UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF SPECIAL EDUCATION AND
REHABILITATIVE SERVICES
REHABILITATION SERVICES ADMINISTRATION
WASHINGTON, DC 20202-2800

POLICY DIRECTIVE
RSA-PD-13-02
DATE: April 30, 2013

ADDRESSEES: STATE VOCATIONAL REHABILITATION AGENCIES
STATE REHABILITATION COUNCILS
TECHNICAL ASSISTANCE AND CONTINUING EDUCATION CENTERS
AMERICAN INDIAN VOCATIONAL REHABILITATION PROGRAMS
CLIENT ASSISTANCE PROGRAMS

SUBJECT: Extension of the State Plan for the Vocational Rehabilitation Services Program and the Supplement for the Supported Employment Services Program

BACKGROUND: The Office of Management and Budget (OMB) has approved a request to extend the information collection instrument for the on-line submission of the State Plan for Vocational Rehabilitation (VR) Services Program and Supplement for the Supported Employment (SE) Services Program. The approval of this information collection instrument will expire on March 31, 2016. The OMB Control Number for this collection is 1820-0500.

Additionally, Through this Policy Directive, the Rehabilitation Services Administration (RSA) provides guidance for the submission of the required fiscal year (FY) 2014 annual updates for the State Plan governing the administration of the VR and SE programs in the states, as authorized under Title I, Part B, and Title VI, Part B, of the *Rehabilitation Act of 1973*, as amended (*Rehabilitation Act*). RSA also addresses the submission of State Plan amendments determined to be necessary by the state to ensure that its State Plan and supplement reflect the current administration of the VR and SE programs. RSA may modify this guidance in the event that reauthorization of the *Rehabilitation Act* occurs and the resulting legislation contains new or modified State Plan statutory provisions.

DISCUSSION: Generally, consistent with Section 101(a)(1)(B) of the *Rehabilitation Act*, states are not required to submit any policies, procedures, or descriptions related to their State Plans that have been previously approved and

demonstrate that the states currently meet the requirements of Title I, Part B, or Title VI, Part B, of the *Rehabilitation Act*. During FY 2009, RSA implemented an online submission process through the RSA website. States that submitted their FY 2014 State Plans online via the RSA website need only update and amend their FY 2014 plans as described below.

All agencies are asked to review the State Plan preprint assurances to verify that the information accurately reflects the current status of all VR and SE programs covered under the Plan. The individual with the authority to sign the State Plan must also assure RSA in the preprint under Section 1.9 that the agency will retain for its records an original copy of the most up-to-date preprint assurance signed by the individual authorized to implement the State Plan.

States should submit the FY 2014 updates, amendments and preprint assurances, as appropriate, no later than July 1, 2013. The online submission process is described in greater detail in the attached descriptions of the State Plan submission requirements.

Among the attachments that will comprise the entire FY 2014 State Plan, Section 101(a)(23) of the *Rehabilitation Act* requires the submission of certain State Plan descriptions as annual updates to an approved State Plan. These required updates encompass narratives relating to the comprehensive system of personnel development (Section 101(a)(7)); state assessments, estimates, goals and priorities, and reports of progress (Section 101(a)(15)); and innovation and expansion (Section 101(a)(18)). The annual updates also must include a description of a state's plans with respect to the distribution of Title VI, Part B, funds (Section 625(b)(3)). The descriptive attachments to be submitted annually include:

Attachment 4.10.....Comprehensive System of Personnel Development;

Attachment 4.11(b) .....Annual Estimates;

Attachment 4.11(c)(4)...Goals and Plans for Distribution of Title VI, Part B, Funds; and

Attachment 4.11(e)(2)...Evaluation and Reports of Progress.

Agencies operating on an order of selection are required to submit annually Attachment 4.11(c)(3). In addition, in accordance with Section 101(a)(21)(A)(ii)(III) of the *Rehabilitation Act*, the State Plan must include a summary of input and recommendations provided by the State Rehabilitation Council (if the VR state unit is required to have a council) together with the unit's response to such input and recommendations, including the unit's explanations for rejecting any council input or

recommendation. The summary of input and recommendations provided by the State Rehabilitation Council is to be described in Attachment 4.2(c).

In accordance with Section 101(a)(1)(B) of the *Rehabilitation Act*, the state is responsible for determining which previously submitted State Plan materials (preprint assurance options and descriptive attachments) reflect the current administration of the VR program. If the state determines that an approved State Plan assurance or description no longer meets this requirement, then the State Plan must be amended accordingly. Below is a listing of descriptive attachments that the agency should review to determine that the state currently meets the requirements of Title I, Part B, or Title VI, Part B, of the *Rehabilitation Act*:

Attachment 4.7(b)(3).....Request for Waiver of Statewideness;

Attachment 4.8(b)(1).....Cooperative Agreements with Agencies Not Carrying Out Activities Under the Statewide Workforce Investment System;

Attachment 4.8(b)(2).....Coordination with Education Officials;

Attachment 4.8(b)(3).....Cooperative Agreements with Private Nonprofit Organizations;

Attachment 4.8(b)(4).....Arrangements and Cooperative Agreements for the Provision of Supported Employment Services;

Attachment 4.11(a) .....Statewide Assessment;

Attachment 4.11(c)(1).....State Goals and Priorities;

Attachment 4.11(d) .....State Strategies; and

Attachment 6.3 .....Quality, Scope and Extent of Supported Employment Services.

The designated state agency also must actively consult with the director of the Client Assistance Program and, as appropriate, with Indian tribes, tribal organizations, and Native Hawaiian organizations.

RSA will carefully review the annual updates and any amendments to the State Plan to ensure that they conform to all of the content requirements for each update and amendment. RSA will pay particular attention to the State Plan provisions required by Section 101(a)(15) of the *Rehabilitation Act*. These provisions focus on annual state agency performance issues and, as such, provide important information for consideration in the conduct of RSA performance monitoring initiatives. Further guidance for the Title I Plan and its SE supplement is available on the RSA website at https://rsa.ed.gov.

Lobbying Certification

In addition to the State Plan materials, a certification regarding lobbying is required for ***each*** program for which federal funds are requested; thus one certification must be signed and retained by the state agency for the VR program and another for the SE program. The certification form (ED-80-0013) is available for download through the RSA website, or at http://www.ed.gov/programs/8003/assurancesed80013.doc.

Procedures for Submitting the VR State Plan and SE Supplement

The RSA website is open and available to receive FY 2014 State Plan submissions. To begin the submission process, the individual in the state agency responsible for entering VR State Plan information is required to have a user ID to access the RSA website. If you have a user ID to http://rsa.ed.gov, log in and then click on the dropdown menu titled *Help* and then select the option *Technical Support*. Under *Technical Support,* open the option *I Need to Enter Data on a Form that Isn't Listed on my Data Entry Screen* and follow the prompts. If you need assistance, contact *Technical Support* via the link within the *Help* menu or at the email address below. If you do not have a user ID, go to http://rsa.ed.gov and click on the dropdown menu titled *Help*, and then select *Info for New Users*. If you have forgotten your user ID or password, go to http://rsa.ed.gov and click on *Log On*. Refer to the link under "New User?" entitled *Click Here If you Have Any Problems Logging In*. If you require further assistance, send an email to RSAMIS.Technical.Support@ed.gov.

To view the on-line VR State Plan, log in and click on the words "Data Entry." Then locate the appropriate VR State Plan on the list and click on the "Add/Update" button.

INQUIRIES: For questions regarding the content of VR State Plan for Title I and Title VI submissions, please contact your RSA state liaison. For technical questions about the RSA MIS, please contact Ken Schellenberg at ken.schellenberg@ed.gov.

Edward Anthony, Ph.D.
Deputy Commissioner

ATTACHMENT:

cc: Council of State Administrators of Vocational Rehabilitation
National Council of State Agencies for the Blind
National Disability Rights Network

OMB Number: 1820-0500 Expiration Date: March 31, 2016

OMB Number: 1820-0500 Expiration Date: March 31, 2016

STATE PLAN FOR THE STATE VOCATIONAL REHABILITATION SERVICES PROGRAM AND STATE PLAN SUPPLEMENT FOR THE STATE SUPPORTED EMPLOYMENT SERVICES PROGRAM

State Plan for Fiscal Year 2014

SECTION 1: STATE CERTIFICATIONS

1.1 The (enter the name of designated state agency or designated state unit below)...

... is authorized to submit this State Plan under Title I of the Rehabilitation Act of 1973, as amended [1] and its Supplement under Title VI, Part B, of the Rehabilitation Act [2].

1.2 As a condition for the receipt of federal funds under Title I, Part B, of the Rehabilitation Act for the provision of vocational rehabilitation services, the... (enter the name of the designated state agency below) [3]

... agrees to operate and administer the state vocational rehabilitation services program in accordance with the provisions of this State Plan [4], the Rehabilitation Act, and all applicable regulations [5], policies and procedures established by the secretary. Funds made available under Section 111 of the Rehabilitation Act are used solely for the provision of vocational rehabilitation services under Title I of the Rehabilitation Act and the administration of the State Plan for the vocational rehabilitation services program.

1.3 As a condition for the receipt of federal funds under Title VI, Part B, of the Rehabilitation Act for supported employment services, the designated state agency agrees to operate and administer the State Supported Employment Services Program in accordance with the provisions of the Supplement to this State Plan [6], the Rehabilitation Act and all applicable regulations [7], policies and procedures established by the secretary. Funds made available under Title VI, Part B, are used solely for the provision of supported employment services and the administration of the Supplement to the Title I State Plan.

1.4 The designated state agency and/or the designated state unit has the authority under state law to perform the functions of the state regarding this State Plan and its Supplement.

1.5 The state legally may carry out each provision of the State Plan and its Supplement.

1.6 All provisions of the State Plan and its Supplement are consistent with state law.

1.7 The (enter title of state officer below)

... has the authority under state law to receive, hold and disburse federal funds made available under this State Plan and its Supplement.

1.8 The (enter title of state officer below)...

... has the authority to submit this State Plan for vocational rehabilitation services and the State Plan Supplement for supported employment services.

1.9 The agency that submits this State Plan and its Supplement has adopted or otherwise formally approved the plan and its supplement.

As the authorized signatory identified above, I hereby certify that I will sign, date and retain in the files of the designated state agency/designated state unit Section 1 of the Preprint, and separate Certification of Lobbying forms (Form ED-80-0013; available at http://www.ed.gov/programs/8003/assurancesed80013.doc) for both the vocational rehabilitation and supported employment programs.

