

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

**INFORMATION MEMORANDUM
RSA-IM-08-02
DATE: December 17, 2007**

- ADDRESSEES:** STATE VOCATIONAL REHABILITATION AGENCIES
STATE REHABILITATION COUNCILS
REGIONAL REHABILITATION CONTINUING EDUCATION
PROGRAMS
AMERICAN INDIAN VOCATIONAL REHABILITATION PROGRAMS
CLIENT ASSISTANCE PROGRAMS
CONSUMER ADVOCACY ORGANIZATIONS
- SUBJECT:** Submission of the FY 2009 State Plan for the Vocational Rehabilitation
Services Program and Supplement for the Supported Employment
Services Program
- BACKGROUND:** Through this Information Memorandum, the Rehabilitation Services
Administration (RSA) provides guidance for the submission of the
required fiscal year (FY) 2009 annual updates for the State Plan governing
the State Vocational Rehabilitation (VR) Services Program and the
supplement for the State Supported Employment (SE) Services Program
authorized under 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 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:** Section 101(a)(23) of the Rehabilitation Act requires the submission of
selected 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 VR 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 explanations for the rejection of 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).

Consistent with Section 101(a)(1)(B) of the Rehabilitation Act, the state is not required to submit any policies, procedures or descriptions related to its State Plan that have been previously approved and demonstrate that the state currently meets the requirements of Title I, Part B, or Title VI, Part B, of the Rehabilitation Act. It is the responsibility of the state to determine which previously submitted State Plan materials (preprint assurance options and descriptive attachments) meet or do not meet these requirements. If the state determines that an approved State Plan assurance or description no longer reflects the state's current administration of the VR or SE programs, 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's Strategies; and
- Attachment 6.3 - Quality, Scope and Extent of Supported Employment Services.

In accordance with Section 101(a)(16) of the Rehabilitation Act and 34 CFR 361.10(d) of its implementing regulations, prior to the adoption of any substantive policies or procedures (or any substantive amendment to such policies and procedures) governing the provision of VR or SE services under the State Plan or the supplement, the designated state agency must conduct public meetings throughout the state after giving adequate notice of the meetings, to provide the public, including individuals with disabilities, an opportunity to comment on the policies and procedures. 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.

All required updates and amendments constituting the FY 2009 State Plan and supplement must be submitted to RSA no later than July 1, 2008. RSA will be carefully reviewing the annual updates and any amendments to the State Plan to ensure that they conform to all of the legally required content requirements for each update and amendment. Particular attention will be focused on the State Plan provisions required by Section 101(a)(15) of the Rehabilitation Act. These provisions are very significant since they focus on annual state agency performance considerations and, as such, provide important information for future RSA performance monitoring initiatives. Further guidance for the Title I Plan and its SE supplement is available on the RSA Web site at <http://www.ed.gov/rschstat/eval/rehab/state-plans.html>.

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 submitted for the VR program and another for the SE program. The certification form (ED-80-0013) is available at <http://www.ed.gov/programs/8003/assurancesed80013.doc>.

Procedures for Submitting the VR State Plan and SE Supplement

The FY 2009 VR State Plan and SE supplement can be submitted to RSA either electronically or in hardcopy.

Electronic Transmission Options

(1) States are strongly encouraged to submit their State Plan materials to RSA electronically through the Internet. If a state chooses this option, the submission must be in Microsoft Word or PDF format. The Internet address for the submission of the State Plan materials is:

osers.rsa.vrstateplans@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 the Internet 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 SE 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.

Hardcopy Transmission

In lieu of an electronic submission of the State Plan materials, a state can submit the original and one copy of the materials together with a transmittal letter signed by the state official authorized to submit the State Plan.

Materials sent through regular mail can be addressed as follows:

United States Department of Education
Office of Special Education and Rehabilitative Services
Attention: Pedro Romero
400 Maryland Avenue, S.W., PCP Room 5144
Washington, D.C. 20202-2800

Materials sent by overnight mail should be sent to the following address:

United States Department of Education
Attention: Pedro Romero
Mail Stop 2800, PCP Room 5144
7100 Old Landover Road
Landover, MD 20785-1605

INQUIRIES: Your State Liaison

Edward Anthony, Ph.D.
Delegated the authority to perform
The functions of the Commissioner for
Rehabilitation Services Administration

ATTACHMENTS:

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

OMB Number: 1820-0500

Expiration Date: January 31, 2010