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OFFICE OF SPECIAL EDUCATION AND
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REHABILITATION SERVICES ADMINISTRATION
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TECHNICAL ASSISTANCE CIRCULAR

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ADDRESSEES: STATE VOCATIONAL REHABILITATION AGENCIES
STATE REHABILITATION COUNCILS
CLIENT ASSISTANCE PROGRAMS
TECHNICAL ASSISTANCE & CONTINUING EDUCATION
CENTERS
AMERICAN INDIAN VOCATIONAL REHABILITATION SERVICES
PROJECTS
CONSUMER ADVOCACY ORGANIZATIONS

SUBJECT: Provision of Vocational Rehabilitation Services to an Individual by More
Than One Agency

PURPOSE: In response to several inquiries and through its monitoring of the
vocational rehabilitation (VR) program, the Rehabilitation Services
Administration (RSA) has provided guidance regarding the delivery of
services by more than one VR agency to an individual simultaneously. In
these instances, RSA has addressed questions concerning the
permissibility of doing so and the reporting of employment outcomes by
the two agencies involved in the provision of services to the same
individual. The guidance contained in this technical assistance circular is
consistent with that previously provided to individual VR agencies and is
intended to facilitate the coordination of service provision by agencies
serving individuals who are blind and visually impaired and those serving
individuals with all other disabilities, as well as among VR agencies from
differing states, to better address the disability- and employment-related
needs of the same individual.

TECHNICAL
ASSISTANCE: In general, neither the *Rehabilitation Act of 1973*, as amended
(Rehabilitation Act), nor its implementing regulations, prohibits VR
agencies from each opening a case and serving the same individual
simultaneously. Consequently, RSA has maintained that it is permissible
for more than one VR agency to provide services to an individual at the
same time, so long as the services provided by each are not duplicated,

thereby recognizing the benefits to both VR agencies and individuals with disabilities through the coordinated delivery of services.

Provision of Services by More than One VR Agency in the Same State

Section 101(a)(11) of the Rehabilitation Act requires the VR agency to coordinate with other state agencies and other components of the workforce development system in the provision of VR services. The implementing VR regulations at 34 CFR 361.24(d) make it clear that, when a state has established a second VR agency to serve individuals who are blind or visually-impaired, both VR agencies in the state must coordinate and cooperate to provide more effective services to individuals with multiple disabilities. In particular, 34 CFR 361.24(d) states:

If there is a separate designated State unit for individuals who are blind, the two designated State units must establish reciprocal referral services, use each other's services and facilities to the extent feasible, jointly plan activities to improve services in the State for individuals with multiple impairments, including visual impairments, and otherwise cooperate to provide more effective services, including, if appropriate, entering into a written cooperative agreement.

The regulations do not prescribe the extent to which state VR agencies must coordinate with other agencies in the state, including the VR agency that serves individuals who are blind if such an agency has been designated in the state. Instead, the regulations “rely on the state agency to partner with, and use the facilities and services of, appropriate agencies and programs that it identifies” (NPRM 65 Fed. Reg. 10620, 10624 (Feb. 28, 2000)). This means that a VR agency may contract with another, as it would any other vendor, to provide particular services, or multiple VR agencies could partner with one another to serve an individual, pursuant to separate IPEs, simultaneously.

Given the requirement that both VR agencies in a state, when two have been designated, must partner with each other to improve the provision of VR services to individuals with multiple disabilities, RSA strongly encourages VR agencies in the same state to coordinate when simultaneously serving individuals with disabilities. In doing so, agencies can take advantage of the expertise and knowledge of each other to ensure that individuals with multiple disabilities receive the most efficient and effective services. For example, agencies serving individuals who are blind possess the unique knowledge and expertise necessary to provide the appropriate services to these individuals, either directly or through other providers. However, personnel of these agencies often do not possess the specific understanding and skills to best serve individuals who are blind and who experience secondary physical or mental impairments. This

expertise can be found among the staff of the VR agency in the state designated to serve individuals with other disabilities. Together the VR agencies can best counsel individuals with multiple disabilities regarding the barriers to employment resulting from each type of impairment, develop separate yet coordinated individualized plans for employment (IPE) identifying the services that address the barriers most effectively, and provide these services directly or through vendors with which they have established relationships.