Signed?
Name of Signatory
Title of Signatory
Date Signed (mm/dd/yyyy)

The designated state agency and/or the designated state unit provide the following assurance(s) in connection with the approval of the State Plan for FY 2014

Signed?
Name of Signatory
Title of Signatory
Date Signed (mm/dd/yyyy)

* The signatory of the assurance with the authority to execute and submit the State Plan will maintain a signed copy of the assurance(s) with the signed State Plan.

SECTION 1 FOOTNOTES

[1] Public Law 93 112, as amended by Public Laws 93 516, 95 602, 98 221, 99 506, 100-630, 102-569, 103-073, and 105-220.

[2] Unless otherwise stated, "Rehabilitation Act" means the Rehabilitation Act of 1973, as amended.

[3] All references in this plan to "designated state agency" or to "the state agency" relate to the agency identified in this paragraph.

[4] No funds under Title I of the Rehabilitation Act may be awarded without an approved State Plan in accordance with Section 101(a) of the Rehabilitation Act and 34 CFR part 361.

[5] Applicable regulations include the Education Department General Administrative Regulations (EDGAR) in 34 CFR Parts 74, 76, 77, 79, 80, 81, 82, 85 and 86 and the State Vocational Rehabilitation Services Program regulations in 34 CFR Part 361.

[6] No funds under Title VI, Part B, of the Rehabilitation Act may be awarded without an approved Supplement to the Title I State Plan in accordance with Section 625(a) of the Rehabilitation Act.

[7] Applicable regulations include the EDGAR citations in footnote 5, 34 CFR Part 361, and 34 CFR Part 363.

SECTION 2: PUBLIC COMMENT ON STATE PLAN POLICIES AND PROCEDURES

2.1 Public participation requirements. (Section 101(a)(16)(A) of the Rehabilitation Act; 34 CFR 361.10(d), 361.20(a), (b), (d); and 363.11(g)(9))

(a) Conduct of public meetings.
The designated state agency, prior to the adoption of any substantive policies or procedures governing the provision of vocational rehabilitation services under the State Plan and supported employment services under the Supplement to the State Plan, including making any substantive amendments to the policies and procedures, conducts public meetings throughout the state to provide the public, including individuals with disabilities, an opportunity to comment on the policies or procedures.

(b) Notice requirements.
The designated state agency, prior to conducting the public meetings, provides appropriate and sufficient notice throughout the state of the meetings in accordance with state law governing public meetings or, in the absence of state law governing public meetings, procedures developed by the state agency in consultation with the State Rehabilitation Council, if the agency has a council.

(c) Special consultation requirements.
The state agency actively consults with the director of the Client Assistance Program, the State Rehabilitation Council, if the agency has a council and, as appropriate, Indian tribes, tribal organizations and native Hawaiian organizations on its policies and procedures governing the provision of vocational rehabilitation services under the State Plan and supported employment services under the Supplement to the State

Plan.

SECTION 3: SUBMISSION OF THE STATE PLAN AND ITS SUPPLEMENT

3.1 Submission and revisions of the State Plan and its Supplement. (Sections 101(a)(1), (23) and 625(a)(1) of the Rehabilitation Act; Section 501 of the Workforce Investment Act; 34 CFR 76.140; 361.10(e), (f), and (g); and 363.10)

(a) The state submits to the commissioner of the Rehabilitation Services Administration the State Plan and its Supplement on the same date that the state submits either a State Plan under Section 112 of the Workforce Investment Act of 1998 or a state unified plan under Section 501 of that Rehabilitation Act.

(b) The state submits only those policies, procedures or descriptions required under this State Plan and its Supplement that have not been previously submitted to and approved by the commissioner.

(c) The state submits to the commissioner, at such time and in such manner as the commissioner determines to be appropriate, reports containing annual updates of the information relating to the:

1. comprehensive system of personnel development;
2. assessments, estimates, goals and priorities, and reports of progress;
3. innovation and expansion activities; and
4. other updates of information required under Title I, Part B, or Title VI, Part B, of the Rehabilitation Act that are requested by the commissioner.

(d) The State Plan and its Supplement are in effect subject to the submission of modifications the state determines to be necessary or the commissioner requires based on a change in state policy, a change in federal law, including regulations, an interpretation of the Rehabilitation Act by a federal court or the highest court of the state, or a finding by the commissioner of state noncompliance with the requirements of the Rehabilitation Act, 34 CFR 361 or 34 CFR 363.

3.2 Supported Employment State Plan Supplement. (Sections 101(a)(22) and 625(a) of the Rehabilitation Act; 34 CFR 361.34 and 363.10)

(a) The state has an acceptable plan for carrying out Part B, of Title VI of the Rehabilitation Act that provides for the use of funds under that part to supplement funds made available under Part B, of Title I of the Rehabilitation Act for the cost of services leading to supported employment.

(b) The Supported Employment State Plan, including any needed annual revisions, is submitted as a supplement to the State Plan.

SECTION 4: ADMINISTRATION OF THE STATE PLAN

4.1 Designated state agency and designated state unit. (Section 101(a)(2) of the Rehabilitation Act; 34 CFR 361.13(a) and (b))

(a) Designated state agency.

(1) There is a state agency designated as the sole state agency to administer the State Plan or to supervise its administration in a political subdivision of the state by a sole local agency.

(2) The designated state agency is:

(A) a state agency that is primarily concerned with vocational rehabilitation or vocational and other rehabilitation of individuals with disabilities; or

(B) a state agency that is not primarily concerned with vocational rehabilitation or vocational and other rehabilitation of individuals with disabilities and includes a vocational rehabilitation unit as provided in paragraph (b) of this section.

(3) In American Samoa, the designated state agency is the governor.

(b) Designated state unit.

(1) If the designated state agency is not primarily concerned with vocational rehabilitation or vocational and other rehabilitation of individuals with disabilities, in accordance with subparagraph 4.1(a)(2)(B) of this section, the state agency includes a vocational rehabilitation bureau, division or unit that:

(A) is primarily concerned with vocational rehabilitation or vocational and other rehabilitation of individuals with disabilities and is responsible for the administration of the designated state agency's vocational rehabilitation program under the State Plan;

(B) has a full-time director;

(C) has a staff, at least 90 percent of whom are employed full-time on the rehabilitation work of the organizational unit; and

(D) is located at an organizational level and has an organizational status within the designated state agency comparable to that of other major organizational units of the designated state agency.

(2) The name of the designated state vocational rehabilitation unit is

4.2 State independent commission or State Rehabilitation Council. (Sections 101(a)(21) and 105 of the Rehabilitation Act; 34 CFR 361.16 and 361.17)

The State Plan must contain one of the following assurances.

(a) The designated state agency is an independent state commission that:

(1) is responsible under state law for operating or overseeing the operation of the vocational rehabilitation program in the state and is primarily concerned with the vocational rehabilitation or vocational and other rehabilitation of individuals with disabilities in accordance with subparagraph 4.1(a)(2)(A) of this section.

(2) is consumer controlled by persons who:

(A) are individuals with physical or mental impairments that substantially limit major life activities; and

(B) represent individuals with a broad range of disabilities, unless the designated state unit under the direction of the commission is the state agency for individuals who are blind;

(3) includes family members, advocates or other representatives of individuals with mental impairments; and

(4) undertakes the functions set forth in Section 105(c)(4) of the Rehabilitation Act and 34 CFR 361.17(h)(4).

or

(b) The state has established a State Rehabilitation Council that meets the criteria set forth in Section 105 of the Rehabilitation Act, 34 CFR 361.17 and the designated state unit:

(1) jointly with the State Rehabilitation Council develops, agrees to and reviews annually state goals and priorities and jointly submits to the commissioner annual reports of progress in accordance with the provisions of Section 101(a)(15) of the Rehabilitation Act, 34 CFR 361.29 and subsection 4.11 of this State Plan;

(2) regularly consults with the State Rehabilitation Council regarding the development, implementation and revision of state policies and procedures of general applicability pertaining to the provision of vocational rehabilitation services;

(3) includes in the State Plan and in any revision to the State Plan a summary of input provided by the State Rehabilitation Council, including recommendations from the annual report of the council described in Section 105(c)(5) of the Rehabilitation Act and 34 CFR 361.17(h)(5), the review and analysis of consumer satisfaction described in Section 105(c)(4) of the Rehabilitation Act and 34 CFR 361.17(h)(4), and other reports prepared by the council and the response of the designated state unit to the input and recommendations, including explanations for rejecting any input or recommendation; and

(4) transmits to the council:

(A) all plans, reports and other information required under 34 CFR 361 to be submitted to the commissioner;

(B) all policies and information on all practices and procedures of general applicability provided to or used by rehabilitation personnel in carrying out this State Plan and its Supplement; and

(C) copies of due process hearing decisions issued under 34 CFR 361.57, which are transmitted in such a manner as to ensure that the identity of the participants in the hearings is kept confidential.

(c) If the designated state unit has a State Rehabilitation Council, Attachment 4.2(c) provides a summary of the input provided by the council consistent with the provisions identified in subparagraph (b)(3) of this section; the response of the designated state unit to the input and recommendations; and, explanations for the rejection of any input or any recommendation.

4.3 Consultations regarding the administration of the State Plan. (Section 101(a)(16)(B) of the Rehabilitation Act; 34 CFR 361.21)

The designated state agency takes into account, in connection with matters of general policy arising in the administration of the plan and its supplement, the views of:

(a) individuals and groups of individuals who are recipients of vocational rehabilitation services or, as appropriate, the individuals' representatives;

(b) personnel working in programs that provide vocational rehabilitation services to individuals with disabilities;

(c) providers of vocational rehabilitation services to individuals with disabilities;

(d) the director of the Client Assistance Program; and

(e) the State Rehabilitation Council, if the state has a council.

4.4 Nonfederal share. (Sections 7(14) and 101(a)(3) of the Rehabilitation Act; 34 CFR 80.24 and 361.60)

The nonfederal share of the cost of carrying out this State Plan is 21.3 percent and is provided through the financial participation by the state or, if the state elects, by the state and local agencies.

4.5 Local administration. (Sections 7(24) and 101(a)(2)(A) of the Rehabilitation Act; 34 CFR 361.5(b)(47) and 361.15)

The State Plan provides for the administration of the plan by a local agency.

