

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

INFORMATION MEMORANDUM  
RSA-IM-99-19  
DATE: April 15, 1999

ADDRESSEES: STATE VOCATIONAL REHABILITATION AGENCIES (GENERAL)  
STATE VOCATIONAL REHABILITATION AGENCIES (BLIND)  
STATE REHABILITATION COUNCILS  
CLIENT ASSISTANCE PROGRAMS  
PROTECTION AND ADVOCACY OF INDIVIDUAL RIGHTS  
PROGRAMS  
AMERICAN INDIAN VOCATIONAL REHABILITATION SERVICES  
GRANTS  
RSA SENIOR MANAGEMENT TEAM

SUBJECT: Fact Sheet on the State Rehabilitation Council

CONTENT: The Rehabilitation Services Administration (RSA) has developed this fact sheet on the State Rehabilitation Council (SRC) pursuant to the changes made by the 1998 amendments to the Rehabilitation Act of 1973, as amended (Act). This fact sheet, written in an easy-to-read format, outlines the requirements the SRCs must satisfy to comply with the Act.

INQUIRIES: RSA Regional Commissioners

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Fredric K. Schroeder, Ph.D.  
Commissioner

ATTACHMENT

cc: CSAVR  
NAPAS  
NCIL

## **The State Rehabilitation Council**

**BACKGROUND:** The State Rehabilitation Council (SRC) is established in Section 105 of the Rehabilitation Act of 1973, as amended (Act), and 34 CFR 361.16-361.17 of its implementing regulations. The SRC *gives advice* to and *works in partnership* with the Vocational Rehabilitation (VR) agency/unit.

Although most State VR agencies have an SRC, there are a few which do not. Section 101(a)(21)(A) requires the State VR agency to meet one of the following requirements:

1. the designated State VR agency is an independent commission that:
  - a. is responsible under State law for operating or overseeing the operation of the State VR program;
  - b. is a consumer-controlled entity by persons who are:
    - i. individuals with physical or mental impairments that substantially limit major life functions; and
    - ii. represent individuals with a broad range of disabilities, unless the designated State unit under the commission's direction is the State VR agency for individuals who are blind;
  - c. includes family members, advocates or other representatives of individuals with mental impairments; and
  - d. performs the functions of the SRC, set forth in section 105(c)(4) of the Act; OR
2. the State VR agency has established an SRC according to the requirements of section 105 of the Act.

In some States, there are two State VR agencies: one provides VR services to individuals who are blind; the other provides services to all other individuals with disabilities. Section 101(a)(21)(B) of the Act grants those States with two VR agencies the option of establishing one SRC for *both* VR agencies *or* one SRC for *each* of the VR agencies.

### **MEMBERSHIP OF THE SRC:**

- ‡ Governor appoints SRC members, unless State law grants appointing authority to another entity.
- ‡ In making appointments to the SRC, the appointing authority should consider the extent to which minority populations are represented on the SRC.
- ‡ SRC members serve for three-year terms.
- ‡ Members cannot serve more than two consecutive terms.

‡ The two-term limit does *not* apply to the Client Assistance Program (CAP) or the American Indian VR program representatives.

‡ The SRC must have at least *15 members* representing:

1. Statewide Independent Living Council (SILC);
2. Parent Training & Information Center established under the Individuals with Disabilities Education Act (IDEA);
3. CAP;
4. VR counselor, who, if employed by the VR agency, is an ex-officio, non-voting member;
5. community rehabilitation program;
6. business, industry and labor (4 representatives);
7. disability advocacy groups representing:
  - a. individuals with physical, cognitive, sensory, and mental disabilities; and
  - b. individuals' representatives of individuals with disabilities who have difficulty representing themselves or are unable due to their disabilities to represent themselves;
8. current or former VR applicants or recipients;
9. American Indian VR program (if the State has one);
10. State educational agency responsible for the public education of students with disabilities;
11. State Workforce Investment Board; and
12. Director of the designated State VR unit (ex-officio, non-voting member).

‡ The SRC may have more members, provided the above minimum composition is met.

‡ The majority of SRC members must be:

- ? individuals with disabilities, AND
- ? not employed by the designated State VR unit.

‡ For purposes of SRC membership, an "individual with a disability" is anyone who:

- ? has a physical or mental impairment that substantially limits one or more major life activities;
- ? has a record of having such an impairment; OR
- ? is regarded as having such an impairment.

