

**STATE VOCATIONAL REHABILITATION
SERVICES PROGRAM**

**FY 2004 MONITORING AND
TECHNICAL ASSISTANCE GUIDE**



U.S. DEPARTMENT OF EDUCATION

**OFFICE OF SPECIAL EDUCATION AND
REHABILITATIVE SERVICES
REHABILITATION SERVICES ADMINISTRATION**

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

INFORMATION MEMORANDUM
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DATE: February 13, 2004

ADDRESSEES: STATE VOCATIONAL REHABILITATION AGENCIES
(GENERAL)
STATE VOCATIONAL REHABILITATION AGENCIES
(BLIND)
STATE REHABILITATION COUNCILS
CLIENT ASSISTANCE PROGRAMS
AMERICAN INDIAN VOCATIONAL REHABILITATION
SERVICE GRANTS
REGIONAL REHABILITATION CONTINUING EDUCATION
PROGRAMS
CONSUMER ADVOCACY ORGANIZATIONS
RSA SENIOR MANAGEMENT TEAM

SUBJECT: FY 2004 Monitoring and Technical Assistance Guide for the State
Vocational Rehabilitation Services Program

CONTENT: Section 107 of the Rehabilitation Act, as amended in 1998 (the Act),
requires the Rehabilitation Services Administration (RSA)
Commissioner to conduct annual reviews and periodic on-site
monitoring of programs under this title to determine whether a State
vocational rehabilitation (VR) agency is complying substantially
with the provisions of its State plan under section 101 of the Act and
with the Evaluation Standards and Performance Indicators
established under section 106. RSA has developed this FY 2004
Monitoring and Technical Assistance Guide (the Guide) to fulfill the
requirements of section 107 of the Act. In addition, the Guide will
be used when RSA staff provide technical assistance to State VR
agencies on the quality of their service delivery and the employment
outcomes achieved by individuals with disabilities served by the VR
program.

RSA staff will use the attached FY 2004 Guide in planning and
conducting the annual reviews in all State VR agencies. For FY

2004, the Guide includes five required programmatic focus areas: (1) Quality of Employment Outcomes and Service Delivery: Service Record Review; (2) Performance Monitoring Based on VR Program Evaluation Standards and Performance Indicators; (3) Section 361.50: Written Policies Governing the Provision of Services for Individuals with Disabilities; (4) Homemaker Outcomes; and (5) Third Party cooperative arrangements between State VR Agencies and other Agencies. In addition, a fiscal review of all State VR agencies is required.

The Guide can also be used effectively by State VR agencies as a self-assessment tool.

INQUIRIES:

In order to obtain additional copies of the Guide or to obtain the Guide in alternate formats, contact your RSA Regional Office; contact information can be found at the end of the Guide. You may also reach the RSA Central Office Monitoring Unit at:

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The Guide, as well as the sub-regulatory guidance referenced in the Guide, is also available at the RSA website:
<http://www.ed.gov/offices/OSERS/RSA>

Joanne Wilson
Commissioner

Attachment

cc: COUNCIL OF STATE ADMINISTRATORS OF VOCATIONAL
REHABILITATION
NATIONAL ORGANIZATION OF REHABILITATION PARTNERS

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INTRODUCTION

Purpose of RSA's monitoring: During Fiscal Year (FY) 2004, RSA will continue to conduct annual reviews and periodic on-site monitoring as required by section 107 of the Rehabilitation Act, as amended in 1998 (the Act). The purpose of this monitoring is to assess State vocational rehabilitation (VR) agency performance in assisting eligible individuals with disabilities to achieve employment outcomes and to determine compliance with the assurances made in the VR agency's State plan and with the Evaluation Standards and Performance Indicators established under section 106 of the Act.

RSA uses the Monitoring and Technical Assistance Guide (Guide) as its uniform monitoring instrument. Each year, RSA selects monitoring focus areas to determine the level of implementation of certain requirements, to gather information about the status of specific national initiatives, and to assess the nature and scope of technical assistance needed by the public VR program. This information is used to report to Congress and the Commissioner and to make decisions regarding funding and training priorities.