If "Yes", the designated state agency:

(a) ensures that each local agency is under the supervision of the designated state unit with the sole local agency, as that term is defined in Section 7(24) of the Rehabilitation Act and 34 CFR 361.5(b)(47), responsible for the administration of the vocational rehabilitation program within the political subdivision that it serves; and

(b) develops methods that each local agency will use to administer the vocational rehabilitation program in accordance with the State Plan.

4.6 Shared funding and administration of joint programs. (Section 101(a)(2)(A)(ii) of the Rehabilitation Act; 34 CFR 361.27)

The State Plan provides for the state agency to share funding and administrative responsibility with another state agency or local public agency to carry out a joint program to provide services to individuals with disabilities.

If "Yes", the designated state agency submits to the commissioner for approval a plan that describes its shared funding and administrative arrangement. The plan must include:

(a) a description of the nature and scope of the joint program;

(b) the services to be provided under the joint program;

(c) the respective roles of each participating agency in the administration and provision of services; and

(d) the share of the costs to be assumed by each agency.

4.7 Statewideness and waivers of statewideness. (Section 101(a)(4) of the Rehabilitation Act; 34 CFR 361.25, 361.26, and 361.60(b)(3)(i) and (ii))

(a) Services provided under the State Plan are available in all political subdivisions of the state.

(b) The state unit may provide services in one or more political subdivisions of the state that increase services or expand the scope of services that are available statewide under this State Plan if the:

(1) nonfederal share of the cost of these services is met from funds provided by a local public agency, including funds contributed to a local public agency by a private agency, organization or individual;

(2) services are likely to promote the vocational rehabilitation of substantially larger numbers of individuals with disabilities or of individuals with disabilities with particular types of impairments; and

(3) state, for purposes other than the establishment of a community rehabilitation program or the construction of a particular facility for community rehabilitation program purposes, requests in Attachment 4.7(b)(3) a waiver of the statewideness requirement in accordance with the following requirements:

(A) identification of the types of services to be provided;

(B) written assurance from the local public agency that it will make available to the state unit the nonfederal share of funds;

(C) written assurance that state unit approval will be obtained for each proposed service before it is put into effect; and

(D) written assurance that all other State Plan requirements, including a state's order of selection, will apply to all services approved under the waiver.

(c) Contributions, consistent with the requirements of 34 CFR 361.60(b)(3)(ii), by private entities of earmarked funds for particular geographic areas within the state may be used as part of the nonfederal share without the state requesting a waiver of the statewideness requirement provided that the state notifies the commissioner that it cannot provide the full nonfederal share without using the earmarked funds.

4.8 Cooperation, collaboration and coordination. (Sections 101(a)(11), (24)(B), and 625(b)(4) and (5) of the Rehabilitation Act; 34 CFR 361.22, 361.23, 361.24, and 361.31, and 363.11(e))

(a) Cooperative agreements with other components of statewide work force investment system.

The designated state agency or the designated state unit has cooperative agreements with other entities that are components of the statewide work force investment system and replicates those agreements at the local level between individual offices of the designated state unit and local entities carrying out the One-Stop service delivery system or other activities through the statewide work force investment system.

(b) Cooperation and coordination with other agencies and entities.

Attachment 4.8(b) (1)-(4) describes the designated state agency's:

(1) cooperation with and use of the services and facilities of the federal, state, and local agencies and programs, including programs carried out by the undersecretary for Rural Development of the United States Department of Agriculture and state use contracting programs, to the extent that those agencies and programs are not carrying out activities through the statewide work force investment system;

(2) coordination, in accordance with the requirements of paragraph 4.8(c) of this section, with education officials to facilitate the transition of students with disabilities from school to the receipt of vocational rehabilitation services;

(3) establishment of cooperative agreements with private nonprofit vocational rehabilitation service providers, in accordance with the requirements of paragraph 5.10(b) of the State Plan; and,

(4) efforts to identify and make arrangements, including entering into cooperative agreements, with other state agencies and entities with respect to the provision of supported employment and extended services for individuals with the most significant disabilities, in accordance with the requirements of subsection 6.5 of the Supplement to this State Plan.

(c) Coordination with education officials.

(1) Attachment 4.8(b)(2) describes the plans, policies and procedures for coordination between the designated state agency and education officials responsible for the public education of students with disabilities that are designed to facilitate the transition of the students who are individuals with disabilities from the receipt of educational services in school to the receipt of vocational rehabilitation services under the responsibility of the designated state agency.

(2) The State Plan description must:

(A) provide for the development and approval of an individualized plan for employment in accordance with 34 CFR 361.45 as early as possible during the transition planning process but, at the latest, before each student determined to be eligible for vocational rehabilitation services leaves the school setting or if the designated state unit is operating on an order of selection before each eligible student able to be served under the order leaves the school setting; and

(B) include information on a formal interagency agreement with the state educational agency that, at a minimum, provides for:

(i) consultation and technical assistance to assist educational agencies in planning for the transition of students with disabilities from school to post school activities, including vocational rehabilitation services;

(ii) transition planning by personnel of the designated state agency and the educational agency for students with disabilities that facilitates the development and completion of their individualized education programs under Section 614(d) of the Individuals with Disabilities Education Act;

(iii) roles and responsibilities, including financial responsibilities, of each agency, including provisions for determining state lead agencies and qualified personnel responsible for transition services; and

(iv) procedures for outreach to students with disabilities as early as possible during the transition planning process and identification of students with disabilities who need transition services.

(d) Coordination with statewide independent living council and independent living centers.

The designated state unit, the Statewide Independent Living Council established under Section 705 of the Rehabilitation Act and 34 CFR 364, and the independent living centers described in Part C of Title VII of the Rehabilitation Act and 34 CFR 366 have developed working relationships and coordinate their activities.

(e) Cooperative agreement with recipients of grants for services to American Indians.

(1) There is in the state a recipient(s) of a grant under Part C of Title I of the Rehabilitation Act for the provision of vocational rehabilitation services for

American Indians who are individuals with disabilities residing on or near federal and state reservations.

(2) If "Yes", the designated state agency has entered into a formal cooperative agreement that meets the following requirements with each grant recipient in the state that receives funds under Part C of Title I of the Rehabilitation Act:

(A) strategies for interagency referral and information sharing that will assist in eligibility determinations and the development of individualized plans for employment;

(B) procedures for ensuring that American Indians who are individuals with disabilities and are living near a reservation or tribal service area are provided vocational rehabilitation services; and

(C) provisions for sharing resources in cooperative studies and assessments, joint training activities, and other collaborative activities designed to improve the provision of services to American Indians who are individuals with disabilities.

4.9 Methods of administration. (Section 101(a)(6) of the Rehabilitation Act; 34 CFR 361.12, 361.19 and 361.51(a) and (b))

(a) In general.

The state agency employs methods of administration, including procedures to ensure accurate data collection and financial accountability, found by the commissioner to be necessary for the proper and efficient administration of the plan and for carrying out all the functions for which the state is responsible under the plan and 34 CFR 361.

(b) Employment of individuals with disabilities.

The designated state agency and entities carrying out community rehabilitation programs in the state, who are in receipt of assistance under Part B, of Title I of the Rehabilitation Act and this State Plan, take affirmative action to employ and advance in employment qualified individuals with disabilities covered under and on the same terms and conditions as set forth in Section 503 of the Rehabilitation Act.

(c) Facilities.

Any facility used in connection with the delivery of services assisted under this State Plan meets program accessibility requirements consistent with the provisions, as applicable, of the Architectural Barriers Rehabilitation Act of 1968, Section 504 of the Rehabilitation Act, the Americans with Disabilities Act of 1990 and the regulations implementing these laws.

4.10 Comprehensive system of personnel development. (Section 101(a)(7) of the Rehabilitation Act; 34 CFR 361.18)

Attachment 4.10 describes the designated state agency's procedures and activities to

establish and maintain a comprehensive system of personnel development designed to ensure an adequate supply of qualified state rehabilitation professional and paraprofessional personnel for the designated state unit. The description includes the following:

(a) Data system on personnel and personnel development.

Development and maintenance of a system for collecting and analyzing on an annual basis data on qualified personnel needs and personnel development with respect to:

(1) Qualified personnel needs.

(A) The number of personnel who are employed by the state agency in the provision of vocational rehabilitation services in relation to the number of individuals served, broken down by personnel category;

(B) The number of personnel currently needed by the state agency to provide vocational rehabilitation services, broken down by personnel category; and

(C) Projections of the number of personnel, broken down by personnel category, who will be needed by the state agency to provide vocational rehabilitation services in the state in five years based on projections of the number of individuals to be served, including individuals with significant disabilities, the number of personnel expected to retire or leave the field, and other relevant factors.

(2) Personnel development.

(A) A list of the institutions of higher education in the state that are preparing vocational rehabilitation professionals, by type of program;

(B) The number of students enrolled at each of those institutions, broken down by type of program; and

(C) The number of students who graduated during the prior year from each of those institutions with certification or licensure, or with the credentials for certification or licensure, broken down by the personnel category for which they have received, or have the credentials to receive, certification or licensure.

(b) Plan for recruitment, preparation and retention of qualified personnel.

Development, updating on an annual basis, and implementation of a plan to address the current and projected needs for qualified personnel based on the data collection and analysis system described in paragraph (a) of this subsection and that provides for the coordination and facilitation of efforts between the designated state unit and institutions of higher education and professional associations to recruit, prepare and retain personnel who are qualified in accordance with paragraph (c) of this subsection, including personnel from minority backgrounds and personnel who are individuals with disabilities.

(c) Personnel standards.

Policies and procedures for the establishment and maintenance of personnel standards

to ensure that designated state unit professional and paraprofessional personnel are appropriately and adequately prepared and trained, including:

(1) standards that are consistent with any national- or state-approved or recognized certification, licensing, registration, or, in the absence of these requirements, other comparable requirements (including state personnel requirements) that apply to the profession or discipline in which such personnel are providing vocational rehabilitation services.

(2) To the extent that existing standards are not based on the highest requirements in the state applicable to a particular profession or discipline, the steps the state is currently taking and the steps the state plans to take in accordance with the written plan to retrain or hire personnel within the designated state unit to meet standards that are based on the highest requirements in the state, including measures to notify designated state unit personnel, the institutions of higher education identified in subparagraph (a)(2), and other public agencies of these steps and the time lines for taking each step.

