment outcome.³ Two of these programs, the Vocational Rehabilitation Services Program (VR program) and the Supported Employment Services Program, are state formula grant programs. The American Indian Vocational Rehabilitation Services, Demonstration and Training, Migrant and Seasonal Farmworkers, and the Projects With Industry programs are discretionary grant programs that make competitive awards for up to a five-year period. RSA also provides oversight of the Randolph-Sheppard Vending Facility Program (also known as the Business Enterprise Program) operated by state VR agencies for individuals who are blind or visually impaired. Each of these programs is described below.

Vocational Rehabilitation Services Program Authorized Under Sections 100–111 of the *Rehabilitation Act*

Through the Vocational Rehabilitation Services Program, RSA provides grants to states to operate a VR program as an integral part of a coordinated, statewide workforce investment system. The program is designed to provide VR services to eligible individuals with disabilities so that they may achieve an employment outcome that is consistent with their strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice.

**VOCATIONAL REHABILITATION
SERVICES PROGRAM
FY 2008 FEDERAL FUNDING:
\$2,839,151,000**

The federal government covers 78.7 percent of the program's costs through financial assistance to the states⁴ for program services and administration. Federal funds are allocated to the states based on a statutory formula in Section 8 of the act. The formula takes into consideration a state's population and per capita income. In FY 2008, states expended a total of \$870,183,129 in nonfederal funds to match the federal funds allotted to the states for the VR program that year.

Each state designates a state agency to administer the VR program. The *Rehabilitation Act* provides flexibility for a state to have two state VR agencies; one for individuals who are blind, and one for individuals with other types of disabilities. All 56 states—50 U.S. states, D.C., Puerto Rico, the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands—have VR agencies; however, 24 of those entities also have separate agencies serving blind or visually impaired individuals, for a total of 80 state VR agencies.⁵

³ According to the program regulations at 34 CFR 361.5(b)(16): "Employment outcome means, with respect to an individual, entering or retaining full-time or, if appropriate, part-time competitive employment ... in the integrated labor market; supported employment; or any other type of employment in an integrated setting, including self-employment, telecommuting or business ownership, that is consistent with an individual's strengths, resources, priorities, concerns, abilities, capabilities, interests and informed choice."

⁴ States include, in addition to each of the states of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands, according to Section 7(32) of the act.

⁵ There are three types of VR agencies. A *general VR agency* provides VR services to individuals with disabilities, except those who are blind and visually impaired; a *blind VR agency* provides VR services only to individuals who are blind and visually impaired; and a *combined VR agency* provides VR services to individuals with all types of disabilities.

The *Rehabilitation Act* also provides flexibility to the states with respect to the organizational positioning of the VR program within the state structure. The VR program can be located in one of two types of state agencies—one that is primarily concerned with VR or VR and other rehabilitation of individuals with disabilities, or in an agency that is not primarily concerned with VR, or VR and other rehabilitation of individuals with disabilities. For the latter, the act requires the agency to have a designated state VR unit that is primarily concerned with VR or VR and other rehabilitation of individuals with disabilities. Of the 80 VR agencies, 25 are primarily concerned with VR and other rehabilitation of individuals with disabilities. Of these, 10 are consumer-controlled agencies. Of the 55 agencies that are not primarily concerned with VR or VR and other rehabilitation of individuals with disabilities, the VR program is located in 12 education agencies, 14 labor/workforce agencies and 28 human services/welfare agencies. Lastly, for American Samoa, Section 101(a)(2)(A)(iii) of the *Rehabilitation Act* identifies the governor's office as the VR agency.

The VR program is committed to providing services to individuals with significant disabilities⁶ and assisting consumers to achieve high-quality employment outcomes. RSA, in its relationships with the states, has continued to emphasize the priorities of high-quality employment outcomes and increased services to individuals with significant disabilities. Helping state agencies achieve positive employment outcomes for the people with disabilities they serve requires a robust system of collaboration, monitoring, and state improvement plans that address identified needs and goals.

Under RSA's structure, the State Monitoring and Program Improvement Division (SMPID) is responsible for monitoring state VR agencies. Division staff is assigned to state teams that work collaboratively with consumers, providers, state agencies, and other interested parties to implement a continuous performance-based monitoring process that identifies effective practices areas for program improvement and areas of noncompliance. Each state is assigned a state liaison who serves as the single point of contact for that state.

Division staff persons also are assigned to units to perform specific functions that support the work of the state teams. The VR unit is responsible for

- Developing and implementing systems for VR state plan submission, review, and approval;
- Developing the VR state grant monitoring process used by state teams; and
- Providing policy guidance and technical assistance to VR agencies to ensure consistency with VR program requirements.

⁶ The program regulations at 34 *CFR* 361.5(b)(31) define an individual with a significant disability as "an individual with a disability:

- (i) Who has a severe physical or mental impairment that seriously limits one or more functional capacities (such as mobility, communication, self-care, self-direction, interpersonal skills, work tolerance or work skills) in terms of an employment outcome;
- (ii) Whose vocational rehabilitation can be expected to require multiple vocational rehabilitation services over an extended period of time; and
- (iii) Who has one or more physical or mental disabilities resulting from amputation, arthritis, autism, blindness, burn injury, cancer, cerebral palsy, cystic fibrosis, deafness, head injury, heart disease, hemiplegia, hemophilia, respiratory or pulmonary dysfunction, mental retardation, mental illness, multiple sclerosis, muscular dystrophy, musculo-skeletal disorders, neurological disorders (including stroke and epilepsy), paraplegia, quadriplegia and other spinal cord conditions, sickle cell anemia, specific learning disability, end-stage renal disease, or another disability or combination of disabilities determined on the basis of an assessment for determining eligibility and vocational rehabilitation needs to cause comparable substantial functional limitation."

During FY 2008, its second year of a four-year monitoring cycle, RSA conducted comprehensive on-site reviews of all Title I, VI, and VII, Part B programs in 14 states to assess compliance and performance to fulfill the requirements of Section 107 of the *Rehabilitation Act*. During the yearlong monitoring process, state teams shared information about the new monitoring processes and followed up on previous monitoring findings to ensure that corrective actions were taken and steps to improve performance were under way. Not only did the state teams meet with the state director and other agency personnel, they also visited with members of state rehabilitation councils, disability advocates, people with disabilities, and other stakeholders. The remaining states will be monitored over the course of the next two years.

On Sept. 30, 2008, RSA issued reports on the results of FY 2008 periodic on-site monitoring. In addition to findings, the reports included the observations and recommendations as well as the strategies and technical assistance necessary to improve performance. Reports for the 14 states can be found at <http://www.ed.gov/rschstat/eval/rehab/107-reports/2008>.

In addition to the comprehensive periodic on-site reviews, RSA issues annual review reports for all state VR agencies, as required under Section 107 of the act. These reports, based on data submitted annually to RSA by the state VR agencies, provide VR agencies, disability advocates, VR consumers and service providers, and other VR stakeholders with information on the performance of the federal and state VR programs. The reports are written in nontechnical language for the general public and are available online through the RSA Management Information System (MIS) at <http://rsa.ed.gov>.

The FY 2008 annual review reports were issued shortly after the end of FY 2009. An annual review report includes the following information about each state VR agency:

- State goals and priorities
- Individuals in the VR program
- Individuals served in the VR program (i.e., individuals who have been determined eligible to receive services by the vocational rehabilitation agency)
- Agency staffing patterns (i.e., patterns within the VR agencies; the structure and manner in which services are delivered to applicants).
- Financial data (i.e., describe the manner in which VR agencies use their federal allotments).
- Compliance with standards and indicators
- State policies and procedures, and guidance materials that were issued by the agency
- Activities conducted by the state rehabilitation council or independent commission (i.e., some VR agencies are established as independent commissions that meet the requirements of 34 CFR 361.16)
- Status of appeals (i.e., this refers to eligible individuals of a vocational rehabilitation agency who disagree with a decision rendered by the agency related to the extent, nature and scope of services to be provided to the individual).

Ticket-to-Work or Social Security Reimbursement

Under the ticket-to-work program, the Social Security Administration (SSA) issues tickets to eligible beneficiaries who may choose to assign those tickets to an Employment Network (EN) of their choice to obtain rehabilitation services, employment services, and vocational or other support services necessary to achieve a vocational (work) goal. The EN will coordinate and provide appropriate services to help the beneficiary find and maintain employment if it accepts the ticket. Further information on this program and its relationship with VR agencies may be found at <http://www.ssa.gov/work>.

During FY 2008, state VR agencies received a total of \$124,238,549 in reimbursements from the Social Security Administration (SSA) for the rehabilitation of 9,325 individuals with disabilities. For a VR agency to receive these reimbursements the Social Security Disability Insurance (SSDI) beneficiary or Supplemental Security Income (SSI) recipient must perform paid employment at a level of earnings high enough to be terminated from receipt of his or her SSDI or SSI benefits.

The Vocational Rehabilitation Program encompasses numerous program components and mechanisms for funding and service delivery, including Ticket-to-Work. As such, program monitoring enables RSA to help agencies comply with the *Rehabilitation Act* and its implementing regulations and achieve high performance.

Program Performance

Over the years, RSA has used basic performance data, or some variation, to evaluate the effectiveness of state VR agencies. In FY 2000, RSA developed two evaluation standards and performance indicators for each evaluation standard as the criteria by which the effectiveness of the VR program is assessed. The two standards establish performance benchmarks for employment outcomes under the VR program and the access of minorities to the services of the state VR agencies.

Evaluation Standard 1 focuses on employment outcomes achieved by individuals with disabilities subsequent to the receipt of services from a state VR agency, with particular emphasis on individuals who achieved competitive⁷ employment. The standard has six performance indicators, each with a required minimum performance level to meet the indicator. For any given year, calculations for each performance indicator for agencies that exclusively serve individuals with visual impairments or blindness are based on aggregated data for the current and previous year, i.e., two years of data. For VR agencies serving either all disability populations or disability populations other than those with visual impairments or blindness, the calculations are based on data from the current year only, except for Performance Indicator 1.1, which requires comparative data for both years.

7 The program regulations at 34 CFR 361.5(b)(11) define competitive employment as "work:

- (i) In the competitive labor market that is performed on a full-time or part-time basis in an integrated setting; and
- (ii) For which an individual is compensated at or above the minimum wage, but not less than the customary wage and level of benefits paid by the employer for the same or similar work performed by individuals who are not disabled."

Three of the six performance indicators have been designated as "primary indicators" since they reflect the key VR program priority of empowering individuals with disabilities, particularly those with significant disabilities, to achieve high-quality employment outcomes. High-quality employment outcomes include employment in the competitive labor market that is performed on a full-time or part-time basis and for which individuals with disabilities are compensated in terms of the customary wage (but not less than the minimum wage) and level of benefits paid by the employer for the same or similar work carried out by individuals without disabilities.

Listed below are each of the six performance indicators identified in Standard 1 as found in the program regulations at 34 CFR 361.84, the minimum performance level established for success on each indicator and the number of state VR agencies that met the minimum level for FY 2008. **The three primary performance indicators are highlighted by an asterisk (*).**

Performance Indicator 1.1

The number of individuals who exit the VR program who achieved an employment outcome during the current performance period compared to the number of individuals who exit the VR program after achieving an employment outcome during the previous performance period.

Minimum Required Performance Level: Performance in the current period must equal or exceed performance in the previous period.

Fiscal Year 2008 Performance: Of the 80 state VR agencies, 51, or 64 percent, met or exceeded the minimum required performance level.

Performance Indicator 1.2

Of all individuals who exit the VR program after receiving services, the percentage determined to have achieved an employment outcome.

Minimum Required Performance Level: For agencies serving only individuals who are blind, the level is 68.9 percent; for other agencies, the level is 55.8 percent.

Fiscal Year 2008 Performance: Of the 24 agencies serving only individuals who are blind, 16, or 66 percent, met or exceeded the minimum required performance level. Of the 56 other agencies, 44, or 78 percent, met or exceeded the minimum required performance level.

Performance Indicator 1.3*

Of all individuals determined to have achieved an employment outcome, the percentage that exit the VR program and enter into competitive, self- or BEP [Business Enterprise Program] employment with earnings equivalent to at least the minimum wage.

Minimum Required Performance Level: For agencies serving only individuals who are blind, the level is 35.4 percent; for other agencies, the level is 72.6 percent.

Fiscal Year 2008 Performance: Of the 24 agencies serving only individuals who are blind, 23, or 95 percent, met or exceeded the minimum required performance level. Of the 56 other agencies, 55, or 98 percent, met or exceeded the minimum required performance level.

Performance Indicator 1.4*

Of all individuals who exit the VR program and enter into competitive, self- or BEP employment with earnings equivalent to at least the minimum wage, the percentage who are individuals with significant disabilities.

Minimum Required Performance Level: For agencies serving only individuals who are blind, the level is 89.0 percent; for other agencies, the level is 62.4 percent.

Fiscal Year 2008 Performance: Of the 24 agencies serving only individuals who are blind, all 24, or 100 percent, met or exceeded the minimum required performance level. Of the 56 other agencies, 55, or 98 percent, met or exceeded the minimum required performance level.

Performance Indicator 1.5*

The average hourly earnings of all individuals who exit the VR program and enter into competitive, self- or BEP employment with earnings equivalent to at least the minimum wage as a ratio to the state's average hourly earnings for all individuals in the state who are employed (as derived from the Bureau of Labor Statistics report on state average annual pay for the most recent available year, U.S. Department of Labor 2007).

Minimum Required Performance Level: For agencies serving only individuals who are blind, the ratio is .59; for other agencies, the level is a ratio of .52.

Fiscal Year 2008 Performance: Of the 24 agencies serving only individuals who are blind, 19, or 79 percent, met or exceeded the minimum required performance level. No state wage data exists for three of the 56 other agencies (Guam, Northern Marianas and American Samoa). Of the remaining 53 agencies, 35, or 66 percent, met or exceeded the minimum required performance level.

Performance Indicator 1.6

Of all individuals who exit the VR program and enter into competitive, self- or BEP employment with earnings equivalent to at least the minimum wage, the difference between the percentage who report their own income as the largest single source of economic support at the time they exit the VR program and the percentage who report their own income as the largest single source of support at the time they applied for VR services.

Minimum Required Performance Level: For agencies serving only individuals who are blind, the level is an arithmetic difference of 30.4; for other agencies, the level is an arithmetic difference of 53.0.

Fiscal Year 2008 Performance: Of the 24 agencies serving only individuals who are blind, 19, or 79 percent, met or exceeded the minimum required performance level. Of the 56 other agencies, 46 met or exceeded the minimum required performance level.

Table 1 on the following page summarizes the FY 2008 performance of the 80 state VR agencies on the performance indicators for Evaluation Standard 1. In order for an agency to "pass" Evaluation Standard 1, it must meet or exceed at least four of the six performance indicators, including two of the three primary performance indicators. In FY 2008, 19 of the 80 state VR agencies, or 23.8 percent, passed all six performance indicators; 37, or 46.3 percent, passed five of the performance indicators, and 19, or 23.8 percent, passed four of the performance indicators. In total, 75 agencies, or 93.8 percent, passed Evaluation Standard 1. The five agencies, or 6 percent, that failed Evaluation Standard 1 are all agencies that serve either all disability populations or disability populations other than individuals with visual impairments (Indiana, Kansas, Massachusetts, Northern Marianas and Virginia).

Table 1. Performance of the 80 State VR Agencies on Evaluation Standard 1, by Performance Indicators and Type of Agency: Fiscal Year 2008

Performance Indicators	General and Combined VR Agencies ^a		VR Agencies Serving the Blind ^b	
	Pass ^c	Fail	Pass	Fail
1.1 Number of Employment Outcomes ^d	38	18	13	11
1.2 Percentage of Employment Outcomes After Provision of VR Services	44	12	16	8
1.3 Percentage of Employment Outcomes in Competitive Employment ^{e*}	55	1	23	1
1.4 Percentage of Competitive Employment Outcomes Individuals with Significant Disabilities ^{f*}	55	1	24	0
1.5 Ratio of Competitive Employment Earnings to State Average Weekly Wage [*]	35 ^{**}	18 ^{**}	19	5
1.6 Difference in Percentage of Earnings as Primary Source of Support at Competitive Employment Outcome Versus at Time of Application ^g	46	10	19	5

(*) Primary indicator.

(**) Since no state wage data exists for Guam, Northern Mariana Islands and American Samoa, Indicator 1.5 cannot be computed for these VR agencies.

^a Agencies serving persons with various disabilities as well as providing specialized services to persons who are blind and visually impaired.

^b Separate agencies in certain states providing specialized services to blind and visually impaired persons.

^c To pass Standard 1 agencies must pass at least four of the six performance indicators and two of the three primary performance indicators.

^d The number of individuals exiting the VR program securing employment during the current performance period compared with the number of individuals exiting the VR program employed during the previous performance period.

^e Percentage of those exiting the VR program that obtained employment with earnings equivalent to or at least the minimum wage.

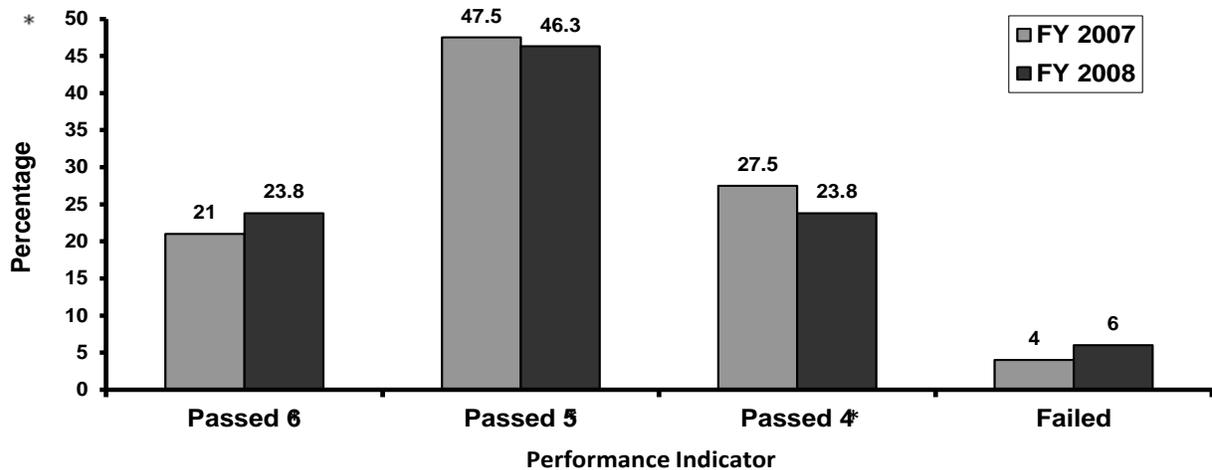
^f See footnote 6 for definition of an individual with a significant disability.

^g Time frame from application for VR services to exiting the program with competitive employment.

Source: U.S. Department of Education, OSERS, RSA, 2008f.

Figure 2 on the following page compares overall agency performance for fiscal years 2007 and 2008 for Evaluation Standard 1.

Figure 2. Performance of State VR Agencies, by Percentages That Met or Failed to Meet Criteria for Passing Performance for Evaluation Standard 1: Fiscal Years 2007 and 2008



* Includes at least two of the three primary indicators.
 Source: U.S. Department of Education, OSERS, RSA, 2008f.

Evaluation Standard 2 focuses on equal access to VR services by individuals from a minority background. For purposes of this standard, the term "individuals from a minority background" means individuals who report their race and ethnicity in any of the following categories: American Indian or Alaska Native; Asian; black or African American; Native Hawaiian or Other Pacific Islander; or Hispanic or Latino. For this standard, there is but one indicator (34 CFR 361.81).

Performance Indicator 2.1

The service rate⁸ for all individuals with disabilities from minority backgrounds as a ratio to the service rate for all individuals with disabilities from nonminority backgrounds.

Minimum Required Performance Level: All agencies must attain at least a ratio level of .80. If an agency does not meet the minimum required performance level or if an agency had fewer than 100 individuals from a minority background exit the VR program during the reporting period the agency must describe the policies it has adopted or will adopt and the steps it has taken or will take to ensure that individuals with disabilities from minority backgrounds have equal access to VR services.

⁸ For purposes of calculating this indicator, the numerator for the service rate is the number of individuals whose service records are closed after they receive services under an individualized plan for employment (IPE) whether or not they achieved an employment outcome; the denominator is the number of all individuals whose records are closed after they applied for services whether or not they had an IPE.

Fiscal Year 2008 Performance:

Of the 80 state VR agencies, 71 agencies, or 89 percent, either passed Evaluation Standard 2 or had fewer than 100 individuals from a minority background exit the VR program during the reporting period. Eight of the nine agencies that did not meet the required performance level for Evaluation Standard 2 were agencies that serve either all disability populations or disability populations other than individuals with blindness or visual impairments (Illinois, Iowa, Maine, Minnesota, Montana, North Dakota, Ohio and Wisconsin). The remaining agency that did not meet the required performance level for Evaluation Standard 2 was an agency that exclusively serves individuals with visual impairments or blindness (New York).

Table 2 summarizes the FY 2008 performance of the 80 state VR agencies on the performance indicator for Evaluation Standard 2.

Table 2. Evaluation Standard 2 and Performance Indicators: State VR Agency Performance, Fiscal Year 2008

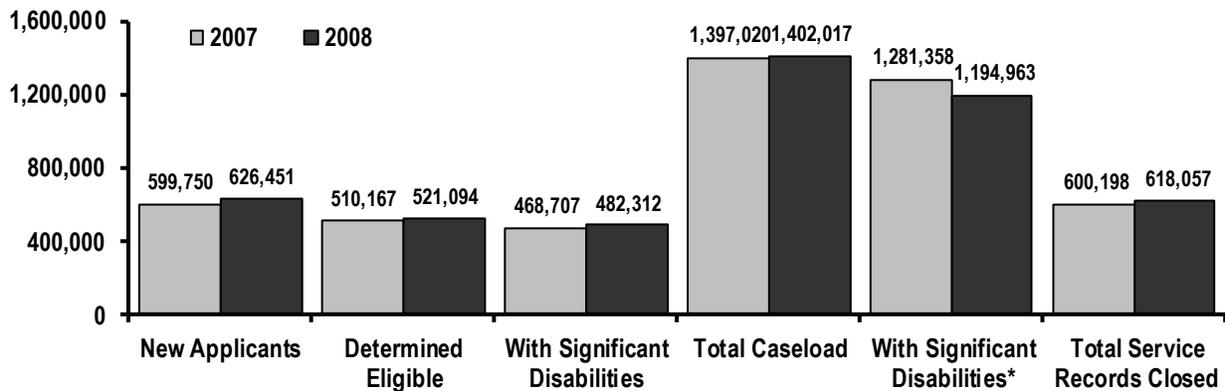
Performance Factors	General and Combined VR Agencies	VR Agencies Serving the Blind
Ratio of .80 or Higher	48	16
Ratio of Less than .80	8	8
Fewer than 100 Individuals from Minority Backgrounds Exiting the State VR Program	3	14

Source: U.S. Department of Education, OSERS, RSA, 2008f.

A state-by-state breakdown of FY 2008 VR agency performance for both evaluation standards 1 and 2 is provided in Appendix A of this report.

Figure 3 on the next page compares statistical information from fiscal years 2007 and 2008 on a variety of key indices for the VR program. In FY 2008, 626,451 individuals with disabilities applied for VR services. Of this number, 521,094 (83 percent of the applicants) were determined eligible to participate in the VR program. Of the individuals determined eligible for VR services, 482,312 (93 percent) were individuals with significant disabilities.

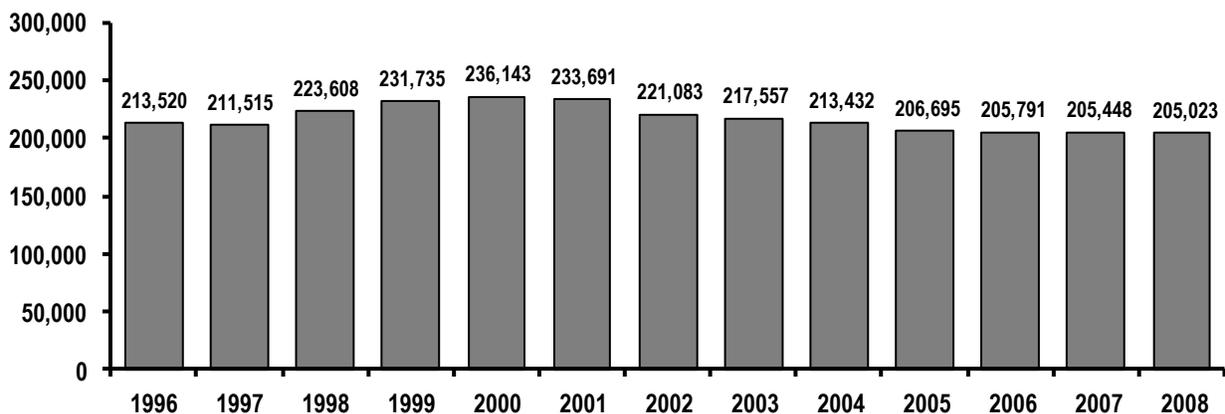
Figure 3. Key VR Program Indices, by Numbers Served: Fiscal Years 2007 and 2008



Source: U.S. Department of Education, OSERS, RSA, 2008f.

During FY 2008, 1.4 million individuals were involved in the public VR process, actively pursuing the achievement of their employment outcomes. Of the 962,912 receiving services under an Individualized Plan for Employment (IPE), 892,384 (93 percent) were individuals with significant disabilities (not shown in Fig. 3).

Figure 4. Number of VR Program Participants Achieving Employment Outcomes: Fiscal Years 1996–2008



Source: U.S. Department of Education, OSERS, RSA, 2008f.

In FY 2008, 205,023 individuals achieved an employment outcome. Figure 4 above shows the number of individuals who achieved employment outcomes after receiving VR services for each fiscal year from 1996 through 2008. The declines beginning in FY 2001 are judged to be the result of several factors that have had an impact on the VR program. Below are some of these contributing factors.

- The large decline in employment outcomes from 2004 to 2006, which was primarily due to significant decreases in four states—Illinois, Minnesota, Missouri and Texas.
- The elimination in FY 2001 of extended employment⁹ as an allowable employment outcome under the VR program. (Immediately prior to the date for the implementation of this new policy, state VR agencies reported that 7,359 persons had achieved an employment outcome in extended employment.)
- RSA policies that stimulate VR agencies to serve individuals with significant disabilities, especially those with the most significant disabilities;¹⁰ and
- focus of efforts on assisting these individuals to achieve high-quality employment outcomes that are consistent with their aspirations and informed choice.
- Reduction in state matching funds for VR federal funds and the difficulties experienced by several states in satisfying their maintenance of effort requirements.
- VR agencies' implementation of an order of selection. Agencies operating under an order of selection must give priority to serving individuals with the most significant disabilities. In FY 2008, of the 80 state VR agencies, 36 reported that they could not serve all eligible individuals and implemented an order of selection.
- Increases in cost of services, such as tuition costs, that reduce the availability of resources for individuals with disabilities for other services that lead to employment outcomes.

The success of individuals with significant disabilities in achieving employment outcomes is reflected in the data provided in table 3 on the next page. The number of individuals with significant disabilities who exited the VR program after receiving VR services and achieving employment increased each fiscal year from 1995 through 2001. While this trend was halted in FY 2002 for the reasons cited above, the number of individuals with significant disabilities as a percentage of all individuals achieving employment outcomes has increased annually since FY 1995. In that year, individuals with significant disabilities represented just 76 percent of all individuals with disabilities who obtained employment after receiving VR services. In FY 2008, 91.6 percent of individuals who got jobs after receiving VR services were individuals with significant disabilities.

