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OFFICE OF SPECIAL EDUCATION AND REHABILITATIVE SERVICES
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TECHNICAL ASSISTANCE CIRCULAR

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ADDRESSEES: STATE VOCATIONAL REHABILITATION AGENCIES
STATE REHABILITATION COUNCILS
AMERICAN INDIAN VOCATIONAL REHABILITATION SERVICE
PROJECTS
CLIENT ASSISTANCE PROGRAMS
STATE DIRECTORS OF SPECIAL EDUCATION
TECHNICAL ASSISTANCE CENTERS

SUBJECT: Promoting Meaningful and Sustained Engagement of Individuals with
Disabilities in the State Vocational Rehabilitation Services Program

PURPOSE:

The Rehabilitation Services Administration (RSA) provides this Technical Assistance Circular (TAC) to support State vocational rehabilitation (VR) agencies in their efforts to make changes that will promote meaningful and sustained engagement with individuals with disabilities throughout the VR process. The continuum of VR services affords VR agencies opportunities, through multiple touchpoints, to provide quality services that maximize the potential of individuals with disabilities, including individuals with the most significant disabilities, to achieve “competitive integrated employment,” as defined in Section 7(5) of the Rehabilitation Act of 1973 (Rehabilitation Act), and 34 C.F.R. § 361.5(c)(9). By actively considering and acknowledging the importance of sustained engagement that encourages and fosters active participation of individuals with disabilities in services, VR agencies can improve performance, reduce attrition of those they serve, and increase the number of participants achieving their employment goal on their individualized plan for employment (IPE).

Through the identification and implementation of critical strategies and flexibilities, without compromising the responsibilities of qualified VR counselors and staff at key points in the process, VR agencies will afford the greatest likelihood of success and employment satisfaction for both program participants and VR agency employees. Meaningful early and consistent engagement practices will contribute to participant retention, timely provision of valuable and needed services, participant satisfaction and long-term success, and could improve agency performance. Additionally, meaningful engagement strategies likely will place State VR agencies in a better position to maximize the expenditure of available Federal funds for VR services, as well as for the provision of pre-employment transition services, thereby increasing the likelihood of competitive integrated employment and supported employment outcomes, including customized employment, for individuals with disabilities under the VR program.

RSA recognizes the multiple challenges faced by State VR agencies, including balancing quality service delivery with staffing limitations, effectively serving both urban and rural areas, and rebuilding performance and capacity of both agency staff and service providers lost during the COVID-19 pandemic. This TAC lays out suggested methods and approaches to encourage, inform, and inspire the development of strategies for optimizing VR program visibility, easing application and eligibility processes, engaging eligible individuals awaiting services while in a closed order of selection category, providing VR services leading to successful high-quality employment outcomes, supporting the engagement of VR professionals in meaningful work that will lead to participant and agency success, and recognizing and incentivizing VR program successes and achievements.

TECHNICAL ASSISTANCE:

Meaningful and sustained engagement involves the ongoing cultivation of relationships, supported by a culture that engages both employees and participants. The most effective way of engaging individuals with disabilities throughout the VR process is by putting them first, building trust in their relationships with VR counselors and staff, and adding extraordinary value to their overall experiences and services. Simply providing basic service alone is no longer enough to constitute meaningful engagement with the individual. RSA encourages VR agencies to ensure that services not only meet but exceed the expectations and needs of individuals with disabilities because the quality of VR participants' experiences, i.e., the perception that participants form based on their interactions with the VR agency and the services they receive, has a direct impact on a VR agency's potential for success with those participants.

Optimizing VR Program Visibility

The VR program has been referred to among stakeholders, professionals, and public officials as a “best-kept secret” far too long. Changing that reality means optimizing the visibility of State VR agencies by marketing the program in accordance with the requirements in the Uniform Guidance at 2 C.F.R. § 200.467 and regularly engaging in strategic actions to improve their visibility to people who access their services. VR agencies can improve their visibility and invite successful engagement through a variety of methods which could include—

- Spotlighting successes on VR agency websites and through community connections with stakeholder groups;
- Providing a 24-hour open-door and high-quality service presence virtually online or through social media, or by telephone;
- Featuring positive ratings and feedback from program participants and employers through multiple media;
- Highlighting the value of services, agency performance, and the social and fiscal return on investment when sharing information with public policymakers;
- Engaging public officials and legislators in personalizing and acknowledging the achievements of program participants through congratulatory letters or similar recognition activities;
- Establishing a virtual or physical presence in secondary and postsecondary educational settings and in American Job Centers (AJCs);

- Promoting the broad continuum of available services from pre-employment transition services for students with disabilities to employment advancement;
- Emphasizing on websites and in public information what the VR agency aspires to accomplish along with the range and depth of available resources rather than featuring limitations on services (e.g., order of selection, lack of fiscal resources, staff shortages); and
- Introducing the wide array of available services to ensure individuals with disabilities have access to information to make choices and inquire about specific resources to support their pathway to the greatest possible employment success.

Optimizing the VR agency’s presence and visibility in the State can be done at minimal cost with maximum effect that results in fulfilling the VR agency’s purpose and mission while successfully engaging and serving individuals with disabilities and employers, thereby assisting individuals with disabilities to achieve employment outcomes in high-demand and rewarding careers in the competitive labor market.

Engaging Early and Often

Students and youth with disabilities should be afforded multiple opportunities to connect and engage with VR professionals who can provide services that can help to ensure the successful transition from school to work life. VR professionals can provide access to an early start at job exploration through transition and pre-employment transition services arranged in coordination with educational agencies. VR professionals can also provide career counseling and information and referral services to facilitate the successful transition from school to work life. Pre-employment transition services, as described in 34 C.F.R. § 361.48(a), are the earliest set of services available to individuals with disabilities under the VR program. These services, provided in collaboration with local educational agencies (LEAs), are available to both potentially eligible and eligible students with disabilities who meet the definition of a “student with a disability” in 34 C.F.R. § 361.5(c)(51). A student can receive multiple and frequent pre-employment transition services. Participation in these services can promote continued engagement with the VR program and support the development of a meaningful and substantive IPE, including the delivery of services leading to achievement of competitive integrated employment.

The five required pre-employment transition services activities outlined in 34 C.F.R. § 361.48(a)(2) provide opportunities for early engagement of students with disabilities, regardless of whether they have applied or been determined eligible for the VR program. They are—

- Job exploration counseling;
- Work-based learning experiences, which may include in-school or after school opportunities, or experience outside the traditional school setting (including internships), that is provided in an integrated environment in the community to the maximum extent possible;
- Counseling on opportunities for enrollment in comprehensive transition or postsecondary educational programs at institutions of higher education;
- Workplace readiness training to develop social skills and independent living; and

- Instruction in self-advocacy (including instruction in person-centered planning), which may include peer mentoring (including peer mentoring from individuals with disabilities working in competitive integrated employment).