The Guide can also be used effectively by State VR agencies as a self-assessment tool. Ideally, State agencies should conduct this self-assessment prior to the on-site visit of RSA staff.

Programmatic focus areas: This year, RSA will utilize the following five required programmatic focus areas during its annual reviews of all State VR agencies:

- A review of the quality of employment outcomes and service delivery as reflected in a service record review;
- An examination of State VR agency performance on the Evaluation Standards and Performance Indicators required by section 106 of the Act;
- A review of the State VR agency policies and practices governing the provision of services to persons with disabilities as required under 34 CFR 361.50;
- A review of policies and practices of State VR agencies regarding homemaker outcomes; and
- A review of the third party cooperative arrangements developed by the State VR agency with other agencies.

Fiscal reviews: This year, as in the past, a fiscal review will also be conducted in all State VR agencies. These reviews will be tailored to follow up on monitoring findings from previous years and to address issues of concern in the State agency. Reviewers may design their review strategy using one or more sections from the State Agency Financial and Administrative Review Instrument (SAFARI). They may also choose from monitoring materials developed in previous years for use in fiscal reviews.

Reports: RSA will develop a draft monitoring report that will include the findings from the five required programmatic focus areas and the fiscal reviews. At the conclusion of annual review activities and following the necessary reviews of that report within RSA, the RSA Regional Commissioner will then send the draft report to the State VR agency

director for review and comment. The State VR agency will be afforded 45 days to comment on the draft report. The comments received will be reviewed and, where appropriate, the review team's responses to those comments will be integrated into the final monitoring report. It will be provided to the State VR agency director with copies to the chairperson of the State Rehabilitation Council and RSA Central Office.

The following is a recommended outline for the report:

- I. Introduction
 - A. Legal Basis
 - B. Purpose of Monitoring
 - C. Status of Findings and Technical Assistance Observations from Prior Year
 - D. Subjects of Current Annual Review
 - E. Overview of Review Process
- II. Program Review
 - A. Quality of Employment Outcomes and Service Delivery: service record review
 - B. Evaluation Standards and Performance Indicators
 - C. Special Focus Areas
- III. Fiscal Review
- IV. Conclusion
 - A. Heading for Each Finding or Technical Assistance Observation including:
 - 1. Listing of all findings and technical assistance observations, including essential facts/results, legal citation (if appropriate), and corrective action, recommendations, and commendations
 - 2. Agency response to corrective action or recommendation
 - 3. RSA determination of sufficiency of agency response.

Web-based national reporting system: RSA Regional office staff will once again enter the monitoring results for all required focus areas into the web-based national reporting system. This system will be updated to include all of the required focus areas for FY 2004.

***Focus Area I:
Quality of Employment Outcomes
and Service Delivery:
Service Record Review***

QUALITY OF EMPLOYMENT OUTCOMES AND SERVICE DELIVERY: SERVICE RECORD REVIEW

PURPOSE OF THE SERVICE RECORD REVIEW

During FY 2004, RSA staff will use the service record review guide to examine five aspects of vocational rehabilitation (VR) policy and practice: (1) eligibility determination; (2) timeliness of services; (3) substantiality of services; (4) quality of employment outcomes; and (5) homemaker closures. Most of the questions in this service record review are designed to determine whether the State agency is in compliance with specific statutory and/or regulatory provisions. However, in order to review these five components of the VR process thoroughly, the reviewer must ask some questions that go beyond compliance with the statute and regulations and instead examine the State agency's performance, focusing specifically on the quality of rehabilitation practice and service provision.

Many of the complaints filed with the Client Assistance Program by individuals with disabilities concern the lack of timeliness and substantiality of VR services. During FY 2004, RSA will continue the work begun in FY 2002 and will once again gather information regarding State agency practices in the areas of timeliness and substantiality of services in order to determine the feasibility of establishing nationally accepted standards for good practice. Where standards exist within a State agency, or where standards have been recently established in line with FY 2002 and FY 2003 reviews, RSA will also monitor to determine that the State agency is adhering to those standards.

RSA will gather information about the quality of services being provided to homemakers and how such services may be improved. As in the past, teams of reviewers will include State agency staff as well as RSA personnel.