⁹ Extended employment is defined as work in a nonintegrated or sheltered setting for a public or private nonprofit agency or organization that provides compensation in accordance with the *Fair Labor Standards Act*. See 34 CFR 361.5(b)(19). Although extended employment is no longer an allowable employment outcome under the VR program, state VR agencies may continue to serve eligible individuals who choose to continue to train or otherwise prepare for competitive employment in an extended employment setting, unless the individual through informed choice chooses to remain in extended employment.

¹⁰ Pursuant to 34 CFR 361.5(b)(30), an individual with a most significant disability means an individual with a significant disability who meets the designated state unit's criteria for an individual with a most significant disability. These criteria must be consistent with the requirements in Section 361.36(d)(1) and (2) of the program regulations.

Table 3. Individuals Obtaining Employment After Exiting Vocational Rehabilitation: Fiscal Years 1995–2008

Fiscal Year	Individuals With Significant Disabilities *	Individuals Without Significant Disabilities	Percentage With Significant Disabilities
1995	159,138	50,371	76.0
1996	165,686	47,834	77.6
1997	168,422	43,093	79.6
1998	184,651	38,957	82.6
1999	196,827	34,908	84.9
2000	205,444	30,699	87.0
2001	205,706	27,985	88.0
2002	196,286	24,799	88.8
2003	195,787	21,770	90.0
2004	193,695	19,737	90.8
2005	189,207	17,488	91.5
2006	189,709	16,082	92.2
2007	188,399	17,049	91.7
2008	187,766	17,257	91.6

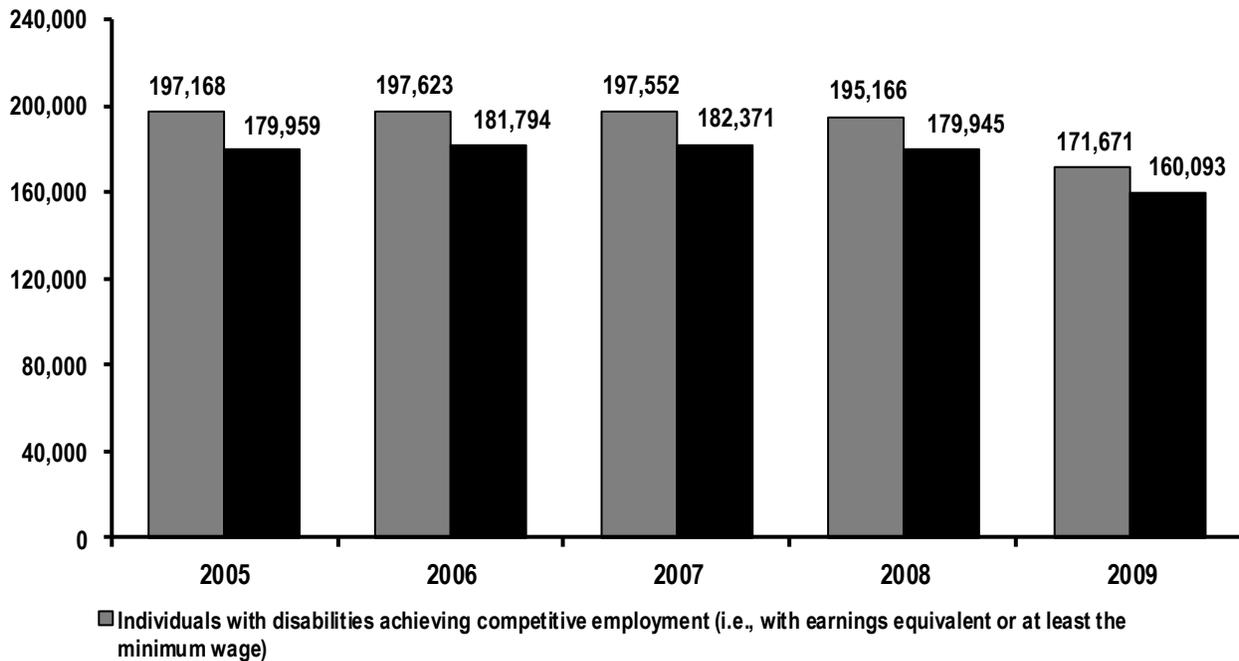
*The program regulations at 34 CFR 361.5(b)(31) define an individual with a significant disability as an "individual with a disability:

- (i) Who has a severe physical or mental impairment that seriously limits one or more functional capacities (such as mobility, communication, self-care, self-direction, interpersonal skills, work tolerance or work skills) in terms of an employment outcome;
- (ii) Whose vocational rehabilitation can be expected to require multiple vocational rehabilitation services over an extended period of time, and;
- (iii) Who has one or more physical or mental disabilities resulting from amputation, arthritis, autism, blindness, burn injury, cancer, cerebral palsy, cystic fibrosis, deafness, head injury, heart disease, hemiplegia, hemophilia, respiratory or pulmonary dysfunction, mental retardation, mental illness, multiple sclerosis, muscular dystrophy, musculo-skeletal disorders, neurological disorders (including stroke and epilepsy), spinal cord conditions (including paraplegia and quadriplegia), sickle cell anemia, specific learning disability, end-stage renal disease, or another disability or combination of disabilities determined on the basis of an assessment for determining eligibility and vocational rehabilitation needs to cause comparable substantial functional limitation."

Source: U.S. Department of Education, OSERS, RSA, 2008f.

As shown in table 3 above, the number of individuals with significant disabilities achieving employment outcomes under the VR program steadily increased on an annual basis from FY 1995 through FY 2007, with a slight decline in 2008. However, as figure 5 on the following page shows, there was a decrease in overall employment outcomes between FY 2004 and FY 2005, and a slight increase between FY 2005 and FY 2006. Between FY 2006 and FY 2008, the trend again decreased. The same trend was evident for employment outcomes for individuals with significant disabilities. Between FY 2005 and FY 2007, there was an increase in the number of individuals with significant disabilities achieving employment, but in FY 2008, the number slightly decreased.

Figure 5. Number of VR Program Participants Achieving Competitive Employment, by Disability Level: Fiscal Years 2004–08



* The program regulations at 34 *CFR* 361.5(b)(31) define an individual with a significant disability as “an individual with a disability:
 (i) Who has a severe physical or mental impairment that seriously limits one or more functional capacities (such as mobility, communication, self-care, self-direction, interpersonal skills, work tolerance or work skills) in terms of an employment outcome;
 (ii) Whose vocational rehabilitation can be expected to require multiple vocational rehabilitation services over an extended period of time; and
 (iii) Who has one or more physical or mental disabilities resulting from amputation, arthritis, autism, blindness, burn injury, cancer, cerebral palsy, cystic fibrosis, deafness, head injury, heart disease, hemiplegia, hemophilia, respiratory or pulmonary dysfunction, mental retardation [reference should be to “intellectual disabilities” not “mental retardation,” as required by P.L. 111-256 enacted on Oct. 5, 2010], mental illness, multiple sclerosis, muscular dystrophy, musculo-skeletal disorders, neurological disorders (including stroke and epilepsy), paraplegia, quadriplegia and other spinal cord conditions, sickle cell anemia, specific learning disability, end-stage renal disease, or another disability or combination of disabilities determined on the basis of an assessment for determining eligibility and vocational rehabilitation needs to cause comparable substantial functional limitation.”

Source: U.S. Department of Education, OSERS, RSA, 2008f.

An important aspect of employment for anyone, particularly individuals with disabilities, is employment with medical benefits. In FY 2008, slightly more than 132,000 individuals obtained competitive jobs with medical benefits, and of that number, approximately 123,000 had significant disabilities.

A more detailed, state-by-state breakdown of statistical information regarding the VR program for FY 2008 is provided in Appendix B of this report. Additional information is also available by calling the RSA State Monitoring and Program Improvement Division’s Data Collection and Analysis Unit at 202-245-7598 or on the RSA website at <http://www.ed.gov/about/offices/list/osers/rsa/research.html>.

SUPPORTED EMPLOYMENT SERVICES PROGRAM

Authorized Under Sections 621–628 of the *Rehabilitation Act*

The Supported Employment Services Program implements an approach to the rehabilitation of persons with the most significant disabilities that has been proven effective and enjoys wide support.

The concept of supported employment was developed to assist in the transition of persons with mental retardation and other developmental disabilities into a work setting through the use of on-site job coaches and other supports. By federal regulation, state VR agencies must provide ongoing support services needed by individuals with the most significant disabilities to maintain supported employment. Such supports may include monthly monitoring at the work site, from the time of job placement until transition to extended services.¹¹

**SUPPORTED EMPLOYMENT
SERVICES PROGRAM
FY 2008 FEDERAL FUNDING:
\$29,181,000**

Under the Supported Employment Program, state VR agencies collaborate with appropriate public and private nonprofit organizations to provide supported employment services. State VR agencies provide eligible individuals with disabilities—i.e., individuals with the most significant disabilities—time-limited services for a period not to exceed 18 months, unless a longer period to achieve job stabilization has been established in the Individual Plan of Employment (IPE), which is: “a description of the specific employment outcome that is chosen by the eligible individual and is consistent with the individual’s unique strengths, resources, priorities, concerns, abilities, capabilities, career interests, and informed choice” (34 CF4 361.45). Once this period has ended, the state VR agency must arrange for extended services to be provided by other appropriate state agencies, private nonprofit organizations, or other sources for the duration of that employment. Supported employment placements are achieved when the short-term VR services are augmented with extended services from other public or nonprofit agencies or organizations.

An individual’s potential need for supported employment must be considered as part of the assessment to determine eligibility for the VR program. The requirements pertaining to individuals with an employment goal of supported employment are the same in both the Title I VR program and the Title VI-B Supported Employment Services Program. A state VR agency may support an individual’s supported employment services solely with VR program (Title I) grant funds, or it may fund the cost of supported employment services in whole or in part with Supported Employment Services (Title VI-B) grant funds. Title VI-B supported employment funds may be used only to provide supported employment services and are essentially used to supplement Title I funds.

¹¹ Extended services is defined in the program regulations at 34 CFR 361.5(b)(20) as “ongoing support services and other appropriate services that are needed to support and maintain an individual with a most significant disability in supported employment and that are provided by a State agency, a private nonprofit organization, employer or any other appropriate resource, from funds other than funds received under this part and 34 CFR part 363 after an individual with a most significant disability has made the transition from support provided by the designated State unit.”

Data from the *FY 2008 RSA 911 Case Service Report* (RSA 911) (U.S. Department of Education, OSERS, RSA 2008a) show that a total of 39,083 individuals whose cases were closed that year after receiving services had a goal of supported employment on their IPE at some time during their participation in the VR program. Fifty-six percent of those individuals received at least some support for their supported employment services from Title VI-B funds. These numbers do not include those individuals who were still receiving supported employment services at the close of the fiscal year.

Approximately 57 percent of the total individuals with a supported employment goal, or 22,377 individuals (including those funded solely by Title I and those that received some Title VI-B support), achieved an employment outcome. Of those achieving an employment outcome, 8,730 individuals received funding for supported employment services solely under the Title I VR program and 13,647 received partial funding for supported employment services through the Title I VR program, with the remainder of their funding coming from the Title VI-B supplement.

Fiscal year 2008 data also show that 10,084 or 74 percent of the 13,647 individuals who received some funding for supported employment services through the Title VI-B program and achieved an employment outcome obtained a supported employment outcome. Of those who obtained a supported employment outcome, 9,346, or 93 percent, were in competitive employment. In FY 2008, the mean hourly wage for individuals with supported employment outcomes who had achieved competitive employment was \$7.89.

Some individuals who have an initial goal of supported employment achieve an employment outcome other than a supported employment one. Of those individuals who received some funding for supported employment services through the Title VI-B program and obtained other types of employment outcomes, 25 percent were employed in an integrated setting without supports and 1.1 percent achieved an outcome of self-employment, homemaker or unpaid family worker.

As state VR agencies serve an increasing number of individuals with the most significant disabilities, the number receiving supported employment services will likely continue to increase. The prevalence of supported employment outcomes in the VR program illustrates its acceptance as a viable rehabilitation alternative. Consistent with this finding, the administration's budget requests to Congress for fiscal years 2002 through 2008 included the consolidation of Title VI-B funding into the broader Title I program.

The *Government Performance and Results Act (GPRA)*¹² indicator for the Supported Employment Services Program assesses the effectiveness of state agency efforts to increase the competitive employment outcomes of individuals with the most significant disabilities who have received supported employment services. Individuals in supported employment can achieve competitive employment (with wages at or above minimum

¹² See the *Government Performance and Results Act (GPRA)* at: <http://www.whitehouse.gov/omb/mgmt-gpra/gplaw2m.html>.

wage), although not all individuals in supported employment do achieve these competitive wages. RSA is encouraging state agencies to help individuals with disabilities in supported employment to achieve competitive employment outcomes. The measure is the percentage of individuals with a supported employment goal achieving a competitive employment outcome. In FY 2008, performance on this measure decreased slightly from the previous year (from 94 percent to 92 percent of such individuals), and it was the first year for which the performance target did not meet or exceed the target. Similarly, the number of VR agencies that assisted at least 93 percent of the individuals with a supported employment goal achieving a competitive employment outcome; decreased from 53 percent in FY 2007 to 50 percent in FY 2008.

Program Assessment Rating Tool Results

During FY 2007, the Supported Employment Services Program under Title VI-B was assessed using the PART¹³ process. Through this process, the Office of Management and Budget (OMB) found that the program has helped address the need for supported employment for individuals with the most significant disabilities, but that it duplicates activities that can be provided through the VR program. The PART results indicated that supported employment is now an integral part of the VR program.

RSA uses an annual measure to assess the percentage of individuals who received supported employment services and obtained employment that earned the minimum wage or higher.

As noted through the PART process, program data and evaluations show that the outcomes of individuals who receive supported employment services compare favorably to other VR consumers with the most significant disabilities. The Longitudinal Study of the Vocational Rehabilitation Services Program, undertaken in 1992 by Research Triangle Institute (RTI), found that a year after program exit, 84 percent of those achieving a supported employment outcome were still working, while 83 percent of other VR consumers with the most significant disabilities were still employed (Tashjian & Schmidt-Davis, 2000). The PART assessment noted that the Longitudinal Study of the Vocational Rehabilitation Services Program indicated that the program had been successful in achieving positive results.

Through the PART process OMB recommended that RSA take the following actions to improve the performance of the program:

- Work with Congress to eliminate the Supported Employment Grant program and integrate necessary state plan provisions into the state plan provisions of the VR grant program.
- Continue to monitor Supported Employment Program performance.

¹³ See Program Assessment Rating Tool (PART) Performance Measurement Challenges and Strategies at http://www.whitehouse.gov/omb/challenges_strategies. This document provides definitions of key terms and practical strategies for addressing common performance measurement challenges. It grew out of the workshop on performance measurement organized by the Office of Management and Budget and the Council for Excellence in Government held on April 22, 2003.

- Develop additional measures—including a long-term measure—that adequately assess the impact of the program, collect efficiency measure data and set targets.
- Improve use and transparency of national and state data to manage and improve the program.

In response to these recommendations, RSA developed a long-term measure to assess the performance of the Supported Employment Services Program. Beginning in FY 2008, RSA calculated the average weekly earnings for individuals with the most significant disabilities who achieved supported employment outcomes. That year the average weekly earnings was \$199; this figure will serve as the baseline level of performance in future years.

AMERICAN INDIAN VOCATIONAL REHABILITATION SERVICES PROGRAM

Authorized Under Section 121 of the *Rehabilitation Act*

The American Indian Vocational Rehabilitation Services (AIVRS) Program provides grants to governing bodies of Indian tribes (and consortia of such governing bodies) to deliver VR services to American Indians with disabilities who live on or near federal or state reservations. The term “reservation” means “Indian reservations, public domain Indian allotments, former Indian reservations in Oklahoma, and land held by incorporated Native groups, regional corporations and village corporations under the provisions of the *Alaska Native Claims Settlement Act*” (34 CFR 371.4).

**AMERICAN INDIAN VOCATIONAL
REHABILITATION SERVICES PROGRAM.
FY 2008 FEDERAL FUNDING:
\$34,892,000**

Awards are made through competitive applications for a period of up to five years to provide a broad range of VR services, including, where appropriate, services traditionally used by Indian tribes. These services assist American Indians with disabilities to prepare for and engage in gainful employment. Applicants assure that the broad scope of rehabilitation services provided will be, to the maximum extent feasible, comparable—in the manner and level of quality provided—to the rehabilitation services provided by the state VR agencies.

Table 4. American Indian VR Services Program: Number of Grants and Funding Amounts: Fiscal Years 1999–2008

Fiscal Year	Total Grants	Funding Amount
1999	53	\$17,243,871
2000	64	\$23,343,067
2001	66	\$23,986,113
2002	69	\$25,552,272
2003	69	\$28,398,635
2004	70	\$30,762,517
2005	72	\$31,964,316
2006	73	\$32,999,370
2007	74	\$34,409,233
2008	77	\$34,839,212

*Funding provided through U.S. Department of Education appropriation funds. Source: U.S. Department of Education, OSERS, RSA, 2008b.

The AIVRS program is supported through funds reserved by the RSA commissioner from funds allocated under Section 110, Title I, Part B, of the *Rehabilitation Act*. As table 4 shows, the program has grown in the last several years as a result of increases in the minimum amount of funds required to be reserved for the program.

The total number of grants funded under the AIVRS program increased from 53 in FY 1999 to 77 in FY 2008. The amount of the average award (both new and continuation) has also increased over time. The average award size in FY 1999 was about \$325,000, as compared to about \$450,000 in FY 2008, a 38 percent increase. Section 121 of the act requires that established projects be given preference in competing for a new grant award. Established projects that re compete

for new grants often request higher levels of funding because they have increased their capacity to effectively serve more individuals with disabilities. The evaluation of the program showed that experienced grantees are more efficient and effective and

continue to demonstrate significant improvements in their performance. The *GPRA* program goal is to improve employment outcomes of American Indians with disabilities that live on or near reservations by providing effective tribal VR services. Program outcome data extrapolated from the AIVRS annual program performance database, in response to *GPRA*, are shown in table 5.

Table 5. Number of Individuals Served, Exiting, and Achieving Employment Through the American Indian VR Services Program: Fiscal Years 1997–2008

Fiscal Year	Number Served*	Total Number Exiting after Receiving Services	Number Achieving Employment
1997	2,617	819	530
1998	3,243	1,047	598
1999	3,186	1,109	678
2000	4,148	1,530	951
2001	4,473	1,683	1,088
2002	5,003	2,047	1,311
2003	5,105	2,200	1,452
2004	5,681	2,005	1,238
2005	6,245	2,375	1,573
2006	5,829	2,339	1,576
2007	6,592	2,494	1,663
2008	7,676	2,447	1,609

*The number served reflects the number of individuals who received services under an IPE during the fiscal year and a prior fiscal year if they were carried under a previous grant cycle. Source: U.S. Department of Education, OSERS, RSA 2008b.

As table 5 shows, the number of American Indians with disabilities who achieved an employment outcome indicates a slight decrease from 1,663 in FY 2007 to 1,609 in FY 2008. This decrease may have been due to the fact that about 20 percent of the projects were affected by natural disasters during this fiscal year. In FY 2008, approximately 65.8 percent of American Indians with disabilities who received services and exited the program achieved an employment outcome. Although there is fluctuation from year to year, this percentage was about 66 percent from FY 2006-FY 2008.

Technical assistance to the tribal VR projects is provided by a variety of sources, including: RSA, state VR agencies, regional rehabilitation continuing education programs, the National Institute on Disability Rehabilitation and Research (NIDRR) and its grantees, and the capacity-building

grantees funded under Section 21 of the *Rehabilitation Act*. Tribal VR projects, for example, are building strong relationships with the state VR agencies, and these relationships are promoting cross-training in which state VR agencies are sharing techniques of VR service delivery with tribal VR staff members and tribal project staff persons are sharing techniques on delivering VR services designed for diverse cultures with state VR agency staff members. Furthermore, the technical assistance network sponsors annual conferences for the AIVRS projects that focus on training and networking. Other grantees funded under the *Rehabilitation Act* participate in the conferences as both trainers and learners, further promoting strong partnerships within the program and among RSA grantees.

RSA continues to monitor tribal VR projects but has changed its monitoring strategy to include conducting on-site reviews and providing self-assessment tools designed to assist tribal projects to identify issues and needs requiring training and technical assistance. In FY 2008, RSA expanded the technical assistance strategy to include regional AIVRS trainings to advance the provision of services provided by the AIVRS grantees. In partnership with tribal Vocational Rehabilitation projects, the RSA AIVRS team conducted two regional trainings, one hosted by the Cherokee Nation in Tulsa, Okla., and the other hosted by the Cowlitz Nation in Vancouver, Wash. The trainings' focus is to improve the understanding of tribal VR staff in the programmatic and fiscal management of the AIVRS grant program.

Program Assessment Rating Tool Results

The AIVRS program was assessed in 2004 using the PART and received an overall rating of "adequate." However, certain aspects of the program were identified as needing improvement. RSA is undertaking the following activities to address these concerns:

Examine reporting inconsistencies. The implementation of the AIVRS annual performance reporting form on the RSA Management and Information System (MIS) Database has assisted RSA in providing project data effectively and consistently. The FY 2008 data were examined for reporting inconsistencies, and guidance was provided to grantees to ensure accurate reporting. The MIS database was upgraded to clarify data collection elements and provide a customer-friendly presentation. Through monthly teleconferences with grantees and distribution of correspondence, RSA staff provides guidance on data entry into this collection instrument.

Develop an implementation strategy for collecting the necessary data to support the administration's job training common measures initiative and establish specific performance targets. The Department conducted a study to assess the capacity of grantees to collect and report unemployment insurance (UI) wage records for implementation of the common measures. The 2005 final report documented significant barriers to implementing the job training common measures in the AIVRS program, including grantees' access to UI records and capacity to collect and report the data. The study included a recommendation that the AIVRS program seek supplemental data elements to address the common measures.

The AIVRS grantees have historically reported data on the number of eligible individuals served and the number of individuals who exited the program after receiving services that achieved an employment outcome. In FY 2008 the annual performance reporting form was revised to collect data needed to assess the AIVRS program's performance on supplemental measures that are comparable to the job training and employment common measures. Each grantee will be required to collect and report data for these supplemental measures as part of the annual performance report requirement, including information on: (a) the number of individuals whose case records have not been closed, but who have not received project services for 90 consecutive calendar days, (b) the number of eligible individuals who were employed three months after achieving an

employment outcome, (c) the number of eligible individuals who were employed six months after achieving an employment outcome, (d) the average weekly earnings at entry, and (e) the average weekly earnings of the individuals whose employment outcomes resulted in earnings.

The revised data collection form was approved by OMB in September 2008. The AIVRS grantees will enter data for the new measures in the FY 2009 annual performance report.

Implement an outcome efficiency measure. The Department has established two efficiency measures for the AIVRS program to examine the cost per employment outcome and cost per participant. The cost per employment outcome measure examines the percentage of projects whose average annual cost per employment outcome is no more than \$35,000. Under this measure the cost per employment outcome is calculated by dividing a project's total federal grant by the number of employment outcomes reported. The baseline performance level for this efficiency measure, 64 percent, was established using FY 2006 data. In FY 2008, 62 percent of projects met the \$35,000 criterion for this measure.

The cost per participant measure examines the percentage of projects whose average annual cost per participant is no more than \$10,000. Under this measure the average cost per participant is calculated by dividing the project's total federal grant by the number of participants served under an IPE. The baseline performance level for this measure, 78 percent, was established using FY 2007 data. In FY 2008, 84 percent of projects met the \$10,000 criterion for this measure.

Improve use and transparency of project data to manage and improve the program. In FY 2008, RSA staff was in the process of reevaluating and modifying the data table format to display the actual aggregate totals of national performance data and the project data under individual grants. The public will be able to access this information through the RSA MIS database, which can be found at <http://rsa.ed.gov>.

DEMONSTRATION AND TRAINING PROGRAMS

Authorized Under Section 303 of the *Rehabilitation Act*

The Demonstration and Training Programs provide competitive grants to, and authorize RSA to enter into contracts with, eligible entities to expand and improve the provision of rehabilitation and other services authorized under the *Rehabilitation Act*. The grants and contracts are to further the purposes and policies of the *Rehabilitation Act* and to support activities that increase the provision, extent, availability, scope, and quality of rehabilitation services under the *Rehabilitation Act*, including related research and evaluation activities.

**DEMONSTRATION AND
TRAINING PROGRAM
FY 2008 FEDERAL FUNDING:
\$7,050,635**

Sections 303(a), (c), and (d) of the *Rehabilitation Act* authorize demonstration projects designed specifically to increase client choice in the rehabilitation process, make information and training available to parents of individuals with disabilities, and provide Braille training.

Section 303(b) of the *Rehabilitation Act* authorizes the support of projects that provide activities to demonstrate and implement methods of service delivery for individuals with disabilities and includes activities such as technical assistance, service demonstrations, systems change, special studies and evaluation, and the dissemination and utilization of project findings. Entities eligible for grants under Section 303(b) include state VR agencies, community rehabilitation programs, Indian tribes or tribal organizations, or other public or nonprofit agencies or organizations. Competitions may be limited to one or more type of entity. The program supports projects for up to 60 months. During that period, many projects provide comprehensive services that may demonstrate the application of innovative procedures that could lead to the successful achievement of employment outcomes.

Section 303(b) projects develop strategies that enhance the delivery of rehabilitation services by community-based programs and state VR agencies to meet the needs of underserved populations or underserved areas. Projects have been successful in creating intensive outreach and rehabilitation support systems, including benefits counseling, career development and job placement assistance.

Special demonstration projects vary in their objectives. The objective for a number of the projects funded in the past has been to provide comprehensive services for individuals with disabilities that lead to successful employment outcomes. However, some projects funded under this authority do not relate directly to employment of individuals with disabilities. For example, some projects focus on Braille training. Others focus on training parents of youths with disabilities. While these projects will ultimately affect employment and entry into the VR program, such outcomes may occur only indirectly or many years after the project ends. For this reason, the program changed its outcome measure to the following:

- Projects will be judged to have successfully implemented strategies that contribute to the expansion of services for the employment of individuals with disabilities according to the percent of projects that met their goals and objectives as established in their original applications.

Using this measure allows each project to be included in any evaluation of the Demonstration and Training Programs. Program outcome data using this measure have been collected on projects that ended after FY 2005.

In FY 2008, RSA continued funding for six grants that support projects that demonstrate the use of promising practices in collaborative transition planning and service delivery to improve the postsecondary education and employment outcomes of youths with disabilities. Grantees are implementing a model transition program that is designed to

improve post-school outcomes of students with disabilities. They do this through the use of local interagency transition teams and the implementation of a coordinated set of promising practices and strategies.

In FY 2008, funding was continued for seven parent training and information grants and the technical assistance center that supports them. These centers provide training and information to enable individuals with disabilities, parents, and other family members, guardians, advocates, or other authorized representatives of the individuals to participate more effectively with professionals in meeting the vocational, independent living, and rehabilitation needs of the individuals with disabilities.

Nine model demonstration projects, with a focus on mentoring for transition-age youths and young adults with disabilities were continued. The projects must demonstrate research-based mentoring models that are effective in increasing meaningful community integration, postsecondary education, and employment outcomes.

Two Braille training projects received funding for continuation. These projects provide training to youths and adults who are blind and build the capacity of service providers who work with those individuals.

In FY 2008, eight demonstration projects for assistive technology reuse received continuation funding. The purpose of these projects was to demonstrate the feasibility of reusing assistive technology to benefit individuals with disabilities who may not have access to assistive technology through some other means. In addition, a project providing technical assistance to these projects was also continued.