When a VR agency is working with schools to coordinate and provide transition services or pre-employment transition services to students with disabilities, including those students identified for purposes of Section 504 of the Rehabilitation Act, the coordination of any VR services should occur concurrently with transition planning and services under the Individuals with Disabilities Education Act (IDEA). Specifically, a VR agency should proactively seek engagement with educational agencies to participate in individualized education program (IEP) team meetings, when invited, to coordinate activities, provide consultation, and encourage seamless access to the VR program (34 C.F.R. § 361.48(a)(4)(i) and (iii)).

Although the purpose of the VR program is to assist individuals with disabilities to achieve an employment outcome in competitive integrated employment or supported employment, some individuals with disabilities may choose to consider subminimum wage employment. Section 511 of the Rehabilitation Act imposes limitations on the payment of subminimum wage for a “youth with a disability,” as defined in 34 C.F.R. § 361.5(c)(58), seeking subminimum wage employment. The requirements related to the roles and responsibilities of VR agencies and LEAs are outlined in Section 511 of the Rehabilitation Act. Certain specific requirements, set forth in 34 C.F.R. § 397.20, must be fulfilled and documented prior to a youth with a disability receiving a subminimum wage. The requirements support meaningful, sustained, and informed engagement of youth with disabilities, affording opportunities for youth and their networks to receive information regarding pre-employment transition services, as applicable, the opportunity to apply for VR services, and, regardless of determination of eligibility, the receipt of career counseling and information and referral services to local Federal and State programs that offer employment-related services and supports. Career counseling and information and referral services may include benefits counseling to assist youth with disabilities and their families in understanding the interplay between earned income and income-based financial, medical, and other benefits (34 C.F.R. § 397.40(a)(4)). While Section 511 of the Rehabilitation Act prescribes minimum required contact intervals, more frequent contact can encourage greater engagement, help to facilitate the VR program connection with youth with disabilities that otherwise might not occur once a youth is hired at subminimum wage, and may foster further exploration of available VR services, leading to the achievement of an employment outcome in competitive integrated employment or supported employment.

Expediting Application and Eligibility to Sustain Engagement

“If you build it, they will come” only works if people know about VR agencies and if VR agencies offer the services people value and need. Increased visibility of VR agencies, coupled with positive expectations and VR experiences, will inevitably lead to more referrals, applicants, and potentially more eligible individuals with disabilities who could benefit from the VR program.

Streamlining Application - Initiating Engagement

Timely engagement of individuals during referral and application, essential at this early stage in the VR process, is best achieved if VR agencies streamline procedures and remove any unnecessary barriers and requirements. The Rehabilitation Act and the VR program regulations require standards for the prompt and equitable handling of referrals of individuals for VR services, including referrals of individuals made through the one-stop delivery system under Section 121 of the Workforce Innovation and Opportunity Act (WIOA), which must include timelines for making good faith efforts to inform individuals of application requirements and to gather information necessary to begin an assessment for determining eligibility and priority for services (34 C.F.R. § 361.41(a)). VR agencies should eliminate delays in the referral and application process, thereby expediting engagement and facilitating rapid access to VR services.

VR agencies can simplify the application process and provide multiple avenues for individuals with disabilities to apply, including by: telephone; completion of an online application; submission of a written application form; or in person at multiple locations such as a local VR agency office, an AJC or one-stop center, an employer location (including an entity holding a certificate issued under Section 14(c) of the Fair Labor Standards Act), or a mutually convenient location in the community such as a library or an individual's home. Requiring applicants to attend a scheduled group meeting to submit an application, while potentially more efficient for a VR agency experiencing capacity and resource challenges, reduces the ease of applying for those who may need transportation, accommodations, personal assistance arrangements, or who may be otherwise inconvenienced or unable to participate in the group meetings. Such an approach also can lengthen the application timeframe and unintentionally discourage some individuals from applying, or cause others to disengage prematurely from the VR process.

In accordance with 34 C.F.R. § 361.41(b)(2), an application has been made when an individual—

- Has completed and signed an agency application form;
- Has completed a common intake application form in a one-stop center requesting VR services; or
- Has otherwise requested services from the designated State unit (DSU).

Additionally, an individual is considered to have completed an application when the individual or the individual's representative, as appropriate—

- Has provided the information necessary to initiate an assessment to determine eligibility and priority for services, and
- Is available to complete the assessment process.

In general, unless specifically required by State statute or regulation, applicants should not be required to provide unnecessary information or documentation during the application process, such as proof of State residency, which can potentially deter applicants or prolong the application and eligibility determination process. For example, VR agencies must assure in the VR services portion of their Unified or Combined State Plan that they will not impose a duration

of residence requirement that excludes from services any applicant who is present in the State. Thus, the VR agency may not require the applicant to demonstrate a presence in the State through the production of any documentation that, under State or local law, or practical circumstances, results in a de facto duration of residence requirement. Furthermore, in accordance with 34 C.F.R. § 361.42(c), no applicant or group of applicants may be excluded or found ineligible solely on the basis of the type of disability; and eligibility requirements must be applied without regard to the—

- Age, sex, race, color, or national origin of the applicant;
- Type of expected employment outcome;
- Source of referral for VR services;
- Particular service needs or anticipated cost of services required by an applicant or the income level of an applicant or applicant's family;
- Applicants' employment history or current employment status; and
- Applicants' educational status or current educational credential.

In addition, while collecting information to determine financial need is allowable, it is not required by the Rehabilitation Act and may lengthen the timeframe for eligibility determination and development of the IPE, increasing the burden for the VR counselor as well as the applicant.

Streamlining Determination of Eligibility - Expediting Engagement

Timely delivery of VR services begins with eligibility determinations. Eligibility must be determined within 60 days unless there are exceptional and unforeseen circumstances beyond the control of the DSU and the DSU and applicant agree to a specific extension of time (34 C.F.R. § 361.4(b)), or an individual requires a trial work experience (34 C.F.R. § 361.42(e)). A DSU's determination of whether an individual with a disability is eligible for the VR program must be based only on the following three criteria:

- Determination by qualified personnel that the applicant has a physical or mental impairment (34 C.F.R. § 361.42(a)(1)(i));
- Determination by qualified personnel that the applicant's physical or mental impairment constitutes or results in a substantial impediment to employment (34 C.F.R. § 361.42(a)(1)(ii); and
- Determination by a qualified VR counselor employed by the DSU that the applicant requires VR services to prepare for, obtain, maintain, advance in, or regain employment that is consistent with the applicant's unique strength, resources, priorities, concerns, abilities, capabilities, interests, and informed choice (34 C.F.R. § 361.42(a)(1)(iii)).