(3) The written plan required by subparagraph (c)(2) describes the following:

(A) specific strategies for retraining, recruiting and hiring personnel;

(B) the specific time period by which all state unit personnel will meet the standards required by subparagraph (c)(1);

(C) procedures for evaluating the designated state unit's progress in hiring or retraining personnel to meet applicable personnel standards within the established time period; and

(D) the identification of initial minimum qualifications that the designated state unit will require of newly hired personnel when the state unit is unable to hire new personnel who meet the established personnel standards and the identification of a plan for training such individuals to meet the applicable standards within the time period established for all state unit personnel to meet the established personnel standards.

(d) Staff development.

Policies, procedures and activities to ensure that all personnel employed by the designated state unit receive appropriate and adequate training. The narrative describes the following:

(1) A system of staff development for professionals and paraprofessionals within the designated state unit, particularly with respect to assessment, vocational counseling, job placement and rehabilitation technology.

(2) Procedures for the acquisition and dissemination to designated state unit professionals and paraprofessionals significant knowledge from research and other sources.

(e) Personnel to address individual communication needs.

Availability of personnel within the designated state unit or obtaining the services of other individuals who are able to communicate in the native language of applicants or

eligible individuals who have limited English speaking ability or in appropriate modes of communication with applicants or eligible individuals.

(f) Coordination of personnel development under the Individuals with Disabilities Education Act.

Procedures and activities to coordinate the designated state unit's comprehensive system of personnel development with personnel development under the Individuals with Disabilities Education Act.

4.11. Statewide assessment; annual estimates; annual state goals and priorities; strategies; and progress reports. (Sections 101(a)(15), 105(c)(2) and 625(b)(2) of the Rehabilitation Act; 34 CFR 361.17(h)(2), 361.29, and 363.11(b))

(a) Comprehensive statewide assessment.

(1) Attachment 4.11(a) documents the results of a comprehensive, statewide assessment, jointly conducted every three years by the designated state unit and the State Rehabilitation Council (if the state has such a council). The assessment describes:

(A) the rehabilitation needs of individuals with disabilities residing within the state, particularly the vocational rehabilitation services needs of:

(i) individuals with the most significant disabilities, including their need for supported employment services;

(ii) individuals with disabilities who are minorities and individuals with disabilities who have been unserved or underserved by the vocational rehabilitation program carried out under this State Plan; and

(iii) individuals with disabilities served through other components of the statewide work force investment system.

(B) The need to establish, develop or improve community rehabilitation programs within the state.

(2) For any year in which the state updates the assessments, the designated state unit submits to the commissioner a report containing information regarding updates to the assessments.

(b) Annual estimates.

Attachment 4.11(b) identifies on an annual basis state estimates of the:

(1) number of individuals in the state who are eligible for services under the plan;

(2) number of eligible individuals who will receive services provided with funds provided under Part B of Title I of the Rehabilitation Act and under Part B of Title VI of the Rehabilitation Act, including, if the designated state agency uses an order of selection in accordance with subparagraph 5.3(b)(2) of this State Plan, estimates of the number of individuals to be served under each

priority category within the order; and

(3) costs of the services described in subparagraph (b)(1), including, if the designated state agency uses an order of selection, the service costs for each priority category within the order.

(c) Goals and priorities.

(1) Attachment 4.11(c)(1) identifies the goals and priorities of the state that are jointly developed or revised, as applicable, with and agreed to by the State Rehabilitation Council, if the agency has a council, in carrying out the vocational rehabilitation and supported employment programs.

(2) The designated state agency submits to the commissioner a report containing information regarding any revisions in the goals and priorities for any year the state revises the goals and priorities.

(3) Order of selection.

If the state agency implements an order of selection, consistent with subparagraph 5.3(b)(2) of the State Plan, Attachment 4.11(c)(3):

(A) shows the order to be followed in selecting eligible individuals to be provided vocational rehabilitation services;

(B) provides a justification for the order; and

(C) identifies the service and outcome goals, and the time within which these goals may be achieved for individuals in each priority category within the order.

(4) Goals and plans for distribution of Title VI, Part B, funds.

Attachment 4.11(c)(4) specifies, consistent with subsection 6.4 of the State Plan Supplement, the state's goals and priorities with respect to the distribution of funds received under Section 622 of the Rehabilitation Act for the provision of supported employment services.

(d) Strategies.

(1) Attachment 4.11(d) describes the strategies, including:

(A) the methods to be used to expand and improve services to individuals with disabilities, including how a broad range of assistive technology services and assistive technology devices will be provided to those individuals at each stage of the rehabilitation process and how those services and devices will be provided to individuals with disabilities on a statewide basis;

(B) outreach procedures to identify and serve individuals with disabilities who are minorities, including those with the most significant disabilities in accordance with subsection 6.6 of the State Plan supplement, and individuals with disabilities who have been unserved or underserved by the vocational rehabilitation program;

(C) as applicable, the plan of the state for establishing, developing or improving

community rehabilitation programs;

(D) strategies to improve the performance of the state with respect to the evaluation standards and performance indicators established pursuant to Section 106 of the Rehabilitation Act; and

(E) strategies for assisting other components of the statewide work force investment system in assisting individuals with disabilities.

(2) Attachment 4.11 (d) describes how the designated state agency uses these strategies to:

(A) address the needs identified in the assessment conducted under paragraph 4.11(a) and achieve the goals and priorities identified in the State Plan attachments under paragraph 4.11(c);

(B) support the innovation and expansion activities identified in subparagraph 4.12(a)(1) and (2) of the plan; and

(C) overcome identified barriers relating to equitable access to and participation of individuals with disabilities in the State Vocational Rehabilitation Services Program and State Supported Employment Services Program.

(e) Evaluation and reports of progress.

(1) The designated state unit and the State Rehabilitation Council, if the state unit has a council, jointly submits to the commissioner an annual report on the results of an evaluation of the effectiveness of the vocational rehabilitation program and the progress made in improving the effectiveness of the program from the previous year.

(2) Attachment 4.11(e)(2):

(A) provides an evaluation of the extent to which the goals identified in Attachment 4.11(c)(1) and, if applicable, Attachment 4.11(c)(3) were achieved;

(B) identifies the strategies that contributed to the achievement of the goals and priorities;

(C) describes the factors that impeded their achievement, to the extent they were not achieved;

(D) assesses the performance of the state on the standards and indicators established pursuant to Section 106 of the Rehabilitation Act; and

(E) provides a report consistent with paragraph 4.12(c) of the plan on how the funds reserved for innovation and expansion activities were utilized in the preceding year.

4.12 Innovation and expansion. (Section 101(a)(18) of the Rehabilitation Act; 34 CFR 361.35)

(a) The designated state agency reserves and uses a portion of the funds allotted to the state under Section 110 of the Rehabilitation Act for the:

(1) development and implementation of innovative approaches to expand and improve the provision of vocational rehabilitation services to individuals with disabilities under this State Plan, particularly individuals with the most significant disabilities, consistent with the findings of the statewide assessment identified in Attachment 4.11(a) and goals and priorities of the state identified in Attachments 4.11(c)(1) and, if applicable, Attachment 4.11(c)(3); and

(2) support of the funding for the State Rehabilitation Council, if the state has such a council, consistent with the resource plan prepared under Section 105(d)(1) of the Rehabilitation Act and 34 CFR 361.17(i), and the funding of the Statewide Independent Living Council, consistent with the resource plan prepared under Section 705(e)(1) of the Rehabilitation Act and 34 CFR 364.21(i).

(b) Attachment 4.11 (d) describes how the reserved funds identified in subparagraph 4.12(a)(1) and (2) will be utilized.

(c) Attachment 4.11(e)(2) describes how the reserved funds were utilized in the preceding year.

4.13 Reports. (Section 101(a)(10) of the Rehabilitation Act; 34 CFR 361.40)

(a) The designated state unit submits reports in the form and level of detail and at the time required by the commissioner regarding applicants for and eligible individuals receiving services under the State Plan.

(b) Information submitted in the reports provides a complete count, unless sampling techniques are used, of the applicants and eligible individuals in a manner that permits the greatest possible cross-classification of data and protects the confidentiality of the identity of each individual.

SECTION 5: ADMINISTRATION OF THE PROVISION OF VOCATIONAL REHABILITATION SERVICES

5.1 Information and referral services. (Sections 101(a)(5)(D) and (20) of the Rehabilitation Act; 34 CFR 361.37)

The designated state agency has implemented an information and referral system that is adequate to ensure that individuals with disabilities, including individuals who do not meet the agency's order of selection criteria for receiving vocational rehabilitation services if the agency is operating on an order of selection, are provided accurate vocational rehabilitation information and guidance, including counseling and referral for job placement, using appropriate modes of communication, to assist such individuals in preparing for, securing, retaining or regaining employment, and are referred to other appropriate federal and state programs, including other components of the statewide work force investment system in the state.

5.2 Residency. (Section 101(a)(12) of the Rehabilitation Act; 34 CFR 361.42(c)(1))

The designated state unit imposes no duration of residence requirement as part of determining an individual's eligibility for vocational rehabilitation services or that excludes from services under the plan any individual who is present in the state.

5.3 Ability to serve all eligible individuals; order of selection for services. (Sections 12(d) and 101(a)(5) of the Rehabilitation Act; 34 CFR 361.36)

(a) The designated state unit is able to provide the full range of services listed in Section 103(a) of the Rehabilitation Act and 34 CFR 361.48, as appropriate, to all eligible individuals with disabilities in the state who apply for services.

(b) If No:

(1) Individuals with the most significant disabilities, in accordance with criteria established by the state, are selected first for vocational rehabilitation services before other individuals with disabilities.

(2) Attachment 4.11(c)(3):

(A) shows the order to be followed in selecting eligible individuals to be provided vocational rehabilitation services;

(B) provides a justification for the order of selection; and

(C) identifies the state's service and outcome goals and the time within which these goals may be achieved for individuals in each priority category within the order.

(3) Eligible individuals who do not meet the order of selection criteria have access to the services provided through the designated state unit's information and referral system established under Section 101(a)(20) of the Rehabilitation Act, 34 CFR 361.37, and subsection 5.1 of this State Plan.