MIGRANT AND SEASONAL FARMWORKERS PROGRAM

Authorized Under Section 304 of the Rehabilitation Act

The Migrant and Seasonal Farmworkers Program (MSFW) make comprehensive VR services available to migrant and seasonal farmworkers with disabilities. Projects under the program develop innovative methods for reaching and serving this population. Emphasis is given in these projects to outreach to migrant camps, bilingual rehabilitation counseling to this population, and coordination of VR services with services from other sources. Projects provide VR services to migrant and seasonal farmworkers and to members of their families when such services will contribute to the rehabilitation of the worker with a disability. The goal of the MSFW is to ensure that eligible migrant and seasonal farmworkers with disabilities receive rehabilitation services and increased employment opportunities.

**MIGRANT AND SEASONAL
FARMWORKERS PROGRAM
FY 2008 FEDERAL FUNDING:
\$2,239,186**

Migrant and seasonal farmworkers with disabilities and their families are faced with many obstacles in securing employment. They are in need of highly individualized services to meet specific employment needs. They face significant barriers to securing

employment, such as language, culturally diverse backgrounds, and relocation from state to state, making tracking individuals difficult, if not impossible.

The MSFW program is administered in coordination with other programs serving migrant and seasonal farmworkers, including programs under Title I of the *Elementary and Secondary Education Act of 1965*, Section 330 of the *Public Health Service Act*, the *Migrant and Seasonal Agricultural Worker Protection Act*, and the *Workforce Retirement Act*. In addition, RSA participates as a member of the Federal Interagency Committee on Migrants to share information and develop strategies to improve the coordination and delivery of services to this population.

Projects funded in FY 2008 trained migrant and seasonal farmworkers with disabilities to develop other skills that can be applied outside the agricultural area to increase their prospects for entering new occupations. In addition, projects under this program worked directly with employers to create opportunities for on-the-job training and job placement.

The GPRA performance indicator for this program is based upon the *RSA 911 Case Service Report*, which contains a record of all case closures as reported by the state VR agencies each fiscal year (U.S. Department of Education, OSERS, RSA, 2008a). One element in the system reports on the number of persons who also participated in a migrant or seasonal farmworker's project at some time during their VR program. This is the data element GPRA requires for assessing the performance measure for this program.

Program Assessment Rating Tool Results

Although the Migrant and Seasonal Farmworkers Program PART process started in FY 2006, and a draft rating was provided in August 2006, the first PART was not completed until February of 2007. At that time the program was given a final assessment rating of "Results Not Demonstrated" because the program had not been collecting data that would show the effectiveness of the program, how the project costs were linked to achieving employment outcomes, or whether or not the program duplicates activities under the much larger State Vocational Rehabilitation Services Program.

As a result of the PART findings, RSA developed an improvement plan in which RSA agreed to

1. Publish a tailored annual reporting form for use by grantees in reporting uniform data;
2. Annually review and analyze MSFW grantee data and RSA-911 data on migrant and seasonal farmworkers to ensure accuracy and to eliminate incorrect reporting by VR agencies without MSFW projects;
3. Calculate and analyze the efficiency measure data (cost per employment outcome) at the grantee level in order to establish targets;

4. Improve oversight and monitoring through teleconference reviews and on-site monitoring visits;
5. Use monitoring findings to improve program management and technical assistance; and
6. Make data available to the public.

To implement the improvement plan, RSA advised all of the MSFW grantees to begin collecting data on Oct. 1, 2007, on eight new performance measures to report for the FY 2008 year. The eight data elements and the data associated for the 10 continuation projects under this program for FY 2008 were as follows:

1. Number of migrant and seasonal farmworkers with disabilities who received vocational rehabilitation services from MSFW funded projects this reporting period. _____ Total: 748.
2. Of the total reported in item 1, the number of migrant and seasonal farmworkers with disabilities who also received vocational rehabilitation services from the state VR agency this reporting period. ____ Total: 283.
3. Number of migrant and seasonal farmworkers with disabilities served who achieved employment outcomes this reporting period. ___ Total: 174.
4. Number of migrant and seasonal farmworkers with disabilities served who exited the program this year without achieving an employment outcome. _____ Total: 186.
5. Number of migrant and seasonal farmworkers with disabilities served who exited the program this reporting period without achieving an employment outcome but who were transferred to another state. _____ Total: 63.
6. Percentage of migrant and seasonal farmworkers with disabilities served who achieved employment outcomes this year. _____ Percentage: 23.3 percent
($174 \div 748 = .232$ or .233 when rounded up).
7. Number of migrant and seasonal farmworkers with disabilities served who were still employed three months after achieving an employment outcome. _____ Total: 148.
8. Average cost per participant paid by MSFW program who achieved an employment outcome. _____ Average Cost: \$10,258.

The number of grants awarded under the MSFW Program from FYs 2000–08 is shown in table 6.

Table 6. Migrant and Seasonal Farmworkers Program Number of Grants: Fiscal Years 2000–08

Fiscal Year	Continuation Grants	New Grants	Total Grants
2000	10	4	14
2001	11	4	15
2002	11	4	15
2003	13	1	14
2004	13	0	13
2005	9	4	13
2006	9	3	12
2007	8	3	11
2008	10	3	13

Source: U.S. Department of Education, OSERS, RSA, 2008e.

PROJECTS WITH INDUSTRY

Authorized Under Section 611–612 of the Rehabilitation Act

The Projects With Industry (PWI) program creates and expands job and career opportunities for individuals with disabilities in the competitive labor market by engaging the participation of business and industry in the VR process. PWI projects promote the involvement of business and private industry through project-specific business advisory councils (BACs) that identify jobs and careers available in the community and provide advice on the appropriate skills and training for program participants. BACs are required to identify job and career availability within the community, consistent with the current and projected local employment opportunities identified by the local work force investment board for the community under *WIA*.

**PROJECTS WITH INDUSTRY
FY 2008 FEDERAL FUNDING:
\$19,196,671**

PWI grants are made to a variety of agencies and organizations, including businesses and industrial corporations, community rehabilitation programs, labor organizations, trade associations, Indian tribes, tribal organizations, designated state units, and foundations. Grants are awarded for either a three- or five-year period, and the federal share may not exceed 80 percent of the total cost of a project. In making awards under this program, the secretary of education considers the equitable distribution of projects among the states.

PWI grantees must provide to RSA an annual performance report of project operations in accordance with established program evaluation standards and performance

indicators. Specifically, Appendix A to the program regulations at 34 CFR 379 established seven standards to evaluate the performance of a PWI grant.

Evaluation Standard 1:	The primary objective of the project must be to assist individuals with disabilities to obtain competitive employment. The activities carried out by the project must support the accomplishment of this objective.
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Evaluation Standard 2:	The project must serve individuals with disabilities that impair their capacity to obtain competitive employment. In selecting persons to receive services priority must be given to individuals with significant disabilities.
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Evaluation Standard 3:	The project must ensure the provision of services that will assist in the placement of individuals with disabilities.
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Evaluation Standard 4:	Funds must be used to achieve the project's primary objective at minimum cost to the federal government.
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Evaluation Standard 5:	The project's advisory council must provide policy guidance and assistance in the conduct of the project.
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Evaluation Standard 6:	Working relationships, including partnerships, must be established with agencies and organizations to expand the project's capacity to meet its objectives.
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Evaluation Standard 7:	The project must obtain positive results in assisting individuals with disabilities to obtain competitive employment.
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RSA established five compliance indicators designed to measure the effectiveness of individual grants found in the program regulations at 34 CFR 379.53. A grantee must meet the minimum performance levels on the two "primary" program compliance indicators and any two of the three "secondary" compliance indicators identified below.

Compliance Indicator 1 (Primary):	Placement rate. (A minimum of 55 percent of individuals served by the project during fiscal year 2008 must be placed into competitive employment.)
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Compliance Indicator 2 (Primary):	Change in earnings. (Based upon hours worked, projects must have an average increase in earnings of at least \$125 a week per individual placed in competitive employment or \$100 per week for those projects in which at least 75 percent of individuals placed into competitive employment are working fewer than 30 hours per week.)
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Compliance Indicator 3 (Secondary):	Percent placed who have significant disabilities. (At least 50 percent of individuals served by the project who are placed into competitive employment are individuals who have significant disabilities.)
Compliance Indicator 4 (Secondary):	Percent placed who were previously unemployed. (At least 50 percent of individuals who are placed into competitive employment are individuals who were continuously unemployed for at least six months at the time of project entry.)
Compliance Indicator 5 (Secondary):	Average cost per placement. (The actual average cost per placement of individuals served by the project does not exceed 115 percent of the projected average cost per placement in the grantee's application.)

Two of the compliance indicators also serve as the program's measures established pursuant to *GPRA*. These measures, including FY 2008 performance results based on the reports of 65 grantees, are provided below.

- **Placement Rate** of individuals with disabilities into competitive employment. The placement rate for FY 2008 was 63 percent, exceeding the *GPRA* target measure of **56 percent**.
- **Change in earnings** of individuals who are placed in competitive employment. In FY 2008 the change in earnings of individuals who were placed in competitive employment averaged \$254 per week, exceeding the *GPRA* target measure of \$250.

The PWI program has three additional *GPRA* measures that were added in FY 2006. These measures, including FY 2008 performance results, based on the reports of 65 grantees, are provided below. Data quality is preliminary and will be closely monitored in the upcoming fiscal years. Staff will continue to provide grantees with technical assistance in reporting data under these elements.

- **The percentage of exiting PWI participants who are placed in competitive employment.** The percentage of exiting participants who were placed in competitive employment during FY 2008 was 76 percent. This fell below the program's *GPRA* target measure of **85 percent**.
- **The percentage of PWI projects whose annual average cost per placement is no more than \$11,000.** In FY 2008 the percentage of projects whose annual average cost per placement was no more than \$11,000 was 94 percent, exceeding the target measure of **75 percent**.

- **The percentage of PWI projects whose annual average cost per participant is no more than \$4,500.** In FY 2008, the percentage of projects whose annual average cost per participant was no more than \$4,500 was 84 percent, exceeding the target measure of **79 percent**.

In order to receive continuation funding for the third and subsequent years, PWI grantees must demonstrate compliance with the standards and indicators by submitting data for the most recent complete fiscal year. If a grantee does not demonstrate compliance on the basis of the previous fiscal year's data, the grantee has an opportunity to demonstrate compliance with the standards by submitting data from the first six months of the current fiscal year.

In FY 2008, 100 percent of the projects completed their third and final year of their grant. Section 611(e)(1) of the *Rehabilitation Act of 1973*, as amended, states that grants can be made for a period of up to 5 years. However, all of the grants that ended in FY 2008 were made for a 3-year period, hence the third and final year. An estimated 23 percent of the projects failed the compliance indicators. The failure rate was higher in FY 2008 as compared to FY 2007, when about 5 percent of the projects failed to meet the compliance indicators.

Table 7 on the following page presents selected performance information for the PWI program for fiscal years 2007 and 2008. In FY 2008, there were 65 projects in operation, eight less than in FY 2007. The 65 PWI projects operating and reporting data in FY 2008 placed 63 percent of the total 7,606 individuals served into competitive employment. Approximately 92 percent of the total number of individuals served and 93 percent of individuals placed in competitive employment were individuals with significant disabilities. About 78 percent of individuals served and 79 percent of individuals placed in competitive employment were individuals who were unemployed six months or more prior to program entry. In FY 2008, the placement rate for individuals with significant disabilities (percentage of individuals with significant disabilities served who were placed in competitive employment) was 63 percent.

Table 7. Projects With Industry Program Outcomes*: Fiscal Years 2007 and 2008

Fiscal Year:	2007	2008
Total projects reporting	73	65
Total persons served	8,518	7,606
Persons served with significant disabilities	7,466	7,058
Percentage served with significant disabilities	88%	92%
Persons served who were unemployed six months or more	5,961	5,937
Percentage served who were unemployed six months or more	70%	78%
Total persons placed in competitive employment	5,346	4,780
Percentage of total persons placed in competitive employment	63%	63%
Persons placed with significant disabilities	4842	4450
Percentage of individuals with significant disabilities placed in competitive employment	91%	93%
Persons placed who were unemployed six months or more in competitive employment	4,006	3,788
Percentage of previously unemployed individuals placed in competitive employment	75%	79%
Placement rate of individuals with significant disabilities	65%	63%
Placement rate of previously unemployed individuals	67%	64%

*In previous years, PWI grantees were reporting total new persons served each fiscal year. In FY 2005, the data collection instrument was revised and started requiring grantees to report new and continuing persons served. The individuals identified as new persons served comprise all persons who completed the project's intake process and who were determined eligible to receive project services during the reporting period. The individuals identified as continuing served comprise those who were determined eligible and received PWI services prior to the current reporting period and continued to receive project services during the reporting period.

Source: U.S. Department of Education, OSERS, RSA, 2008c.

In FY 2004, the Department selected the PWI program to undergo a PART assessment. The program was given an "adequate" rating, but the PART cited that many of the program's activities were redundant with allowable activities under the VR program. Although the program is generally successful in meeting its performance goals, the PART found that these results are undermined by the uneven credibility of the data collected and reported by grantees and highly variable grantee performance.

As a result of the PART findings, RSA: (1) implemented a plan to improve grantee data collection and reporting by providing technical assistance to grantees on the program in the form of group teleconference calls and technical assistance documents; (2) revised the program measures to be comparable with other job training programs; (3) improved the use and transparency of project data to manage and improve the program, including posting summary analysis and key data on the Department's website; and (4) developed and implemented a plan to meet the program's statutory requirement for on-site compliance reviews.

RANDOLPH-SHEPPARD VENDING FACILITY PROGRAM

**Authorized Under Section 103(b)(1) of the
*Rehabilitation Act and the Randolph-Sheppard Act***

Section 103(b)(1) of the *Rehabilitation Act* states that VR services, when provided to groups, can include management, supervision, and other services to improve businesses operated by individuals with significant disabilities. State VR agencies, therefore, are authorized to use funds under the VR program to support the Randolph-Sheppard Vending Facility Program, which is authorized under the *Randolph-Sheppard Act*. The original intent of the *Randolph-Sheppard Act* was to enhance employment opportunities for blind individuals who are trained and licensed to operate vending facilities.

Also known as the Business Enterprise Program, the *Randolph-Sheppard Vending Facility Program* is supported by a combination of RSA program funds, state appropriations, federal vending machine income, and levied set-asides from vendors. It provides persons who are blind with remunerative employment and self-support through the operation of vending facilities on federal and other property. The program recruits qualified individuals who are blind, trains them on the management and operation of small business enterprises, and then licenses qualified blind vendors to operate the facilities.

At the outset, the program placed sundry stands in the lobbies of federal office buildings and post offices selling such items as newspapers, magazines, candies, and tobacco products. Through the years, the program has grown and broadened from federal locations to also include state, county, municipal, and private installations as well as interstate highway rest areas. Operations have expanded to include military mess halls, cafeterias, snack bars, miscellaneous shops, and other facilities where vending machines are located.

RSA administers the *Randolph-Sheppard Act* in accordance with the goals of providing blind individuals with remunerative employment, enlarging the economic opportunities of blind persons and encouraging blind individuals to strive to become self-supporting. To this end, RSA has established standards and performance indicators to encourage state agencies to increase average earnings of individuals in the program.

The data contained in table 8 on the following page were obtained from the Report of Randolph-Sheppard Vending Facility Program, Form RSA-15, for FY 2008 (U.S. Department of Education, OSERS, RSA, 2008d). The total gross income for the program was \$723.5 million in FY 2008, compared to \$713.2 million in FY 2007, a 1.4 percent increase. All vendors combined earned \$116.3 million in FY 2007 and \$123.7 million in FY 2008, an increase of 6.4 percent. The national average annual earnings of vendors increased 8.1 percent to \$50,543 in FY 2008 from \$46,753 the previous year. The number of vendors at the end of FY 2008 was 2,400 compared to 2,545 in FY 2007, a decrease of 145 vendors. There were 2,576 vending facilities in FY 2008. The reported number of vending facilities in FY 2007 was 3,031. In FY 2008, a revised data reporting instrument was implemented with a change in the definition of how facilities were to be reported. The change required reporting the number of actual vending operations of blind vendors (vending operations may consist of multiple locations) rather

than the discrete number of actual locations. This accounts for the substantial decrease in the number of vending facilities reported.

**Table 8. Randolph-Sheppard Vending Facility Program Outcomes:
Fiscal Years 2007 and 2008**

	FY 2007	FY 2008
Income and Earnings		
Gross Income	\$713,175,716	\$723,489,693
Vendor Earnings	\$116,264,699	\$123,732,427
Average Earnings	\$46,753	\$50,543
Number of Vendors		
Federal Locations	888	846
Nonfederal Locations	1,657	1,554
Total Vendors	2,545	2,400
Number of Vending Facilities		
Federal Locations	1,070	906
Nonfederal Locations	1,961	1,670
Total Facilities	3,031	2,576

Source: U.S. Department of Education, OSERS, RSA, 2008d

INDEPENDENT LIVING AND COMMUNITY INTEGRATION

The purpose of the independent living (IL) programs is to maximize the leadership, empowerment, independence, and productivity of individuals with disabilities and to integrate these individuals into the mainstream of American society. Title VII of the *Rehabilitation Act* authorizes financial assistance to provide, expand, and improve IL services; to develop and support statewide networks of centers for independent living (CILs); and to improve working relationships among state IL programs, CILs, statewide independent living councils (SILCs), other programs authorized by the *Rehabilitation Act*, and other federal, state, local and nongovernmental programs.

STATE INDEPENDENT LIVING SERVICES PROGRAM Authorized Under Title VII, Chapter I, Part B of the *Rehabilitation Act*

The State Independent Living Services (SILS) Program provides formula grants, based on population, to states for the purpose of funding, directly and/or through grant or contractual arrangements, one or more of the following activities:

**STATE INDEPENDENT LIVING
SERVICES PROGRAM
FY 2008 FEDERAL FUNDING:
\$22,193,000**

1. Supporting the operation of SILCs;
2. Demonstrating ways to expand and improve IL services;
3. Providing IL services;
4. Supporting the operation of CILs;
5. Increasing the capacity of public or nonprofit organizations and other entities to develop comprehensive approaches or systems for providing IL services;
6. Conducting studies and analyses, developing model policies and procedures, and presenting information, approaches, strategies, findings, conclusions, and recommendations to federal, state and local policymakers to enhance IL services;
7. Training service providers and individuals with disabilities on the IL philosophy; and
8. Providing outreach to populations that are unserved or underserved by IL programs, including minority groups and urban and rural populations.

To be eligible for financial assistance, states are required to establish a SILC and to submit a state plan for independent living jointly developed and signed by the chairperson of the SILC and the director of the designated state unit (DSU). States participating in this program must match every \$9 of federal funds with \$1 in nonfederal cash or in-kind resources in the year for which the federal funds are appropriated.

Program Assessment Rating Tool Results

RSA continues to implement the SILS program's performance and accountability improvement plan, in response to OMB's PART recommendations. The plan includes new outcomes-based annual and long-term performance measures, a revised annual performance data collection instrument, obtained from the RSA Annual Performance Report, Section 704, Part II, FY 2008 (U.S. Department of Education, OSERS, RSA n.d.), which incorporates the outcomes-based performance measures, and a new monitoring protocol to maximize Designated State Unit (DSU) and SILC performance and accountability, consistent with federal statutory and regulatory requirements. FY 2008 was the third year for which RSA was able to collect SILS program data based on the new performance measures.

CENTERS FOR INDEPENDENT LIVING PROGRAM

Authorized Under Title VII, Chapter I, Part C of the *Rehabilitation Act*

The Centers for Independent Living (CIL) Program provides grants to consumer-controlled, community based, cross-disability,¹⁴ nonresidential, private nonprofit agencies for the provision of IL services to individuals with significant disabilities. At a minimum, centers funded by the program are required to provide the following IL core services: information and referral; IL skills training; peer counseling; and individual and systems advocacy. Centers also may provide psychological counseling, assistance in securing housing or shelter, personal assistance services, transportation referral and assistance, physical therapy, mobility training, rehabilitation technology, recreation, and other services necessary to improve the ability of individuals with significant disabilities to function independently in the family or community and/or to continue in employment.

CENTERS FOR INDEPENDENT LIVING PROGRAM
FY 2008 FEDERAL FUNDING:
\$73,334,074

Table 9. Centers for Independent Living Program Accomplishments: Fiscal Year 2008

In FY 2008, CILs nationwide served over 189,087 individuals with disabilities. A few examples of their beneficial impact on individuals follows:

- 3,070 individuals were relocated from nursing homes or other institutions to community-based living arrangements;
- 38,217 individuals received assistive technology or rehabilitation services;
- 73,668 individuals received IL skills training and life skills training;
- 46,819 individuals received IL services related to securing housing or shelter;
- 23,045 individuals received services related to transportation; and
- 45,825 individuals received personal assistance services.

Source: U.S. Department of Education, OSERS, RSA, n.d.

The *Rehabilitation Act* establishes a set of standards and assurances that eligible centers are required to meet. In order to continue receiving CIL program funding, centers must demonstrate minimum compliance with the following evaluation standards: promotion of the IL philosophy; provision of IL services on a cross-disability basis; support for the development and achievement of IL goals chosen by the consumer; efforts to increase the availability of quality community options for IL; provision of IL core services; resource development activities to secure other funding sources; and community capacity-building activities.

A population-based formula determines the total funding available for discretionary grants to centers in each state. Subject to the availability

of appropriations, the RSA commissioner is required to fund centers that existed as of FY 1997 at the same level of funding they received the prior fiscal year and to provide them

¹⁴ Cross-disability means (according to the program regulations at 34 CFR 364.4), with respect to a CIL, that a "center provides IL services to individuals representing a range of significant disabilities and does not require the presence of one or more specific significant disabilities before determining that an individual is eligible for IL services."

with a cost-of-living increase. Funding for new centers in a state is awarded on a competitive basis, based on the state's priority designation of unserved or underserved areas and the availability of funds within the state. In FY 2008, there were 336 CILs operating nationwide that received funds under this program. If a state's funding for the CIL program exceeds the federal allotment to the state, the state may apply for the authority to award grants and administer this program through its DSU. Two states, Massachusetts and Minnesota, have chosen to exercise this authority.

CILs are required to submit an annual performance report that tracks sources, amounts, and allocation of funds; numbers and demographic breakdowns of consumers served; services rendered and consumer outcomes achieved; and major accomplishments, challenges, opportunities, and other IL program activities within the state.

Program Assessment Rating Tool Results

RSA continues to implement the CIL program's performance and accountability improvement plan, in response to Office of Management and Budget's (OMB) PART recommendations. The plan includes: new outcomes-based annual and long-term performance measures; a revised annual performance data collection instrument (see RSA Annual Performance Report, Section 704, Part II (U.S. Department of Education, OSERS, RSA, 2008h) that incorporates the outcomes-based performance measures; and a new monitoring protocol to maximize CILs' performance and accountability, consistent with federal statutory and regulatory requirements. FY 2008 was the third year for which RSA was able to collect CIL program data based on the new performance measures.

INDEPENDENT LIVING SERVICES FOR OLDER INDIVIDUALS WHO ARE BLIND *Authorized Under Title VII, Chapter 2 of the Rehabilitation Act*

The Independent Living Services for Older Individuals Who Are Blind (OIB) program delivers IL services to individuals who are 55 years of age or older and whose significant visual impairment makes competitive employment difficult to attain but for whom IL goals are feasible. These services assist older individuals who are blind in coping with activities of daily living and increasing their functional independence by providing adaptive aids and services, orientation and mobility training, training in communication skills and Braille instruction, information and referral services, peer counseling, and individual advocacy instruction. Through such services, the OIB program extends the independence and quality of life for older Americans while offering alternatives to costly long-term institutionalization and care.

**INDEPENDENT LIVING SERVICES FOR
OLDER INDIVIDUALS WHO ARE BLIND
FY 2008 FEDERAL FUNDING:
\$32,320,000**

The *Rehabilitation Act* provides that grants will be made on a formula basis rather than on a discretionary basis in any fiscal year in which appropriations to this program exceed \$13 million. Since FY 2000, formula grants have been made to state agencies for the blind or, in states that have no such agency, to state VR agencies. States

participating in this program must match every \$9 of federal funds with \$1 in nonfederal cash or in-kind resources in the year for which the federal funds are appropriated. Funding promotes the sustainability of the state-operated programs nationwide and builds the capacity of states to address the vastly growing numbers of older individuals with blindness and visual impairment. Approximately one in six individuals over the age of 65 experiences age-related vision loss.

The OIB program continued to see an increase in services delivered to consumers that have severe or multiple disabilities in addition to a significant visual impairment. In FY 2008 some 62,157 older individuals nationwide benefited from the IL services provided through this program, down 1 percent from FY 2007, when 62,779 individuals received services.

To maximize program performance and accountability, RSA has developed new outcomes-based performance indicators. These indicators will help RSA to track the percentage of consumers reporting increased independence and community integration and to provide the necessary recommendations and technical assistance to achieve continuous improvements in the OIB program.

RECREATIONAL PROGRAM

Authorized Under Section 305 of the *Rehabilitation Act*

The Recreational Program for individuals with disabilities is authorized under Section 305 of the *Rehabilitation Act* and implemented by the program regulations in 34 CFR Part 369. The goal for the program is to provide recreational activities and

related experiences for individuals with disabilities that can be expected to aid in their employment, mobility, independence, socialization, and community integration.

**RECREATIONAL PROGRAM
FY 2008 FEDERAL FUNDING:
\$2,474,000**

The program awards discretionary grants on a competitive basis to states, public agencies and private nonprofit organizations, including institutions of higher education. Projects funded under this program must provide recreational activities for individuals with disabilities in settings with peers without disabilities when possible and appropriate.

Grants are available for periods of up to three years. The federal share of the costs of the Recreational Program is 100 percent for the first year, 75 percent of first year funding for the second year, and 50 percent of first year funding for the third year. Projects funded under this program authority are required to provide a nonfederal match (cash or in-kind contribution or both) for year two, at 25 percent of year-one federal funding, and for year three at 50 percent of year-one federal funding.

Table 10 below shows the number of new and continuation recreational grants funded over a five-year period, as well as the total of the two.

Table 10. Number of Recreational Program Continuation and New Grant Awards: Fiscal Years 2004–08			
Fiscal Year	Continuation Awards	New Awards	Total Awards
2004	18	8	26
2005	16	9	26
2006	17	8	25
2007	17	9	26
2008	18	6	24

Source: U.S. Department of Education, OSERS, RSA, 2008g

The objective for the Recreational Program is to sustain the activities initiated by the grant after federal funding ceases. This objective under the *GPR*A requirements is used to demonstrate a link between the mandated goal of this program and the needs of the communities where the grants are funded. Grantees must describe in their applications the manner in which the program will be continued after federal funding has ended. The latest data available relative to this objective come from grants that were closed from FYs 2004–2006 and tracked one year later. These data indicate that at least 80 percent of the projects closed during this period continued in operation after federal funding ended.

The connection between recreational activities and the creation of employment opportunities is evident in projects such as Quest: Arts for Everyone TheatreBridge. Funded in FY 2008; this project enables people with and without disabilities to work together to create, produce, present, and support visual theater productions and provides opportunities for artists with disabilities to serve in leadership roles and serve as role models for all of the participants. The artists also learn a repertoire of material that they perform at schools, community centers, theaters, conferences, and festivals. TheatreBridge partners are located in Maryland; they are Towson University, Baltimore Theatre Project, Creative Alliance, and Round House Theatre Two.