Eligibility: The first component of the service record review examines eligibility for VR services. As is traditional in service record reviews, RSA will continue the practice of reviewing whether the documentation in the service record supports the determination of eligibility made by the VR counselor using the basic eligibility criteria for the VR program.

Timeliness of Services: The timeliness with which individuals with disabilities gain access to the VR process and to needed services is critical in determining the quality of the VR program. Therefore, RSA will be examining the issue of timeliness during the service record review. It is important that State VR agencies respond to individuals in a timely way at each stage of the VR process--expediting the application of an individual referred to the program, determining the eligibility of the individual once an application is made, developing the individualized plan for employment (IPE), and delivering services as expeditiously as possible.

Substantiality of Services: An important measure of a program's effectiveness is whether the activities carried out by program staff contribute substantially to the outcomes the program is mandated to achieve. In the case of the VR program, State VR agency staff provides services necessary for individuals with disabilities to achieve employment that is consistent with their strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice. During the service record review, RSA will examine on a national basis whether the VR services being provided to individuals with disabilities contribute substantially to the employment outcomes achieved by such individuals.

Employment Outcomes: The fourth section of the service record review focuses on the employment outcomes, specifically competitive employment outcomes, achieved by individuals with disabilities. The 1992 and 1998 Amendments to the Rehabilitation Act placed increased emphasis on competitive employment outcomes, i.e., employment in the competitive labor market that is performed on a full-time or part-time basis in an integrated setting and for which the individual is compensated at or above the minimum wage, but not less than the customary wage and level of benefits paid by the employer for the same or similar work performed by individuals who are not disabled. The regulations that promulgated the evaluation standards and performance indicators for the VR program in June 2000 also placed priority on this type of employment outcome in the VR program. In this context, this section of the service record review is designed to assess the degree to which the competitive employment outcomes reported by the State VR agency meet the criteria of 34 CFR 361.56.

Homemakers: The fifth section of the service record review addresses homemaker outcomes. Over the past 20 years, many State VR agencies have reoriented their programs to focus more on competitive employment outcomes and to reduce the number of homemaker outcomes; however, other VR agencies, particularly some agencies serving individuals with visual disabilities, have maintained traditional policies and practices regarding homemaker outcomes.

SELECTING THE SAMPLE OF SERVICE RECORDS

There are three elements to sampling service records. These include selecting (1) the variable categories from which service records will be selected for review and comparisons made (the population); (2) the number of service records to be reviewed in each category (sample size); and (3) the actual service records to be reviewed (sample selection).

The Population: Determining the population(s) from which to select service records for review is primarily dependent upon the information desired by the organization initiating the review. In the case of the current service record review, RSA is interested in selecting service records that demonstrate all aspects of the rehabilitation process (meaning service records for individuals who have exited the VR program after receiving services under an IPE). Therefore, as much as possible, reviewers should select service records of individuals who have completed the VR program after receiving services. It is also preferable to sample service records of individuals who have exited the program recently

(after FY 2001, i.e., after September 30, 2001). During this year's review, in addition to sampling service records in general, RSA is interested in a subsample of service records of individuals with homemaker outcomes.

Sample Size: The determination of the size of the sample to be drawn from a population of service records has been the subject of much investigation. If the sample is too small, it will not be representative of the population. If the sample contains more service records than are needed, the review process will be time-consuming, tedious, and expensive. In the past, tables have been generated presenting population percentages to be selected based on population size. For example, if the population of service records ranges between 250 and 500, the reviewer might reasonably choose a sample of ten to twenty-five percent; between 500 and 1,000, five to ten percent; between 1,000 and 5,000, one to two percent. Given the substantial commitment of resources involved in reviewing service records, even when both RSA staff and State agency personnel participate in the service record review process, it is recommended that a maximum of 100 service records be reviewed in one State agency.

Homemaker Sub-sample Size: Of the 100 service records reviewed, reviewers should **randomly** select **25** service records of individuals who achieved homemaker outcomes. If a State agency has less than 25 homemaker outcomes, then **all** homemaker service records from that agency should be reviewed.