The Rehabilitation Act and its regulations create two distinct presumptions to assist in streamlining the eligibility determination process, as appropriate. First, Section 102(a)(3) of the Rehabilitation Act presumes that an applicant who has been determined to have a disability or to be blind for purposes of Supplemental Security Income (SSI) or Social Security Disability Insurance (SSDI) must be:

- Considered to be a person with a significant disability, as defined at Section 7(21) of the Rehabilitation Act; and
- Presumed to be eligible for VR services (provided the applicant intends to achieve an employment outcome) unless the qualified VR counselor employed by the DSU can demonstrate that the applicant is incapable of benefitting from the VR program due to the severity of the applicant's disability.

The qualified VR counselor employed by the DSU can verify the applicant's SSI or SSDI determination in accordance with 34 C.F.R. § 361.41(b)(2), after obtaining the applicant's informed consent, by obtaining the applicant's SSI or SSDI award letter at the applicant's "my Social Security account" at the [U.S. Social Security Administration](#). If an applicant does not have an account, the VR counselor may assist the applicant in navigating the steps to create one. While this documentation supports the presumption of eligibility and the existence of a significant disability and, thus, an eligibility determination by a qualified VR counselor, it will likely not be sufficient for accurately assigning a priority of service category. As defined in Section 7(21)(E)(i) of the Rehabilitation Act and 34 C.F.R. § 361.5(c)(29), an "individual with a most significant disability" means an individual with a significant disability who meets the DSU's criteria for an individual with a most significant disability. These criteria must be consistent with the requirements in Section 101(a)(5)(C) of the Rehabilitation Act and 34 C.F.R. § 361.36(d)(1) and (2). Because an award letter from the SSA, alone, will not be sufficient for assigning a priority category related to the definition of an individual with a most significant disability, VR agencies may also find that additional medical or educational data are needed for assigning the individual to a priority of service category and determining service needs for IPE development.

Second, Section 102(a)(2) of the Rehabilitation Act and 34 C.F.R. § 361.42(a)(2) create a presumption that applicants with disabilities can benefit from the VR program, thereby helping to expedite the eligibility process, for purposes of satisfying the requirement at 34 C.F.R. § 361.42(a)(1)(iii).

It is the Department's longstanding interpretation that a determination that an applicant has a physical or mental impairment, or meets any of the other eligibility criteria, must be made by personnel who meet existing licensure, certification, or registration requirements applicable to their profession (62 FR 6308, 6324 (Feb. 11, 1997)). In addition to licensed medical and mental health professionals, the Department has long stated its belief that "qualified personnel" for purposes of 34 C.F.R. § 361.42(a)(1)(i) and (ii), "encompass individuals who are certified under State law and individuals licensed or certified under State regulations" (60 FR 64476, 64487 (Dec. 15, 1995)). Although "qualified personnel" need not be medical or mental health professionals in all instances, the Department "anticipates that in most instances [eligibility] determinations will be supported by medical documentation" (Id.). DSUs can ensure they use existing data and documentation, including information from educational agencies to the maximum extent appropriate to make eligibility determinations, as required by Section 102(a)(4) of the Rehabilitation Act, and consistent with the assessment for eligibility determination process, as defined at Section 7(2)(A)(i) of the Rehabilitation Act, which means a review of existing data.

The determination of a disability must be made by qualified personnel¹ certified or licensed to make such determinations in the State, which may include VR counselors holding such certifications or licensures.² A qualified VR counselor is critical to expediting the assessment for determining eligibility and priority for services, as described in 34 C.F.R. § 361.42. State VR agencies must establish standards that are consistent with any national or State-approved or recognized certification, licensing, or registration requirements, or, in the absence of these requirements, other comparable requirements (including State personnel requirements) that apply to the profession or discipline in which those personnel are providing VR services, and must ensure personnel have a 21st-century understanding of the evolving labor force and the needs of individuals with disabilities (Section 101(a)(7)(B) of the Rehabilitation Act and 34 C.F.R. § 361.18(c)). Agencies must ensure they recruit, prepare, and retain personnel who are qualified in accordance with required personnel standards.³

VR agencies employ a variety of personnel who interact with both individuals with disabilities and employers, but a qualified VR counselor must meet the education and experience standards of the profession, consistent with those set forth at Section 101(a)(7)(B) of the Rehabilitation Act and 34 C.F.R. § 361.18(c). Although Section 101(a)(7)(B) of the Rehabilitation Act, as amended by WIOA, broadened the education and experience requirements for qualified rehabilitation personnel, the requirement remains that the DSU must maintain personnel standards that are “consistent with any national or State-approved or recognized certification, licensing, or registration requirements, or, in the absence of these requirements, other comparable requirements (including State personnel requirements).” Therefore, it is essential that the DSU establish personnel standards in its Unified or Combined State Plan, consistent with Federal requirements at Section 101(a)(7)(B) of the Rehabilitation Act and 34 C.F.R. § 361.18(c), including the specialized training and experience described in 34 C.F.R. § 361.18(c)(2)(ii), which enable the qualified VR counselor employed by the DSU to work effectively with individuals with disabilities to assist them in achieving competitive integrated employment and to work with employers who hire them.

Pursuant to 34 C.F.R. § 361.42(a)(1)(iii), only a qualified VR counselor employed by the DSU (i.e., those VR counselors meeting the personnel standards established by the DSU pursuant to Section 101(a)(7)(B) of the Rehabilitation Act and 34 C.F.R. § 361.18(c)) may make eligibility determinations for individuals with disabilities applying for services under the VR program. This responsibility is consistent with the non-delegable functions reserved solely for the VR program, specifically those set forth at 34 C.F.R. § 361.13(c)(i) (i.e., all decisions affecting eligibility for VR services, the nature and scope of available services, and the provision of VR services). Therefore, VR agencies must ensure that only those VR counselors who are “qualified” in accordance with the State's personnel standards for VR counselors, as set forth in the State’s approved Unified or Combined State Plan, are assigned the task of determining eligibility, as permitted by 34 C.F.R. § 361.42(a)(1)(iii).

¹ 34 C.F.R. § 361.42(a)(1)(i).

² Although neither the Rehabilitation Act nor its implementing regulations address State licensure or certifications for purposes of determining whether personnel are qualified to determine whether an individual has a disability, the Department has stated its position during past rulemaking processes. See relevant preamble discussions at 60 FR 64476, 64477-64478 (Dec. 15, 1995), 62 FR 6308, 6324-6325 (February 11, 1997), 65 FR 10620, 10625-10627 (Feb. 28, 2000), and 66 FR 4380, 4427-4428 (Jan. 17, 2001).

