

UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF SPECIAL EDUCATION AND REHABILITATION SERVICES
REHABILITATION SERVICES ADMINISTRATION
WASHINGTON, D.C. 20202

INFORMATION MEMORANDUM

RSA-IM-02-21

DATE: June 24, 2002

ADDRESSEES: STATE VOCATIONAL REHABILITATION AGENCIES (GENERAL)
STATE VOCATIONAL REHABILITATION AGENCIES (BLIND)
CLIENT ASSISTANCE PROGRAMS
REGIONAL REHABILITATION CONTINUING EDUCATION
PROGRAMS (RRCEPS)
AMERICAN INDIAN VOCATIONAL REHABILITATION SERVICE
PROGRAMS
RSA SENIOR MANAGEMENT TEAM
STATEWIDE INDEPENDENT LIVING COUNCILS
STATE REHABILITATION COUNCILS
CENTERS FOR INDEPENDENT LIVING
CONSUMER ADVOCACY ORGANIZATIONS

SUBJECT: TECHNICAL AMENDMENTS AFFECTING THE SELECTION OF
MEMBERS AND THE APPOINTMENT OF THE CHAIRPERSON OF
THE STATEWIDE INDEPENDENT LIVING COUNCIL AND THE
STATE REHABILITATION COUNCIL

CONTENT: This Information Memorandum (IM) is to notify interested parties of
technical amendments, passed on October 29, 1998, that reinstate
language formerly contained in the Rehabilitation Act of 1973, as
amended (Act), with regard to the selection of members and the
chairperson of the State Rehabilitation Council (SRC) and the Statewide
Independent Living Council (SILC). (These entities will hereinafter be
referred to as "the councils").

Amendments to the Act on August 7, 1998 inadvertently deleted language
recognizing that some States have laws that require an entity other than the
Governor to make appointments to independent boards, such as the
councils. The October technical amendments were passed to correct this
oversight.

Sections 105(b)(3) and 705(b)(1), which contain the appointment
requirements for SRC and SILC members, respectively, were changed to
read as follows:

Members of the Council shall be appointed by the Governor, or in the case of a State that, under State law, vests authority for the administration of the activities carried out under this Act in an entity other than the Governor (such as one or more houses of the State legislature or an independent board), the chief officer of that entity. The appointing authority shall select members after soliciting recommendations from representatives of organizations representing a broad range of individuals with disabilities and organizations interested in individuals with disabilities. In selecting members, the appointing authority shall consider, to the greatest extent practicable, the extent to which minority populations are represented on the Council.

Sections 105(b)(5)(B) and 705(b)(5)(B), which contain the requirements for designation of the chairperson for the councils, were changed to read as follows:

- (A) In general -- Except as provided in subparagraph (B), the Council shall select a chairperson from among the voting membership of the Council.
- (B) Designation by chief executive officer -- In States in which the Governor does not have veto power pursuant to State law, the appointing authority described in paragraph (3)¹ shall designate a voting member of the Council to serve as the chairperson of the Council or shall require the Council to so designate such a voting member.

The provisions pertaining to the term of appointments and vacancies in sections 105(b)(6)(A)(ii) and (7)(B) and sections 705(b)(6)(A)(ii) and (7)(B) were also changed by replacing “Governor” with the phrase “appointing authority described in paragraph (3).”²

If you have any questions regarding this IM, please contact: Dr. Thomas E. Finch at (202) 205-8292, or via E-mail at tom.finch@ed.gov.

Joanne M. Wilson
Commissioner

cc: CSAVR
NORP

¹ With respect to the SILC, this reference appears to be a drafting error by Congress since the SILC provision describing the appointing authority is in paragraph (1) not paragraph 3 of section 705(b).

² Again, the reference for the SILC should be paragraph 1.