Sample Selection: Once the population(s) and sample sizes have been determined, the actual sample selection ensues. This process is dependent upon the type of service records to be selected and the computer capability of the State VR agency. Randomization is the most important concept, that is, each service record in the population must have an equal chance of ultimately being chosen to be in the sample to be reviewed. The reviewer may ask the data processing staff of the State agency to identify the population and provide a list of service records randomly selected for review. If State VR agency staff can generate populations from the computer but cannot produce random samples with the computer, manual random selection may need to be used.

COMPLETING INFORMATION CRITICAL TO THE SERVICE RECORD

In order to facilitate the gathering of the demographic information and significant dates to be recorded in this section, the reviewer may want to ask the assistance of State VR agency staff. Once the service records being reviewed have been identified, VR staff may be asked to complete this section of the service record instrument for each service record prior to the review. Doing some of this work in advance will save time during the week of the on-site review. In addition, State agency staff may rely on the data system, including codes on the RSA-911, to facilitate the completion of these items.

Required Items

VR Agency: Record the two-letter abbreviation for the State agency in which service records are being reviewed, followed by a "g" for a general agency serving all individuals

with disabilities except individuals who are blind, a "b" for an agency serving individuals who are blind, or a "c" for a combined agency serving all individuals with disabilities.

Reviewer: Record the name of the individual reviewing the service record.

Service Record Identification Number: Record the State agency identification number assigned to the individual whose service record is being reviewed. This number is often the same as the individual's Social Security number. Please note that when reporting findings to the State agency, the confidentiality of individuals served by the program should be preserved, and therefore, references to Social Security numbers should be deleted.

Significance of Disability: Check whether the individual is an individual with a most significant disability, a significant disability, or a less significant disability.

Receipt of SSDI or SSI due to a disability:

- **SSDI:** Check whether the individual received Social Security Disability Insurance (SSDI) due to a disability while being involved with the VR agency at any time, from referral to exiting the program. It is not necessary to record the amount received.
- **SSI:** Check whether the individual received Supplemental Security Income (SSI) due to a disability while being involved with the VR agency at any time, from referral to exiting the program. It is not necessary to record the amount received.

Status: Check one of the three statuses listed:

- **Closed Employed:** The service record was closed after the individual achieved an employment outcome.
- **Closed Not Employed:** The service record was closed without the individual having achieved an employment outcome after the individual received services.
- **Open:** The individual is currently receiving services.

Service Record Type: During the section 107 reviews conducted in FY 2004, reviewers will be reviewing two types of service records. Check one of the service record types listed:

- **General:** The individual's service record cannot be classified as a homemaker.
- **Homemaker:** The individual whose service record is being reviewed is a homemaker.

Optional Items

Referral Source: Record the agency or other entity that referred the individual to the State VR agency. Use the following codes, taken from item 7 of PD-00-06, transmitting the current RSA-911:

- 1 Educational Institutions (elementary/secondary)
- 2 Educational Institutions (post-secondary)
- 3 Physician or other Medical Personnel or Medical Institutions (public or private)
- 4 Welfare Agency (State or local government)
- 5 Community Rehabilitation Programs
- 6 Social Security Administration (Disability Determination Service or District office)
- 7 One-Stop Employment/Training Centers
- 8 Self-referral
- 9 Other sources

Date of Birth: Record the date of birth of the individual.

Disability: Record the primary disability as identified in the service record. This disability is the physical or mental impairment that constitutes or results in a substantial impediment to employment. If it is readily available, use the four-digit primary disability code from the current RSA-911 (comprised of a two-digit impairment code and a two-digit cause/source code). Record a secondary disability in the same manner if one is identified. The RSA-911 codes for impairments and causes/sources are reproduced here for the convenience of the reviewer.