³ 34 C.F.R. § 361.18(b).

When developing the State’s personnel standards to be included in the approved Unified or Combined State Plan, the State must establish and maintain education and experience requirements to ensure, among other things, that the personnel have a 21st-century understanding of the needs of individuals with disabilities (34 C.F.R. § 361.18(c)(1)(ii)). The range of education and experience that States must consider when establishing personnel standards, in accordance with 34 C.F.R. § 361.18(c), are set forth at 34 C.F.R. § 361.18 (c)(1)(A) and (B). For those personnel employed as a qualified VR counselor by the DSU, these minimum education and experience standards, set forth in the State’s established personnel standards approved in the State’s Unified or Combined State Plan, lay the foundation for indicating a level of competency and skill with respect to the needs of individuals with disabilities. This is particularly important for those non-delegable functions that can only be performed by qualified VR counselors employed by the DSU, such as determining individuals with disabilities eligible for the VR program in accordance with 34 C.F.R. § 361.42(a)(1)(iii). VR agencies should exercise prudence when establishing personnel standards and ensure personnel responsible for making disability-related decisions have the appropriate knowledge and experience. To that end, for example, some State VR agencies have established and maintained personnel standards for VR counselors that require advanced training in a field of study related to disability or rehabilitation or a professional certification in rehabilitation counseling.

Eligibility Determinations – Balancing Expedited Decisions with Meaningful Engagement

During the eligibility determination process, which begins what will eventually become a sustained and meaningful engagement between the participant and VR counselor, the “qualified VR counselor employed by the DSU” could also constitute “qualified personnel,” for purposes of the determinations that must be made in accordance with 34 C.F.R. § 361.42(a)(1)(i) and (ii) (i.e., that the applicant has a physical or mental impairment and that the physical or mental impairment constitutes or results in a substantial impediment to employment) However, as noted above, for a VR counselor to be qualified to do so, the State must have established personnel standards in its approved Unified or Combined State Plan that indicate its VR counselors have the competency and skill to make such determinations, which are comprehensive in nature, thereby promoting sustained meaningful engagement between the individual with a disability and the VR counselor. As noted above, such competency and skill are demonstrated in the State’s standards through relevant education and experience consistent with Federal requirements set forth at Section 101(7)(B) of the Rehabilitation Act and 34 C.F.R. § 361.18(c)). However, even if a State’s established personnel standards in its approved Unified or Combined State Plan specify VR counselors who are “qualified” to make the various determinations required by 34 C.F.R. § 361.42(a)(1), including those at 34 C.F.R. § 361.42(a)(1)(i) and (ii), additional documentation may still be needed from other “qualified personnel,” either internal or external to the DSU, to document the applicant’s impairment or substantial impediment to employment before the qualified VR counselor employed by the DSU can determine the applicant is eligible for VR services. When additional documentation is necessary to determine eligibility, it is the responsibility of the qualified VR counselor to assess disability-related information (e.g., supporting documentation from medical and educational records), make the eligibility determination, and document in the record of service how the requirements of eligibility are met, thereby satisfying 34 C.F.R. § 361.42(a)(1)(iii) and § 361.47(a)(1).

Similarly, a qualified VR counselor employed by the DSU, even though experienced in the needs of individuals with disabilities generally, may need additional information or documentation from other qualified personnel, either internal or external to the DSU, to determine whether the applicant requires VR services to prepare for, obtain, maintain, advance in, or regain employment that is consistent with the applicant's unique strength, resources, priorities, concerns, abilities, capabilities, interests, and informed choice, as required by 34 C.F.R. § 361.42(a)(1)(iii). The qualified VR counselor may obtain existing data or may need to obtain additional information and data, through the assessment process, as defined at Section 7(2)(A)(ii) of the Rehabilitation Act, to make any of the determinations at 34 C.F.R. § 361.42(a)(1). At each stage of the assessment process, the qualified VR counselor should be engaging with the applicant, explaining the need for the additional information and the benefit it will provide in expediting the process and the eligibility determination. Although qualified VR counselors may not be trained diagnosticians, medical and mental health records can assist qualified VR counselors, who are trained in interpreting such reports, in comprehending any secondary disabilities or medical conditions that should be considered in assessing the eligibility and VR service needs of an applicant. For example, although a qualified VR counselor may readily observe a disability, such as an amputation of a limb, and, thus, could make determinations required by 34 C.F.R. § 361.42(a)(1)(i) and (ii), other assessment information and reports by other certified or licensed professionals could provide the qualified VR counselor with invaluable information. For example, an individual with an amputated leg may also experience medical conditions, such as diabetes or post-traumatic stress disorder. Thus, observation of a visible disability by a qualified VR counselor may be sufficient to determine that an applicant is an individual with a disability as required by 34 C.F.R. § 361.42(a)(1)(i); it alone may not be sufficient to determine a secondary disability, nor may it be sufficient to determine if the applicant's physical or mental impairment constitutes or results in a substantial impediment to employment as required by 34 C.F.R. § 361.42(a)(1)(ii).

In the event a qualified VR counselor determines that additional information to make an eligibility determination is necessary, the VR counselor should inform the applicant. In arranging for any additional assessment activities, the VR counselor should engage the applicant in making informed choice of providers, such as with respect to any necessary medical, psychiatric, psychological, and physical capacity evaluations. The documentation from qualified personnel must reflect a determination that the individual has an impairment and the impairment results in a substantial impediment to employment, to assist the qualified VR counselor employed by the VR agency in making an eligibility determination. For example, an applicant reports having bipolar disorder on the application for services, and at the intake interview, they do not bring any medical documentation to support the diagnosis, but reports they were treated by a doctor in a different State. Because the qualified VR counselor cannot observe any current impacts of the disability solely based on interactions with the applicant during the intake interview, the VR counselor should obtain permission to request medical records from the applicant's prior treating provider and, if needed, arrange for a psychological evaluation to substantiate the diagnosis for eligibility determination purposes. In other words, the qualified VR counselor cannot determine this applicant eligible without obtaining additional information because there is insufficient information to make any of the eligibility determinations at 34 C.F.R. § 361.42(a)(1).