Based on the language and intent of the regulations cited above to promote the efficient and effective delivery of services to individuals with multiple disabilities, RSA discourages VR agencies serving individuals who are blind and those serving individuals with other disabilities in the same state from enacting policies or entering into agreements that would inhibit the provision of services by each agency to the same individual simultaneously. Rather, the two agencies should include in the cooperative agreement required by 34 CFR 361.24(d) a description of the manner in which the agencies will jointly provide the array of services at their disposal to better assist individuals with multiple disabilities to achieve employment outcomes.

Provision of Services by More than One Agency in Differing States

RSA also strongly encourages collaboration between VR agencies in differing states when simultaneously providing VR services in their respective geographic areas to an individual. For example, the need for such collaboration can arise when an individual receives financial assistance from the VR agency in the state where he or she resides to attend a postsecondary education institution in another state. While attending the college or university, the individual may require other services, including, but not limited to, orientation and mobility training, assistive technology devices and training in their use, reader or interpreter services, and personal assistance services. In cases where such additional services are necessary, the VR agency located in the state where the individual is attending college is often in closest proximity to the individual and possesses the knowledge of the sources available in the state to provide such services. Thus, it is this agency that is in the best position to deliver the effective and timely services that will enhance the individual's educational experience, better enabling him or her to achieve an employment outcome.

It is important to reiterate here that a VR agency may not impose a duration of residency requirement with respect to the eligibility of any individual who is present in the state (Section 101(a)(12) of the Rehabilitation Act; 34 CFR 361.42(c)(1)). In addition, a VR agency may not establish policies that prohibit the provision of out-of-state services to eligible individuals (34 CFR 361.50(b)(2)). In light of these regulations,

RSA encourages collaboration and cooperation between VR agencies when serving individuals whose disability and employment needs are more effectively and efficiently addressed in more than one state. Though not required, VR agencies that find this to be the case in more than a few instances should consider developing cooperative agreements describing the manner in which this form of collaboration would occur, just as recommended for agencies serving individuals with multiple disabilities in states where more than one VR agency has been designated.

Furthermore, when an individual receives services from more than one VR agency, either in the same or differing states, the services must be provided in a manner consistent with the administration of the VR program described in the State Plan for each agency, including any policies and procedures governing the implementation of an order of selection or requiring the financial participation of the individual in the cost of services. Finally, RSA notes that VR agencies sometimes discover that an individual is receiving services from another agency in the same or differing state only after determining the individual eligible for services and/or beginning service provision. Under such circumstances, the VR agency should collaborate with the second agency to ensure that the individual is effectively and efficiently served and that services are not duplicated.

Reporting of Employment Outcomes

VR agencies can provide substantial services to eligible individuals with disabilities to enable them to achieve employment only after developing an IPE identifying the specific employment goal, the services necessary for the achievement of the goal and the providers of the services (Section 102(b) of the Rehabilitation Act; 34 CFR 361.45). In instances where the same individual is receiving services under IPEs developed with more than one agency as described above, each agency should report to RSA, through the VR Program Case Services Report (Form RSA-911), the employment outcome achieved or other reasons for case closure, once it has completed the provision of services and the individual has exited from the program. However, if a VR agency contracts with another VR agency, whether in the same state or in a different state, to provide specific VR services to an individual pursuant to an IPE, only the VR agency that developed the IPE should report the case closure on its RSA-911 when the individual exits the program.

SUMMARY:

The Rehabilitation Act and its implementing VR regulations require VR agencies to collaborate with one another when serving individuals with multiple disabilities in the same state, as well as when those whose needs are best met through the provision of services in more than one state. RSA strongly encourages that this collaboration permit the provision of services to individuals simultaneously through the development and

implementation of separate yet coordinated IPEs to ensure that services are not duplicated. VR agencies should develop cooperative agreements describing the circumstances under which this collaboration will occur. Finally, each VR agency that develops an IPE for the provision of services to the same individual should report through the RSA-911 the employment outcome achieved or other reasons for case closure once it has completed the provision of services and the individual has exited from the VR program. This form of collaboration is intended to enhance the effective and efficient delivery of services that will best enable the individual to achieve an employment outcome.

CITATIONS: *Rehabilitation Act of 1973*, as amended, Sections 101(a)(11) and (12) and 102(b)

Vocational Rehabilitation Program Regulations found at 34 CFR 361.24(d), 361.42(c)(1), 361.45 and 361.50(b)(2)

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/s/
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Deputy Commissioner

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