CODES FOR IMPAIRMENTS

00 No impairment

SENSORY/COMMUNICATIVE IMPAIRMENTS:

- 01 Blindness
- 02 Other Visual Impairments
- 03 Deafness, Primary Communication Visual
- 04 Deafness, Primary Communication Auditory
- 05 Hearing Loss, Primary Communication Visual
- 06 Hearing Loss, Primary Communication Auditory
- 07 Other Hearing Impairments (Tinnitus, Meniere's Disease, hyperacusis, etc.)
- 08 Deaf-Blindness
- 09 Communicative Impairments (expressive/receptive)

PHYSICAL IMPAIRMENTS:

- 10 Mobility Orthopedic/Neurological Impairments
- 11 Manipulation/Dexterity Orthopedic/Neurological Impairments
- 12 Both mobility and Manipulation/Dexterity Orthopedic/Neurological Impairments
- 13 Other Orthopedic Impairments (e.g., limited range of motion)
- 14 Respiratory Impairments
- 15 General Physical Debilitation (fatigue, weakness, pain, etc.)
- 16 Other Physical Impairments (not listed above)

MENTAL IMPAIRMENTS:

- 17 Cognitive Impairments (impairments involving learning, thinking, processing information and concentration)
- 18 Psychosocial Impairments (interpersonal and behavioral impairments, difficulty coping)
- 19 Other Mental Impairments

CODES FOR CAUSES/SOURCES OF IMPAIRMENTS

- 00 Cause unknown
- 01 Accident/Injury (other than TBI or SCI)
- 02 Alcohol Abuse or Dependence
- 03 Amputations
- 04 Anxiety Disorders
- 05 Arthritis and Rheumatism
- 06 Asthma and other Allergies
- 07 Attention-Deficit Hyperactivity Disorder (ADHD)
- 08 Autism
- 09 Blood Disorders
- 10 Cancer
- 11 Cardiac and other Conditions of the Circulatory System
- 12 Cerebral Palsy
- 13 Congenital Condition or Birth Injury
- 14 Cystic Fibrosis
- 15 Depressive and other Mood Disorders
- 16 Diabetes Mellitus
- 17 Digestive
- 18 Drug Abuse or Dependence (other than alcohol)
- 19 Eating Disorders (e.g., anorexia, bulimia, or compulsive overeating)
- 20 End-Stage Renal Disease and other Genitourinary System Disorders
- 21 Epilepsy
- 22 HIV and AIDS
- 23 Immune Deficiencies excluding HIV/AIDS
- 24 Mental Illness (not listed elsewhere)
- 25 Mental Retardation
- 26 Multiple Sclerosis
- 27 Muscular Dystrophy
- 28 Parkinson's Disease and other Neurological Disorders
- 29 Personality Disorders
- 30 Physical Disorders/Conditions (not listed elsewhere)
- 31 Polio
- 32 Respiratory Disorders other than Cystic Fibrosis or Asthma
- 33 Schizophrenia and other Psychotic Disorders
- 34 Specific Learning Disabilities
- 35 Spinal Cord Injury (SCI)
- 36 Stroke

Significant Dates: Although recording of such dates is optional, it is strongly encouraged. It may be possible to calculate the number of days between various dates in the VR process using State agency data systems. At any rate, particularly where a State agency does not have a standard for initial contact of an individual and for developing an IPE, it is particularly critical that the dates be recorded.

Prior to the review or during orientation to the review, it is critical to determine from State agency personnel the documents to use for obtaining the dates of referral, initial contact, application, eligibility, signing of the IPE, closure, and beginning of employment. This determination is critical since the way in which a State agency documents these dates varies considerably and may include both written and electronic methods.

Record the dates for the following events:

- **Referral:** The date on which the individual was referred to the VR agency. Review the VR agency's policies as to how a "referral" is defined, and use the agency's criteria when examining the documentation in the service record in order to determine the date of referral.
- **Initial Contact:** The date on which the individual was informed about the application process or the date on which the agency initiated good faith efforts to contact the individual.
- **Application:** The date on which the VR agency received sufficient information to complete the individual's application. The date may be (1) the date a written application was signed, (2) the date on which the individual completed a common intake application form in a One-Stop center requesting VR services, or (3) the date on which staff of the VR agency gathered information by telephone or some other means sufficient to begin assessment of the individual for eligibility for services.
- **Eligibility:** The date on which a VR counselor made a determination of eligibility or ineligibility. A State agency may record the determination of eligibility or ineligibility in a variety of ways. Prior to the review, determine the type of documentation a State agency uses to record a determination of eligibility or ineligibility. In some State agencies, a supervisor can nullify or reverse a determination made by the counselor. If this is the case, the date of the supervisor's approval of the counselor's determination of eligibility is the date that should be recorded.
- **IPE Signed:** The date on which the VR counselor and the individual with a disability signed the IPE. If they did not sign the IPE on the same date, use whichever date is later. As with eligibility determination, in some State agencies, a supervisor can nullify or reverse a determination made by the counselor. If this is

the case, the date of the supervisor's approval of the IPE is the date that should be recorded.