The Passport Project, also funded in FY 2008, provides a venue for transitioning youths with disabilities to participate in a variety of recreational activities that will provide them with real-world experience and allow them to develop confidence in their adult life pursuits, building important groundwork for community participation and eventual employment. This project is conducted by the Center for Community Partnerships (CCP) in the Department of Occupational Therapy at Colorado State University (CSU) and the City of Fort Collins, Colo., Adaptive Recreation Opportunities (ARO) Program, in collaboration with the Poudre School District, the Colorado Department of Human Services, Division of Vocational Rehabilitation (Fort Collins), and multiple recreation partners across the Front Range of Colorado.

TECHNICAL ASSISTANCE, TRAINING, AND SUPPORT

RSA operates and provides funding for a number of programs that support the central work of the VR program. These support programs frequently are discretionary programs that have been established to provide funding for addressing new and emerging needs of individuals with disabilities. They may, for example, provide technical assistance for more efficient management of service provision, open opportunities for previously underserved populations, initiate partnerships with the business community, and help establish an atmosphere of independence and self-confidence among individuals with disabilities that fosters competitive employment. They include training efforts designed to qualify new personnel and expand the knowledge and skills of current professionals through recurrent training, continuing education, and professional development.

PROGRAM IMPROVEMENT

Authorized Under Section 12 of the *Rehabilitation Act*

Program Improvement funds allocated under Section 12 are used to support activities that increase program effectiveness, improve accountability, and enhance RSA's ability to address issues of national significance in achieving the purposes of the *Rehabilitation Act*. Program funds are awarded through grants and contracts and may be used to procure expertise to provide short-term training and technical instruction; conduct special projects and demonstrations; develop, collect, prepare, publish, and disseminate educational or information materials; and carry out monitoring and evaluation activities.

**PROGRAM IMPROVEMENT
FY 2008 FEDERAL FUNDING:
\$621,942**

Under this section of the *Rehabilitation Act*, the RSA commissioner is authorized to provide technical assistance and consultative services to public and nonprofit private agencies and organizations, including assistance to enable such agencies and organizations to facilitate meaningful and effective participation by individuals with disabilities in work-force investment activities.

In FY 2008, Section 12 funds were used to support technical assistance and program improvement projects, including two new projects and the continuation of the Web-based dissemination and technical assistance resource project that was initiated with FY 2006 funds. The commonality among these initiatives is that they are all aimed at improving access to relevant and timely information.

Continuing Projects

1. Plan for Enhancing Performance Measurement (PEPM): The purpose of the PEPM project is to assist RSA in developing its capacity to effectively use the performance data it collects to manage and improve program performance at the national and grantee levels. Specific accomplishments:
 - a. For the Independent Living Programs: the contractor developed a methodology for cluster analysis of data from Centers for Independent Living (CIL) and techniques to report aggregated CIL data at the state level.
 - b. For the Advocacy and Enforcement programs: the contractor assisted RSA in moving away from time-consuming and costly paper-based annual program reports to an electronic system for producing annual reports that is faster and less costly.
2. Web-based resource: The purpose of the Web-based resource is to provide broader access to a wide variety of vocational rehabilitation and independent living program resources for RSA grantees and the public with the aim of improved program performance. Technical assistance materials were collected and uploaded to the resource. Construction and customer acceptance testing were completed. Information on the RSA program can be found at <http://www.ed.gov/about/offices/list/osers/rsa>.
3. State Rehabilitation Councils (SRC) initiative: RSA continued to promote the empowerment of the SRCs in FY 2008 through the development of a sustainable online tutorial to assist SRC members to fulfill their duties. RSA used Section 12 funds in FY 2006 and FY 2008 to supplement Regional Rehabilitation Continuing Education Programs (RRCEP) to complete and test the online training series and host three national SRC forums to demonstrate the features of the online training series.
4. Employer and VR collaboration: RSA continued to promote partnerships between employers and state VR agencies in FY 2008 in support of the RSA charge to increase job placements for individuals with disabilities. The contractor for this project coordinated four informational forums throughout the country targeting employers in industries such as health care, technology, banking and finance, and hospitality/food service. Materials were developed and disseminated to promote the employment of individuals with disabilities to prospective employers.
5. Comprehensive Statewide Needs Assessment (CSNA): RSA awarded a contract in FY 2007 to develop a model CSNA. The contract included development of a systemic approach to conducting a CSNA that can be tailored to individual state VR agencies as well as provision of training and technical assistance on the model, including instructional materials. During FY 2008, the model was completed and approved by RSA, and the contractor began development of a guide and training materials for conducting a CSNA.

New Projects

In FY 2008, section 12 funds were used to initiate two new projects to support the provision of technical assistance (TA) to state VR agencies and partners.

1. National Vocational Rehabilitation Technical Assistance Center (NTAC): RSA (in cooperation with NIDRR) is developing a network of TA resources to improve the performance of state VR agencies. RSA established the national VR TA center (NTAC) through a contract with an entity supported with Section 12 program improvement funds. The purpose of the NTAC is to ensure the usefulness and effectiveness of the TA products and activities that are carried out by its network of TA resources. The RSA TA network is comprised of 10 TA and continuing education (TACE) centers, NIDRR employment-related research projects, RSA Parent Information and Training Program grantees, and others.

NTAC FY 2008 Activities:

- a. Began collection and dissemination of TA materials developed by TA network members and other entities to the entire network;
- b. Established a directory of TA experts for use by TACE centers;
- c. Began the process with RSA and TACE centers to develop and implement a strategy to be used to evaluate TACE centers;
- d. Convened a conference for all TA network members;
- e. Disseminated information to TA network members on conferences and training opportunities available from others in the VR field; and
- f. Coordinated sharing of information between the TACE centers, NIDRR centers and other members of the TA network.

For more information, visit the NTAC website at <http://rsatac.ed.gov>

2. Delivering Training and TA through webcasts and web seminars: Through this initiative, RSA is providing ongoing timely training and technical assistance to its grantees and stakeholders using state-of-the-art communication methods as the primary means of dissemination. RSA contracted for webcasts of specific sessions offered at RSA's FY 2008 National Data and Fiscal Management Conference and at a conference of Statewide Independent Living Councils (SILCs). Eight webcasts will be housed in the RSA Web-based resource for use by data, fiscal, and independent living professionals in state VR agencies, SILCs and TACE centers: <https://ncrtm.org/moodle/course/view.php?id=96>

CAPACITY-BUILDING FOR TRADITIONALLY UNDERSERVED POPULATIONS

Authorized Under Section 21 of the *Rehabilitation Act*

Section 21 requires RSA and NIDRR to reserve 1 percent of funds appropriated each year for programs under titles II, III, VI and VII to make awards to minority entities and Indian tribes to carry out activities under the *Rehabilitation Act* and to state or public or private nonprofit agencies to support capacity-building projects that provide outreach and technical assistance to minority entities and American Indian tribes to promote their participation in activities under the *Rehabilitation Act*. In FY 2008, \$2,288,558 was reserved from programs administered by RSA under titles III, VI and VII for these purposes, and \$1,064,028 was reserved by NIDRR under Title II.

**CAPACITY-BUILDING FOR
TRADITIONALLY UNDERSERVED
POPULATIONS
FY 2008 FEDERAL FUNDING:
\$3,352,586**

The 1998 amendments to the *Rehabilitation Act* define minority entities as historically black colleges and universities, Hispanic-serving institutions of higher education, American Indian tribal colleges or universities, and other institutions of higher learning whose minority student enrollment is at least 50 percent. Capacity-building projects are designed to expand the service-providing capabilities of these entities and increase their participation in activities funded under the *Rehabilitation Act*. Training and technical assistance activities funded under the *Rehabilitation Act* may include training on the mission of RSA, RSA-funded programs, disability legislation, and other pertinent subjects to increase awareness of RSA and its programs.

In FY 2008, RSA awarded 11 continuation grants under the RSA Rehabilitation Capacity-Building Program under two priority areas. The two priority areas were: (Priority 1) Establishing New Rehabilitation Training Programs (CFDA 84.315C) and (Priority 2) Capacity-Building for Minority Entities (CFDA 84.315D). Six grants were awarded under Priority 1 and five under Priority 2. In terms of minority institutions receiving these grants; two grants were awarded to Hispanic-serving institutions of higher education, four grants were awarded to three historically black universities, and one grant was awarded to a Pacific Island University.

National Institute on Disability and Rehabilitation Research (NIDRR) Section 21 activities are discussed in NIDRR's section of this report.

REHABILITATION TRAINING PROGRAM

Authorized Under Section 302 of the *Rehabilitation Act*

The purpose of the Rehabilitation Training Program is to ensure that skilled personnel are available to serve the rehabilitation needs of individuals with disabilities assisted through VR, supported employment, and IL programs. To that end, the program supports training and related activities designed to increase the number of qualified personnel trained in providing rehabilitation services.

**REHABILITATION
TRAINING PROGRAM
FY 2008 FEDERAL FUNDING:
\$37,766,488**

Grants and contracts under this program authority are awarded to states, public and private nonprofit agencies, and other organizations, including institutions of higher education, to pay part of the cost of conducting training programs. Awards can be made in any of 31 long-term training fields. In addition, awards are made for continuing education, short-term training, experimental and innovative training, and training interpreters for persons who are deaf or hard-of-hearing and persons who are deaf-blind. These training programs vary in terms of content, methodology, and audience.

In FY 2008, RSA funded 252 training grants. These grants cover a broad array of areas, including 155 long-term training grants, 77 in-service training grants to state VR agencies, six grants to provide quality educational opportunities for interpreters at all skill levels, and 14 grants providing technical assistance and continuing education to state VR agencies and their partners. Together, these grants support the public rehabilitation system through recruiting and training well-qualified staff and maintaining and upgrading their skills once they begin working within the system.

The long-term training program supports academic training grants that are awarded to colleges and universities with undergraduate and graduate programs in the field of rehabilitation. Grantees must direct 75 percent of the funds they receive to trainee scholarships. The statute requires trainees who receive assistance to either work two years for every year of assistance in public or private nonprofit rehabilitation or related agencies, including professional corporations or professional practice groups that have service arrangements with a state agency; or to pay back the assistance they received. Grant recipients under the long-term training program are required to build closer relationships between training institutions and state VR agencies, promote careers in VR, identify potential employers who would meet the trainee's payback requirements, and ensure that data on the employment of students are accurate. In FY 2008, RSA funded 155 such grants (49 new grants and 106 continuation grants) in 11 specialty areas.

Under Title I of the *Rehabilitation Act*, each state is required to develop a Comprehensive System of Personnel Development (CSPD). Some of the CSPD requirements include establishing procedures to ensure that there is an adequate supply of qualified staff for the state agency; assessing personnel needs and making projections for future needs; and addressing current and projected personnel training

needs. States are further required to develop and maintain policies and procedures for job-specific personnel standards that are consistent with national or state-approved certification, licensure, and registration requirements or, in the absence of these requirements, other state personnel requirements for comparable positions. If a state's current personnel do not meet the highest requirements for personnel standards within the state, the CSPD must identify the steps the state will take to upgrade the qualifications of its staff, through retraining or hiring.

Of the funds appropriated for the Rehabilitation Training Program, 15 percent must be used to support in-service training. In FY 2008, the Rehabilitation Training Program made 77 in-service training awards to state VR agencies totaling \$5,664,975 to support projects for training state VR agency personnel in program areas essential to the effective management of the VR programs under the *Rehabilitation Act* and in skill areas that enable VR personnel to improve their ability to provide VR services leading to employment outcomes for individuals with disabilities. The in-service training program continued to play a critical role in helping state VR agencies develop and implement their CSPD standards for hiring, training, and retaining qualified rehabilitation professionals. It also played a key role in supporting state agencies with succession planning, leadership development, capacity-building, and training for state personnel on the *Rehabilitation Act*.

In addition to the assistance provided through the in-service training program, state VR agencies had two other sources of assistance to help them meet their CSPD requirements. In FY 2008 RSA awarded \$2,950,933 for two new and 12 continuation CSPD grants under the long-term training program to help retrain VR counselors to comply with the state degree standard. These 14 CSPD grants are among the 155 long-term training grants that RSA awarded in FY 2008. Funds under the Title I VR Program may also be used to comply with these requirements.

In FY 2008, RSA redesigned the Rehabilitation Continuing Education Program (RCEP). Rather than funding 10 regional RCEPs to provide continuing education to state VR agencies and separate RCEPs to provide continuing education to community rehabilitation programs, RSA chose to create 10 regional Technical Assistance and Continuing Education (TACE) Centers. In response to RSA's monitoring process and other inputs, TACE Centers provide technical assistance (TA) and continuing education (CE) to state VR agencies and their partners to improve their performance under and compliance with the *Rehabilitation Act*. RSA developed the parameters for this new program and held a competition to award eight of the 10 regional centers at the end of FY 2008.

The Rehabilitation Training Program also sponsors an annual conference of educators and state agencies to discuss human resource issues and solutions. The Rehabilitation Educators Conference was held Oct. 13–16, 2007, in Arlington, Va., with the theme: "Recruiting, Developing, and Retaining Rehabilitation Professionals: A Multi-Generational Challenge." In FY 2008, The Rehabilitation Training Program also sponsored a three-day forum for new state VR administrators, directors of state VR

agencies for the blind, tribal VR agency directors, chief deputies, and chairpersons of the SRCs. The forum was designed to ensure that rehabilitation executives have the content knowledge, and leadership skills to meet the challenges of the state VR system.

Program Performance Indicators

For FY 2008, the following data were used to measure the performance of the Rehabilitation Training Program:

- In FY 2008, 62.7 percent of master's-level counseling graduates reported fulfilling their payback requirements through acceptable employment, down from 85.1 percent in FY 2007.
- In FY 2008, the percentage of masters-level counseling graduates fulfilling their payback requirements through employment in state VR agencies decreased to 37.3 percent compared with the 49.0 percent reported in FY 2007.
- The FY 2008 cost per masters-level graduate was \$10,022; the cost in 2007 was \$14,734.
- The number of scholars supported by RSA scholarships increased slightly from 2,025 in FY 2007 to 2,029 in FY 2008.

Allocations

The allocation of rehabilitation training grant funds for FY 2008 is shown in table 11 on the following page. Funds were shifted in FY 2008 to programs designed to meet the critical need to train current and new counselors and other state agency personnel needs caused by increasing retirement levels.

Table 11. Rehabilitation Training Program, by Number of Grants, Type, and Funding Amount: Fiscal Year 2008

Type	Number of Grants	Amount
Long-Term Training		
Rehabilitation Counseling	66	\$9,453,820
Rehabilitation Administration	3	\$299,995
Rehabilitation Technology	4	\$383,456
Vocational Evaluation/Adjustment	8	\$799,828
Rehabilitation of Mentally Ill	5	\$499,991
Rehabilitation Psychology	2	\$199,475
Undergraduate Education	18	\$1,349,793
Rehabilitation of the Blind	15	\$1,499,750
Rehabilitation of the Deaf	11	\$1,098,049
Job Development/Placement	9	\$899,986
CSPD Priority	14	\$2,950,933
Total	155	\$19,435,076
Other Training		
Short-Term Training	2	\$449,993
Institute for Rehabilitation Issues	3	\$194,046
In-Service Training	77	\$5,664,993
Interpreter Training	6	\$2,084,301
Clearinghouse	1	\$300,000
TACE Centers	8	\$6,300,966
Gap funding RCEPs, Supplements, peer review, sec. 21, etc.44944		\$3,337,113
Total	97	\$18,332,412
Grand Total	252	\$37,766,488

Source: U.S. Department of Education, OSERS, RSA, 2008h.

INSTITUTE ON REHABILITATION ISSUES

The Rehabilitation Training Program supports the Institute on Rehabilitation Issues (IRI), an annual activity in which the University of Arkansas and George Washington University coordinate two separate study groups. The groups are composed of experts from all facets of the VR Program who come together to discuss and debate contemporary VR

service delivery challenges and develop and disseminate publications that can be used as training materials or as technical assistance resources for VR professionals and other stakeholders in the VR Program. Since its inception, the IRI has exemplified the unique partnerships among the federal and state governments, the university training programs and persons served by the VR agencies. The IRI publications are posted on the two university websites, readily accessible by interested persons. VR counselors can obtain continuing education credits applicable to maintaining their certification by completing a questionnaire based on the content of an IRI publication.

IRI TOPICS STUDIED DURING FYS 2008 AND 2009

- Vocational Rehabilitation and Corrections
- eLearning and Vocational Rehabilitation

EVALUATION, RESEARCH, AND INFORMATION DISSEMINATION

To improve the delivery of services to individuals with disabilities, the *Rehabilitation Act* requires the distribution of practical and scientific information regarding state-of-the-art practices, scientific breakthroughs, and new knowledge regarding disabilities. To address those requirements, RSA funds and promotes a variety of research and demonstration projects and training programs, as well as a range of information dissemination projects designed to generate and make available critical data and information to appropriate audiences.

PROGRAM EVALUATION

Authorized Under Section 14 of the *Rehabilitation Act*

Section 14 mandates that RSA evaluate all programs authorized by the *Rehabilitation Act* using appropriate methodology and evaluative research design. The purpose of this mandate is to evaluate the effectiveness of programs in relation to their cost impact on target populations, and mechanisms for delivery of services. The *Rehabilitation Act* further requires that standards be established and used for evaluations and that evaluations be conducted by individuals who are not immediately involved in the administration of the program or project to be evaluated. RSA relies significantly on evaluation studies to

**PROGRAM EVALUATION
FY 2008 FEDERAL FUNDING:
\$1,447,267**

- (1) obtain information on the operations and effects of the programs it administers,
- (2) help make judgments about the programs' levels of success, and
- (3) inform decisions on how to improve them.

In FY 2008, program evaluation funds were used to continue two existing studies and to initiate four new studies. The existing studies:

1. Long-Term Post-Program Experiences of Vocational Rehabilitation Services Consumers (Westat)

This multiyear national study, initiated at the end of FY 2005, focuses on the post-program experiences of four subgroups of former VR consumers in the years following their participation in the VR services program. These four subgroups of VR consumers include: transitioning youths, individuals with mental retardation, individuals with mental illness and persons receiving Social Security disability benefits. Individuals in these groups face unique challenges in achieving long-term employment success. The *Post Vocational Rehabilitation Experiences Study* (PVRES) is designed to determine the degree to which these former VR consumers make satisfactory progress in employment, identify post-closure services that may assist them to do so, and discover

variables that may impede their long-term success. The study will document the long-term outcomes of these consumers (employment status, earnings, and reductions in federal benefits) and examine the role of post-employment services in enhancing these outcomes. Of particular interest are ongoing VR services that: (1) assist persons with most significant disabilities in maintaining stable employment and (2) support the career advancement goals of persons desiring to improve their employment experiences. In addition, supported employment outcomes for these individuals will be noted for secondary analysis. Through the use of a baseline interview and two annual follow-up interviews, the contractor will collect data on a nationally representative sample of VR consumers in these subgroups who recently exited the program.

2. Plan for Enhancing Performance Measurement (ICF Macro)

This multi-year program performance project, initiated at the end of FY 2005, was previously supported with Section 12 program improvement funds. The purpose of the Plan for Enhancing Performance Measurement (PEPM) project was to assist RSA in developing its capacity to effectively use performance data it collects to manage and improve program performance at the national and grantee levels. The desired outcome was to improve RSA's assessment, analysis and monitoring capabilities and enhance program management. Through this contract, RSA was able to address many of the program management and accountability weaknesses identified during the Program Assessment Rating Tool (PART) reviews of IL, PWI and AIVRS programs. Among the accomplishments were:

- The assessment of current data collections on RSA's grant programs to determine how the data were collected and what types of data were collected;
- The development of a preliminary draft PART Tracking System that allows RSA to easily assign and track follow-up actions from completed PART reviews and prepare for upcoming PART reviews;
- The development of methodology for cluster analysis of CIL data, and a definition of clusters; also the assignment of CILs to appropriate clusters—all of which allow RSA and CIL to better focus upon improving CIL performance;
- The editing of IL data identification of numerous errors and inconsistencies which led to more accuracies in reporting and to better training for reporting data in error-prone parts of the process;
- The aggregation of CIL data within states to allow comparisons of state-level data and enable each state to quickly view IL program performance data throughout the state and compare the performance of each CIL to others in the state.
- The development of FY 2008 draft annual reports for the Client Assistance Program (CAP) and the Protection and Advocacy of Individual Rights Program (PAIR), using tables and graphs to provide program performance information that was not previously available;

- The use of IL data to identify grantees for RSA program monitoring and to identify at-risk grantees; and
- Cluster analysis of performance data submitted by the American Indian Vocational Rehabilitation Services (AIVRS) and Projects with Industry (PWI) program grantees so that PWI and AIVRS data can be reported accurately through the RSA MIS.

New studies awarded at the end of FY 2008 included the following:

1. Redesign of Selected RSA Data Collections (Mathematica Policy Research, Inc.)

RSA awarded a contract to review and revise the *Case Service Reporting System* (RSA-911) (U.S. Department of Education, OSERS, RSA, 2005) and the *Annual Vocational Rehabilitation Program/Cost Report* (RSA-2) (U.S. Department of Education, OSERS, RSA, 2006). These data collections are submitted annually by the 80 state VR agencies and are a major source of performance data for the state VR program.

The RSA-911 database contains about 125 data elements for each individual served by a state VR agency, including information on client characteristics, services and outcomes. The data for a particular individual is reported at the time that the agency closes the individual's record of services. These data collections will be revised to address RSA's need for additional information in assessing grantee performance as well as to resolve inconsistencies in completing the report by clarifying instructions. For further information, see Section 101(a)(10) of the *Rehabilitation Act (Rehabilitation Act of 1973, as amended, n.d.)*.

The *Case Services Reporting System* (RSA-911) is used to generate the following management reports:

- Standards and Indicators
- An extensive set of tables used for monitoring agencies that fail Standards
- A set of tables used to monitor all state VR agencies
- *GPRA* reports

The *Annual Vocational Rehabilitation Program/Cost Report* (RSA-2) is a summary of the expenditures by category of each VR agency. It represents the expenditures by federal fiscal year of each VR agency by type, vendor, purpose and service with additional schedules that provide information on staff breakdown and the amount of carryover funds expended during the year. The report includes expenditures from the agency's VR state grant, the state Supported Employment grant, and other rehabilitation funds, including program income.

RSA expects that the revised RSA-2 and RSA-911 will be distributed in FY 2010 for use in the FY 2011 program year. The RSA-2, a much smaller data collection than the RSA-911, contains aggregate data, and state agencies are able to report the data directly in

to the RSA in the Management and Information System (MIS). After clearance of the revised RSA-2 data collection, the next steps are to revise the MIS to incorporate the new data elements and to redesign output tables. Implementation of the revised RSA-911 with over 600,000 individual records is much more complex. Not only will the RSA database need to be revised and output tables restructured, but also state VR agencies will need to revise and test their state automated systems before the beginning of the fiscal year for which data will be collected.

2. Consumer Survey for the Centers for Independent Living Program (Westat)

This program performance project provides support to RSA to strengthen the information capacity and data quality for the IL program provided through state grants and Centers for Independent Living (CILs). The project has five primary goals:

- To revise the *Independent Living Annual Performance Report* (RSA-704) to align it with IL *GPRA* and Program Assessment Rating Tool (PART) performance measures.
- To revise performance measures to ensure the data is of high-quality data, i.e., that it is valid, useful, and feasible to collect.
- To increase RSA's ability to use the RSA-704 efficiently to support program improvement and to respond to performance measurement results.
- To develop specific IL customer satisfaction questions that can be used by state agencies and CILs in their own consumer satisfaction surveys so there is some consistency or standardization of questions across states.
- To provide information about lessons learned from high performing centers.

In order to accomplish these goals, the project has four primary tasks:

- To assess the congruence between the RSA-704 report and the IL performances measures and recommend changes to increase alignment.
- To prepare customer satisfaction questions for IL surveys.
- To prepare an IL/RSA-704 data quality training program.
- To convene a seminar on lessons learned from high performers. The project identified high-performing CILs that have demonstrated the ability to leverage federal grant money by securing public or private funds to support CIL operations and invited the executive directors of these CILs to present papers about their achievements at a seminar for the CIL directors, RSA staff, and Department of Education budget staff.

3. Evaluation of Helen Keller National Center (Westat)

The evaluation of the Helen Keller National Center (HKNC) collects quantitative and qualitative data to assess the program's operations for individual consumers and organizational consumers, and descriptive data that provides context to help to explain performance measurement findings.

The purpose of the HKNC evaluation is to provide RSA with independent and objective information on which to base conclusions about the effectiveness, including cost effectiveness, of the HKNC. The evaluation identifies characteristics of the populations served by HKNC and the extent to which HKNC effectively serves clients with different needs. The evaluation examines the relationship between HKNC and VR agencies and how well HKNC meets the needs of the agencies.

The evaluation has the following objectives:

- To provide RSA with reliable and valid information on program effectiveness, including data and methodologies necessary to refine and develop performance measures, including cost effectiveness measures.
- To identify both the characteristics of the populations served by HKNC and the strengths and weaknesses of the program that have an impact on its effectiveness in serving these populations.
- To examine the relationship between HKNC and state VR agencies and the effectiveness of direct services, technical assistance, and training activities provided by HKNC HQ and regional programs in meeting the needs of VR agencies.
- To make recommendations based on study findings for program adjustments or improvements and for measures that could be implemented to assess ongoing performance.

The HKNC study will provide data on program implementation that focuses on the core activities undertaken to achieve goals and intended outcomes. It will include analysis and evaluation of *GPRA* performance measures to assess whether existing measures need to be changed. If the need is shown, RSA will develop additional outcomes-based program performance measures for all major program activities. Finally, the evaluation will identify barriers to implementation; determine the extent to which program activities match consumer and stakeholder needs; and address consumers' and other stakeholders' experiences with the program and their satisfaction with and use of program services.

4. Demonstration and Training Program Performance Tools (Westat)

The purpose of this program performance project is to provide tools for RSA to sustain an agenda of improved demonstration program performance. The contractor will analyze PART findings in concert with RSA management goals and recommend strategies for program improvement.

Specific activities under the study include the following:

- Proposing new or revised *GPRA* measures or both.
- Preparing new or enhanced grantee performance report formats.
- Convening seminars with Demonstration and Training Program customers and partners to address performance reporting.

THE NATIONAL CLEARINGHOUSE OF REHABILITATION TRAINING MATERIALS

Authorized Under Section 15 of the *Rehabilitation Act*

The National Clearinghouse of Rehabilitation Training Materials (NCRTM), located at Utah State University in Logan, Utah, responds to inquiries and provides the public with information about activities in the rehabilitation community. Inquiries usually come from individuals with disabilities, their families, national organizations, other federal and state agencies, information providers, the news media, and the general public. Most inquiries are related to federal funding, legislation affecting individuals with disabilities, and federal programs and policies. These inquiries are often referred to other appropriate sources of disability-related information and assistance.

Information provided varies. The NCTRM's digital library is an archive of historical and contemporary documents that includes white papers, conference proceedings, books and journals (in the public domain or with permission), assessment tools, manuals, training modules, training programs, slide presentations, memos, maps, and tables; audio and video recordings of educational events (e.g., webinars, video lectures, interviews, and conference recordings) or historical events, research findings, and tools—virtually any information that serves practitioners, educators, researchers, managers, or consumers under the aegis of the *Rehabilitation Act*. The website itself provides additional information, including job openings, a calendar of events, links to partner sites, and open forums on topics of interest.

Historically, NCRTM disseminated materials by sending hard copies to customers who were charged copy and mailing costs. Since relocating to Utah State University, the clearinghouse has digitized its dissemination process; a change that has resulted in the elimination of waste and increased efficiency in reaching constituents.

In FY 2008, NCRTM sold 22,107 items to customers. These were primarily VR career marketing materials that were produced in hard copy. The digital versions are available to constituents online, free of charge, through the NCRTM website. The NCRTM newsletter is sent by emailed quarterly to approximately 1,200 individuals.