For applicants who have a congenital or permanent disability, existing historical medical and educational information may be sufficient for the purpose of determining eligibility. For example, an applicant who is blind who presents documentation of permanent blindness to the qualified VR counselor employed by the DSU during the intake interview could be determined eligible by that counselor on the basis of that historical information, pursuant to 34 C.F.R. § 361.42(a)(1). However, even though the qualified VR counselor can easily determine this applicant eligible, it could be beneficial to obtain other current records relevant to the information learned during the interview in order to have a better understanding of the eligible individual's scope of VR service needs. On the other hand, an applicant's self-report of a traumatic brain injury (TBI) with no supporting data or records created by a qualified diagnostician is not sufficient to make an eligibility determination. An assessment, such as neuropsychological evaluation, is necessary to support an eligibility determination for VR services. In pursuing an assessment, the qualified VR counselor should engage the applicant in meaningful ways, explaining the process and obtaining informed choice of the providers whenever possible.

Trial work experiences offer another opportunity for engagement during the eligibility determination process. In accordance with 34 C.F.R. § 361.42(e), VR counselors may decide that trial work experiences will help determine whether an individual with a significant disability can benefit from VR services in terms of an employment outcome. Engaging an applicant during the development of a written plan for the trial work experience is essential to ensure a sufficient variety of experiences over a sufficient period of time, along with appropriate supports, to accommodate the rehabilitation needs of the individual during the trial work experiences. Appropriate supports could include assistive technology devices and services, and personal assistance services. Taking into consideration the individual's unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice also builds rapport to support communication of the results of the trial work experience. The trial work experience should be extensive enough that it produces sufficient evidence to conclude that the individual can benefit from the provision of VR services in terms of an employment outcome, or yield clear and convincing evidence that an individual is incapable of benefitting from the provision of VR services in terms of an employment outcome to support an ineligibility determination.⁴ Ensuring consistent communication and engagement with an individual throughout the trial work process facilitates individual choice in the settings and supports needed to produce the most accurate results and inform the eligibility determination.

The supporting documentation obtained for the purposes of eligibility determination will likely also serve as substantiating documentation for determining a priority for services (if the State is operating under an order of selection as outlined in Section 101(a)(5) of the Rehabilitation Act and 34 C.F.R. § 361.36). Determining eligibility and assigning a priority for services are companion activities, meaning they are separate determinations, but the information and records used in determining eligibility is often critical to informing the assessment for priority for services (i.e., with the review of data to determine functional capacities that are seriously limited by a severe physical or mental impairment) (34 C.F.R. §§ 361.30 and 361.29). As previously discussed, if an individual has additional medical or psychological information or undergoes an assessment that reveals other disabilities, such information and documentation will assist in

⁴ Section 102(a)(2)(B) of the Rehabilitation Act.

assigning the individual to the appropriate priority category for a VR agency that has established and implemented an order of selection (Section 102(a)(2)(B) of the Rehabilitation Act).

Flexibilities Under the Rehabilitation Act for Expediting and Ensuring Engagement During Eligibility Determination

Rapid engagement of applicants can also occur if a VR agency elects to develop and implement policies for interim eligibility determinations. While an interim determination is not a full and final determination, as outlined in 34 C.F.R. § 361.42(b)(3), the VR agency can initiate the assessment of VR needs and services based on an interim determination of eligibility prior to the 60-day period but must make a final determination of eligibility within 60 days of the individual submitting an application for services in accordance with 34 C.F.R. § 361.42(b)(2). This method of eligibility determination may assist some agencies in quickly engaging individuals while awaiting additional information to support the final determination. Applying the flexibility of interim eligibility determination can be useful when an applicant has an observable disability or reports having a disability that is apparent to a VR counselor but may require additional supporting documentation. For example, if an applicant who presents wearing a medically prescribed back brace, commonly known as a Boston brace, self-reports chronic back pain and limited mobility as a result of scoliosis, and states medical documentation exists that clearly indicates a history of scoliosis, the qualified VR counselor can assess applicant self-report as well as document counselor observations of the Boston brace to make an interim eligibility determination while awaiting additional supporting documentation from the applicant's treating physician. In this example, the documentation needed is a report of the applicant's limitations in order for the qualified VR counselor to make a determination that the disability poses a substantial impediment to employment, as required by 34 C.F.R. § 361.42(a)(1)(ii).

Supporting and Facilitating Eligibility Documentation

No method of determining eligibility waives the requirement to obtain documentation supporting an eligibility determination in the record of services as outlined in 34 C.F.R. § 361.47, or the determination by a qualified VR counselor employed by the DSU (i.e., the VR agency) that the applicant requires VR services to prepare for, secure, retain, advance in, or regain employment that is consistent with the individual's unique strengths, resources, priorities, concerns, abilities, capabilities, interest, and informed choice (34 C.F.R. § 361.42(a)(iii)). Supporting documentation, including information from educational agencies serving students with disabilities, and written documentation provided by qualified personnel duly licensed and certified by States to determine whether an individual is an "individual with a disability," may assist the VR counselor in establishing eligibility and can often easily be obtained through online patient and student portals. To expedite eligibility determination and foster engagement, VR agencies are encouraged to train staff on assisting applicants in accessing electronic records, using existing documentation to the maximum extent possible, understanding the responsibilities of qualified VR counselors in making eligibility determinations, exercising available flexibilities under the Rehabilitation Act for making eligibility determinations, and prioritizing timely and engaged communications and relationships with applicants and eligible individuals.

Sustained Engagement When Implementing an Order of Selection

VR agencies implementing an order of selection have multiple opportunities to facilitate and improve the engagement of eligible individuals on a waiting list. Continued engagement while awaiting services is paramount in retaining the interest of individuals with disabilities, assisting them in accessing no cost or comparable benefits and services, and increasing employment readiness. The more individuals can engage in activities, including pre-employment transition services for students prior to being determined eligible or before being released from a waiting list, the better informed such individuals can be about needed services and their employment goals. Ultimately, consistent and meaningful communication and engagement with individuals while they are awaiting services may reduce the number of individuals exiting the VR program, reduce case closures prior to developing the IPE and beginning VR services, and increase the number of participants successfully achieving their employment goals. While operating under an order of selection (Section 101(a)(5) of the Rehabilitation Act and 34 C.F.R. § 361.36), an agency may adopt policies and practices that facilitate meaningful engagement, such as setting timely and routine check-ins with eligible individuals who are placed in a priority category that is closed or making referrals to other programs that can provide supports or training to help prepare individuals for their employment journey with the VR program. For example, AJCs may have potential information or training opportunities that could complement or expedite the completion of VR services once an eligible individual is removed from a waiting list and is able to be served. Helping individuals on the waiting list contact transportation programs, social service agencies, or relevant community programs, such as independent living centers, can help create a foundation of personalized concern and trust that the VR agency is working proactively in the best interests of eligible individuals as they await VR services.