- **Closure:** The date on which the service record was closed. A State agency may record closure of a service record in a variety of ways. Prior to the review, determine the type of documentation a State agency uses to record the closure of a service record.
- **Employment Began:** The date on which the individual actually began his/her employment.

I. ELIGIBILITY

Preparation Prior to the Review

Review both 34 CFR 361.42 and .47 and the associated discussions for these regulatory provisions. The discussions can be found in the preamble to the February 28, 2000 Notice of Proposed Rulemaking (NPRM) on pages 10625-10626 and page 10628. Additional discussions in response to comments on the NPRM can be found in the appendix to the final regulations effective April 17, 2001. These discussions can be found on pages 4426-4428 and pages 4429-4430 of the January 17, 2001, Federal Register.

Review State agency policies and procedures related to eligibility determinations to ensure their conformity with the provisions of 34 CFR 361.42. Also, review the types of service record documentation that have been determined by the State VR agency as necessary to support eligibility determinations consistent with 34 CFR 361.47(a)(1) and (b).

Review Questions

1. Examine the documentation in the service record that was available to the VR counselor up to the date of the eligibility determination and then make a determination as to concurrence or non-concurrence with the determination for each eligibility criterion.
2. In order to answer YES to question 2, the reviewer must have concurred with all three criteria in question 1. Under most circumstances, information in the service record that was obtained prior to eligibility determination should be used. Before determining that an individual that a counselor determined eligible is really ineligible, however, the reviewer should consider any additional information in the service record that was obtained after eligibility determination and that might enable the reviewer to concur with the eligibility determination made by the counselor.
3. If the reviewer determines that the documentation was insufficient to establish eligibility, that is, if the answer to question 2 is NO, or if there is a discrepancy between the responses to questions 1 and 2, provide a rationale with respect to the facts reflected in the service record

documentation vis-à-vis the eligibility provisions identified in 34 CFR 361.42.

4. The reviewer should examine whether the individual receiving SSI or SSDI at application due to a disability was presumed eligible, as is required by 34 CFR 361.42(a)(3). If the individual did not receive either SSI or SSDI at application, the reviewer should choose the N/A response.
5. The reviewer may use this question to record any general observations about eligibility that pertain to the review of the service record.

II. ASSESSMENT

Preparation for the Review

The purpose of this section is to examine the State agency's implementation of its policies and procedures regarding determination of the level of significance of a disability, assignment to a priority category in the order of selection, if applicable, and the assessment of an individual's rehabilitation needs. The reviewer will be examining documentation in the service record obtained before services were initiated.

Review the regulatory definitions of an "individual with a significant disability" (34 CFR 361.5(b)(31)) and an "individual with a most significant disability" (34 CFR 361.5(b)(30)).

Review the regulations applicable to an order of selection in 34 CFR 361.36(d).

The reviewer should also become familiar with all pertinent State agency policy and procedures. If a State agency is operating under an order of selection, it is critical that the reviewer become familiar with the priority categories in the order and the criteria used to place an individual in one of the categories, including the agency's definitions of individuals with significant and most significant disabilities.

Review Questions

6. Review the documentation in the service record pertaining to an individual's disability, particularly with regard to the individual's functional limitations and the need for multiple VR services over an extended period of time, to determine whether or not the documentation supports the counselor's determination of the level of significance of disability.
7. If the State agency is operating under an order of selection, determine the priority category to which the individual was assigned and decide whether the documentation in the service record supports this assignment, answering either YES or NO. If individuals are not being assigned to priority categories because all categories are open or the agency is not operating under an order of selection, respond N/A.