Website usage data is collected through Google Analytics. During FY 2008, there were 15,204 visits to the website, with 7,770 library documents downloaded.

NATIONAL INSTITUTE ON DISABILITY AND REHABILITATION RESEARCH

Authorized Under Sections 200–204 of the *Rehabilitation Act*

Managed by the Office of Special Education and Rehabilitative Services

Created in 1978, the National Institute on Disability and Rehabilitation Research (NIDRR) conducts comprehensive and coordinated programs to assist individuals with disabilities. NIDRR activities are designed to improve the economic and social self-sufficiency of these individuals, with particular emphasis on improving the effectiveness of services authorized under the *Rehabilitation Act*.

**NATIONAL
INSTITUTE ON DISABILITY
AND REHABILITATIVE SERVICES
FY 2008 FEDERAL FUNDING:
\$105,741,000**

NIDRR's primary role is to provide a comprehensive and coordinated program of research and related activities to advance knowledge and inform and improve policy, practice and system capacity to maximize the inclusion and social integration, health and function, employment, and independent living of individuals with disabilities of all ages.

To address this role, NIDRR supports rehabilitation research and development centers, demonstration projects and related activities, including the training of rehabilitation services providers and those who conduct rehabilitation research. In addition, NIDRR supports projects to disseminate and promote the use of information concerning developments in rehabilitation procedures, methods, and devices. Information is provided to rehabilitation professionals and to persons with disabilities and their representatives.

NIDRR also supports data analyses on the demographics of those with disabilities and provides that information to policymakers, administrators, and other relevant groups. Awards are competitive, with applications reviewed by panels of experts, including rehabilitation professionals, rehabilitation researchers, and persons with disabilities.

NIDRR's Research Program Mechanisms and Selected Accomplishments for FY 2008

NIDRR is unique among the offices that administer programs for individuals with disabilities within the Department. In contrast to the RSA and the Office of Special Education Programs (OSEP), which implement and monitor nationwide service programs, NIDRR fulfills its mission through targeted investments in research, dissemination, and capacity-building activities across 11 discretionary grant funding mechanisms. Each of these mechanisms is described below along with selected accomplishments that highlight how the results of NIDRR funding are contributing to the goals of Title II of the *Rehabilitation Act*. Three other categories of NIDRR accomplishments also are reported under this section—Interagency Committee on Disability Research (ICDR), Peer-Reviewed Publications, and 2008 NIDRR Allocations. Consistent with guidance provided by OMB for NIDRR performance measurement, all

accomplishments reported by NIDRR consist of either *outputs* or *outcomes*.¹⁵ *Outputs* constitute the direct results of NIDRR-funded research and related activities and consist of the goods and services (e.g., significant findings, publications and products) that are provided to external audiences outside of the boundaries of the project conducting the activities. *Outcomes*, on the other hand, describe the intended results or consequences of NIDRR-funded activities for beneficiaries and consist of advances in knowledge and understanding (i.e., short-term outcomes) and changes or improvements in policy, practice, and system capacity (i.e., intermediate outcomes).

The 14 categories of NIDRR accomplishments described in this report were taken from the FY 2008 annual performance reports (APRs) of NIDRR grantees. The outputs and outcomes reported cover the period between June 1, 2007, and May 31, 2008. In a few instances, the accomplishments reported also cover the last four months of FY 2008, June through September. The accomplishments reported were selected based on an internal review by NIDRR project officers of the APRs completed by grantees for 2008. The accomplishments reported may however, be based on research activities that occurred in previous years.

1. Rehabilitation Research and Training Centers

Rehabilitation Research and Training Centers (RRTCs) conduct coordinated, integrated and advanced programs of research, training and information dissemination in general problem areas that are specified by NIDRR. More specifically, RRTCs

- conduct research to improve rehabilitation methodology and service delivery systems, to alleviate or stabilize disabling conditions and promote maximum social and economic independence for individuals with disabilities;
- provide training, including graduate, pre-service, and in-service training, to assist rehabilitation personnel to more effectively provide rehabilitation services to individuals with disabilities; and
- serve as centers of national excellence in rehabilitation research for providers and for individuals with disabilities and their representatives; and
- develop methods, procedures and rehabilitation technologies that are intended to maximize the full inclusion and integration of individuals, especially individuals with significant disabilities, into society by improving outcomes in the areas of employment, independent living, family support, and economic and social self-sufficiency.

Awards are normally made for a five-year period with some exceptions.

¹⁵See Program Assessment Rating Tool (PART) Performance Measurement Challenges and Strategies at: http://www.whitehouse.gov/omb/challenges_strategies. This document provides definitions of key terms and practical strategies for addressing common performance measurement challenges. It grew out of the workshop on performance measurement organized by the Office of Management and Budget and the Council for Excellence in Government held on April 22, 2003.

The following are examples of RRTC accomplishments reported to NIDRR in FY 2008:

- The importance of understanding the utility of robotic-assisted mobility training prior to integrating it into the clinic. Researchers in the Rehabilitation Research and Training Center (RRTC) on Enhancing the Functional and Employment Outcomes of Individuals Who Experience a Stroke (Grant #H133B031127) at the Rehabilitation Institute Research Corporation (Chicago, Ill.) have determined that current evidence-based beliefs regarding the superiority of robotic-assisted vs. therapist-assisted mobility training for individuals with substantial mobility impairments must be more differentiated. The reverse (i.e., that therapy-assisted training is superior) was found to be true in at least one subpopulation— individuals with severe to moderate gait dysfunction post-stroke. Thus, given the substantial cost of robotic-assisted locomotion training, it is imperative to understand its utility prior to integrating it into a clinic setting. The journal *Stroke* published the findings and issued a press release, which was carried by a number of media outlets (Hornby, T.G., Campbell, D.D., Kahn, J.H., Demott, T., Moore, J.L., & Roth, H.R. [2008]. Enhanced gait-related improvements after therapist-versus robotic-assisted locomotor training in subjects with chronic stroke: a randomized controlled study. *Stroke*, 39, 1786-1792).
- The employment problems faced by individuals with severe mental illness differ depending on the nature of any additional disorders. Researchers at the University of Illinois at the Chicago National Research and Training Center on Psychiatric Disability (Grant# H133B050003), in a seven-site study of 1,273 individuals with severe mental illness and co-occurring conditions, found that competitive employment was less likely among those whose co-occurring condition is intellectual disability, visual impairment, human immunodeficiency virus or acquired immunodeficiency syndrome (HIV/AIDS). Those with physical comorbidities had lower earnings, worked fewer hours, and were less likely to work competitively than people with other types of comorbidities. Disclosure of mental illness was more likely among those with both cognitive and physical comorbidities as well as among those with learning disabilities than it was among individuals possessing other types of co-occurring disabilities. These findings demonstrate the importance of tailoring supported employment models to take account of co-occurring disabilities among people with psychiatric disabilities. Rehabilitation professionals, policymakers, employers and others may benefit from the information. For individuals with co-occurring disabilities the new knowledge may facilitate improved outcomes. The findings have been published (Cook, J.A., Razzano, L.A., Burke-Miller, J. K., et al. [2007]. Effects of Co-Occurring Disorders on Employment Outcomes in a Multi-Site Randomized Study of Supported Employment for People with Severe Mental Illness. *Journal of Rehabilitation Research & Development*, 44[6], 837-850).
- Researchers at Cornell University's Rehabilitation Research and Training Center on Employment Policy and Individuals with Disabilities (Grant# H133B040013) have found that, over and above the impact of low income or lack of income, having a disability significantly increases the material hardships that individuals face. The researchers used data from the 1996 panel of the Survey of Income

and Program Participation (U.S. Bureau of the Census, 1996) to examine the extent to which working-age people with disabilities experience several types of material hardships. The researchers constructed a series of logistic regression models to assess the importance of disability to material hardship experiences after controlling for income and other sociodemographic characteristics. The findings indicate that disability is an important determinant of material hardship even after controlling for these factors. In addition, a large majority of the low-income respondents reporting a material hardship also reported being work-limited for some period of time. The findings are important to policymakers. The findings provide support for policies that account for disability-related expenditures and needs when determining eligibility for means-tested assistance programs and highlight an important limitation of the official poverty measure—it overstates the relative economic well-being of people with disabilities. This has been published (She, P. & Livermore, G. [2007]. Material Hardship, Poverty, and Disability Among Working-Age Adults. *Social Science Quarterly*, 88[4], 970-989).

2. Rehabilitation Engineering Research Centers

Rehabilitation Engineering Research Centers (RERCs) focus on issues dealing with rehabilitation technology, including rehabilitation engineering and assistive technology devices and services. The purpose of the RERC program is to improve the effectiveness of services authorized under the *Rehabilitation Act* by conducting advanced engineering research and development on innovative technologies that are designed to solve particular rehabilitation problems or remove environmental barriers. RERCs also demonstrate and evaluate such technologies, facilitate service delivery systems changes, stimulate the production and distribution of equipment in the private sector, and provide training opportunities to enable individuals, including individuals with disabilities, to become researchers and practitioners of rehabilitation technology. Awards are normally made for a five-year period with some exceptions.

The following are examples of RERC accomplishments reported to NIDRR in FY 2008:

- **New Guidelines for Accessible Lavatories on Aircraft.** This project was conducted by the RERC on Accessible Public Transportation, Oregon State University, National Center for Accessible Transportation Industry Standards or Guidelines (Grant# H133E030009). The Department of Transportation's *Air Carrier Access Act (ACAA)* requires an accessible lavatory on board twin aisle aircraft but provides no guidance to manufacturers. Researchers developed accessible lavatory guidelines based on human factors and biomechanics research performed at the RERC in partnership with the aviation industry. The aviation industry further evaluated and refined these guidelines in the development of the accessible lavatory for the new Boeing 787, and it is anticipated that the new guidelines will be incorporated into federal regulations for the ACAA. The new guidelines provide a common design base for all new accessible aircraft lavatories allowing equal access to travelers with mobility and sensory impairments (Hunter-Zaworski, K. [2007]. Standards for accessible lavatories for commercial aircraft. Proceedings of the 11th

international conference on mobility and transport for elderly and disabled persons. Montréal, Canada: TRANSED.

http://ncat.oregonstate.edu/pubs/TRANSED/1095_Lav_Standards.pdf).

- Changes in Policy and Practice Regarding Accessible Fitness and Recreation Facilities and Equipment. This project was conducted by the University of Illinois at the Chicago RERC on Recreational Technologies and Exercise Physiology for People with Disabilities Policy Change (Grant # H133E020715). The grantee used a participatory action research method at the core of a collaborative approach to conduct action-oriented assessments of the accessibility of fitness and recreation venues. Assessments were based on data gathered from 35 fitness and recreation professionals (25 females, 10 males) recruited for this study through contacts with the ADA Disability, Business, and Technical Assistance Centers (DBTACs), located in 9 of 10 regions across the United States. The validated instruments disseminated through this project, the Accessibility Instruments Measuring Fitness and Recreation Environments (AIMFREE), were used in a collaborative problem-solving approach to develop action plans for rapid and cost-effective improvements in the accessibility of recreation and fitness venues. The project produced systemic changes in two states that adopted the approach: Montana's Department of Disability and Health and North Carolina's Office on Disability and Health. The conceptual model underlying this research was published in a peer-reviewed journal. (Rimmer J. H., Riley B., Wang E., & Rauworth A. [2004]. Development and validation of AIMFREE: Accessibility Instruments Measuring Fitness and Recreation Environments. *Disability and Rehabilitation*. Sept. 26[18], 1087-95). (Rimmer, J.H., Riley B, Wang E, & Rauworth A. [2005]. Accessibility of health clubs for people with mobility disabilities and visual impairments. *American Journal of Public Health*. Nov. 95[11], 2022-8).
<http://www.ncbi.nlm.nih.gov/pmc/articles/PMC1449478/?tool=pmcentrez>).

3. Disability and Rehabilitation Research and Related Projects

The Disability and Rehabilitation Research Project (DRRP) program supports projects that carry out one or more of the following activities: research, development, demonstration, training, dissemination, utilization, and technical assistance. The purpose of the DRRP program is to plan and conduct research, demonstration projects, training, and related activities to develop methods, procedures, and rehabilitation technology that maximize the full inclusion and integration of individuals with disabilities into society, employment, independent living, family support, and economic and social self-sufficiency and to improve the effectiveness of services authorized under the *Rehabilitation Act*.

NIDRR funds four types of DRRPs: (a) Knowledge Translation (KT) projects; (b) Model Systems in Traumatic Brain Injury and Burn Injury, hereafter referred to as Model Systems; (c) Disability and Business Technical Assistance Centers (DBTAC) projects; and (d) individual research projects. Since the first three types of DRRPs are managed as separate programs and, therefore, discussed later in this report, only research

DRRPs are described here under the general DRRP heading. Research DRRPs differ from RRTC and RERCs in that they support short-term research related to the development of methods, procedures, and devices to assist in the provision of rehabilitation services, particularly to persons with significant disabilities. Awards can range from three to five years.

The following are examples of DRRP research accomplishments reported to NIDRR in FY 2008:

- Advancing Knowledge of Workplace Discrimination Based on the Equal Employment Opportunity Commission (EEOC) Data. The Coordination, Outreach and Research Center, the coordinating Center of the Disability Business Technical Assistance Center (network, located at Virginia Commonwealth University (Grant# H133A060087) has produced a series of peer-reviewed publications on workplace discrimination against individuals with disabilities. This set of publications provides extensive information on the specific nature and scope of workplace discrimination grievances filed under the *Americans with Disabilities Act (ADA)*, including profiles of discrimination related to types of disability; industry; race and ethnicity; and employers' characteristics. Together, these publications provide some of the first available empirical data on the effects of the *ADA* and can be used to inform future changes in policy and practice related to the employment of people with disabilities (McKenna, M., Hurley, J.E., Fabian, E., McMahon, B.T., & West, S.L. [2007]. Workplace discrimination and cancer: The National EEOC ADA Research Project. *WORK-A Journal of Prevention Assessment & Rehabilitation*, 31[8], 14-18). (Tartaglia, A., McMahon, B.T., West, S.L., Belongia, L., & Lhier-Beach, L. [2007]. Workplace discrimination and healthcare: The National EEOC ADA Research Project. *Journal of Vocational Rehabilitation*, 27[3], 1-7). For abstracts on these articles, see the following website:
<http://www.naric.com/research/record.cfm?search=1&type=all&criteria=H133A060087&phrase=no&rec=1723>.
- Model State Plan for Services to Persons Who Are Deaf, Deaf-blind, Hard of Hearing, or Late Deafened. The University of Arkansas conducted this NIDRR funded DRRRP entitled Improve the Employment Outcomes for the Low Functioning Deaf Population, (Grant# H133A060044) and collaborated with the Council of State Administrators of Vocational Rehabilitation (CSAVR) Committee for Persons who are Deaf, Deaf-blind, Hard of Hearing, or Late Deafened to describe the state-of-the-art in VR-related knowledge regarding individuals with hearing loss. The resulting book includes nine chapters regarding the needs of the population and identifies services that state and federal VR agencies and their partners, should provide to meet these needs. Endorsed by CSAVR, the model was disseminated nationally at the 2008 CSAVR Spring Conference and the 2008 national state-coordinators-for- the-deaf conference and was provided to all state agencies for review and use (Watson, D., Jennings, T., Tomlinson, P. I., Boone, S., & Anderson, G. [Eds.]. [2008]. Model state plan for vocational rehabilitation of persons who are deaf, deaf-blind, hard of hearing, or late

deafened. Douglas Watson, publisher.

<http://www.lulu.com/product/paperback/model-state-plan-for-vocational-rehabilitation-of-persons-who-are-deaf-deaf-blind-hard-of-hearing-or-late-deafened/2620914>).

4. Knowledge Translation

Knowledge Translation (KT) is a process of ensuring that new knowledge and products gained through the course of research and development will ultimately be used to improve the lives of individuals with disabilities and further their participation in society. KT is built upon and sustained by ongoing interactions, partnerships, and collaborations among various stakeholders in the production and use of such knowledge and products, including researchers, practitioners, policymakers, persons with disabilities, and others. NIDRR has invested in KT by direct funding of research and development projects in its KT portfolio and by integrating the KT underlying principle of interactions, partnerships and collaborations among stakeholders into the content of all priorities. The projected long-term outcomes are knowledge and products that can be used to solve real-life issues faced by individuals with disabilities.

The following are examples of KT accomplishments reported to NIDRR in FY 2008:

- Establishing the Disability Subgroup Within the Campbell Collaboration's Education Coordinating Group. As a result of long-term NIDRR support, the National Center on the Dissemination of Disability Research succeeded in establishing the Disability Subgroup within the Campbell Collaboration's Education Coordinating Group (Grant# H133A060028). The Campbell Collaboration is an international research network that produces systematic reviews of the effects of interventions in the social, behavioral, and educational arenas and is a counterpart of the Cochrane Collaboration, which does the same for health care interventions. The objectives of the Disability Subgroup are (a) to undertake and maintain a series of high-quality and timely systematic reviews of interventions aimed at improving the quality of life and outcomes of individuals with disabilities; (b) to establish and maintain a network of individuals with disability expertise or experience who are interested in either developing or contributing to disability-related systematic reviews or both; (c) to encourage involvement of consumers with disabilities, their family members, and other disability-oriented stakeholders in all steps of the systematic review development process; and (d) to provide training opportunities for interested systematic review authors in the production of Campbell reviews in the disability area. Creation of the Disability Subgroup is a major accomplishment and will promote the synthesis, dissemination, and use of disability and rehabilitation research by bringing researchers and other experts together to produce high-quality systematic reviews that are easy to locate and access, available to international audiences, and useful as a guide to improved decision-making in disability and rehabilitation practice and policy development. (For details on the Campbell Collaboration Disability Subgroup see: http://www.campbellcollaboration.org/news/_disability_subgroup.php).

5. Model Systems

NIDRR's Model Systems programs in spinal cord injury (SCIMS), traumatic brain injury (TBIMS), and burns (BMS) provide coordinated systems of rehabilitation care for individuals with these conditions and support research on recovery and long-term outcomes. In addition, these VA Polytrauma Rehabilitation Centers serve as platforms for collaborative, multisite research, including research on interventions using randomized controlled approaches. Funded studies also track cohorts of patients over time. The SCIMS has over 26,000 individuals in its database; the TBIMS has over 8,000 individuals and the BMS has over 4,600. These databases provide information on the life course of individuals who have experienced these injuries.

The following are examples of Model Systems accomplishments reported to NIDRR by our grantees in FY 2008:

Traumatic Brain Injury Model Systems

- **Increased Research Capacity Through Interagency Collaboration.** Through the *National Defense Authorization Act for Fiscal Year 2008*, PL 110-181 (Section 1704 (c) and (d)), NIDRR's Traumatic Brain Injury (TBI) Model Systems program was recognized by Congress and by NIDRR's federal partners as a source of research expertise in the field of TBI. The act specifically requires the secretary of veterans affairs to collaborate with institutions that receive TBI research grants from NIDRR. This congressionally mandated collaboration between NIDRR grantees and the Veterans Administration (VA) is intended to implement an ongoing health registry of military veterans who exhibit symptoms of TBI. The VA Veterans Health Registry (and VA Polytrauma Rehabilitation Centers database) will provide contact information needed to inform veterans with TBI of new research findings and clinical interventions available to them; a method by which the VA can gather important information about the health status of veterans and a potential data source for comparison with civilian populations, with the ultimate goal of improving the lives of veterans with TBI. Pursuant to this legislation, NIDRR and the VA entered into a 2008 interagency agreement with subsequent amendments. Through these agreements, the VA channeled resources to the NIDRR-funded TBI Model Systems National Data and Statistical Center (TBINDSC) at Craig Hospital (Grant# H133A060038). NIDRR's TBINDSC provided the VA with necessary clinical and database expertise, as well as the information technology infrastructure to establish the mandated health registry of U.S. military veterans with symptoms of TBI and a more detailed database for a subset of those veterans with moderate and severe TBI.

Burn Model Systems

- **From Survival to Socialization: A Longitudinal Study of Body Image in Survivors of Severe Burn Injury.** (Grant# H133A020101). The burn research investigators at the Johns Hopkins Bayview Medical Center published "From Survival to Socialization: A Longitudinal Study of Body Image in Survivors of Severe Burn Injury." The group investigated the role of body image in overall psychological

functioning in a sample of burn survivors. Findings reported that gender, total body surface area burned, and the victim's view of the importance of appearance predicted body image dissatisfaction. From hospitalization to 12 months post-discharge, body image dissatisfaction increased for women and individuals with larger burns compared, respectively, to men and individuals with smaller burns. In the path analysis, body image dissatisfaction was the most salient predictor of psychosocial function at 12 months and mediated the relationship between pre-burn and 12 months post-discharge psychosocial function. As a result of this publication, one investigator was invited by the American Burn Association and the Phoenix Society to co-chair their joint, newly established Aftercare and Reintegration Committee. This committee is composed of many of the most prominent burn rehabilitation professionals, as well as by burn survivors. The report is available in a 2008 peer-reviewed publication (Thombs, B.D., Notes, L.D., Lawrence, J.W., Magyar-Russell, G., Bresnick, M.G., & Fauerbach, J.A. [2008]. From Survival to Socialization: A Longitudinal Study of Body Image in Survivors of Severe Burn Injury. *Journal of Psychosomatic Research*, 64[2], 205-212).

Spinal Cord Injury Model Systems

- Preliminary Outcomes of the SmartWheel Users' Group Database: A proposed Framework for Clinicians to Objectively Evaluate Manual Wheelchair Propulsion. Researchers from the SCI Model System at the University of Pittsburgh published "Preliminary outcomes of the SmartWheel users' group database: A proposed framework for clinicians to objectively evaluate manual wheelchair propulsion" (Grant# H133A011107). The study describes a standard clinical protocol for the objective assessment of manual wheelchair propulsion, establishes preliminary values for parameters derived from the protocol, and develops graphical references and a proposed clinical application process. Subjects propelled a wheelchair from a stationary position to a self-selected speed across a hard tile surface, a low-pile carpet, and up a ramp that complies with the requirements of ADA. After a subject completed a module, the SmartWheel clinical software generated the following key parameters to describe a client's propulsion: velocity, average peak resultant force, push frequency and stroke length. This method provides a general technique that clinicians can use either to compare a client's propulsion with that of a larger population or to compare a client's propulsion before and after an intervention to assess the effects of that intervention or both. The report is available in a 2008 peer-reviewed publication (Cowan, R. & Boninger, M. [2008]. Preliminary outcomes of the SmartWheel users' group database: A proposed framework for clinicians to objectively evaluate manual wheelchair propulsion. *Archives of Physical Medicine and Rehabilitation*, 89[2], 260-268).

6. Disability and Business Technical Assistance Centers

The Disability and Business Technical Assistance Centers (DBTAC) program is comprised of a network of 10 regional centers that provide information, training, and technical

assistance to businesses and agencies with responsibilities under *ADA*. An additional grantee serves as a coordination, outreach and research center (CORC). The CORC conducts activities to enhance the capacity of the regional DBTACs to use research-based information to help achieve the objectives of *ADA*. Each regional center, along with the CORC, conducts research that enhances understanding of *ADA* compliance barriers and identifies evidence-based strategies for eliminating these barriers.

Information on services provided by the DBTAC program for FY 2008 is listed in Tables 12 and 13 on the following pages:

Table 12. DBTAC Training Activities—Type of Activity and Target Audience.
Source: 2008 APRs

Activities per Award	Number of Activities	Percent
Average per award	18.9	N/A
Minimum per award	4	N/A
Maximum per award	83	N/A
Type of Training Activity^a	Number of Activities	Percent of Activities^b
Presentation	52	27.5
Workshop	43	22.8
Training course	35	18.5
Webcast	17	9.0
Distance learning curricula	7	3.7
Curricula development	5	2.6
Planning, conducting, or sponsoring a conference	5	2.6
Other	25	13.2
Total	189	100.0
Target Audience^a	Number of Entities in Target Audience	Percent
Individuals with disabilities and/or family members	46	N/A
State/local government agencies	46	N/A
Employers	41	N/A
Consumer advocates	38	N/A
Service providers	35	N/A
Business groups	24	N/A
Architects and design professionals	18	N/A
Educators	17	N/A
Practitioners/clinicians	9	N/A

Table 12. DBTAC Training Activities—Type of Activity and Target Audience.
Source: 2008 APRs

Code officials responsible for physical accessibility requirements	7	N/A
Policy experts	6	N/A
Media	5	N/A
Industry representatives and/or product developers	4	N/A
Researchers	4	N/A
Federal and nonfederal partners	3	N/A
Attorneys or other legal professionals	2	N/A
Other	24	N/A
Total	237	N/A

a. All of the 10 Disability and Technical Assistance Center (DBTAC) grantees that submitted FY 2008 APRs reported on training activities. In reporting on training activities, they could select more than one target audience for each type of training activity.

b. Percentages were calculated by dividing the number of each type of activity reported by the total number of activities. Percentages may not sum to 100 percent due to rounding.

Source: U. S. Department of Education, OSERS, NIDRR, 2008a.

Table 13. DBTAC Technical Assistance (TA) Activities—Type, Frequency, Target Audience, and Dissemination. Source: 2008 APRs

Type of TA Activity ^a	Number	Percent ^b
Phone calls	55,201	69.8
E-mail	12,353	15.6
In-person	7,302	9.2
Other	4,237	5.4
Total	79,093	100.0

Target Audience ^a	No. of Grantees Who Selected the Target Audience as Among Top Two for Their TA Activities	Percent
Service providers	1	10.0
Employers	3	30.0
Consumer advocates	3	30.0
Individuals with disabilities and/or family members	7	70.0
Business groups	1	10.0
State/local government agencies	1	10.0
Code officials responsible for physical accessibility requirements	1	10.0
Architects and design professionals	1	10.0
Other	1	10.0
Total no. of grantees submitting APRs	10	

Table 13. DBTAC Technical Assistance (TA) Activities—Type, Frequency, Target Audience, and Dissemination. Source: 2008 APRs

Type of Materials Disseminated	Number of Items Disseminated Electronically or in Another Format			
	DBTAC Generated: Electronic	DBTAC Generated: Other	Non-DBTAC Generated ^c : Electronic	Non-DBTAC Generated ^c : Other
Journal articles	7,976	0	88	88
Project publications	35,903	89,977	N/A	N/A
Video/audio tapes	5,060	1,445	2,532	641
CDs/DVDs	3,565	2,221	971	2,209
Books/book chapters	0	1	50	111
Bulletins/newsletters/fact sheets	526,035	85,152	105,247	165,220
Research reports/conference proceedings	80,373	825	1,000	664
Other	464,334	38,800	15,654	125,015
Total	1,123,246	218,421	125,542	293,948

a. All of the 10 Disability and Technical Assistance Center (DBTAC) grantees that submitted FY 2008 APRs reported on TA activities. In reporting on TA activities, they could select more than one target audience for each type of TA activity.

b. Percentages were calculated by dividing the number of each type of activity reported by the total number of activities. Percentages may not sum to 100 percent due to rounding.

c. Non-DBTAC-generated items are those that were developed by other federal agencies, such as the departments of Transportation and Justice and the EEOC, but disseminated by the DBTACs.

Source: U. S. Department of Education, OSERS, NIDRR, 2008a.

7. Field-Initiated Projects

Field-Initiated Projects (FIPs) are intended for the conduct of research and development activities that address topics and issues identified by researchers outside of NIDRR. Most FIP awards are made for three years.