5.4 Availability of comparable services and benefits. (Sections 101(a)(8) and 103(a) of the Rehabilitation Act; 34 CFR 361.53)

(a) Prior to providing any vocational rehabilitation services, except those services identified in paragraph (b), to an eligible individual or to members of the individual's family, the state unit determines whether comparable services and benefits exist under any other program and whether those services and benefits are available to the individual.

(b) The following services are exempt from a determination of the availability of comparable services and benefits:

(1) assessment for determining eligibility and vocational rehabilitation needs by qualified personnel, including, if appropriate, an assessment by personnel skilled

in rehabilitation technology;

(2) counseling and guidance, including information and support services to assist an individual in exercising informed choice consistent with the provisions of Section 102(d) of the Rehabilitation Act;

(3) referral and other services to secure needed services from other agencies, including other components of the statewide work force investment system, through agreements developed under Section 101(a)(11) of the Rehabilitation Act, if such services are not available under this State Plan;

(4) job-related services, including job search and placement assistance, job retention services, follow-up services, and follow-along services;

(5) rehabilitation technology, including telecommunications, sensory and other technological aids and devices; and

(6) post-employment services consisting of the services listed under subparagraphs (1) through (5) of this paragraph.

(c) The requirements of paragraph (a) of this section do not apply if the determination of the availability of comparable services and benefits under any other program would interrupt or delay:

(1) progress of the individual toward achieving the employment outcome identified in the individualized plan for employment;

(2) an immediate job placement; or

(3) provision of vocational rehabilitation services to any individual who is determined to be at extreme medical risk, based on medical evidence provided by an appropriate qualified medical professional.

(d) The governor in consultation with the designated state vocational rehabilitation agency and other appropriate agencies ensures that an interagency agreement or other mechanism for interagency coordination that meets the requirements of Section 101(a)(8)(B)(i)-(iv) of the Rehabilitation Act takes effect between the designated state unit and any appropriate public entity, including the state Medicaid program, a public institution of higher education, and a component of the statewide work force investment system to ensure the provision of the vocational rehabilitation services identified in Section 103(a) of the Rehabilitation Act and 34 CFR 361.48, other than the services identified in paragraph (b) of this section, that are included in the individualized plan for employment of an eligible individual, including the provision of those vocational rehabilitation services during the pendency of any dispute that may arise in the implementation of the interagency agreement or other mechanism for interagency coordination.

5.5 Individualized plan for employment. (Section 101(a)(9) of the Rehabilitation Act; 34 CFR 361.45 and 361.46)

(a) An individualized plan for employment meeting the requirements of Section 102(b) of the Rehabilitation Act and 34 CFR 361.45 and .46 is developed and implemented

in a timely manner for each individual determined to be eligible for vocational rehabilitation services, except if the state has implemented an order of selection, and is developed and implemented for each individual to whom the designated state unit is able to provide vocational rehabilitation services.

(b) Services to an eligible individual are provided in accordance with the provisions of the individualized plan for employment.

5.6 Opportunity to make informed choices regarding the selection of services and providers. (Sections 101(a)(19) and 102(d) of the Rehabilitation Act; 34 CFR 361.52)

Applicants and eligible individuals or, as appropriate, their representatives are provided information and support services to assist in exercising informed choice throughout the rehabilitation process, consistent with the provisions of Section 102(d) of the Rehabilitation Act and 34 CFR 361.52.

5.7 Services to American Indians. (Section 101(a)(13) of the Rehabilitation Act; 34 CFR 361.30)

The designated state unit provides vocational rehabilitation services to American Indians who are individuals with disabilities residing in the state to the same extent as the designated state agency provides such services to other significant populations of individuals with disabilities residing in the state.

5.8 Annual review of individuals in extended employment or other employment under special certificate provisions of the fair labor standards act of 1938. (Section 101(a)(14) of the Rehabilitation Act; 34 CFR 361.55)

(a) The designated state unit conducts an annual review and reevaluation of the status of each individual with a disability served under this State Plan:

(1) who has achieved an employment outcome in which the individual is compensated in accordance with Section 14(c) of the Fair Labor Standards Act (29 U.S.C. 214(c)); or

(2) whose record of services is closed while the individual is in extended employment on the basis that the individual is unable to achieve an employment outcome in an integrated setting or that the individual made an informed choice to remain in extended employment.

(b) The designated state unit carries out the annual review and reevaluation for two years after the individual's record of services is closed (and thereafter if requested by the individual or, if appropriate, the individual's representative) to determine the interests, priorities and needs of the individual with respect to competitive employment or training for competitive employment.

(c) The designated state unit makes maximum efforts, including the identification and provision of vocational rehabilitation services, reasonable accommodations and other necessary support services, to assist the individuals described in paragraph (a) in engaging in competitive employment.

(d) The individual with a disability or, if appropriate, the individual's representative has input into the review and reevaluation and, through signed acknowledgement, attests that the review and reevaluation have been conducted.

5.9 Use of Title I funds for construction of facilities. (Sections 101(a)(17) and 103(b)(2)(A) of the Rehabilitation Act; 34 CFR 361.49(a)(1), 361.61 and 361.62(b))

If the state elects to construct, under special circumstances, facilities for community rehabilitation programs, the following requirements are met:

(a) The federal share of the cost of construction for facilities for a fiscal year does not exceed an amount equal to 10 percent of the state's allotment under Section 110 of the Rehabilitation Act for that fiscal year.

(b) The provisions of Section 306 of the Rehabilitation Act that were in effect prior to the enactment of the Rehabilitation Act Amendments of 1998 apply to such construction.

(c) There is compliance with the requirements in 34 CFR 361.62(b) that ensure the use of the construction authority will not reduce the efforts of the designated state agency in providing other vocational rehabilitation services other than the establishment of facilities for community rehabilitation programs.

5.10 Contracts and cooperative agreements. (Section 101(a)(24) of the Rehabilitation Act; 34 CFR 361.31 and 361.32)

(a) Contracts with for-profit organizations.

The designated state agency has the authority to enter into contracts with for-profit organizations for the purpose of providing, as vocational rehabilitation services, on-the-job training and related programs for individuals with disabilities under Part A of Title VI of the Rehabilitation Act, upon the determination by the designated state agency that for-profit organizations are better qualified to provide vocational rehabilitation services than nonprofit agencies and organizations.

(b) Cooperative agreements with private nonprofit organizations.

Attachment 4.8(b)(3) describes the manner in which the designated state agency establishes cooperative agreements with private nonprofit vocational rehabilitation service providers.

SECTION 6: PROGRAM ADMINISTRATION

6.1 Designated state agency. (Section 625(b)(1) of the Rehabilitation Act; 34 CFR 363.11(a))

The designated state agency for vocational rehabilitation services identified in paragraph 1.2 of the Title I State Plan is the state agency designated to administer the State Supported Employment Services Program authorized under Title VI, Part B, of the Rehabilitation Act.

6.2 Statewide assessment of supported employment services needs. (Section 625(b)(2) of the Rehabilitation Act; 34 CFR 363.11(b))

Attachment 4.11(a) describes the results of the comprehensive, statewide needs assessment conducted under Section 101(a)(15)(a)(1) of the Rehabilitation Act and subparagraph 4.11(a)(1) of the Title I State Plan with respect to the rehabilitation needs of individuals with most significant disabilities and their need for supported employment services, including needs related to coordination.

6.3 Quality, scope and extent of supported employment services. (Section 625(b)(3) of the Rehabilitation Act; 34 CFR 363.11(c) and 363.50(b)(2))

Attachment 6.3 describes the quality, scope and extent of supported employment services to be provided to individuals with the most significant disabilities who are eligible to receive supported employment services. The description also addresses the timing of the transition to extended services to be provided by relevant state agencies, private nonprofit organizations or other sources following the cessation of supported employment service provided by the designated state agency.

6.4 Goals and plans for distribution of Title VI, Part B, funds. (Section 625(b)(3) of the Rehabilitation Act; 34 CFR 363.11(d) and 363.20)

Attachment 4.11(c)(4) identifies the state's goals and plans with respect to the distribution of funds received under Section 622 of the Rehabilitation Act.

6.5 Evidence of collaboration with respect to supported employment services and extended services. (Sections 625(b)(4) and (5) of the Rehabilitation Act; 34 CFR 363.11(e))

Attachment 4.8(b)(4) describes the efforts of the designated state agency to identify and make arrangements, including entering into cooperative agreements, with other state agencies and other appropriate entities to assist in the provision of supported employment services and other public or nonprofit agencies or organizations within the state,

employers, natural supports, and other entities with respect to the provision of extended services.

6.6 Minority outreach. (34 CFR 363.11(f))

Attachment 4.11(d) includes a description of the designated state agency's outreach procedures for identifying and serving individuals with the most significant disabilities who are minorities.

6.7 Reports. (Sections 625(b)(8) and 626 of the Rehabilitation Act; 34 CFR 363.11(h) and 363.52)

The designated state agency submits reports in such form and in accordance with such procedures as the commissioner may require and collects the information required by Section 101(a)(10) of the Rehabilitation Act separately for individuals receiving supported employment services under Part B, of Title VI and individuals receiving supported employment services under Title I of the Rehabilitation Act.

SECTION 7: FINANCIAL ADMINISTRATION

7.1 Five percent limitation on administrative costs. (Section 625(b)(7) of the Rehabilitation Act; 34 CFR 363.11(g)(8))

The designated state agency expends no more than five percent of the state's allotment under Section 622 of the Rehabilitation Act for administrative costs in carrying out the State Supported Employment Services Program.

7.2 Use of funds in providing services. (Sections 623 and 625(b)(6)(A) and (D) of the Rehabilitation Act; 34 CFR 363.6(c)(2)(iv), 363.11(g)(1) and (4))

(a) Funds made available under Title VI, Part B, of the Rehabilitation Act are used by the designated state agency only to provide supported employment services to individuals with the most significant disabilities who are eligible to receive such services.

(b) Funds provided under Title VI, Part B, are used only to supplement and not supplant the funds provided under Title I, Part B, of the Rehabilitation Act, in providing supported employment services specified in the individualized plan for employment.

(c) Funds provided under Part B of Title VI or Title I of the Rehabilitation Act are not used to provide extended services to individuals who are eligible under Part B of Title VI or Title I of the Rehabilitation Act.