### ***SRC FUNCTIONS:***

The SRC must perform the following functions, *after consulting with the State Workforce Investment Board*. This requirement can be met, at a minimum, through the exchange of ideas between the SRC representative of the State Workforce Investment Board and other members of the SRC.

1. **Review, analyze, and advise** the VR unit regarding VR's performance related to:
  - ? eligibility, including order of selection;
  - ? extent, scope and effectiveness of VR services;
  - ? functions performed by State agencies that affect the ability of individuals with disabilities to achieve an employment outcome.
  
2. *In partnership with the VR unit:*
  - a. **Develop, agree to and review** State goals and priorities.
  
  - b. **Evaluate the effectiveness** of the VR program and submit annual progress reports to the RSA Commissioner.
  
  - c. **Conduct** a statewide needs assessment of individuals with disabilities living in the State every three years.
  
3. **Advise** the VR agency/unit regarding VR activities.
  
4. **Assist in the preparation of** the State plan, amendments to the plan, applications, reports, needs assessments, and evaluations, including those necessary for the VR agency to satisfy the requirements of developing a "comprehensive system of personnel development" and establishing an "order of selection."
  
5. **Review and analyze** the effectiveness of and the consumer satisfaction with:
  - ? VR agency functions;
  - ? VR services provided by the VR agency and other entities; and
  - ? employment outcomes achieved by eligible individuals served by VR.
  
6. **Prepare and submit** an annual report to the Governor and RSA on the status of VR services. Report should be made available to the public.
  
7. **Coordinate** the activities of the SRC with the activities of other councils, such as the:
  - ? SILC;
  - ? advisory panel established under IDEA;
  - ? State Developmental Disabilities Council;
  - ? State mental health planning council; and
  - ? State Workforce Investment Board.
  
8. **Provide for the coordination and the establishment of working relationships** between the VR agency and the SILC and the centers for independent living.  
AND
  
9. **Perform other functions** that it determines appropriate and comparable to its other functions, provided they are consistent with the purpose of title I of the Act and its implementing regulations.

### ***VR UNIT'S MANDATE REGARDING SRC:***

The Act requires the designated State VR agency/unit to:

1. jointly develop, agree to and review annually State goals and priorities and jointly submit annual reports of progress with the SRC;
2. consult with the SRC regularly regarding the development, implementation and revision of State policies and procedures of general applicability pertaining to the provision of VR services;
3. include in the State plan and any revisions to the State plan, a summary of input provided by the SRC;
4. conduct a statewide needs assessment of individuals with disabilities living in the State every three years; and
5. transmit copies of the following to the SRC:
  - a. all plans, reports and other information required to be submitted to RSA;
  - b. all policies and information on practices and procedures of general applicability provided to or used by rehabilitation personnel in carrying out the VR program; and
  - c. due process hearing decisions which are to be transmitted to the SRC in such a manner as to protect the confidentiality of the individuals involved.

### ***CONFLICT OF INTEREST:***

An SRC member may not vote on any matter that would financially benefit him/herself OR give the appearance of a conflict of interest.

### ***SRC MEETINGS:***

SRC meetings must be:

- ? held at least four times a year;
- ? publicly announced;
- ? open and accessible to the public unless there is a valid reason for an executive session; and
- ? may consist of hearings and forums as deemed necessary by the SRC.

### ***COMPENSATION AND EXPENSES:***

- ! SRC members may be reimbursed for reasonable and necessary expenses to attend Council meetings and perform SRC functions. Reimbursed expenses can be for childcare and personal assistance services.

- | SRC members may be compensated if the member is not employed or if he/she must forfeit wages from other employment in order to attend meetings or perform SRC functions.

***RESOURCES:***

- | The SRC must work with the VR agency/unit to develop a resource plan, including the staff needed for the SRC to carry out its functions.
- | The resource plan must rely on existing resources, to the maximum extent possible.
- | SRC members must supervise and evaluate the staff necessary for the SRC to carry out its functions.
- | The Governor has the authority to resolve any disagreement between the SRC and the VR unit in terms of the resources needed by the SRC to perform its functions.

***KEY LEGAL CITES:***

The Rehabilitation Act of 1973, as amended (Act):

- ? Section 101(a)(21)
- ? Section 105

Federal Regulations:

- ? 34 CFR 361.16 and 361.17