The following is an example of FIP accomplishments reported to NIDRR in FY 2008:

- **Portable In-Flight Entertainment Devices.** WGBH Educational Foundation, National Center for Accessible Media (NCAM) (Grant# H133G050254) and the IMS Company have developed a solution for the provisioning of closed-captioned media content on IMS's portable in-flight entertainment (IFE) devices. The IMS Company is one of the leading providers of portable entertainment and content solutions for the in-flight entertainment (IFE) industry. This solution will enable people who are deaf or hard-of-hearing to access and understand information offered via IFE systems. The IMS Company's portable and semi-embedded (IFE) systems are installed on American Airlines, US Airways and Northwest Airlines, among others. The introduction of caption-capable IFE systems across a number of major airlines will help set a standard of accessibility for all airlines in meeting the needs of passengers who are deaf or hard-of-hearing. It will also provide the U.S. Department of Transportation with concrete information about feasibility and cost burdens related to mandating access to content offered to passengers via in-flight entertainment systems. The announcement of caption-capability within the IMS product line has also

galvanized the commitment of third-party content packagers to work with NCAM to develop systems to reformat previously captioned movies for display within IMS systems. In 2008 the IMS Company announced the co-development of captioning solutions for IMS products on the IMS Company's website at: <http://www.imsco-us.com>.

News of this successful technology transfer to an industry product was widely circulated with the IMS press release picked up by diverse stakeholders such as the National Center for Technology Innovation which supports access researchers working to influence products and services (<http://www.nationaltechcenter.org>) and numerous disability publications and listservs.

8. Small Business Innovation Research

The intent of NIDRR's Small Business Innovation Research (SBIR) program is to help support the development of new ideas and projects that are useful to persons with disabilities by inviting the participation of small business firms with strong research capabilities in science, engineering or educational technology. Small businesses must meet certain eligibility criteria to participate: the company must be American-owned and independently operated; it must be for profit and employ no more than 500 employees; and the principal researcher must be employed by the business. This program funds small businesses in three phases, although NIDRR and the Department of Education only participate in funding the first two of these phases. During Phase I NIDRR funds firms to conduct feasibility studies to evaluate the scientific and technical merit of an idea. During Phase II NIDRR funds firms to expand on the results of Phase I and to pursue further development. In Phase III the program focuses on helping small businesses find funding in the private sector to move innovations from the laboratory into the marketplace.

The following is an example of a SBIR accomplishment reported to NIDRR in FY 2008:

- Development of device to bridge the gap between a rail platform and an accessible railcar. In 2008 the Marshall Elevator Company reported the successful development of a RAIL-ramp device to bridge the gap between the rail platform and an accessible entrance of a railcar. Commuter rail systems, in particular, have difficulty providing safe access to passengers with disabilities due to variable horizontal and vertical gaps between the railcars and passenger boarding platforms. In the United States regulations have been established under *ADA* to describe requirements for bridging the gap between transit vehicles and platforms. There is a need for a ramp assembly that can bridge varying vertical and horizontal gaps and provide access to either of the doors on opposite sides of a railcar. Such a ramp must be low-profile and should be easily retrofitted into existing railcars. Marshall Elevator Company has designed and developed a ramp that meets these needs through Phase I and II funding from NIDRR's SBIR program (Grant# H133S050136 and Grant# H133S040161). The prototype has been successfully demonstrated on the New

Jersey Transit system. Marshall Elevator Company submitted an application for a patent for this device. For further information, please see the following website: <http://www.freepatentsonline.com/y2009/0106918.html>.

9. Advanced Rehabilitation Research Training Projects

Advanced Rehabilitation Research Training (ARRT) projects seek to increase capacity to conduct high-quality rehabilitation research by supporting grants to institutions to provide advanced training in research to physicians, nurses, engineers, physical therapists, and other professionals. Grants are made to institutions to recruit qualified persons with doctoral or similar advanced degrees with clinical, management or basic science research experience and to prepare them to conduct independent research in areas related to disability and rehabilitation. This research training may integrate disciplines, teach research methodology, and promote the capacity for disability studies and rehabilitation science. Training projects must operate in interdisciplinary environments and provide training in rigorous scientific methods.

Selected ARRT project statistics for the reporting period June 1, 2007, to May 31, 2008, are reflected in table 14. In FY 2008 NIDRR implemented a new statistic to measure the number of fellows taking advantage of this training that came from racial and ethnic minorities. The number of fellows in this category reached 45.5 percent for FY 2008, demonstrating NIDRR's commitment to increasing the diversity of rehabilitation researchers and its commitment to conducting disability research for people with disabilities that are from minority populations.

Table 14 shows various ARRT projects, with selected indicators, for June 1, 2007 to May 31, 2008.

**Table 14. Advanced Rehabilitation Research Training (ARRT) Projects:
Selected Indicators: June 1, 2007 to May 31, 2008**

Fellows	Total
Fellows enrolled this reporting period	68
Fellows completing program in reporting period	21
Fellows with disabilities	8
Fellows from racial and ethnic minority populations ^a	31
Fellows contributing to 2008 publications	32
Total number of active awards	19
Total number of publications authored by fellows in 2008	57

^a Refers to fellows who were identified as Latino, African American, American Indian, Asian, and Native Hawaiian

Source: U.S. Department of Education, OSERS, NIDRR. 2008b.

10. Mary E. Switzer Fellowship Program

The Mary E. Switzer Fellowship Program seeks to increase capacity in rehabilitation research by giving individual researchers the opportunity to develop new ideas and gain

research experience. There are two levels of fellowships: Distinguished Fellowships go to individuals of doctorate or comparable academic status who have had seven or more years of experience relevant to rehabilitation research. Merit Fellowships are given to persons with rehabilitation research experience but who do not meet the qualifications for Distinguished Fellowships, usually because they are in earlier stages of their careers. Fellows work for one year on an independent research project of their design.

Table 15 summarizes the accomplishments, defined as peer-reviewed publications, professional conference presentations, tools, informational products and funded competitive grants, reported by Switzer Fellows for calendar year 2008.

Table 15. Switzer Research Fellowship Program Accomplishments: Calendar Year 2008

Total number of FY 2005, 2006 and 2007 Fellowships	26
Number of Merit Fellowships	16
Number of Distinguished Fellowships	10
Number of FY 2005, 2006, and 2007 Fellowships for which a report of accomplishments are available	20
Number of peer-reviewed publications	14
Number of professional conference presentations	20
Number of competitive grant awards	13
Number of assessment tools	1
Number of informational products	1

Source: U.S. Department of Education, OSERS, NIDRR, 2008c.

11. Outreach to Minority-Serving Colleges and Universities

Section 21 of the *Rehabilitation Act* instructs NIDRR and RSA to reserve 1 percent of the annually appropriated budget for programs authorized under Titles II, III, VI, and VII to serve traditionally underserved populations. These funds then are awarded through grants, contracts or cooperative agreements to minority entities, Native American tribes, colleges and universities, state, public or private nonprofit agencies, and organizations to support program activities focused on: (a) research training, (b) professional development, special projects, and demonstrations; and (c) employment opportunities. Within NIDRR this 1 percent set-aside can be used to fund separate grants across various program mechanisms (e.g., RRTCs, DRPPs) or to supplement existing grants to conduct specific Section 21-related activities.

The following Section 21 accomplishment from a DRPP was identified and reviewed in FY 2008 by NIDRR staff.

Tool to Assess Consumer Needs for VR Services (Grant# H133A031705). NIDRR funding supported further refinement of the Systems Approach to Placement (SAP): Intake

Assessment and Outcome Evaluation (IAOE) Tool with culturally sensitive language and variables to better identify culturally sensitive service variables that can be important in the placement process. The SAP: IAOE was initially designed by this NIDRR grantee to assist rehabilitation counselors in objectively identifying consumer needs for VR services from intake through case closure. Use of the revised SAP: IAOE assists rehabilitation counselors in: (a) prioritizing services within financial constraints, (b) identifying culturally sensitive service variables impacting placement, (c) conducting a counselor self-evaluation at the point of intake through closure, and (d) linking funds expended with services provided. For more details on the SAP: IAOE see the following website: <http://www.subr.edu/rehabilitation/RRIUP/select%20publications/A%20Systems%20Approach%20to%20Placement.pdf> (data regarding use in the field is forthcoming from grantee.)

Other Program Areas

In addition to the 11 discretionary grant programs listed above, NIDRR funding also supports a variety of other activities, including interagency research initiatives and activities to improve the quality and utility of NIDRR-funded research.

12. Interagency Committee on Disability Research

Chaired by the director of NIDRR, the Interagency Committee on Disability Research (ICDR) is authorized by Section 763 of the *Rehabilitation Act*, to “identify, assess and seek to coordinate all federal programs, activities and projects and plans for such programs, activities, and projects with respect to the conduct of research (including assistive technology research and research that incorporates the principles of universal design) related to rehabilitation of individuals with disabilities.”

The committee is comprised of the director of NIDRR, assistant secretary for special education and rehabilitative services, the commissioner of RSA, the secretary of education, the secretary of veterans affairs, the director of the National Institutes of Health, the director of the National Institute of Mental Health, the administrator of the National Aeronautics and Space Administration, the secretary of transportation, the assistant secretary of the interior for Indian affairs, the director of the Indian Health Service, and the director of the National Science Foundation. These members serve on the senior oversight committee and advise six subcommittees: disability statistics, medical rehabilitation, technology, employment, education, and community participation and inclusion.

Table 16 on the following page shows selected achievements by the ICDR for FY 2008.

Table 16. Number of Various Interagency Committee on Disability Research Activities: Fiscal Year 2008

Internal ICDR Activities	Number
ICDR meetings	23
ICDR meetings with guests to inform the government and assist with coordination and collaborative activities	39
Research topics discussed, including research gap identification	49
New products to support interagency coordination, technical assistance, information-sharing, joint planning	30
Reports technical, informational, and required ^a	9
Disability Research Watch announcements (Includes activities to assist with identification and assessment of all federal programs, activities, projects, and plans) ^b	24
New members/agency representatives	42
Federal agencies in a goal-setting activity	22
Total	238
Public Outreach Activities	
Outreach to stakeholders ^c	5,000
Exhibits	4
Website postings	108
Focus groups	12 groups across 12 different states
Visits to ICDR home page	3,155
Total	8,327
Stakeholder Input	
Individuals who presented testimony ^d (in person)	20
Individuals who presented testimony ^d (telephone)	14
Individuals who submitted comments ^d (read by panelists)	48
Individuals who observed in-person	4
Individuals who participated via teleconference	14
Individuals who participated via webcast	310
Total	410

- a. Reports were prepared to inform the ICDR members and address the interests of ICDR members and other federal agencies. However, they also address stakeholder input.
- b. Disability Research Watch announcements was a monthly compilation of announcements and information about federal programs, activities, projects, and plans related to disability and rehabilitation research compiled by the ICDR contractor and distributed to ICDR members.
- c. The term *stakeholders* is synonymous with those who hold a vested interest in disability issues (e.g., services, representatives of disability services and local resources and advocacy groups, and the research community; also members of the general public, especially those with disabilities and their families). The number 5,000 refers to those stakeholders who participated in outreach activities. *Outreach* is defined as those activities involving conferences, subcommittee meetings, focus groups, and websites in which stakeholders shared information with ICDR; ICDR held one national stakeholder meeting, 24 meetings with six subcommittees, and four executive meetings in 2008.
- d. Comments and testimony were solicited from participants (also considered stakeholders) via on-site participation, teleconference, or webcast. Stakeholders were provided the opportunity to submit written comments and deliver oral testimony. Participants unable to attend in-person provided commentary via telephone and through participation in webcasts.

Source: U.S. Department of Education, CESSI, 2008.

13. Peer-reviewed Publications by Select Research Mechanisms

Consistent with standard bibliometrics procedures for tracking publications,¹⁶ table 17 contains data on the average number of peer reviewed publications per award based on calendar year 2007 rather than on fiscal year 2008.¹⁷ To calculate the average number of peer-reviewed publications for calendar year 2007 requires data from two years of APRs submitted by grantees in June 2007 and June 2008. Because of this, publications reported for a calendar year always lag one year behind the fiscal year of the RSA annual report.

Table 17 is subdivided into Panels A and B to capture the scientific productivity of two different sets of NIDRR program funding mechanisms. Panel A contains data on NIDRR's three largest program mechanisms (RERCs, RRTC's and Model Systems).

Results for Panel A show that the 118 NIDRR grantees submitting APRs produced a total of 311 peer-reviewed publications in calendar year 2007 for a combined average of 2.63 publications per award. However, within Panel A the average number of peer-reviewed publications per award varies significantly by program mechanism from a high of 3.11 for RRTC's to a low of 1.77 for RERCs. Model Systems fall in between, with an average of 2.80 publications per award. In contrast to Panel A, the considerably larger number of grantees submitting APRs in Panel B (164 vs.118) produced a total of only 50 peer-reviewed publications, with the averages per award less than one for all three additional program mechanisms represented.

It is important to point out that caution must be exercised in interpreting these variations in the average number of peer-reviewed publications between Panels A and B and among program mechanisms as differences in scientific productivity per se. This is because differences in the nature of the research and development activities conducted and in the duration and level of funding can contribute to significant differences in the type and number of outputs produced. For example, all of the awards associated with Panel A are funded for five years and, on average, at higher levels than those in Panel B, which typically conduct smaller-scale studies with funding cycles ranging from three to five years. Given the time it takes to get research manuscripts published, the shorter funding cycle can limit opportunities to get research results published in time to be listed in APRs. In addition, the RRTC's and Model Systems conduct primarily medical rehabilitation and psychosocial-behavioral research, including intervention studies, which result in empirical findings that readily lend themselves to publication in peer-reviewed journals. RERCs primarily conduct rehabilitation engineering research and development activities, where the outputs are more technology-oriented (e.g., applications of existing technologies, prototypes of new devices, and industry standards for products) and less well suited to publication in peer-reviewed journal articles. Another factor that can affect measures of scientific productivity is the stage in the funding cycle when grantees are reporting on productivity. For example, grantees

¹⁶ For a definition of bibliometrics see: Geisler, Eliezer (2000). *The metrics of science and technology*. Santa Barbara, CA: Praeger Publishers.

¹⁷ Because the average number of peer-reviewed publications is measured by calendar year not fiscal year, calculating this measure requires data from two performance-reporting periods and always lags one year behind the current fiscal year. Data on publications for calendar year 2006 are based on completed APRs submitted in June 2006 and June 2007. The next installment of data for calendar year 2007 will be available October 2008, based on completed APRs submitted in June 2007 and 2008.

completing APRs early in a five-year cycle will typically have fewer publications to report than their counterparts who are in the last year of a five-year cycle.

Because of these differences in type of research conducted and outputs produced, as well as time of measurement, caution must be exercised in making comparisons about scientific productivity across program mechanisms as well as over time.

Table 17. NIDRR Peer-reviewed Publications: Calendar Year 2008^a

Panel A: Original Program Funding Mechanisms, Data Available Since FY 2005^b			
Program Funding Mechanism	Total No. Refereed Publications	Total No. Awards Submitting APRs	Average No. Refereed Publications/Award
RRTCs ^c	115	37	3.11
RERCs ^d	53	30	1.77
Model Systems ^e	143	51	2.80
Combined Original Three Program Funding Mechanisms	311	118	2.63
Panel B: Additional Program Funding Mechanisms, Data Collection Beginning FY 2006^f			
Program Funding Mechanism	Total No. Refereed Publications	Total No. Awards Submitting APRs	Average No. Refereed Publications/Award
DRRPs ^g	19	39	0.49
FIPs ^h	21	117	0.18
KT ⁱ	10	8	1.25
Panel B Combined Subtotal	50	164	.30
Overall Totals Across All Six Program Funding Mechanisms	361	282	1.28

^a Data presented in this table correspond to peer-reviewed publications published in calendar year 2008 rather than to fiscal year 2007. To calculate the total and average number of peer-reviewed publications for calendar year of 2008 requires data from two years of annual performance reports (APRs), submitted in June 2008 and June 2009. Because of this, reported publications always lag one calendar year behind the fiscal year of the RSA annual report.

^b Panel A presents data for the three original program funding mechanisms for which information on peer reviewed publications was collected starting with the APR submitted June 2004. Data in Panel A also correspond to NIDRR's official GPRA performance measure based on the average number of peer-reviewed publications per award per calendar year and are used to satisfy PART requirements.

^c Rehabilitation Research and Training Centers.

^d Rehabilitation Engineering Research Centers.

^e Model Systems projects for Spinal Cord Injury, Brain Injury and Burn.

^f Panel B presents data on three additional program mechanisms for which information on peer reviewed publications was first collected in the revised APR submitted June 2006. Data for these additional program mechanisms are not included in NIDRR's official GPRA measure.

^g Disability Rehabilitation Research Projects.

^h Field Initiated Projects (Research and Development).

ⁱ Knowledge Dissemination and Utilization (also referred to as Knowledge Translation).

Source: U.S. Department of Education, OSERS, NIDRR, 2008d.

14. 2008 NIDRR Allocations

The allocation of NIDRR grant funds for FY 2007 and FY 2008 for the 11 funding mechanisms discussed in this section on NIDRR is shown in table 18 on the following pages. For each funding mechanism, the table includes the number of new and continuation awards along with the corresponding grant amounts and the combined

totals for FYs 2007 and 2008. NIDRR's overall grant allocations across all 11 funding mechanisms totaled \$97,329,000 for FY 2007 and \$97,255,000 for FY 2008.

Table 18. NIDRR-Funded Centers and Projects: Funding and Awards, Fiscal Years 2007 and 2008

NIDRR-Funded Centers and Projects^a	Number of Awards FY 2007	Grant Amount (in thousands of dollars)	Number of Awards FY 2008	Grant Amount (in thousands of dollars)
RRTCs				
Continuations	27	\$20,703	14	\$6,714
New Awards	1	\$250	9	\$7,650
Total	28	\$20,953	23	\$14,364
RERCs				
Continuations	16	\$13,699	12	\$9,477
New Awards	4	\$3,800	7	\$6,648
Total	20	\$17,499	19	\$16,125
ARRTs				
Continuations	11	\$1,646	12	\$1,797
New Awards	3	\$450	4	\$599
Total	14	\$2,096	16	\$2,396
DRRPs				
Continuations	12	\$3,598	14	\$7,229
New Awards	15	\$5,550	7	\$3,977
Total	27	\$9,148	21	\$11,206
DBTACs				
Continuations	11	\$11,900	11	\$11,837
New Awards	0	\$0	0	\$0
Total	11	\$11,900	11	\$11,837
SBIRs				
	27	\$4,101	25	\$3,594
KTs				
Continuations	4	\$2,100	4	\$2,367
New	0	\$0	2	\$1,500
Total	4	\$2,100	6	\$3,867
FIPs				
Continuations	48	\$7,104	46	\$8,065
New Awards	24	\$4,712	23	\$4,952
Total	72	\$11,816	67	\$13,017
Mary Switzer Fellowships				
New Awards	8	\$550	7	\$475

Table 18. NIDRR-Funded Centers and Projects: Funding and Awards, Fiscal Years 2007 and 2008

NIDRR-Funded Centers and Projects^a	Number of Awards FY 2007	Grant Amount (in thousands of dollars)	Number of Awards FY 2008	Grant Amount (in thousands of dollars)
Model Systems				
Spinal Cord Injury				
Continuations	14	\$6,495	14	\$6,779
New Awards	0	\$0	0	\$0
Total	14	\$6,495	14	\$6,779
Traumatic Brain Injury				
Continuations	3	\$1,850	14	\$6,715
New Awards	14	\$6,004	4	\$2,566
Total	17	\$7,854	18	\$9,281
Burn Injury				
Continuations	0	\$0	5	\$1,750
New Awards	5	\$1,750	0	\$0
Total	5	\$1,750	5	\$1,750
Outreach to Minority Institutions				
	4	\$1,067	3	\$1,064
TOTAL	251	\$97,329	235	\$95,755

^aAbbreviations and full titles of NIDRR-funded centers and projects:

RRTCs—Rehabilitation Research and Training Centers
 RERCs—Rehabilitation Engineering Research Centers
 ARRTs—Advanced Rehabilitation Research Training Grants
 DRRPs—Disability and Rehabilitation Research Projects
 DBTACs—Disability and Business Technical Assistance Centers
 SBIRs—Small Business Innovation Research Projects
 KTs—Knowledge Translation
 FIPS—Field Initiated Projects

Source: U. S. Department of Education, OSERS, NIDRR, 2008e.

ADVOCACY AND ENFORCEMENT

Through the programs and activities described in this report, Congress and the federal government are doing much to improve opportunities for employment and community integration for persons with disabilities. However, full independence cannot be achieved if individuals are not able to protect their rights under the law. Recognizing this need, Congress has created a number of programs to assist and advocate on behalf of individuals with disabilities. Several of these programs are administered by RSA and include the Client Assistance Program (CAP), the Protection and Advocacy of Individual Rights (PAIR) program, and the Protection and Advocacy for Assistive Technology (PAAT) program. Each of these programs directs its advocacy efforts to a particular group of persons with disabilities or to a specific issue. This section of the annual report provides data and information concerning the activities and performance of the CAP and PAIR programs. Information pertaining to the PAAT program is contained in the annual report to Congress prepared in accordance with Section 7 of the *Assistive Technology Act of 1998*, as amended.

Requirements under the *Rehabilitation Act* call for the continuous review of policies and practices related to the nondiscrimination and affirmative employment of individuals with disabilities and their access to facilities and information. To carry out the responsibilities stemming from those requirements, the *Rehabilitation Act* authorizes a number of advocacy and advisory programs operating at national and state levels. Such programs conduct periodic reviews of existing employment policies and practices. In addition, these programs develop and recommend policies and procedures that facilitate the nondiscrimination and affirmative employment of individuals who have received rehabilitation services to ensure compliance with standards prescribed by federal legislation.

Some of the advocacy programs also develop advisory information and provide appropriate training and technical assistance, as well as make recommendations to the president, the Congress and the U.S. secretary of education.

Several federal agencies have been given enforcement authority to ensure that government agencies and private entities that receive federal assistance subscribe to and implement legislative provisions related to the employment of individuals with disabilities. These enforcement agencies review complaints, conduct investigations, conduct outreach and technical assistance activities to promote compliance, conduct public hearings, attempt to obtain voluntary compliance with civil rights laws, and pursue formal administrative and court enforcement where necessary. These agencies participate, when necessary, as *amicus curiae* in any United States court in civil actions. They also design appropriate and equitable remedies. Formal enforcement action may lead to the withholding of or suspension of federal funds.

CLIENT ASSISTANCE PROGRAM

Authorized Under Section 112 of the *Rehabilitation Act*

The Client Assistance Program (CAP), through grants to the 50 states, District of Columbia, Puerto Rico, and U.S. territories, provides advocacy and legal representation to individuals in dispute with other programs, projects, or facilities funded under the *Rehabilitation Act*. Primarily, CAPs assist individuals in their relationships with the VR program. In addition, CAP grantees provide information to individuals with disabilities regarding the programs and services available under the *Rehabilitation Act* and the rights afforded them under Title I of the *Americans with Disabilities Act (ADA)*. State VR agencies and the other programs and projects funded under the *Rehabilitation Act* must inform consumers about the services available from CAP and how to contact CAP. States must operate a CAP in order to receive other allotments under the *Rehabilitation Act*, including VR grant funds.

**CLIENT ASSISTANCE PROGRAM
FY 2008 FEDERAL FUNDING:
\$11,576,168**

Each governor designates a public or private agency to operate a CAP. This designated agency must be independent of any agency that provides services under the *Rehabilitation Act*, except in those cases where the act “grandfathered” CAPs already housed within state agencies providing services. In the event that one of these state agencies providing services under the act restructures, the act requires the governor to redesignate the CAP in an agency that does not provide services under the act. Currently, only a few “internal” CAPs (e.g., those housed within a state VR agency or other agency providing services under the act) remain.

Overall, in FY 2008, CAPs nationwide responded to 58,329 requests for information and provided extensive services to 6,716 individuals. Slightly more than 94 percent of those cases in which extensive services were provided involved applicants for or recipients of services from the VR program. In 90 percent of all cases, the issues related to the delivery of VR services. The data also demonstrate that in 32 percent of the cases closed, CAPs enabled the individuals to advocate for themselves through the explanation of policies; 17 percent of these cases resulted in the reestablishment of communication between the individuals and other parties; and 21 percent resulted in the development or implementation of an IPE. In addition, 65 percent of the cases requiring action by the CAP on behalf of an individual were resolved in the individual’s favor.

Examples of CAP activities during FY 2008 include:

- In Texas, an individual with Down’s syndrome began receiving VR services from the Division of Rehabilitation Services (DRS) while in high school. The individual wanted to receive training in a food service program in eastern New Mexico. DRS told the individual that it could not pay for formal training or out of state tuition and that the family income exceeded the financial needs test. Instead, the individual received supported employment services from DRS and was placed at a pizza restaurant as a bus boy. He worked for a few months earning minimum

wage and never achieving an average of more than seven hours per week. Although the individual desired additional hours, DRS determined that the individual was suitably employed despite the lack of hours or job stability and closed his case. Shortly thereafter, the individual's employment ended. His father and legal guardian requested training again through DRS. DRS informed them that the individual would have to wait at least a year to apply for services because he had achieved employment. The CAP successfully negotiated with DRS on behalf of the individual and the agency assisted him to receive training at the New Mexico program. He is now gainfully employed and is working more hours than in his prior employment.

- In Ohio, a high school student with autism planned to attend college with a goal of becoming a computer engineer and requested assistance from the Ohio Rehabilitation Services Commission (ORSC). ORSC completed several assessments and determined that education at a four-year college for the individual was inappropriate because he was not ready to work. The individual appealed this decision and the agency's position was upheld at the informal hearing. The Ohio CAP represented the individual, arguing that the standard used for determining whether the student can work at this time was inappropriate because he was a transition-age youth. The CAP negotiated with ORSC for a new counselor and another assessment. The CAP researched possible vendors for an appropriate assessment and advised the student to select a vendor with expertise in autism. The student chose an informed vendor and the assessment supported his vocational goal. ORSC then supported the individual to attend college, with a goal of becoming a computer engineer.

PROTECTION AND ADVOCACY OF INDIVIDUAL RIGHTS PROGRAM

Authorized Under Section 509 of the Rehabilitation Act

The Protection and Advocacy of Individual Rights (PAIR) program is a mandatory component of the protection and advocacy (P&A) system, established in each of the 50 states, District of Columbia, Puerto Rico, and U.S. territories. In addition, the PAIR program helps to fund a P&A system to serve the

American Indian consortium pursuant to Part C of the *Developmental Disabilities Assistance and Bill of Rights Act of 2000 (DD Act)*. The 57 PAIR programs provide information, advocacy, and legal representation to individuals with disabilities who are not eligible for other P&A programs serving persons with developmental disabilities and mental illness or whose issues do not pertain to programs funded under the *Rehabilitation Act*. Of all the various P&A programs, the PAIR program has the broadest mandate and potentially represents the greatest number of individuals. Through the provision of information and the conduct of advocacy, PAIR programs help to ensure the protection of the rights of persons with disabilities under federal and state law in a wide variety of areas, including employment, access to public accommodations,

**PROTECTION AND ADVOCACY OF
INDIVIDUAL RIGHTS PROGRAM
FY 2008 FEDERAL FUNDING:
\$16,200,937**

education, housing, and transportation. PAIR programs investigate, negotiate or mediate solutions to problems expressed by individuals with disabilities. Grantees provide information and technical assistance to requesting individuals and organizations. PAIR programs also provide legal counsel and litigation services.