Maximizing Meaningful Engagement During Planning and Services

Meaningful and sustained engagement requires a holistic approach and an ongoing relationship built upon trust and respect. This applies to both VR program participants and VR staff. Planning for VR services begins with an assessment and comprehensive understanding by both the VR counselor and eligible individual regarding the eligible individual's needs, disability-related challenges, desired goals, educational and work history, cultural influences, personal and professional strengths, motivation, and environmental challenges. This cannot be accomplished without affording the opportunity for the VR counselor and the individual to establish an ongoing relationship, which to be successful will need to be built on regular good communication and mutual respect. Such a relationship can be built both virtually and in person. VR agency management can support VR counselors and other frontline staff by removing, revising, or restructuring burdensome policies, practices, or alignment of staff duties that may inhibit timely engagement and meaningful interactions with VR program participants while continuing to maintain necessary internal controls. One such example might be eliminating the initial and annual assessment of financial need to determine participant costs in allowable services. Another example might be assigning processing and follow-up tasks to support staff. Evaluating and implementing even small changes can result in big dividends in terms of developing meaningful engagement among VR staff and between VR counselors and the individuals they serve.

Benefits Planning and Financial Literacy

VR counselors and benefits planners should provide participants with information about how the VR program can change the financial trajectory of their lives, and their future possibilities if they can move away from solely relying on SSDI or SSI benefits by supplementing their income and leveraging work incentives, or ideally, engage in employment paying good wages and benefits that eliminates dependence on or the need for public benefits. Section 102(b)(2) of the Rehabilitation Act and 34 C.F.R. § 361.45(c)(3) require that individuals entitled to benefits under Title II or Title XVI of the Social Security Act on the basis of a disability or blindness be provided general information on additional support and assistance for individuals with disabilities desiring to enter the workforce, including assistance with benefits planning. Agencies are encouraged to augment benefits planning services available through SSA or community-based Work Incentives Planning and Assistance (WIPA) programs, by developing VR counselor knowledge regarding Social Security disability benefits and associated work incentives and/or building a team of in-house Community Work Incentive Coordinators (CWIC) who can engage participants in an analysis of available work incentives and the effect of work upon benefits and potential long-range financial security. Providing professional development opportunities for VR counselors to expand their understanding of disability benefits and work incentives increases the likelihood and quality of conversations that can help participants maximize their possible employment outcomes.

Students with disabilities who are receiving transition planning under an IPE or participating in pre-employment transition services may benefit from financial literacy training and workplace readiness or work-based learning activities in which they learn about money, personal finances, and budgeting. Such activities help them understand the complexities of money, whether from public benefit programs or earned from an employer, or both. Benefits planning services as part of financial literacy training may shift a student's view from one of concern to one of hope and the possibility of a brighter financial future. An individual receiving SSA disability-related benefits prior to participating in a paid work-based learning experience should receive benefits planning beforehand, to understand SSA's wage reporting requirements and to help alleviate fear and confusion around the process, creating a proactive learning experience that can add to future success.

Benefits planning should be provided at multiple points within the continuum of VR services to support informed choice. It may be appropriate, for example, to provide benefits planning services during pre-employment transition services, IPE development, upon an employment offer, or the offer of a raise or an advancement opportunity. Benefits planning services can also help answer questions and alleviate concerns individuals, their families, and others may have about the effect of work on the receipt or loss of benefits and assist with making an appropriate informed choice of an employment goal, including the wage and hours of work. An individual interested in going to work might have a life-long fear of losing their disability-related benefits and may be uncertain about a number of factors, including whether they will be able to work given their disability, whether they will need workplace accommodations, transportation challenges related to getting to work, whether they can keep their healthcare benefits, and whether they will have less money. Providing individuals with disabilities with benefits planning

services is a way to provide support and ensure informed decision-making related to employment.

Meaningful Engagement in Vocational Assessment and Career Exploration

Vocational assessment and career exploration are essential to the development of an IPE. When conducted in a manner that provides informed choice (34 C.F.R. § 361.52 and Section 102(d) of the Rehabilitation Act), in conjunction with counseling and guidance, such assessment and evaluation is valuable and informative and can result in the greatest likelihood of successful achievement of an employment goal. Assessing VR need, as outlined in 34 C.F.R. § 361.45(b)(1) and (f), is an individualized approach. It can be fairly simple when an individual is seeking advancement in employment, enters the VR program with an employment goal and a self-written IPE that identifies the nature and scope of VR services that can be supported by their VR counselor, or the information used to determine eligibility and priority for services provides enough data to substantiate and expedite disability-related services needed and identified on the IPE without the need for comprehensive assessment. Alternately, through meaningful and sustained engagement, a VR counselor may identify the need for additional information or assessments to support a fully developed IPE or an amendment to the original IPE.

Comprehensive assessment engages individuals with disabilities when additional data are necessary to determine an employment outcome and the required IPE services (34 C.F.R. § 361.45 (f)(2)). When conducted with the IPE in mind, the information derived from comprehensive assessment informs plan development and helps to determine the unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice, including the needs for supported employment (34 C.F.R. § 361.5(c)(5)(ii)). There may be other areas in a person's life that may require further exploration, including cultural values, language-related needs, or other challenges such as housing struggles, childcare needs, access to transportation, and essential needs related to independent living. While the comprehensive assessment uses, to the maximum extent possible, existing information or information provided by the individual or their network of support necessary to identify their rehabilitation needs to develop the IPE, there may be instances when additional information is needed.

An individual may not be aware of the variety of assessment tools available to help inform decision-making, and through the careful guidance of a VR counselor, information can be shared that will encourage active participation in the vocational assessment and career exploration process. VR services and systems can seem complicated. Therefore, strong communication and facilitation are necessary to optimize results. A qualified VR counselor should introduce and explain the types of assessments and career exploration tools available to assist an individual in making thoughtful decisions regarding their rehabilitation services as well as the need for the assessment when requested or required to participate in such activities. It may be necessary to evaluate patterns of behavior, attitudes, habits, and tolerance related to work, in typical employment settings through community-based work assessments, to assess and further develop the capacities of an individual to perform adequately in a work environment (34 C.F.R. § 361.5(c)(5)(ii)(C), (D) and (E)). These aforementioned activities are critical in helping to identify the services needed to achieve the employment outcome on an IPE, which may include the provision of assistive technology devices and services, personal assistance services, and

transition services for a student or youth with a disability (34 C.F.R. § 361.46(a)(2)) as well as the specific supported employment services for and individual with a most significant disability for whom an employment outcome in a supported employment setting has been deemed to be appropriate, including the expected extended services needed (34 C.F.R. § 361.46(b)).