SECTION 8: PROVISION OF SUPPORTED EMPLOYMENT SERVICES

8.1 Scope of supported employment services. (Sections 7(36) and 625(b)(6)(F) and (G) of the Rehabilitation Act; 34 CFR 361.5(b)(54), 363.11(g)(6) and (7))

(a) Supported employment services are those services as defined in Section 7(36) of the Rehabilitation Act and 34 CFR 361.5(b)(54).

(b) To the extent job skills training is provided, the training is provided on-site.

(c) Supported employment services include placement in an integrated setting for the maximum number of hours possible based on the unique strengths, resources, priorities, concerns, abilities, capabilities, interests and informed choice of individuals with the most significant disabilities.

8.2 Comprehensive assessments of individuals with significant disabilities. (Sections 7(2)(B) and 625(b)(6)(B); 34 CFR 361.5(b)(6)(ii) and 363.11(g)(2))

The comprehensive assessment of individuals with significant disabilities conducted under Section 102(b)(1) of the Rehabilitation Act and funded under Title I of the Rehabilitation Act includes consideration of supported employment as an appropriate employment outcome.

8.3 Individualized plan for employment. (Sections 102(b)(3)(F) and 625(b)(6)(C) and (E) of the Rehabilitation Act; 34 CFR 361.46(b) and 363.11(g)(3) and (5))

(a) An individualized plan for employment that meets the requirements of Section 102(b) of the Rehabilitation Act and 34 CFR 361.45 and 361.46 is developed and updated using funds under Title I.

(b) The individualized plan for employment:

(1) specifies the supported employment services to be provided;

(2) describes the expected extended services needed; and

(3) identifies the source of extended services, including natural supports, or, to the extent that it is not possible to identify the source of extended services at the time the individualized plan for employment plan is developed, a statement describing the basis for concluding that there is a reasonable expectation that sources will become available.

(c) Services provided under an individualized plan for employment are coordinated with services provided under other individualized plans established under other federal or state programs.

OMB NUMBER: 1820-0500 Expiration Date: January 31, 2013

UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF SPECIAL EDUCATION AND REHABILITATIVE SERVICES
REHABILITATION SERVICES ADMINISTRATION

WASHINGTON, D.C. 20202-2800

Guidance for Development and Submittal of the State Plan for Vocational Rehabilitation Services and the State Plan Supplement for Supported Employment Services

BACKGROUND INFORMATION

For a state to participate in the State Vocational Rehabilitation Services Program authorized under Title I of the Rehabilitation Act of 1973, as amended, (Rehabilitation Act) and the State Supported Employment Services Program under Title VI, Part B, of the Rehabilitation Act, it must have an approved Title I State Plan and Title VI, Part B, Supplement to the plan.

The Title I State Plan and its Title VI, Part B, Supplement reflect a state's commitment to administer these two formula grant programs in compliance with the provisions of the State Plan or Supplement and applicable federal legal requirements. The plan and its supplement also describe a state's activities related to various administrative and operational considerations connected with these programs. As such, the plan and its supplement serve as key elements in the Rehabilitation Services Administration's (RSA) monitoring of a state's administration of these two programs.

A state has the option of developing and submitting a separate "stand alone" State Plan for the statewide work force investment system under Section 112 of the Workforce Investment Act (WIA) or a state unified plan under Section 501(b) of the WIA. If a state chooses to submit a separate WIA plan or a unified plan without the Title I State Plan, it must submit the Title I State Plan and its Title VI, Part B, Supplement separately to RSA in accordance with the following guidance. If the state, however, chooses to include the Title I State Plan and its Title VI, Part B, Supplement in the unified plan, the guidance issued by the Department of Labor (DOL) with respect to the unified plan should be followed. In this context, Section 501(c)(1) of WIA stipulates that all requirements applicable to the plan and its supplement must be satisfied and this guidance provides useful content information on State Plan and Supplement requirements.

FORMAT AND CONTENT OF THE STATE PLAN AND ITS SUPPLEMENT

The Title I State Plan and its Title VI, Part B, Supplement consist of a preprint in the form of affirmative assurances based on federal statutory requirements. The preprint also identifies optional assurances from which the state can choose. The preprint developed for the State Plan and Supplement is designed to meet all of the applicable legal requirements for the Title I plan and its Title VI, Part B, Supplement while reducing burden as much as possible on the states.

In addition to the preprint assurances, the Rehabilitation Act requires descriptions of the state's policies, procedures and activities relating to certain assurances in the plan and its supplement. These descriptions provide greater operational detail for certain elements of the assurances and are submitted in the form of attachments to the preprint. The number of attachments is contingent upon options selected by the state in its preprint assurances. A careful reading of the preprint is necessary to ensure that all applicable State Plan descriptions are addressed and submitted.

Consistent with Section 101(a)(1)(B) of the Rehabilitation Act, the state is not required to submit any policies, procedures, or descriptions that have been previously approved and demonstrate that the state meets the requirements of Title I or Title VI, Part B, of the Rehabilitation Act. It is the responsibility of each state agency to determine which previously submitted materials meet these requirements.

Section 101(a)(23) of the Rehabilitation Act, however, does require the submission of selected State Plan descriptions as annual updates to an approved plan. In addition, other descriptions are required by their very nature to be submitted on an annual basis. Additional information regarding State Plan attachments is provided in the section of these instructions entitled "State Plan and Supplement Descriptions."

PREPARATION OF THE PLAN AND ITS SUPPLEMENT

Preprint Assurances

(1) The preprint and guidance for the Title I plan and Title VI, Part B Supplement are available in electronic format at http://www.ed.gov/rschstat/eval/rehab/state-plans.html.

(2) Since the preprint assurances reflect the state's commitment to comply with applicable federal legal requirements, the assurances are not to be modified.

(3) For optional assurances, indicate an option by marking "Yes" or "No" with an "X."

(4) If an assurance requires documentation or implementation of an activity not addressed in any of the required descriptions, supporting documentation must be maintained by the state and made available to RSA for monitoring purposes.

Attachments

(1) The attachments are to be clear, succinct and informative narratives that describe operational considerations relating to corresponding preprint assurances. Manuals, bulletins, memoranda, budgets and similar materials are not to be submitted unless specifically required or clearly suitable to the purpose of a specific attachment.

(2) Each attachment is to identify the corresponding section of the preprint and be paginated. The identification is to be placed in the lower right hand corner of the page as follows:

ADOPTION OF POLICIES AND PROCEDURES

Public Participation

Prior to the adoption of any substantive policies or procedures (or any substantive amendment to such policies and procedures) governing the provision of vocational rehabilitation services under the Title I State Plan or the provision of supported employment services under the Title VI, Part B, Supplement to the Title I State Plan, the designated state agency must conduct public meetings throughout the state, after providing adequate notice of the meetings, to provide the public, including individuals with disabilities, an opportunity to comment on the policies and procedures, and must actively consult with the director of the client assistance program and, as appropriate, Indian tribes, tribal organizations and Native Hawaiian organizations.

State Review Process

(1) The Title I plan and its Title VI, Part B, Supplement are subject to the provisions of Executive Order 12372 pertaining to state processes for review and comment. In a state where the Title I State Plan and its Supplement are subject to the state review process, it is suggested that a draft copy of the materials be submitted to RSA simultaneously with its submission for state review. This will afford RSA staff the opportunity to review the materials and resolve potential problems prior to the submission of the official state plan materials.

(2) In a state in which the plan and supplement are subject to the state review process, the official materials should be transmitted to RSA upon receipt of a response from the state review process or a minimum of 60 days from the date of submittal to the state's review process, whichever comes first.

TRANSMITTAL OF OFFICIAL STATE PLAN AND SUPPLEMENT MATERIALS

Submission Date

Section 101(a)(1)(A) of the Rehabilitation Act requires the submittal of the Title I plan and its Title VI, Part B, Supplement on the same date that the state submits its State Plan under Section 112 of WIA. If a state submits a WIA unified plan without including the Title I plan, RSA expects the Title I plan and its Title VI, Part B, Supplement will be submitted to RSA on the same date the state submits its unified plan.

Methods of Submission

The official Title I State Plan and Title VI, Part B, Supplement materials can be submitted either electronically or in hardcopy.

On Line Submission

RSA developed the capacity for VR agencies to submit the FY 2014 and all future VR State Plans and SE Supplements online through the RSA website. RSA strongly encourages state agencies to use this method for the transmission of all State Plan materials.

The RSA website is open for State Plan submission as of March 15, 2013. Simply go to http://rsa.ed.gov and follow the instructions below. To begin the submission process, the individual in the state agency responsible for entering State Plan information requires a user ID to access the State Plan entry section of the RSA website. If you do not have a user ID, go to the site and click on "Info for new users." If you have forgotten your user ID or password, go to the site and click on "Forgot your user ID or password? Click here." If you require further assistance, send an email to RSAMIS.Technical.Support@ed.gov.

To view the online VR State Plan, log in and click on the words "Data Entry." Then locate the appropriate VR State Plan on the list and click on the "Add/Update" button.

Electronic Transmission Options

(1) If states cannot transmit the State Plan online, they can submit their State Plan materials to RSA electronically through email. If a state chooses this option, the submission must be in Microsoft Word or PDF format. The email address for the submission of the State Plan materials is: mary.williams@ed.gov.

(2) States can also submit the plan on a CD-ROM. If a state chooses this option, the submission must be in Microsoft Word or PDF format.

(3) If the State Plan submitted either through email or a CD-ROM does not include the signature of the state official authorized to submit the plan, the state must submit to RSA a separate hardcopy of the transmittal letter and Section 1 of the State Plan signed by the state official authorized to submit the State Plan and its Supplement. States should submit hardcopies of these pages to one of the two addresses specified below, depending on whether the pages are being sent via regular mail or overnight mail.

If the CD-ROM is mailed through the United States Postal Service (USPS), it should be sent to:

United States Department of Education
Office of Special Education and Rehabilitative Services
Rehabilitation Services Administration
Attention: Mary Williams
400 Maryland Avenue SW, PCP Room 5144
Washington, DC 20202-2800

If the CD-ROM is sent by Federal Express or similar overnight delivery organizations it should be sent to:

United States Department of Education
Attention: Mary Williams
Mail Stop 5144
PCP Building
LBJ Basement Level 1
400 Maryland Avenue, SW
Washington, DC 20202

Hardcopy Transmission

VR agencies can submit hardcopies of the State Plans and SE Supplements, including the transmittal letter and Section 1 of the plan signed by the state official authorized to submit the State Plan and its Supplement. These materials can be transmitted to RSA at the same address identified above either mailed through the USPS or sent through an overnight delivery service.