Prior to making allotments to the individual grantees, a portion of the total appropriation must be set aside for each of the following two activities. During any fiscal year in which the appropriation is equal to or exceeds \$5.5 million the secretary must first set aside not less than 1.8 percent and not more than 2.2 percent of the amount appropriated for training and technical assistance to eligible systems established under this program. In addition, in any fiscal year in which the total appropriation exceeds \$10.5 million the secretary must award \$50,000 to the eligible system established under the *DD Act* to serve the American Indian consortium. The secretary then distributes the remainder of the appropriation to the eligible systems within the 50 states, the District of Columbia, and Puerto Rico, on a population basis after satisfying minimum allocations to them of \$100,000 each. The territories of Guam, American Samoa, the United States Virgin Islands and the Commonwealth of the Northern Marianas Islands, each receives \$50,000.

Each year, PAIR programs, with public comment, must develop a statement of objectives and priorities, including a rationale for the selection of the objectives and priorities and a plan for achieving them. These objectives and priorities define the issues that PAIR will address during the year, whether through individual or systemic advocacy. During FY 2008, PAIR programs reported representing 15,747 individuals and responded to 47,317 requests for information or referral. Of the cases handled by PAIR programs in that year, the greatest number of specified issues involved education (20 percent), government benefits and services (15 percent), and employment (13 percent).

Because PAIR programs cannot address all issues facing individuals with disabilities solely through individual advocacy, they seek to change public and private policies and practices that present barriers to the rights of individuals with disabilities, utilizing negotiations and class action litigation. Fifty-three out of the 57 PAIR programs (93 percent) in FY 2008 reported that these activities resulted in changes in policies and practices benefiting individuals with disabilities.

Examples of PAIR activities during FY 2008 include the following:

- A 35-year-old Army veteran with post-traumatic stress disorder and traumatic brain injury requested assistance from the Missouri Protection & Advocacy Services at a Social Security Administration (SSA) hearing contesting his Social Security Disability Insurance (SSDI) denial. He served as gunner for convoys in Iraq, where he accumulated 3,000 miles of combat driving before encountering a firefight that ended his tour. The soldier was attempting to get a fellow injured soldier to safety when the Humvee he was driving was hit by an improvised explosive device, smashing his arm into the vehicle's radio mount and causing him to lose consciousness. For his sacrifice, the veteran received the Army Commendation Medal for "exceptionally meritorious service while serving as a

radio transit operator, driver, and maneuver control station light operator for the Division's tactical command post during Operation Iraqi Freedom II."

After returning home from service, the veteran experienced severe chronic pain related to his arm, knee, hand, and elbow injuries, along with war-related flashbacks that interfered with his ability to work. He applied for SSDI, which SSA denied without any follow-up regarding the matter. The veteran believed he was denied SSDI because SSA hurried its cases. He quickly contacted Missouri Protection & Advocacy Services. The advocate assigned to the veteran contacted SSA to appeal the decision. At the appeal hearing, the advocate presented evidence illustrating the veteran's disability, including an evaluation done by the Department of Veterans Affairs approving a decision of 100 percent disability for the client. After the advocate presented the appropriate evidence, the SSA hearing officer granted the veteran a fully favorable, on-the-record decision, and the veteran began receiving SSDI benefits.

- Disability Rights North Carolina (DRNC)—a PAIR supported program—represented "AA," a 16-year-old student who was being served under a 504 Plan for attention deficit hyperactivity disorder (ADHD.) When AA's parent contacted DRNC, an Individual Evaluation Plan (IEP) meeting had been scheduled to discuss the first evaluation that the school system had ever given AA and a recommended change in placement to an alternative school. The parent was vehemently against the alternative school placement because AA was not exhibiting aggressive behaviors, nor was he disrupting class. During the IEP meeting, it was revealed that AA had a specific learning disability in math. An IEP was developed to address AA's weakness in math. The meeting also addressed AA's ADHD. The IEP was revised to more effectively address AA's specific disabilities.

EMPLOYMENT OF PEOPLE WITH DISABILITIES

**Authorized Under Section 501 of the *Rehabilitation Act*
Managed by the Equal Employment Opportunity Commission**

The *Rehabilitation Act* authorizes the Equal Employment Opportunity Commission (EEOC) to enforce the nondiscrimination and affirmative employment provisions of laws and regulations concerning the employment of individuals with disabilities. As part of its oversight responsibilities, the EEOC conducts on-site reviews of federal agency affirmative action employment programs. Based on these reviews, the EEOC submits findings and recommendations for federal agency implementation. The EEOC then monitors the implementation of these findings and recommendations by performing follow-up on-site reviews. For more information, visit <http://www.eeoc.gov/eeoc>.

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD (Access Board)

Authorized Under Section 502 and Section 508 of the *Rehabilitation Act*

Section 502 of the *Rehabilitation Act* created the Architectural and Transportation Barriers Compliance Board, also known as the Access Board. Section 502 lays out the duties of the board under the *Architectural Barriers Act (ABA)*, which include: ensuring compliance with standards issued under the *ABA*, developing and maintaining guidelines for complying with *ABA*, and promoting access throughout all segments of society. The Access Board also has the primary responsibility for developing and maintaining accessibility guidelines and providing technical assistance under *ABA* with respect to overcoming architectural, transportation and communication barriers. The Access Board is also responsible for developing and periodically updating guidelines under the *Telecommunications Act of 1996* that ensure access to various telecommunication products.

Composed of 25 members, the Access Board is structured to function as a representative of the general public and as a coordinating body among federal agencies. Twelve of its members are senior managers from federal departments; the other 13 are private citizens appointed by the president, a majority of whom must be individuals with disabilities. Key responsibilities of the Access Board include: developing and maintaining accessibility requirements for the built environment, transit vehicles, telecommunications equipment, and electronic and information technology; providing technical assistance and training on these guidelines and standards; and enforcing accessibility standards for federally funded facilities.

The 1998 amendments to the *Rehabilitation Act* expanded the Access Board's role and gave it responsibility for developing access standards for electronic and information technology under Section 508 of the *Rehabilitation Act*. The description of the Access Board in Section 508 provides information regarding its expanded role and those standards. The Access Board provides training and technical assistance on all its guidelines and standards.

With its publications, hotline and training sessions, the Access Board also provides a range of services to private as well as public organizations. In addition, the board enforces accessibility provisions of *ABA*, *ADA* and the *Telecommunications Act* through the investigation of complaints. The Access Board conducts its investigations through the responsible federal agencies and strives for amicable resolution of complaints. For more information, visit <http://www.access-board.gov>.

ELECTRONIC AND INFORMATION TECHNOLOGY

Authorized under Section 508 of the *Rehabilitation Act*

**Activities Conducted by the Assistive Technology Team,
Office of the Chief Information Officer, U.S. Department of Education**

Section 508 requires that when federal agencies develop, procure, maintain, or use electronic and information technology they shall ensure that the electronic and information technology allows federal employees with disabilities to have access to and use of information and data that are comparable to the access to and use of information and data by federal employees who are not individuals with disabilities, unless an undue burden would be imposed on the agency. Section 508 also requires that individuals with disabilities who are members of the public seeking information or services from a federal agency have access to and use of information and data that are comparable to the access to and use of information and data by members of the public who are not individuals with disabilities, unless an undue burden would be imposed on the agency. The intention is to eliminate barriers in accessing information technology, make new opportunities available for individuals with disabilities, and encourage development of technologies that will help achieve a more accessible society. The 1998 amendments to the *Rehabilitation Act* significantly expanded and strengthened the technology access requirements in Section 508.

The Department's Office of the Chief Information Officer (OCIO) plays a lead role in the implementation of Section 508 through such activities as product performance testing and the provision of technical assistance to government agencies and vendors on the implementation of the Section 508 standards. The OCIO Assistive Technology Team delivers assistive technology workshops, presentations, and demonstrations to other federal agencies, to state and local education institutions, and at assistive technology and information technology industry seminars and conferences, and conducts numerous conformance tests of high-visibility e-government-sponsored websites.

The OCIO, in conjunction with the Access Board, the General Services Administration (GSA) and a number of other government agencies, also participates in the Interagency Section 508 Working Group, an effort coordinated by GSA and OMB, to offer technical assistance and to provide an informal means of cooperation and information sharing on implementation of Section 508 throughout the federal government. For more information, visit <http://www.ed.gov/about/offices/list/ocio/ocio.html>.

EMPLOYMENT UNDER FEDERAL CONTRACTS

Authorized Under Section 503 of the *Rehabilitation Act*

**Managed by the Employment Standards Administration,
U.S. Department of Labor**

The Department of Labor's Office of Federal Contract Compliance Program (OFCCP) is responsible for ensuring that employers with federal contracts or subcontracts in excess

of \$10,000 take affirmative action to employ and advance in employment qualified individuals with disabilities. OFCCP investigators conduct at least several thousand compliance reviews and investigate hundreds of complaints each year. OFCCP also issues policy guidance to private companies and develops innovative ways to gain compliance with the law. For more information, visit <http://www.dol.gov/ofccp>.

NONDISCRIMINATION IN PROGRAMS THAT RECEIVE FEDERAL FINANCIAL ASSISTANCE

Authorized under Section 504 of the *Rehabilitation Act*

**Enforced by the
Civil Rights Division, U.S. Department of Justice, and the
Office for Civil Rights, U.S. Department of Education**

Section 504 prohibits discrimination on the basis of disability by recipients of federal financial assistance. This provision of the *Rehabilitation Act* is designed to protect the rights of any person who has a physical or mental impairment that substantially limits one or more major life activities, has a record of such an impairment or is regarded as having such an impairment. Major life activities include, but are not limited to, walking, seeing, hearing, speaking, breathing, learning, working, caring for one's self, and performing manual tasks.

The U.S. Department of Justice, Civil Rights Division (CRD) has overall responsibility for coordinating federal agencies' implementation and enforcement of Section 504 of the *Rehabilitation Act*.

Through its Office for Civil Rights (OCR), the Department enforces Section 504 with respect to state and local educational agencies and public and private elementary, secondary and postsecondary schools that receive federal financial assistance from the Department. In addition, OCR and CRD both have enforcement responsibilities under *ADA*. In the education context, OCR enforces Title II of *ADA*, which prohibits disability discrimination by state and local government entities, including public elementary, secondary, and postsecondary schools. CRD enforces Title III of the *ADA*, which prohibits disability discrimination by private entities in places of public accommodation, including private elementary, secondary, and postsecondary schools.

Examples of the types of discrimination prohibited by Section 504 and its implementing regulations include access to educational programs and facilities, improper denials of a free appropriate public education for elementary and secondary students, and improper denials of academic adjustments and auxiliary aids and services to postsecondary students. Section 504, *ADA*, and their implementing regulations also prohibit employment discrimination and retaliation for filing, or participating in any manner in, an OCR complaint or proceeding or for advocating for a right protected by these laws.

For information on OCR, visit its website at: <http://www.ed.gov/about/offices/list/ocr>.

NATIONAL COUNCIL ON DISABILITY
Authorized under Section 400 of the *Rehabilitation Act*
An Independent Federal Agency

As an independent agency, the National Council on Disability (NCD) promotes policies, programs, practices, and procedures that guarantee equal opportunity for all individuals with disabilities and that empower people with disabilities to achieve economic self-sufficiency, independent living, and inclusion and integration into all aspects of society. More specifically, NCD reviews and evaluates laws, policies, programs, practices and procedures conducted or assisted by federal departments or agencies to see if they meet the needs of individuals with disabilities. The council makes recommendations based on those evaluations to the president, the Congress, the secretary of education, the commissioner of RSA, the director of NIDRR, and officials of federal agencies.

APPENDIX A

APPENDIX A

Table A-1. Employment Outcomes (Evaluation Standard 1) of State VR^a Agencies Serving Individuals Who Are Blind and Visually Impaired, by Indicator and Jurisdiction: FY 2008

Must Pass at Least Four of Six Indicators and Two of Three Primary Indicators^b

Agency ^c	Indicator 1.1: Change in Total Employment Outcomes After An IPE ^d (> 0)	Indicator 1.2: Percentage of Employment Outcomes After Services Under An IPE ^e (> 68.9%)	Indicator 1.3: Percentage of Employment Outcomes for All Individuals that Were Competitive Employment ^f (> 35.4%)	Indicator 1.4: Percentage of Competitive Employment Outcomes That Were for Individuals With Significant Disabilities ^g (> 89.0%)	Indicator 1.5: Ratio of Average VR Wage to Average State Wage (> .59)	Indicator 1.6: Difference Between Self- Support at Application and Closure (> 30.4)	Number of Indicators in Standard 1 that Were Passed	Number of Primary Indicators (1.3 to 1.5) in Standard 1 That Were Passed
Performance level criteria are shown in parentheses for each indicator.								
Arkansas	3	81.36	78.10	100.00	0.650	28.78	5	3
Connecticut	14	86.24	83.27	100.00	0.628	28.50	5	3
Delaware	7	70.21	93.94	93.55	0.498	58.06	5	2
Florida	35	97.22	97.22	99.79	0.646	40.10	5	3
Idaho	0	69.11	87.65	97.32	0.732	32.21	6	3
Iowa	-5	79.74	90.32	100.00	0.835	20.54	4	3
Kentucky	-31	79.98	83.14	100.00	0.655	32.61	5	3
Maine	-124	77.10	30.08	100.00	0.815	58.75	4	2
Massachusetts	0	70.32	56.27	100.00	0.722	34.09	6	3

^a VR – Vocational Rehabilitation

^b Minimum performance-level criteria for each standard and indicator were established by the Rehabilitation Services Administration (RSA) and published in the *Federal Register* on June 5, 2000 (34 CFR Part 361).

^c Separate agencies in 24 states providing specialized services to blind and visually impaired persons.

^d An individualized plan for employment (IPE) is a written document developed for each individual determined to be eligible for VR services. To pass this indicator, the number of individuals exiting the VR program securing employment during the current performance period must be at least the same as the number of individuals exiting the VR program employed during the previous performance period and, hence, comparison of the two elements must yield a number greater than or equal to zero.

^e Percentage who have received employment outcomes after provision of VR services.

^f Percentage of employed individuals that exit the VR program and are placed in an integrated setting, self-employment, or BEP (Business Enterprise Program, also known as the Vending Facility Program) with earnings equivalent to at least the minimum wage.

^g Significant disabilities are severe physical or mental impairments caused by certain conditions that seriously limit one or more functional capacities and require multiple VR services over an extended period of time.

Source: U.S. Department of Education, OSERS, RSA, 2008f.

Table A-1. Employment Outcomes (Evaluation Standard 1) of State VR^a Agencies Serving Individuals Who Are Blind and Visually Impaired, by Indicator and Jurisdiction: FY 2008 (Continued)

Must Pass at Least Four of Six Indicators and Two of Three Primary Indicators^b

Agency ^c	Indicator 1.1: Change in Total Employment Outcomes After An IPE ^d (> 0)	Indicator 1.2: Percentage of Employment Outcomes After Services Under An IPE ^e (> 68.9%)	Indicator 1.3: Percentage of Employment Outcomes for All Individuals that Were Competitive Employment ^f (> 35.4%)	Indicator 1.4: Percentage of Competitive Employment Outcomes That Were for Individuals With Significant Disabilities ^g (> 89.0%)	Indicator 1.5: Ratio of Average VR Wage to Average State Wage (> .59)	Indicator 1.6: Difference Between Self- Support at Application and Closure (> 30.4)	Number of Indicators in Standard 1 that Were Passed	Number of Primary Indicators (1.3 to 1.5) in Standard 1 That Were Passed
Performance level criteria are shown in parentheses for each indicator.								
Michigan	-44	60.93	63.74	99.08	0.614	31.80	4	3
Minnesota	-11	43.94	97.70	100.00	0.649	32.94	4	3
Missouri	19	77.30	87.14	99.78	0.686	32.82	6	3
Nebraska	-19	51.42	93.58	100.00	0.731	46.08	4	3
New Jersey	-11	70.67	94.79	97.87	0.562	46.45	4	2
New Mexico	3	55.41	100.00	100.00	1.067	66.67	5	3
New York	-62	70.28	59.79	98.85	0.540	32.74	4	2
North Carolina	-32	70.44	98.98	97.05	0.578	34.19	4	2
Oregon	3	58.16	77.63	98.87	0.723	42.94	5	3
South Carolina	52	71.58	76.66	94.50	0.625	26.22	5	3
South Dakota	6	77.69	98.02	98.48	0.680	34.85	6	3
Texas	27	70.85	89.29	99.92	0.574	29.22	4	2
Vermont	-24	79.09	62.07	98.15	0.810	32.41	5	3
Virginia	1	64.41	95.53	99.72	0.606	32.51	5	3
Washington	-6	60.20	99.01	96.01	0.796	40.86	4	3

^a VR—Vocational Rehabilitation

^b Minimum performance-level criteria for each standard and indicator were established by the Rehabilitation Services Administration (RSA) and published in the *Federal Register* on June 5, 2000 (34 CFR Part 361).

^c Separate agencies in 24 states providing specialized services to blind and visually impaired persons.

^d An individualized plan for employment (IPE) is a written document developed for each individual determined to be eligible for VR services. To pass this indicator, the number of individuals exiting the VR program securing employment during the current performance period must be at least the same as the number of individuals exiting the VR program employed during the previous performance period and, hence, comparison of the two elements must yield a number greater than or equal to zero.

^e Percentage who have received employment outcomes after provision of VR services.

^f Percentage of employed individuals that exit the VR program and are placed in an integrated setting, self-employment, or BEP (Business Enterprise Program, also known as the Vending Facility Program) with earnings equivalent to at least the minimum wage.

^g Significant disabilities are severe physical or mental impairments caused by certain conditions that seriously limit one or more functional capacities and require multiple VR services over an extended period of time.

Table A-2. Employment Outcomes (Evaluation Standard 1) of State VR^a Agencies—General and Combined^b, by Indicator and Jurisdiction: FY 2008

Must Pass at Least Four of the Six Indicators and Two of Three Primary Indicators ^c

Agency	Indicator 1.1: Change in Total Employment Outcomes After An IPE ^d (≥ 0)	Indicator 1.2: Percentage of Employment Outcomes After Services Under An IPE ^e (≥ 55.8%)	Indicator 1.3: Percentage of Employment Outcomes for All Individuals That Were Competitive Employment ^f (≥ 72.6%)	Indicator 1.4: Percentage of Competitive Employment Outcomes That Were Individuals With Significant Disabilities ^g (≥ 62.4%)	Indicator 1.5: Ratio of Average VR Wage to Average State Wage ^h (≥ .52)	Indicator 1.6: Difference Between Self- Support at Application and Closure (≥ 53.0)	Number of Indicators in Standard 1 That Were Passed	Number of Primary Indicators (1.3 to 1.5) in Standard 1 That Were Passed
Performance level criteria are shown in parentheses for each indicator.								
Alabama	-248	73.26	98.40	88.82	0.499	78.43	4	2
Alaska	39	65.82	99.12	86.50	0.634	58.08	6	3
American Samoa	-11	84.00	100.00	95.24	N/A	95.24	5	3
Arizona	-171	44.32	96.21	92.28	0.564	64.09	4	3
Arkansas	138	50.40	99.96	79.44	0.644	56.17	5	3
California	604	45.22	86.94	99.90	0.486	69.95	4	2
Colorado	108	57.14	93.24	94.14	0.508	56.23	5	2
Connecticut	126	64.05	99.45	100.00	0.666	29.58	5	3
Delaware	55	70.21	98.78	82.33	0.434	74.83	5	2
District of Columbia	1	62.47	100.00	92.71	0.329	76.74	5	2
Florida	806	56.21	99.51	68.29	0.633	45.72	5	3

^a VR—Vocational Rehabilitation

^b General agencies serve persons with various disabilities other than blindness and/or other visual impairments. Combined agencies serve all individuals with disabilities including persons who are blind and visually impaired.

^c Minimum performance-level criteria for each standard and indicator were established by the Rehabilitation Services Administration (RSA) and published in the *Federal Register* on June 5, 2000 (34 CFR Part 361).

^d An individualized plan for employment (IPE) is a written document developed for each individual determined to be eligible for VR services. To pass this indicator, the number of individuals exiting the VR program securing employment during the current performance period must be at least the same as the number of individuals exiting the VR program employed during the previous performance period.

^e Percentage who have received employment outcomes after provision of VR services.

^f Percentage of employed individuals that exit the VR program and are placed in an integrated setting, self-employment, or BEP (Business Enterprise Program, also known as the Vending Facility Program) with earnings equivalent to at least the minimum wage.

^g Significant disabilities are severe physical or mental impairments caused by certain conditions that seriously limit one or more functional capacities and require multiple VR services over an extended period of time.

^h No state wage data exists for Guam, Northern Mariana Islands and American Samoa. Therefore, Indicator 1.5 cannot be computed for these VR agencies.

Source: U.S. Department of Education, OSERS, RSA, 2008f.

Table A-2. Employment Outcomes (Evaluation Standard 1) of State VR^a Agencies—General and Combined^b, by Indicator and Jurisdiction: FY 2008 (Continued)

Must Pass at Least Four of the Six Indicators and Two of Three Primary Indicators ^c

Agency	Indicator 1.1: Change in Total Employment Outcomes After An IPE ^d (≥ 0)	Indicator 1.2: Percentage of Employment Outcomes After Services Under An IPE ^e (≥ 55.8%)	Indicator 1.3: Percentage of Employment Outcomes for All Individuals That Were Competitive Employment ^f (≥ 72.6%)	Indicator 1.4: Percentage of Competitive Employment Outcomes That Were Individuals With Significant Disabilities ^g (≥ 62.4%)	Indicator 1.5: Ratio of Average VR Wage to Average State Wage ^h (≥ .52)	Indicator 1.6: Difference Between Self- Support at Application and Closure (≥ 53.0)	Number of Indicators in Standard 1 That Were Passed	Number of Primary Indicators (1.3 to 1.5) in Standard 1 That Were Passed
Performance level criteria are shown in parentheses for each indicator.								
Georgia	123	62.56	73.03	79.38	0.495	72.78	5	2
Guam	0	72.41	100.00	95.24	N/A	52.38	5	3
Hawaii	12	56.96	94.40	84.35	0.623	66.19	6	3
Idaho	-37	65.94	99.71	98.94	0.618	68.46	5	3
Illinois	37	59.61	92.64	100.00	0.421	57.49	5	2
Indiana	-653	51.79	96.84	79.29	0.579	39.68	3	3
Iowa	16	63.30	99.07	96.00	0.642	62.79	6	3
Kansas	-208	49.83	94.65	98.78	0.513	57.55	3	2
Kentucky	-114	68.85	98.52	99.96	0.601	69.18	5	3
Louisiana	340	53.55	98.49	68.55	0.829	40.01	4	3
Maine	33	49.03	99.86	100.00	0.637	53.22	5	3
Maryland	-807	77.05	92.01	100.00	0.448	66.64	4	2
Massachusetts	-425	55.37	97.59	99.91	0.460	59.65	3	2
Michigan	-137	53.50	97.67	92.98	0.568	64.35	4	3
Minnesota	118	60.54	98.13	100.00	0.493	63.20	5	2
Mississippi	9	70.36	99.25	95.71	0.734	57.18	6	3
Missouri	85	67.06	92.35	99.11	0.510	55.92	5	2
Montana	1	56.81	96.28	81.34	0.650	53.36	6	3
Nebraska	13	62.93	99.81	100.00	0.546	62.60	6	3
Nevada	-101	61.59	99.72	95.36	0.528	69.35	5	3
New Hampshire	6	76.38	95.57	95.45	0.537	55.28	6	3

Table A-2. Employment Outcomes (Evaluation Standard 1) of State VR^a Agencies—General and Combined^b, by Indicator and Jurisdiction: FY 2008 (Continued)

Must Pass at Least Four of the Six Indicators and Two of Three Primary Indicators ^c

Agency	Indicator 1.1: Change in Total Employment Outcomes After An IPE ^d (≥ 0)	Indicator 1.2: Percentage of Employment Outcomes After Services Under An IPE ^e (≥ 55.8%)	Indicator 1.3: Percentage of Employment Outcomes for All Individuals That Were Competitive Employment ^f (≥ 72.6%)	Indicator 1.4: Percentage of Competitive Employment Outcomes That Were Individuals With Significant Disabilities ^g (≥ 62.4%)	Indicator 1.5: Ratio of Average VR Wage to Average State Wage ^h (≥ .52)	Indicator 1.6: Difference Between Self- Support at Application and Closure (≥ 53.0)	Number of Indicators in Standard 1 That Were Passed	Number of Primary Indicators (1.3 to 1.5) in Standard 1 That Were Passed
Performance level criteria are shown in parentheses for each indicator.								
New Jersey	16	57.43	99.75	100.00	0.438	67.03	5	2
New Mexico	-13	60.19	98.29	95.19	0.635	54.12	5	3
New York	38	59.79	94.67	98.40	0.365	62.99	5	2
North Carolina	172	59.18	99.84	76.09	0.482	65.92	5	2
North Dakota	10	66.25	98.56	85.51	0.660	55.06	6	3
Northern Mariana Islands	69	74.48	57.41	33.87	N/A	3.23	3	1
Ohio	668	61.87	97.15	99.99	0.662	41.84	5	3
Oklahoma	28	62.30	92.61	89.28	0.613	67.45	6	3
Oregon	-267	62.75	99.65	90.71	0.579	71.06	5	3
Pennsylvania	-2,007	58.55	88.33	99.95	0.557	58.24	5	3
Puerto Rico	-64	75.20	96.87	81.12	0.670	87.74	5	3
Rhode Island	5	62.81	95.73	100.00	0.525	55.43	6	3
South Carolina	-102	53.45	99.35	97.43	0.590	66.85	4	3
South Dakota	1	68.55	98.14	97.87	0.564	60.47	6	3
Tennessee	-344	31.16	90.58	93.42	0.545	64.93	4	3
Texas	700	56.87	99.36	83.41	0.491	53.13	5	2
Utah	154	71.18	96.80	98.19	0.636	65.42	6	3
Vermont	67	66.77	97.90	99.13	0.582	44.33	5	3
Virginia	12	70.42	90.00	84.44	0.642	68.89	6	3
Virgin Islands	-265	57.35	92.47	98.41	0.418	50.32	3	2
Washington	526	60.44	98.85	99.48	0.499	58.76	5	2

Table A-2. Employment Outcomes (Evaluation Standard 1) of State VR^a Agencies—General and Combined^b, by Indicator and Jurisdiction: FY 2008 (Continued)

Must Pass at Least Four of the Six Indicators and Two of Three Primary Indicators ^c

Agency	Indicator 1.1: Change in Total Employment Outcomes After An IPE ^d (≥ 0)	Indicator 1.2: Percentage of Employment Outcomes After Services Under An IPE ^e (≥ 55.8%)	Indicator 1.3: Percentage of Employment Outcomes for All Individuals That Were Competitive Employment ^f (≥ 72.6%)	Indicator 1.4: Percentage of Competitive Employment Outcomes That Were Individuals With Significant Disabilities ^g (≥ 62.4%)	Indicator 1.5: Ratio of Average VR Wage to Average State Wage ^h (≥ .52)	Indicator 1.6: Difference Between Self- Support at Application and Closure (≥ 53.0)	Number of Indicators in Standard 1 That Were Passed	Number of Primary Indicators (1.3 to 1.5) in Standard 1 That Were Passed
Performance level criteria are shown in parentheses for each indicator.								
West Virginia	186	70.83	85.62	92.49	0.676	65.28	6	3
Wisconsin	476	46.88	99.34	96.77	0.588	42.96	4	3
Wyoming	3	67.02	98.57	88.24	0.575	64.59	6	3

**Table A-3. Equal Access to Service (Evaluation Standard 2)
of State VR^a Agencies Serving Individuals Who Are Blind and Visually
Impaired, by Indicator and Jurisdiction: FY 2008**

Agency ^b	Indicator 2.1: Minority Service rate ratio (≥ .80) ^c	Minorities Exiting the VR Program ^d *Indicates fewer than 100 individuals from minority populations exiting program.
Arkansas	0.953	138
Connecticut	0.926	41*
Delaware	0.605	21*
Florida	0.860	725
Idaho	0.650	31*
Iowa	0.764	17*
Kentucky	0.920	71*
Maine	0.649	4*
Massachusetts	0.941	72*
Michigan	0.865	198
Minnesota	0.718	86*
Missouri	0.802	121
Nebraska	0.962	34*
New Jersey	0.934	305
New Mexico	0.935	56*
New York	0.767	540
North Carolina	0.941	575
Oregon	1.037	57*
South Carolina	1.071	275
South Dakota	0.673	28*
Texas	0.874	1,871
Vermont	0.646	5*
Virginia	0.831	164
Washington	0.932	68*

^a VR—Vocational Rehabilitation

^b Separate agencies in 24 states providing specialized services to blind and visually impaired persons.

