

UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF SPECIAL EDUCATION AND REHABILITATIVE SERVICES
REHABILITATION SERVICES ADMINISTRATION
WASHINGTON, D.C. 20202

POLICY DIRECTIVE

RSA-PD-96-04

RSM-4501

DATE: May 24, 1996

TO: STATE VOCATIONAL REHABILITATION AGENCIES (GENERAL)
STATE VOCATIONAL REHABILITATION AGENCIES (BLIND)
CLIENT ASSISTANCE PROGRAMS
PROTECTION AND ADVOCACY OF INDIVIDUAL RIGHTS
REGIONAL CONTINUING EDUCATION PROGRAMS
VOCATIONAL REHABILITATION SERVICE PROJECTS FOR
AMERICAN INDIANS DISABILITIES
RSA SENIOR MANAGEMENT TEAM

SUBJECT: Allowability of Use of Indian Child Welfare Funds as Match for Grants
Awarded to the Governing Bodies or Consortia of Governing Bodies of
Indian Tribes for the Provision of Vocational Rehabilitation Services to
American Indians with Disabilities Residing on Federal or State
Recognized Reservations

BACKGROUND: This addresses the allowability of the use of Indian Child Welfare funds to
match Federal funds awarded to the governing body or consortia of
governing bodies of Indian Tribes for the provision of vocational
rehabilitation (VR) services to American Indians with disabilities. It
clarifies what other Federal funds can be used to match those awarded by
the Rehabilitation Services Administration (RSA) for the provision of
these services.

Section 130 (a) of the Rehabilitation Act of 1973, as amended, authorizes
the awarding of grants to the governing bodies of Indian tribes located on
Federal or State reservations (and consortia of such governing bodies) to
pay 90 percent of the costs of vocational rehabilitation services for
American Indians who are individuals with disabilities residing on such
reservations. The non-Federal share of such costs may be in cash or in
kind, fairly valued, and the Commissioner may waive such non-Federal
share requirements in order to carry out the purposes of this Act.

Part 80 of the Education Department General Administrative Regulations
(EDGAR) applies to these grants. Section 80.24 addresses matching or
cost sharing. Section 80.24 (b), entitled Qualifications and exceptions-(1)
Costs borne by other Federal grant agreements states..."Except as provided

by Federal statute, a cost sharing or matching requirement may not be met by costs borne by another Federal grant....." Further, section 80.24 (b)(6) Records states that...."Costs... counting towards satisfying a...matching requirement must be verifiable from the records of grantees...." This means that Federal funds cannot be used to match Federal funds unless there is clear statutory authority and that the use of these funds as match must be verifiable from the records of grantees.

There is such authority in the Indian Child Welfare Act (ICWA), which provides that tribal government grant funds... "may be utilized as non-Federal matching share in connection with funds provided under titles IV-B and XX of the Social Security Act or under any other Federal financial assistance programs which contribute to the purposes for which funds are authorized...for use under this Act". One of the purposes of the ICWA tribal government grants is to provide "family assistance, including...employment (assistance)".

POLICY
STATEMENT:

Since the section 130 program contributes to the purpose of the ICWA, the ICWA funds used for the purpose of providing employment assistance to applicants and clients of the section 130 project can be used to meet the matching requirement for the section 130 American Indian VR program. In order to use other Federal funds to meet the matching requirement of the section 130 American Indian program, there must be clear statutory authority and the section 130 program must contribute to the purpose of that statute. Grantees using these funds for meeting the matching requirement of the section 130 program must maintain records verifying that these funds are for employment assistance for the applicants and clients of the section 130 American Indian VR program. Employment assistance can be any allowable VR service for individuals or for groups of individuals with disabilities.

CITATIONS
IN LAW:

Section 130 (a) of the Rehabilitation Act of 1973, as amended and the Indian Child Welfare Act, 25 U.S.C. 1931.

EFFECTIVE
DATE:

Upon Issuance

EXPIRATION
DATE:

None

INQUIRIES:

Director, DPA, RSA Central Office

Fredric K. Schroeder
Commissioner

cc: CANAR
CSAVR
NAPAS
RSA Regional Offices
(II, IV, VII, VIII, and X)