ANNUAL UPDATES AND AMENDMENTS

(1) Annual Updates

A state must annually update certain portions of an approved State Plan or Supplement as required by Section 101(a)(23) of the Rehabilitation Act or by the very nature of a State Plan requirement itself.

(2) Amendments

(a) 34 CFR 76.140(b) requires that an approved State Plan or Supplement be amended if there is a significant and relevant change that materially affects the:
- information or assurances in the State Plan or Supplement;
- administration or operation of the State Plan or Supplement; or
- organization, policies or operations of the state agency that receives the funds under the State Plan or Supplement.

(b) Section 101(a)(1)(C) of the Rehabilitation Act also requires that the State Plan or Supplement be amended in the instance of a change in state policy or federal law, including regulations; an interpretation by a federal court or the highest court in the state of a Title I or Title VI, Part B, provision; or, by a noncompliance finding by the RSA commissioner. Within this context, each state agency needs to periodically review its approved plan and supplement to ensure its consistency with the state's policies, priorities and administration relating to its vocational rehabilitation and supported employment programs.

(3) The procedures applicable to the development and submission of annual State Plan updates and amendments to the approved Title I plan and its Title VI, Part B, Supplement are the same as those described for the development and submission of the original plan and

supplement. If, subsequent to the approval of the plan, a state amends its choice of optional assurances it must submit the page(s) of the preprint affected by the amendment(s). The amended page(s) should clearly identify which assurance(s) is affected and the effective date(s) of the amendment(s).

INFORMATION ON SELECTED COMPONENTS OF THE PLAN AND ITS SUPPLEMENT

The following provides basic information on key Title I plan and Title VI, Part B, Supplement provisions.

4.1 Designated State Agency and Designated State Unit

Prior to the Rehabilitation Act Amendments of 1998, the statute provided limited optional organizational settings for the designated state agency responsible for the administration of the Title I plan and its Title VI, Part B, Supplement. A state now has the flexibility to locate the vocational rehabilitation program wherever it chooses within the state organizational structure. In those instances in which the designated state vocational rehabilitation agency is not primarily concerned with vocational rehabilitation or vocational and other rehabilitation of individuals with disabilities, such a vocational rehabilitation agency must have a vocational rehabilitation bureau, division or other organizational unit that is primarily concerned with vocational rehabilitation or vocational and other rehabilitation of individuals with disabilities.

The designated organizational unit must be responsible for the vocational rehabilitation program of the designated state vocational rehabilitation agency and must have a full time director and staff of whom all or substantially all are employed full-time on the rehabilitation work of the organizational unit. In addition, the designated state vocational rehabilitation unit must be located at an organizational level and must have an organizational status within the designated state vocational rehabilitation agency comparable to that of other major organizational units of that agency.

4.2 Summary of Input Provided by the State Rehabilitation Council

Section 101(a)(21)(A)(ii)(III) of the Rehabilitation Act requires the State Plan or any update or amendment to the plan to include a summary of input provided by the SRC if the designated state vocational rehabilitation unit has a council. Accordingly, Attachment 4.2(c) summarizes the council's input, including the council's recommendations from its annual report, the review and analysis of consumer satisfaction, and other reports prepared by the council. The attachment is also to include the designated state vocational rehabilitation unit's responses to the council's input and recommendations, including explanations for rejecting any of the council's input or recommendations.

4.5 Local Administration

Section 101(a)(2)(A) of the Rehabilitation Act provides the option for the administration of the Title I plan by a local agency under the supervision of the designated state vocational

rehabilitation agency. This option provides a state the flexibility to have the Title I plan administered by a local agency(ies), as that term is defined in Section 7(24) of the Rehabilitation Act, under the supervision of the state vocational rehabilitation agency in a defined political subdivision(s) of the state.

If the State Plan provides for local administration the local agency is responsible, under the supervision of the designated state vocational rehabilitation agency, for the administration of all provisions of the Title I plan within its geopolitical area. The requirement that each local agency is subject to the supervision of the designated vocational rehabilitation state unit means that the state unit is responsible for ensuring that the vocational rehabilitation program of the local agency is administered in accordance with the approved Title I plan. This provision does not extend to the designated state vocational rehabilitation unit supervising the day-to-day operations of the local agency's program staff.

4.6 Shared Funding and Administration of Joint Programs

Section 101(a)(2)(A)(ii) of the Rehabilitation Act authorizes joint programs in which the designated state vocational rehabilitation agency shares its programmatic and fiscal responsibilities and control with another agency. The focus of such a joint program is not on the expansion of services or the introduction of innovative approaches to the delivery of services; rather it is on better coordination of existing services of the participating agencies through the mechanism of shared funding and administration of the services.

If a state chooses the option for shared funding and administration it must submit a plan to RSA that describes, consistent with the requirements of 34 CFR 361.27, the:

- nature and scope of the joint program;
- services to be provided;
- respective roles of each participating agency in the provision of services and in their administration; and
- share of the costs to be assumed by each agency.

4.7 Statewideness and Waivers of Statewideness

Section 101(a)(4) of the Rehabilitation Act requires that the Title I plan be in effect in all political subdivisions of the state. A state vocational rehabilitation agency, however, may provide a program in one or more political subdivisions that increases or expands the scope of services that are available statewide under the State Plan if:

- the nonfederal share of the cost of the services is met from funds provided by a local public agency, including funds contributed to a local public agency by a private agency, organization or individual;
- services are likely to promote the vocational rehabilitation of substantially larger numbers of individuals with disabilities or of individuals with disabilities with particular types of impairments; and

- state includes in its plan and the secretary approves a request for a waiver of the statewideness requirement.

If a state requests a waiver of the statewideness requirement, Attachment 4.7(b)(3), consistent with the requirements of 34 CFR 361.26(b), must:

- identify the types of services to be provided;
- contain a written assurance from the local public agency that it will make available to the state unit the nonfederal share of funds;
- contain a written assurance that state unit approval will be obtained for each proposed service before it is put into effect; and
- include a written assurance that all other State Plan requirements, including a state's order of selection, will apply to all services approved under the waiver.

Consistent with the provisions of Section 101(a)(4)(B) of the Rehabilitation Act, if the state cannot provide the full nonfederal share without the use of privately earmarked funds for particular geographic areas within the state the state is required to notify RSA of this fact but there is no requirement for a waiver of statewideness.

4.8 Cooperation, Collaboration and Coordination

Section 101(a)(11)(A) of the Rehabilitation Act requires the designated state vocational rehabilitation agency to enter into cooperative agreements with other entities that are components of the statewide work force investment system and to replicate these agreements at the local level between individual offices of the designated state unit and the local entities carrying out activities through the statewide work force investment system. These agreements, particularly those at the local level, are important mechanisms to ensure effective communication, collaboration, coordination and cooperation between the vocational rehabilitation program and its partners in the statewide work force investment system.

The Rehabilitation Act describes in Section 100(a)(1) that the provision of work force investment activities and vocational rehabilitation services can enable individuals with disabilities, including individuals with the most significant disabilities, to pursue meaningful careers by securing gainful employment commensurate with their abilities and capabilities. It also states that linkages between the vocational rehabilitation program and other components of the statewide work force investment system are critical to ensure effective and meaningful participation by individuals with disabilities in work force investment activities carried out through one-stop centers established under Section 121 of WIA.

Section 121(b)(1)(B)(iv) of WIA identifies the vocational rehabilitation program as a required partner in one-stop activities. As a required partner, the vocational rehabilitation program must make available to participants, through the one-stop delivery system, the core services that are applicable to the vocational rehabilitation program to the extent not inconsistent with the requirements of the Rehabilitation Act and participate in the operation of the one-stop delivery system consistent with the memorandum of understanding required by Section 121(c) of WIA and the requirements of the Rehabilitation Act. RSA fully promotes the partnership envisioned

in the WIA and encourages and supports the efforts of state vocational rehabilitation agencies to establish effective and productive collaborative relationships with their WIA partners so that individuals with disabilities, particularly individuals with significant disabilities, can benefit from such collaboration.

The purpose of the WIA is the creation of a seamless job training and preparation system to better serve individuals, including individuals with disabilities, in need of services available under the WIA. In support of this intent, the provisions of Section 101(a)(11)(A) identify the following key elements to be considered in the development of the required cooperative agreements between a designated state unit and the other components of the statewide work force investment system.

- provision of intercomponent training and technical assistance on the role, function and requirements of the vocational rehabilitation program so as to promote the equal, effective and meaningful participation by individuals with disabilities in work force investment activities;
- use of information and financial management systems that link all components of the statewide work force investment system;
- use of customer service features such as common intake and referral procedures, customer databases, resource information, and human services hotlines;
- establishment of relationships with employers to support the employment of individuals with disabilities, particularly individuals with the most significant disabilities;
- identification of staff roles, responsibilities and available resources together with the specification of financial responsibility of each component of the statewide work force investment system for paying for services; and
- specification of dispute resolution procedures.

To ensure that individuals with disabilities have complete, equal, effective and meaningful participation in the activities of the statewide work force investment system, particularly at the local levels through the one-stop centers, it is very important that the state vocational rehabilitation agency partner with the other components of the statewide work force investment system and the local one-stops in the planning and implementation of WIA-related activities and advocate with these components on the behalf of individuals with disabilities, particularly those with significant disabilities.

Several required State Plan descriptions detailing cooperative efforts on the part of the vocational rehabilitation agency with other programs are consolidated in Attachment 4.8(b) (1)-(4). The descriptions included in this attachment encompass:

- interagency cooperation with agencies and entities that are not carrying out activities through the statewide work force investment system;
- coordination with education officials to facilitate the transition of students with disabilities from school to the receipt of vocational rehabilitation services;
- cooperative agreements with private nonprofit vocational rehabilitation service providers; and

- collaboration with other state agencies and other entities regarding the provision of supported employment services and extended services for individuals with the most significant disabilities.

4.10 Comprehensive System of Personnel Development

Attachment 4.10 describes the state procedures and activities with respect to the establishment and maintenance of a comprehensive system of personnel development (CSPD), as required by Section 101(a)(7) of the Rehabilitation Act, to ensure an adequate supply of qualified professionals and paraprofessionals for the designated state vocational rehabilitation unit.