Individual Engagement in IPE Development

Developing an IPE can be simple or complex, while personalized and tailored to the individual who has an agreed upon a specific employment outcome in competitive integrated employment. For a student with a disability, the IPE should take into account the student's IEP or 504 services and reflect the financial responsibilities of the State education agency (SEA) as outlined in the interagency agreement, as applicable (34 C.F.R. §§ 361.45(d)(9) and 361.22). IPEs must be designed to achieve a specific employment outcome, as defined in 34 C.F.R. § 361.5(c)(15), that is selected by the individual consistent with the individual's unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice (34 C.F.R. § 361.45(b)(2)). For a student or youth with a disability, an IPE may include a description of the individual's projected post-school employment outcome, as provided in 34 C.F.R. § 361.46(a)(1), that will be refined to a specific employment outcome as the student or youth participates in VR services. In accordance with 34 C.F.R. § 361.46(a)(2), an IPE must also include the VR services needed to achieve the employment outcome, including any necessary specific transition services and supports.

Many factors influence a chosen employment outcome. Therefore, it is important to explore an individual's personal and professional strengths, past successes and challenges, and desired income, as well as the occupation. Evaluating existing and easy-to-access information regarding employment potential, both in today's labor market and the future, will help support conversations with an individual with a disability regarding their goals, time commitment, disability-related challenges, and plan for success. Individuals with disabilities should be provided informed choice and encouraged to reach their highest employment potential. VR professionals can facilitate IPE development to include services that support an employment outcome that is not simply an entry point in a field or the easiest position to obtain, but rather mid- to high-level positions that are in high demand, offer competitive pay, and desirable benefits packages. Qualified VR professionals bring significant, if not unique, value to these conversations because they are accustomed to addressing disability.

IPE development is critical to the perception and realization of the advantages the VR program provides to an individual with a disability, including a student or youth with a disability. While an IPE can and most often is developed with assistance from a qualified VR counselor employed by the State VR agency, there are flexibilities and multiple options that empower individuals to actively participate in their individualized plan development, as described in 34 C.F.R. § 361.45(c)(1) and allow an individual to engage with and seek assistance from others in the development of an IPE. For an individual with a most significant disability, who, because of the nature and severity of their disabilities has not historically obtained competitive integrated employment or such employment has been interrupted or intermittent as a result of their disability, needs intensive supported employment services and extended services as described in

34 C.F.R. § 361.5(c)(53) and (54), and for whom supported employment has been deemed appropriate, the IPE must:

- Specify the supported employment services to be provided by the VR agency;
- Provide for the transition of an individual with a most significant disability, including a youth with a most significant disability, to extended services no later than 24 months or longer, if needed, after the individual enters supported employment; and
- Identify the source of extended services as defined in 34 C.F.R. § 361.5(c)(19).

Clearly communicating the coordination efforts that the VR agency will undertake on behalf of the individual requiring supported employment services may reassure participants that the complex system of providers and services can be navigated and may alleviate any hesitation to fully participate in VR services.

Per 34 C.F.R. § 361.45(d)(3), the eligible individual must agree to the IPE, and the IPE must be approved and signed by a qualified VR counselor employed by the State VR agency. This collaborative process commits both parties to success. It is also an opportunity to review responsibilities, reiterate mutual expectations associated with each step in the IPE, acknowledge the potential for success, and begin facilitating access to the planned services that are required to reach the participant's maximum potential. The seamless and timely delivery of VR services fosters meaningful and sustained engagement and maximizes the likelihood of meeting expectations and commitments.

Engagement During Fulfillment of IPE Services

Engagement with the participant is a critical element to the successful fulfillment of IPE services. The qualified VR counselor's interaction with the participant while coordinating VR and supported employment services is important during this phase. Specifically, while there may be steps or milestones within an IPE that are reached or accomplished by the participant, the services to complete the steps or achieve the milestones are most often coordinated, provided, or paid for by the State VR agency. The coordination of VR and supported employment services may seem daunting to someone navigating the complex system of supports required to achieve competitive integrated employment. The knowledge and experience of qualified VR professionals are often essential to successfully facilitate the seamless delivery of VR and supported employment services. While a participant and the qualified VR counselor determine the required VR services, both the counselor and other VR staff, (e.g., rehabilitation technicians, business engagement specialists) coordinate and facilitate access to the services outlined in the IPE. An individual with a disability may be unsure of when or how to access coordinated services; however, clear and consistent communication from the State VR agency staff and its vendors will help to maintain a high level of engagement. While interactions may be frequent during the initial weeks or months after an individual is determined eligible for services, a VR agency is encouraged to establish policies or procedures outlining the minimum frequency of contact with individuals receiving VR services.

If an individual is participating in a training or education program, communication should be maintained to reinforce the available support of the VR program in the event any challenges arise

and to celebrate the success of related achievements. Waiting until the end of an academic term may be too late to navigate any related issues or challenges that may prohibit success and could negatively impact a person's progress towards achieving the goal on their IPE. Establishing expectations for regular and frequent communication by both VR agency staff and individuals participating in IPE services may result in opportunities to discuss progress, offer or request necessary supports, and foster effective engagement. When solid foundational relationships are established, they provide a safe space in which challenges can be discussed and addressed, as appropriate, to support the best possible result, reduce the likelihood of attrition, and increase the success of achieving milestones or completing steps within an IPE.

When ongoing support services, as defined in 34 C.F.R. § 361.5(c)(37), are required to achieve employment in a competitive integrated environment, communication and collaboration among the individual with a disability, the VR counselor, and service providers are key to sustain engagement and maintain the required levels of participation in services to reach the greatest level of employment success. The regular monitoring and follow-up services that are included in ongoing support services are paramount to ensure frequent contact and engagement of the employer, the individual, and their network of support to reinforce and stabilize the job placement in supported employment.

Post-Employment Services

Assessing and collaborating on an individual's post-employment needs is fundamental to keeping individuals with disabilities engaged from start to finish. The key to post-employment services, as defined in 34 C.F.R. § 361.5(c)(41), is ensuring the amended IPE includes those short-term services needed prior to closing the record of services of an individual who has achieved an employment outcome and providing or arranging for those services during the period of job stabilization, but prior to case closure and exit. The required 90-day timeframe for keeping a VR case service record open after the participant's achievement of an employment outcome represents a minimum timeframe (34 C.F.R. § 361.56(b)). If additional services are needed for an individual to maintain employment, a VR agency should employ flexibility in policy and practice to ensure the case remains open to allow sufficient delivery of required post-employment services. It is important for the VR counselor and the participant to discuss the potential need for post-employment services that would require an amendment to the IPE. When services are quickly identified and provided in a timely manner, they assist an individual with a disability in achieving the highest level of stabilization in employment and support their long-term employment success. VR agencies are reminded there is no provision for an individual to continue to receive VR services, including post-employment services, after their case has been closed and they have exited the VR program without reapplying for services. Keeping a case open to ensure employment is maintained through the delivery of post-employment services reassures the individual with a disability that their continued success is a priority and their goal to achieve high-quality employment will be fully accomplished.