^c Minority service rate ratio is the ratio of the percentage of minorities exiting the VR program who received services to the percentage of nonminorities exiting the program who received services. Minimum performance level criterion for this standard and indicator (as shown in parenthesis) was established by the Rehabilitation Services Administration (RSA) and published in the *Federal Register* on Monday, June 5, 2000 (34 CFR Part 361).

^d Total number of individuals from minority populations exiting the VR program during the performance period.

Source: U.S. Department of Education, OSERS, RSA, 2008f.

Table A-4. Equal Access to Service (Evaluation Standard 2) of State VR^a Agencies—General and Combined,^b by Indicator and Jurisdiction: FY 2008.

Agency	Indicator 2.1: Minority Service rate ratio (≥ .80) ^c	Minorities Exiting the VR Program ^d *Indicates fewer than 100 individuals from minority populations exiting program.
Alabama	1.015	5,617
Alaska	0.990	574
American Samoa	N/A	45*
Arizona	0.894	2,986
Arkansas	0.803	2,072
California	0.992	25,077
Colorado	0.935	2,529
Connecticut	0.836	997
Delaware	0.874	1,011
District of Columbia	0.905	2,244
Florida	0.889	15,190
Georgia	1.017	6,004
Guam	1.424	118
Hawaii	1.121	1,021
Idaho	0.858	782
Illinois	0.789	7,693
Indiana	0.830	2,447
Iowa	0.757	924
Kansas	0.883	1,852
Kentucky	0.876	2,339
Louisiana	0.833	3,524
Maine	0.751	150
Maryland	0.929	3,438
Massachusetts	0.841	3,163
Michigan	0.853	6,862
Minnesota	0.797	2,024
Mississippi	0.828	4,188
Missouri	0.896	3,928
Montana	0.709	570
Nebraska	0.844	757
Nevada	0.936	1,196
New Hampshire	1.093	108

^a VR—Vocational Rehabilitation

^b General agencies serve persons with various disabilities other than blindness and/or other visual impairments. Combined agencies serve all individuals with disabilities including persons who are blind and visually impaired.

^c Minority service rate ratio is the ratio of the percentage of minorities exiting the VR program who received services to the percentage of nonminorities exiting the program who received services. Minimum performance level criterion for this standard and indicator (as shown in parenthesis) was established by the Rehabilitation Services Administration (RSA) and published in the *Federal Register* on Monday, June 5, 2000 (34 CFR Part 361).

^d Total number of individuals from minority populations exiting the VR program during the performance period.

Source: U.S. Department of Education, OSERS, RSA, 2008f.

Table A-4. Equal Access to Service (Evaluation Standard 2) of State VR^a Agencies—General and Combined,^b by Indicator and Jurisdiction: FY 2008. (Continued)

Agency	Indicator 2.1: Minority Service rate ratio (≥ .80) ^c	Minorities Exiting the VR Program ^d *Indicates fewer than 100 individuals from minority populations exiting program.
New Jersey	0.932	6,808
New Mexico	0.875	3,141
New York	0.886	17,927
North Carolina	0.997	9,932
North Dakota	0.728	496
Northern Mariana Islands	0.978	229
Ohio	0.775	7,405
Oklahoma	0.910	1,731
Oregon	0.983	1,429
Pennsylvania	0.877	5,073
Puerto Rico	1.277	7,884
Rhode Island	0.884	509
South Carolina	0.961	11,897
South Dakota	0.804	499
Tennessee	1.033	5,277
Texas	0.985	19,340
Utah	0.891	1,371
Vermont	0.826	142
Virginia	1.220	119
Virgin Islands	0.992	4,431
Washington	0.884	3,371
West Virginia	0.977	297
Wisconsin	0.690	4,361
Wyoming	0.821	233

APPENDIX B

APPENDIX B

Table B. Amount of Grant Awards to State VR^a Agencies, Number, and Percentage of Individuals With Disabilities Employed, and Percentage Change in Each Category, by Type of Disability and Jurisdiction: FYs 2007 and 2008

Agency	Fiscal Year and Percentage Change	Amount of Grant Award (\$) and Percentage Change	Total Employment Outcomes ^b and Percentage Change	Employment Outcomes of Individuals With Significant Disabilities ^c and Percentage Change	Percentage of Individuals With Employment Outcomes Who Have Significant Disabilities ^d
U.S. Total	2008	2,839,151,000	205,023	189,389	92.37
	2007	2,798,725,315	205,447	190,027	92.49
	Percentage Change	1.44	-0.21	-0.34	
Total—General and Combined Agencies ^e	2008	2,615,842,683	198,352	182,796	92.16
	2007	2,577,054,888	198,525	183,216	92.29
	Percentage Change	1.51	-0.09	-0.23	
Total—Agencies for the Blind ^f	2008	223,308,317	6,671	6,591	98.80
	2007	221,670,427	6,922	6,811	98.40
	Percentage Change	0.74	-3.63	-3.23	
General and Combined Agencies					
Alabama	2008	57,286,047	7,554	6,716	88.91
	2007	57,890,480	7,802	7,053	90.40
	Percentage Change	-1.04	-3.18	-4.78	
Alaska	2008	9,474,966	568	492	86.62
	2007	9,450,153	529	452	85.44
	Percentage Change	0.26	7.37	8.85	
American Samoa	2008	928,801	21	20	95.24
	2007	738,967	32	15	46.88
	Percentage Change	25.69	-34.38	33.33	

^a VR—Vocational Rehabilitation.

^b Total number of individuals with disabilities exiting the VR program and securing employment during current performance period.

^c Significant disabilities are severe physical or mental impairments caused by certain conditions that seriously limit one or more functional capacities and require multiple VR services over an extended period of time.

^d Percentage = Number of employment outcomes of individuals with significant disabilities divided by number of total employment outcomes.

^e General agencies serve persons with various disabilities other than blindness and/or other visual impairments. Combined agencies serve all individuals with disabilities including persons who are blind and visually impaired.

^f Separate agencies in 24 states providing specialized services to blind and visually impaired persons.

Source: U. S. Department of Education, OSERS, RSA, 2008f.

Table B. Amount of Grant Awards to State VR^a Agencies, Number, and Percentage of Individuals With Disabilities Employed, and Percentage Change in Each Category, by Type of Disability and Jurisdiction: FYs 2007 and 2008 (Continued)

Agency	Fiscal Year and Percentage Change	Amount of Grant Award (\$) and Percentage Change	Total Employment Outcomes ^b and Percentage Change	Employment Outcomes of Individuals With Significant Disabilities ^c and Percentage Change	Percentage of Individuals With Employment Outcomes Who Have Significant Disabilities ^d
Arizona	2008	57,950,200	1,925	1,780	92.47
	2007	56,406,863	2,096	2,010	95.90
	Percentage Change	2.74	-8.16	-11.44	
Arkansas	2008	31,894,611	2,447	1,944	79.44
	2007	32,114,858	2,309	2,003	86.75
	Percentage Change	-0.69	5.98	-2.95	
California	2008	276,152,015	13,886	13,874	99.91
	2007	277,134,998	13,282	13,267	99.89
	Percentage Change	-0.35	4.55	4.58	
Colorado	2008	36,083,923	2,617	2,466	94.23
	2007	34,772,217	2,509	2,382	94.94
	Percentage Change	3.77	4.30	3.53	
Connecticut	2008	17,164,145	1,445	1,445	100.00
	2007	13,511,966	1,319	1,319	100.00
	Percentage Change	27.03	9.55	9.55	
Delaware	2008	8,055,322	905	745	98.32
	2007	8,057,739	850	634	74.59
	Percentage Change	-0.03	6.47	17.51	
District of Columbia	2008	12,641,236	576	534	92.71
	2007	12,633,414	575	563	97.91
	Percentage Change	0.06	0.17	-5.15	
Florida	2008	130,459,426	12,411	8,478	68.31
	2007	127,910,117	11,605	8,440	72.73
	Percentage Change	1.99	6.95	0.45	
Georgia	2008	91,919,444	4,668	3,754	80.42
	2007	76,685,255	4,545	4,039	88.87
	Percentage Change	19.87	2.71	-7.06	
Guam	2008	2,052,208	21	20	95.24
	2007	2,052,208	21	20	95.24
	Percentage Change	0.00	0.00	0.00	

Table B. Amount of Grant Awards to State VR^a Agencies, Number, and Percentage of Individuals With Disabilities Employed, and Percentage Change in Each Category, by Type of Disability and Jurisdiction: FYs 2007 and 2008 (Continued)

Agency	Fiscal Year and Percentage Change	Amount of Grant Award (\$) and Percentage Change	Total Employment Outcomes ^b and Percentage Change	Employment Outcomes of Individuals With Significant Disabilities ^c and Percentage Change	Percentage of Individuals With Employment Outcomes Who Have Significant Disabilities ^d
Hawaii	2008	11,052,823	589	501	85.06
	2007	11,254,618	577	488	84.58
	Percentage Change	-1.79	2.08	2.66	
Idaho	2008	13,995,167	2,083	2,061	98.94
	2007	13,768,856	2,120	2,101	99.10
	Percentage Change	1.64	-1.75	-1.90	
Illinois	2008	105,461,896	5,640	5,640	100.00
	2007	106,346,174	5,603	5,603	100.00
	Percentage Change	-0.83	0.66	0.66	
Indiana	2008	66,660,094	4,393	3,491	79.47
	2007	66,226,265	5,046	3,896	77.21
	Percentage Change	0.66	-12.94	-10.40	
Iowa	2008	25,236,088	2,146	2,060	95.99
	2007	25,580,503	2,130	1,992	93.52
	Percentage Change	-1.35	0.75	3.41	
Kansas	2008	26,929,144	1,645	1,626	98.84
	2007	27,641,991	1,853	1,832	98.87
	Percentage Change	-2.58	-11.23	-11.24	
Kentucky	2008	44,499,061	4,949	4,947	99.96
	2007	44,254,159	5,063	5,059	99.92
	Percentage Change	0.55	-2.25	-2.21	
Louisiana	2008	43,077,993	2,715	1,866	68.73
	2007	43,077,993	2,375	1,922	80.93
	Percentage Change	0.00	14.32	-2.91	
Maine	2008	12,310,887	730	730	100.00
	2007	12,451,831	697	697	100.00
	Percentage Change	-1.13	4.73	4.73	
Maryland	2008	39,639,603	2,290	2,290	100.00
	2007	39,862,465	3,097	3,097	100.00
	Percentage Change	-0.56	-26.06	-26.06	

Table B. Amount of Grant Awards to State VR^a Agencies, Number, and Percentage of Individuals With Disabilities Employed, and Percentage Change in Each Category, by Type of Disability and Jurisdiction: FYs 2007 and 2008 (Continued)

Agency	Fiscal Year and Percentage Change	Amount of Grant Award (\$) and Percentage Change	Total Employment Outcomes ^b and Percentage Change	Employment Outcomes of Individuals With Significant Disabilities ^c and Percentage Change	Percentage of Individuals With Employment Outcomes Who Have Significant Disabilities ^d
Massachusetts	2008	38,941,864	3,446	3,443	99.91
	2007	39,518,244	3,871	3,870	99.97
	Percentage Change	-1.46	-10.98	-11.03	
Michigan	2008	82,935,361	7,543	7,023	93.11
	2007	82,668,519	7,680	7,011	91.29
	Percentage Change	0.32	-1.78	0.17	
Minnesota	2008	34,861,749	2,620	2,620	100.00
	2007	35,537,121	2,502	2,502	100.00
	Percentage Change	-1.90	4.72	4.72	
Mississippi	2008	41,647,036	4,553	4,359	95.74
	2007	42,112,807	4,544	3,860	84.95
	Percentage Change				
Missouri	2008	54,093,697	4,365	4,329	99.18
	2007	53,103,546	4,280	4,212	98.41
	Percentage Change	1.86	1.99	2.78	
Montana	2008	11,071,300	913	749	82.04
	2007	11,147,011	912	722	79.17
	Percentage Change	-0.68	0.11	3.74	
Nebraska	2008	15,038,535	1,543	1,543	100.00
	2007	15,063,937	1,530	1,530	100.00
	Percentage Change	-0.17	0.85	0.85	
Nevada	2008	16,280,179	1,060	1,010	95.28
	2007	15,547,425	1,161	1,109	95.52
	Percentage Change	4.71	-8.70	-8.93	
New Hampshire	2008	10,754,717	1,219	1,166	95.65
	2007	10,799,787	1,213	1,156	95.30
	Percentage Change	-0.42	0.49	0.87	
New Jersey	2008	43,697,706	4,385	4,385	100.00
	2007	43,339,798	4,369	4,369	100.00
	Percentage Change	0.83	0.37	0.37	

Table B. Amount of Grant Awards to State VR^a Agencies, Number, and Percentage of Individuals With Disabilities Employed, and Percentage Change in Each Category, by Type of Disability and Jurisdiction: FYs 2007 and 2008 (Continued)

Agency	Fiscal Year and Percentage Change	Amount of Grant Award (\$) and Percentage Change	Total Employment Outcomes ^b and Percentage Change	Employment Outcomes of Individuals With Significant Disabilities ^c and Percentage Change	Percentage of Individuals With Employment Outcomes Who Have Significant Disabilities ^d
New Mexico	2008	18,488,163	1,692	1,612	95.27
	2007	18,628,198	1,705	1,636	95.95
	Percentage Change	-0.75	-0.76	-1.47	
New York	2008	123,775,314	13,236	13,016	98.34
	2007	122,752,578	13,198	12,920	97.89
	Percentage Change	0.83	0.29	0.74	
North Carolina	2008	77,498,837	6,442	4,209	76.09
	2007	73,870,252	6,271	4,509	71.91
	Percentage Change	4.91	2.73	-6.65	
North Dakota	2008	9,463,837	903	772	85.49
	2007	9,342,387	893	761	85.22
	Percentage Change	1.30	1.12	1.54	
Northern Marianas	2008	1,159,806	108	34	31.48
	2007	1,126,126	39	27	69.23
	Percentage Change	2.99	176.92	25.93	
Ohio	2008	118,727,629	9,656	9,655	99.99
	2007	118,396,849	8,988	8,987	99.99
	Percentage Change	0.28	7.43	7.43	
Oklahoma	2008	41,092,320	2,246	2,022	90.03
	2007	40,564,976	2,218	2,045	92.20
	Percentage Change	1.30	1.26	-1.12	
Oregon	2008	30,962,460	2,604	2,361	90.67
	2007	28,998,533	2,871	2,377	82.79
	Percentage Change	6.77	-9.30	-0.67	
Pennsylvania	2008	123,532,053	9,221	9,216	99.95
	2007	125,030,800	11,228	11,227	99.99
	Percentage Change	-1.20	-17.87	-17.91	
Puerto Rico	2008	71,531,013	2,526	2,055	81.35
	2007	68,548,083	2,590	2,032	78.46
	Percentage Change	4.35	-2.47	1.13	

Table B. Amount of Grant Awards to State VR^a Agencies, Number, and Percentage of Individuals With Disabilities Employed, and Percentage Change in Each Category, by Type of Disability and Jurisdiction: FYs 2007 and 2008 (Continued)

Agency	Fiscal Year and Percentage Change	Amount of Grant Award (\$) and Percentage Change	Total Employment Outcomes ^b and Percentage Change	Employment Outcomes of Individuals With Significant Disabilities ^c and Percentage Change	Percentage of Individuals With Employment Outcomes Who Have Significant Disabilities ^d
Rhode Island	2008	10,427,658	750	750	100.00
	2007	10,276,323	745	745	100.00
	Percentage Change	1.47	0.67	0.67	
South Carolina	2008	44,245,007	8,663	8,441	97.44
	2007	44,147,385	8,765	8,416	96.02
	Percentage Change	0.22	-1.16	0.30	
South Dakota	2008	7,583,216	861	843	97.91
	2007	7,614,808	860	836	97.21
	Percentage Change	-0.41	0.12	0.84	
Tennessee	2008	65,575,720	2,484	2,336	94.04
	2007	66,251,309	2,828	2,618	92.57
	Percentage Change	-1.02	-12.16	-10.77	
Texas	2008	174,573,163	11,724	9,782	83.44
	2007	169,713,850	11,024	9,101	82.56
	Percentage Change	2.86	6.35	7.48	
Utah	2008	28,030,439	3,310	3,251	98.22
	2007	26,821,027	3,156	3,056	96.83
	Percentage Change	4.51	4.88	6.38	
Vermont	2008	8,338,745	1,523	1,510	99.15
	2007	8,328,656	1,456	1,452	99.73
	Percentage Change	0.12	4.60	3.99	
Virgin Islands	2008	1,974,343	50	43	86.00
	2007	1,965,456	38	29	76.32
	Percentage Change	0.45	31.58	48.28	
Virginia	2008	55,139,739	4,012	3,952	98.50
	2007	55,373,102	4,277	4,235	99.02
	Percentage Change	-0.42	-6.20	-6.68	
Washington	2008	43,456,631	2,357	2,345	99.49
	2007	41,750,094	1,831	1,831	100.00
	Percentage Change	4.09	28.73	28.07	

Table B. Amount of Grant Awards to State VR^a Agencies, Number, and Percentage of Individuals With Disabilities Employed, and Percentage Change in Each Category, by Type of Disability and Jurisdiction: FYs 2007 and 2008 (Continued)

Agency	Fiscal Year and Percentage Change	Amount of Grant Award (\$) and Percentage Change	Total Employment Outcomes ^b and Percentage Change	Employment Outcomes of Individuals With Significant Disabilities ^c and Percentage Change	Percentage of Individuals With Employment Outcomes Who Have Significant Disabilities ^d
West Virginia	2008	25,312,666	1,773	1,649	93.01
	2007	25,539,997	1,587	1,544	97.29
	Percentage Change	-0.89	11.72	6.80	
Wisconsin	2008	55,648,242	3,641	3,524	96.79
	2007	54,831,961	3,165	3,084	97.44
	Percentage Change	1.49	15.04	14.27	
Wyoming	2008	9,058,438	699	618	88.41
	2007	8,519,853	696	523	75.14
	Percentage Change	6.32	0.43	18.16	
Blind Agencies					
Arkansas	2008	4,351,859	347	347	100.00
	2007	4,412,599	347	347	100.00
	Percentage Change	-1.38	0.00	0.00	
Connecticut	2008	2,992,067	130	130	100.00
	2007	3,030,581	127	127	100.00
	Percentage Change	-1.27	2.36	2.36	
Delaware	2008	1,421,424	20	18	90.00
	2007	1,421,425	13	13	100.00
	Percentage Change	0.00	53.85	38.46	
Florida	2008	25,983,486	729	728	99.86
	2007	26,198,458	710	708	99.72
	Percentage Change	-0.82	2.68	2.82	
Idaho	2008	1,908,456	79	78	98.73
	2007	1,955,753	91	88	76.70
	Percentage Change	-2.42	-13.19	-11.36	
Iowa	2008	6,816,185	124	124	100.00
	2007	6,806,302	124	124	100.00
	Percentage Change	0.15	0.00	0.00	

Table B. Amount of Grant Awards to State VR^a Agencies, Number, and Percentage of Individuals With Disabilities Employed, and Percentage Change in Each Category, by Type of Disability and Jurisdiction: FYs 2007 and 2008 (Continued)

Agency	Fiscal Year and Percentage Change	Amount of Grant Award (\$) and Percentage Change	Total Employment Outcomes ^b and Percentage Change	Employment Outcomes of Individuals With Significant Disabilities ^c and Percentage Change	Percentage of Individuals With Employment Outcomes Who Have Significant Disabilities ^d
Kentucky	2008	7,244,033	394	394	100.00
	2007	7,122,770	377	377	100.00
	Percentage Change	1.70	4.51	4.51	
Maine	2008	2,795,752	82	82	100.00
	2007	2,837,179	184	184	100.00
	Percentage Change	-1.46	-55.43	-55.43	
Massachusetts	2008	6,871,057	200	200	100.00
	2007	6,959,312	191	191	100.00
	Percentage Change	-1.27	4.71	4.71	
Michigan	2008	14,602,124	228	227	99.56
	2007	13,571,736	285	283	99.30
	Percentage Change	7.59	-20.00	-19.79	
Minnesota	2008	8,262,335	93	93	100.00
	2007	8,267,505	81	81	100.00
	Percentage Change	-0.06	14.81	14.81	
Missouri	2008	8,064,876	265	265	100.00
	2007	7,935,013	256	254	99.22
	Percentage Change	1.64	3.52	4.33	
Nebraska	2008	2,762,436	52	52	100.00
	2007	2,883,974	57	57	100.00
	Percentage Change	-4.21	-8.77	-8.77	
New Jersey	2008	11,569,337	292	290	99.32
	2007	11,334,949	303	292	96.37
	Percentage Change	2.07	-3.63	-0.68	
New Mexico	2008	4,245,963	45	45	100.00
	2007	4,232,935	42	42	100.00
	Percentage Change	0.31	7.14	7.14	
New York	2008	24,499,995	643	601	93.47
	2007	24,381,444	665	632	95.04
	Percentage Change	0.49	-3.31	-4.91	

Table B. Amount of Grant Awards to State VR^a Agencies, Number, and Percentage of Individuals With Disabilities Employed, and Percentage Change in Each Category, by Type of Disability and Jurisdiction: FYs 2007 and 2008 (Continued)

Agency	Fiscal Year and Percentage Change	Amount of Grant Award (\$) and Percentage Change	Total Employment Outcomes ^b and Percentage Change	Employment Outcomes of Individuals With Significant Disabilities ^c and Percentage Change	Percentage of Individuals With Employment Outcomes Who Have Significant Disabilities ^d
North Carolina	2008	15,314,142	668	661	98.95
	2007	14,885,132	700	667	95.29
	Percentage Change	2.88	-4.57	-0.90	
Oregon	2008	4,420,190	115	115	100.00
	2007	6,111,933	113	111	98.23
	Percentage Change	-27.68	1.77	3.60	
South Carolina	2008	6,595,512	316	301	95.25
	2007	6,447,310	301	289	96.01
	Percentage Change	2.30	4.98	4.15	
South Dakota	2008	1,895,983	102	101	99.02
	2007	1,903,281	100	98	98.00
	Percentage Change	-0.38	2.00	3.06	
Texas	2008	43,643,418	1,359	1,358	99.93
	2007	42,428,463	1,385	1,384	99.93
	Percentage Change	2.86	-1.88	-1.88	
Vermont	2008	1,137,079	73	72	98.63
	2007	1,135,502	101	100	99.01
	Percentage Change	0.14	-27.72	-28.00	
Virginia	2008	8,241,791	183	182	99.45
	2007	8,276,446	197	197	100.00
	Percentage Change	-0.42	-7.11	-7.61	
Washington	2008	7,668,817	132	127	96.21
	2007	7,130,425	172	165	95.93
	Percentage Change	7.55	-23.26	-23.03	

APPENDIX C

APPENDIX C

DEFINITION OF “INDIVIDUAL WITH A DISABILITY” AS LISTED IN SECTION 7(20) OF THE *REHABILITATION ACT*

(A) In general

Except as otherwise provided in subparagraph (B), the term “individual with a disability” means any individual who —

- (i)** has a physical or mental impairment which for such individual constitutes or results in a substantial impediment to employment; and
- (ii)** can benefit in terms of an employment outcome from vocational rehabilitation services provided pursuant to Title I, III, or VI.

(B) Certain programs; limitations on major life activities

Subject to subparagraphs (C), (D), (E), and (F), the term “individual with a disability” means, for purposes of Sections 2, 14, and 15, and Titles II, IV, V, and VII of this act, any person who —

- (i)** has a physical or mental impairment which substantially limits one or more of such person’s major life activities;
- (ii)** has a record of such an impairment; or
- (iii)** is regarded as having such an impairment.

(C) Rights and advocacy provisions

- (i)** In general; exclusion of individuals engaging in drug use

For purposes of Title V, the term “individual with a disability” does not include an individual who is currently engaging in the illegal use of drugs, when a covered entity acts on the basis of such use.

- (ii)** Exception for individuals no longer engaging in drug use

Nothing in clause (i) shall be construed to exclude as an individual with a disability an individual who —

- (I)** has successfully completed a supervised drug rehabilitation program and is no longer engaging in the illegal use of drugs, or has otherwise been rehabilitated successfully and is no longer engaging in such use;
- (II)** is participating in a supervised rehabilitation program and is no longer engaging in such use; or
- (III)** is erroneously regarded as engaging in such use, but is not engaging in such use; except that it shall not be a violation of this act for a covered entity to adopt or administer reasonable policies or procedures, including but not limited to drug testing, designed to ensure that an individual

described in subclause (I) or (II) is no longer engaging in the illegal use of drugs.

(iii) Exclusion for certain services

Notwithstanding clause (i), for purposes of programs and activities providing health services and services provided under Titles I, II, and III, an individual shall not be excluded from the benefits of such programs or activities on the basis of his or her current illegal use of drugs if he or she is otherwise entitled to such services.

(iv) Disciplinary action

For purposes of programs and activities providing educational services, local educational agencies may take disciplinary action pertaining to the use of possession of illegal drugs or alcohol against any student who is an individual with a disability and who currently is engaging in the illegal use of drugs or in the use of alcohol to the same extent that such disciplinary action is taken against students who are not individuals with disabilities. Furthermore, the due process procedures at Section 104.36 of Title 34, Code of Federal Regulations (or any corresponding similar regulation or ruling) shall not apply to such disciplinary actions.

(v) Employment; exclusion of alcoholics

For purposes of Sections 503 and 504 as such sections relate to employment, the term “individual with a disability” does not include any individual who is an alcoholic whose current use of alcohol prevents such individual from performing the duties of the job in question or whose employment, by reason of such current alcohol abuse, would constitute a direct threat to property or the safety of others.

(D) Employment; exclusion of individuals with certain diseases or infections

For the purposes of Section 503 and 504, as such sections relate to employment, such terms does not include an individual who has a currently contagious disease or infection and who, by reason of such disease or infection, would constitute a direct threat to the health or safety of other individuals or who, by reason of the currently contagious disease or infection, is unable to perform the duties of the job.

(E) Rights provision; exclusion of individual on basis of homosexuality or bisexuality

For purposes of Sections 501, 503, and 504 —

- (i)** for purposes of the application of subparagraph (B) to such sections, the term “impairment” does not include homosexuality or bisexuality; and
- (ii)** therefore the term “individual with a disability” does not include an individual on the basis of homosexuality or bisexuality.

(F) Rights provisions; exclusion of individuals on basis of certain disorders

For the purposes of Sections 501, 503, and 504, the term “individual with a disability” does not include an individual on the basis of —

- (i)** transvestism, transsexualism, pedophilia, exhibitionism, voyeurism, gender identity disorders not resulting from physical impairments, or other sexual behavior disorders;
- (ii)** compulsive gambling, kleptomania, or pyromania; or
- (iii)** psychoactive substance use disorders resulting from current illegal use of drugs.

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