The description must address all of the CSPD content areas identified in 34 CFR 361.18 and Section 4.10 of the plan. Of particular importance are the designated state vocational rehabilitation unit's personnel standards. The agency's standards must be based on the highest requirements in the state applicable to a particular profession. If personnel do not meet that standard, the State Plan must identify the steps the state unit is taking to ensure the retraining or hiring of personnel, particularly vocational rehabilitation counselors, so that such personnel meet appropriate professional standards in the state.

The primary factor that RSA will consider in determining the approvability of a state's plan to retrain and/or hire staff, particularly vocational rehabilitation counselors, to meet the highest requirements in the state applicable to a particular profession will be the reasonableness of the plan in terms of the applicable provisions of Section 101(a)(7) of the Rehabilitation Act and the requirements at 34 CFR 361.18(c) vis-à-vis the particular circumstances of the designated state vocational rehabilitation unit. In addition, RSA will take into consideration the following factors in terms of the extent to which the designated state vocational rehabilitation unit has:

- established its personnel standards, particularly for vocational rehabilitation counselors, on the highest requirements in the state, or is making progress to that end;
- analyzed the needs of its staff, particularly vocational rehabilitation counselors, with respect to how many either meet or do not meet the highest requirements in the state applicable to a particular profession;
- examined factors such as pay scales or qualified personnel shortages that may adversely affect its ability to hire qualified staff and developed a strategy to address such barriers;
- identified the number of personnel, particularly the number of vocational rehabilitation counselors, who do not meet the required personnel standards and developed a plan to assist such personnel to meet the required standards in a reasonably timely manner;
- committed funds for the implementation of a retraining plan to assist personnel, particularly vocational rehabilitation counselors, to meet the highest requirements in the state applicable to a particular profession; and
- evaluated the results of its planned recruitment and retraining efforts to ensure that all personnel, particularly vocational rehabilitation counselors, meet the highest requirements in the state applicable to a particular profession.

Consistent with the requirements of Section 101(a)(23) of the Rehabilitation Act, the designated state vocational rehabilitation unit must submit to RSA a report containing an annual update of the information required by Section 101(a)(7) of the Rehabilitation Act.

4.11 Assessments; Annual Estimates; Goals and Priorities; Strategies; and Reports of Progress

The Rehabilitation Act in Section 101(a)(15) requires the designated state vocational rehabilitation unit to identify in its State Plan:

- the findings of its statewide assessment of the rehabilitation needs of individuals that is to be conducted at least on a triennial basis;
- the annual estimates of the number of eligible individuals in the state, the number who will receive services under the Title I and Title VI, Part B, programs, and the costs of the services;
- the goals and priorities for the vocational rehabilitation that are jointly developed by the state agency and the SRC, if the state has a council;
- the strategies to address the findings of the needs assessment and to achieve the identified goals and priorities; and
- the valuation and progress report on the improvement in the program's effectiveness compared to the previous year.

Attachment 4.11 consolidates a variety of required State Plan descriptions. Some of the required descriptions are contingent on the options selected by the state and one of the descriptions is not required by the Rehabilitation Act but by the General Education Provisions Act (GEPA). Information on this description can be found at the end of this guidance.

The attachment is divided into discrete components that include the following descriptions:

4.11(a) Results of Comprehensive Statewide Assessment of the Rehabilitation Needs of Individuals with Disabilities and Need to Establish, Develop, or Improve Community Rehabilitation Programs
4.11(b) Annual Estimates of Individuals to Be Served and Costs of Services
4.11(c) Goals and Priorities
(1) State's Goals and Priorities for the Vocational Rehabilitation and Supported Employment Programs
(3) Order of Selection (if applicable)
(4) Goals and Plans for Distribution of Title VI, Part B, Funds
4.11(d) State's Strategies and Use of Title I Funds for Innovation and Expansion Activities
4.11(e)(2) Evaluation and Report of Progress in Achieving Identified Goals and Priorities and Use of Title I Funds for Innovation and Expansion Activities

Consistent with the requirements of Section 101(a)(23) of the Rehabilitation Act, the designated state vocational rehabilitation unit must submit to RSA a report containing an annual update of the information relating to the estimates, goals and priorities whenever the state revises the goals

and priorities, progress in achieving the identified goals and priorities, and how the reserved Title I funds for innovation and expansion activities were used in the previous year.

4.12 Innovation and Expansion

Section 101(a)(18) of the Rehabilitation Act requires a state unit to reserve and use a portion of the funds allotted to the state under Section 110 of the Rehabilitation Act for the development and implementation of innovative approaches to expand and improve vocational rehabilitation services to individuals with disabilities under the State Plan and for the support of the SRC and/or the Statewide Independent Living Council.

Attachment 4.11(d) describes how the state unit will utilize the reserved funds. Attachment 4.11(e)(2) describes how the funds reserved for innovation and expansion activities were utilized in the preceding year.

Consistent with the requirements of Section 101(a)(23) of the Rehabilitation Act, the designated state vocational rehabilitation unit must submit to RSA a report containing an annual update of information relating to the innovation and expansion activities undertaken by the state vocational rehabilitation unit.

5.3 Ability to Serve All Eligible Individuals; Order of Selection for Services.

Sections 12(d) and 101(a)(5) of the Rehabilitation Act and 34 CFR 361.36 contain the provisions related to the order of selection when the state agency is not able provide the full range of rehabilitation services as identified in Section 103(a) of the Rehabilitation Act and 34 CFR 361.48 to all individuals eligible for vocational rehabilitation services. If the state agency makes the determination that it cannot provide the full range of rehabilitation services to all eligible individuals, Attachment 4.11(c)(3) must contain:

- The order to be followed in selecting eligible individuals to be provided vocational rehabilitation services;
- A justification of that order of selection; and
- The service and outcome goals and the time within which these goals may be achieved for individuals in each priority category within the order.

STATE PLAN AND SUPPLEMENT DESCRIPTIONS

The Rehabilitation Act requires that the Title I State Plan and its Title VI, Part B, Supplement include descriptions related to certain assurances made by the state. These descriptions take the form of attachments and information about the attachments is provided in the discussion under the section of these instructions entitled "Preparation of the Plan and its Supplement." More specific information relating to some attachments is provided in the section of these instructions entitled "Information on Selected Components of the Plan and its Supplement."

ATTACHMENTS REQUIRED OF ALL AGENCIES

Attachment 4.8(b)	Cooperation and Coordination with Other Agencies and Other Entities (1) Cooperation with Agencies that Are Not in the Statewide Work Force Investment System and with Other Entities (2) Coordination with Education Officials (3) Cooperative Agreements with Private Nonprofit Vocational Rehabilitation Service Providers (4) Evidence of Collaboration Regarding Supported Employment Services and Extended Services
Attachment 4.10	Comprehensive System of Personnel Development
Attachment 4.11	Assessments; Estimates; Goals and Priorities; Strategies; and Progress Reports (a) Results of Comprehensive Statewide Assessment of the Rehabilitation Needs of Individuals with Disabilities and Need to Establish, Develop, or Improve Community Rehabilitation Programs (b) Annual Estimates of Individuals to Be Served and Costs of Services (c)(1) State's Goals and Priorities (c)(4) Goals and Plans for Distribution of Title VI, Part B Funds (d) State's Strategies and Use of Title I Funds for Innovation and Expansion Activities (e)(2) Evaluation and Report of Progress in Achieving Identified Goals and Priorities and Use of Title I Funds for Innovation and Expansion Activities
Attachment 6.3	Quality, Scope, and Extent of Supported Employment Services

ATTACHMENTS CONTINGENT ON OPTIONS SELECTED

Attachment 4.2(c)	Summary of Input and Recommendations of the SRC; Response of the Designated State Unit; and Explanations for Rejection of Input or Recommendations
Attachment 4.7(b)(3)	Request for Waiver of Statewideness
Attachment 4.11(c)(3)	Order of Selection

REPORTING BURDEN FOR COLLECTION OF INFORMATION

Public reporting burden for this collection of information is estimated to average 25 hours per response, including the time to review instructions, search existing data sources, gather and maintain the data needed, conduct public hearings, and complete and review the information collection.

If you have any comments concerning this time burden estimate or related to the collection of information, including suggestions for reducing the burden, please write to:

U.S. Department of Education
Information Management and Compliance Division
400 Maryland Avenue, SW
Washington, DC 20202-4651

GOVERNMENT PERFORMANCE AND RESULTS ACT

The Government Performance and Results Act of 1993 (GPRA) is a statute that requires all federal agencies to manage their activities with attention to the consequences of those activities. Each agency is to clearly state what it intends to accomplish, identify the resources required and periodically report its progress to Congress. In so doing, it is expected that the GPRA will contribute to improvements in accountability for the expenditure of public funds, improve Congressional decision-making through more objective information on the effectiveness of federal programs and promote a new government focus on results, service delivery and customer satisfaction.

Some of the performance indicators for the vocational rehabilitation program include the percentage of individuals obtaining employment and the percentage of individuals obtaining competitive employment. To obtain a copy of the GPRA standards and indicators for the vocational rehabilitation program, write to:

United States Department of Education
Rehabilitation Services Administration
Carol Dobak
Chief, Vocational Rehabilitation Program Unit
400 Maryland Avenue SW, PCP Room 5014
Washington, DC 20202-2800

GENERAL EDUCATION PROVISIONS ACT

Section 427 GEPA requires applicants for new grant awards under Department of Education programs to describe their proposed steps to ensure equitable access to and participation in federally funded programs for program beneficiaries. Applicants have discretion in developing the required description within the framework of the six types of barriers that GEPA identifies as potential impediments to equitable access or participation in federally funded programs. The six identified potential barriers are: gender, race, national origin, color, disability, or age.

Based on the unique circumstances in each state, the required description should identify, in a clear yet succinct manner, the steps the designated state vocational rehabilitation agency is taking to overcome the identified barriers relating to equitable access to and participation of individuals with disabilities in the Title I program of vocational rehabilitation and the Title VI, Part B program of supported employment. The description should be addressed in Attachment 4.11(d).

The time to complete this information collection is estimated to average 1.5 hours per response. This estimate includes the time to review instructions, search existing data resources, gather and maintain the needed data, and complete and review the information collection. Comments concerning the accuracy of the time estimates or suggestions for improving this information collection can be sent to:

United States Department of Education
Information Management and Compliance Division
400 Maryland Avenue, SW
Washington, DC 20202-4651