Recognizing Success in the VR Program

The commitment and dedication to the VR process, participation in services, and ultimately achieving the employment outcome identified on an IPE often culminates in receipt of the first

paycheck and the satisfaction in successfully meeting or exceeding an employer's expectations. Recognition of such achievement is important to not only the individual with a disability who has worked hard to reach their goal but also to the VR professionals who helped along the way. VR agencies are encouraged to identify opportunities and find connections within their States to bolster support for and acknowledgment of VR participants and agency personnel. If appropriate consent forms or information releases are signed, a VR agency should consider engaging public officials, legislators, or department heads in personalizing congratulatory letters for successful program participants, as well as spotlighting the success of both participants and agency personnel on VR agency websites or through public meetings with stakeholder groups. Highlighting the types of VR services an individual with a disability received while participating in services helps to emphasize the value and significance of VR services for stakeholders, professionals, and public officials while at the same time providing examples of success for other VR participants or individuals with disabilities, including students with disabilities, who are considering applying for services. The impact of a VR agency may be underestimated; the social and fiscal return on investment should not go unrecognized, and no longer can agencies remain a quiet partner in employment successes or the "best kept secret" in town.

Recognition of success often begins with agency leadership who can establish recognition programs for participants and agency personnel. Advertising the accomplishments of program participants who achieve measurable skill gains through education and training, as well as high-quality employment and credential attainment, helps to elevate the VR program within the workforce system and the local community while also providing inspiration to others. Acknowledging dedicated counseling professionals who tirelessly serve and work to facilitate the employment achievement of individuals with disabilities through formal and informal recognition as well as competitive pay within their respective State demonstrates the commitment of the VR program to the employment success of individuals with disabilities and the retention of qualified VR professionals. Additionally, recognizing areas of professional expertise may be helpful in better serving individuals with specific types of disabilities. Agency leadership could consider implementing alternate caseload management strategies built upon the experience, strengths, and knowledge of VR professionals to increase access to services that require familiarity and connections with specific resources. When individuals with specific disabilities are connected quickly to required and meaningful supports, they may be more likely to remain engaged in services and realize the value of VR services in a more profound way that builds their confidence and increases the likelihood of their long-term success.

VR agencies may consider developing mentoring programs that match successful past program participants with individuals who are just beginning their journey to employment. Mentorship can be a positive experience for both the mentor and mentee and allows for the sharing of unique experiences while offering support and VR program-related information from a participant's perspective. Mentors can share their stories of success and their path to employment, including improvements to their financial future; they may also be a source of inspiration or encouragement as well as provide thoughts or ideas to help navigate the VR process. Establishing a strong mentoring program may lead to increased engagement and reduced attrition, ultimately resulting in an increase in successful outcomes in high-quality competitive integrated employment.

CONCLUSION

The continued success of the VR program will rely heavily on the perception of the quality and value of VR services coupled with positive and results-driven experiences of individuals with disabilities, including students with disabilities. The interactions between participants, VR agency personnel, and VR service providers, along with the timeliness, quality, and types of services received, directly impact a VR agency's performance and the employment success of VR program participants. Providing superior services, facilitated by highly qualified VR professionals, attracts individuals with disabilities to the VR program who are eager to engage in services that will help them to achieve their employment goals and exceed their expectations. Creating intentional opportunities for engagement throughout the continuum of VR services, including pre-employment transition services, provides a foundation for consistent and predictable interactions between an individual with a disability and the VR agency. Consistency supports relationship-building and increases trust in the program and services. Agencies that create a culture around valuing and recognizing highly-skilled personnel with diverse expertise and knowledge can recruit and retain a team of VR professionals who know their expertise is valued. Publicizing participant and personnel success helps to engage stakeholders, professionals, and public officials, reinforces the value in the State VR Services Program, and shapes the perception of VR in the statewide workforce development system. VR participants count on the services that VR agencies have to offer, and offering the highest level of individualized services via highly skilled and valued personnel is the most effective way of engaging individuals with disabilities and ensuring their greatest possible success.

INQUIRIES:

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/s/

Carol L. Dobak
Deputy Commissioner,
delegated the authority to perform the
functions and duties of the Commissioner

cc: Counsel of State Administrators of Vocational Rehabilitation
National Council of State Agencies for the Blind
National Disability Rights Network
National Coalition of State Rehabilitation Councils
National Association of State Directors of Special Education

CITATIONS:

Rehabilitation Act of 1973, Sections 7(2)(A)(i) and (ii), (5), (21), and (21)(E)(i); 101(a)(5), (a)(5)(C), and (a)(7)(B); 102(a)(2), (a)(2)(B), (a)(3), (a)(4), (b)(2), and (d); 504; 511.

Rehabilitation Act of 1973, Preamble at 60 FR 64476, 64477-64478 (Dec. 15, 1995), 62 FR 6308, 6324-6325 (February 11, 1997), 65 FR 10620, 10625-10627 (Feb. 28, 2000), and 66 FR 4380, 4427-4428 (Jan. 17, 2001).

State Vocational Rehabilitation Services Program Regulations at part 361, 34 C.F.R. §§ 361.4(b); 361.5(c)(5)(ii), (c)(5)(ii)(C), (c)(5)(ii)(D), (c)(5)(ii)(E), (9), (15), (19), (29), (37), (41), (51), (53), and (58); 361.13(c)(i); 361.18 (b), (c), (c)(1)(ii), (c)(1)(ii)(A), (c)(1)(ii)(B), and (c)(2)(ii); 361.22; 361.29; 361.30; 361.36, (d)(1) and (d)(2); 361.41(a), (b)(1), and (b)(2); 361.42, (a)(1), (a)(1)(i), (a)(1)(ii), (a)(1)(iii), (a)(2), (b)(2), (c), and (e); 361.45(b)(1), (b)(2), (c)(1), (c)(3), (d)(3), (d)(9), and (f); 361.46(a)(1), (a)(2), and (b); 361.47, (a)(1); 361.48(a), (a)(2), (a)(4)(i), (a)(4)(iii); and 361.52.

Uniform Administrative Requirements, Grants and Agreements, Cost Principles, and Audit Requirements for Federal Awards Regulations at part 200, 2 C.F.R. § 200.467.

Limitations On Use of Subminimum Wage at part 397, 34 C.F.R. §§ 397.20 and 397.40(a)(4).

Workforce Innovation and Opportunity Act, Section 121

Fair Labor Standards Act, Section 14(c)