8. Review the documentation collected by the counselor during the assessment process to determine whether or not all of the individual's rehabilitation needs have been adequately described, and respond YES or NO. If needs have not been adequately identified during the assessment process, provide a brief explanation.
9. Review documentation collected by the counselor during the assessment process to determine whether or not the assessment process led to the identification of an employment goal that was consistent with the individual's unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice, and answer either YES or NO. If the employment goal identified during the assessment does not appear to be consistent with these requirements, provide a brief explanation.

III. TIMELINESS

Preparation Prior to the Review

Review the requirements at 34 CFR 361.41(a) and 361.45(e) requiring the State agency to develop time standards for making the initial contact with the individual (questions 10 and 11) and developing the IPE (question 13), respectively.

Review the requirements at 34 CFR 361.41(b) that establish the Federal time standard for determining eligibility and any policies the State agency has developed to implement these requirements (question 12).

Review the requirements at 34 CFR 361.46(a)(3) regarding the requirement to establish timeframes in the IPE for the initiation of services and any policies the State agency has developed for assuring timely service provision (question 14).

Review the State agency's policies for providing services in a timely manner without undue delays or interruptions, if the agency has such policies (questions 15 and 16).

Review any State agency policies related to case management and service record documentation that apply to the review questions on timeliness of services.

Review Questions

Answer questions 10 through 16 based on methods developed during the service record review preparation and orientation. When answering a question, pay particular attention to instructions on the service record review form to choose the N/A option depending on the answer to a previous question. Include comments whenever they would help to clarify the meaning of an answer.

- 10(a) Refer to the answer to question 1 on the Policy Review Checklist regarding the time standard for contacting an individual who has been referred to the VR agency to provide the individual with information on application requirements. If the

agency has such a standard, answer YES if the individual was contacted within the specified timeline or if the agency made good faith efforts within the timeline to contact the individual. If the individual was not contacted within the specified timeline or if the agency did not make good faith efforts to contact the individual within the timeline, answer NO. If the agency does not have a time standard, respond N/A.

- 10(b) If the agency has no time standard, record the dates of referral and initial contact on the cover sheet of the service record review form and make a judgment about whether good faith efforts were made to contact the individual in a timely manner. If the agency has a time standard, respond N/A.
- 11. Determine whether the agency has made good faith efforts to obtain the information needed to submit the application in a timely manner. Such information includes the information necessary for a completed application form and the information needed to initiate the assessment to determine eligibility. It is unlikely that many State agencies will have a time standard for obtaining this information. Therefore, reviewer judgment must be used in making this determination. Record comments to explain the response, when necessary.
- 12(a) Review the documentation in the service record and decide whether the eligibility/ineligibility determination was made within 60 days of the individual's application, and answer 12(a) with either YES or NO.
- 12(b) If the answer to 12(a) is YES, answer 12(b) N/A. If the answer to 12(a) is NO, determine if there is documentation that the counselor and applicant agreed to a specific extension of time for the determination of eligibility, and answer 12(b) with either YES or NO. If the answer to 12(b) is NO, explain this answer.
- 13(a) Refer to the answer to question 2 on the Policy Review Checklist regarding the time standard for developing an IPE for an individual once eligibility has been determined. If the agency has such a time standard, answer YES if the IPE for the individual was developed within the specified timeline. If the IPE was not developed within the specified timeline, answer NO. If the agency does not have a time standard, respond N/A.
- 13(b) If the agency has no time standard, record the dates of eligibility and IPE development on the cover sheet of the service record review form and make a judgment about whether good faith efforts were made to develop the IPE in a timely manner. If the agency has a time standard, respond N/A.
- 14(a) Review the documentation on the IPE to determine whether timelines for the initiation of services were identified and answer YES or NO.
- 14(b) If timelines were identified on the IPE for the initiation of services, determine

whether there is documentation in the service record to corroborate that services were initiated according to the timelines identified on the IPE, and answer YES or NO. If no timelines for the initiation of services were identified on the IPE or if the individual is still receiving services and it is too early in the rehabilitation process to make a fair judgment regarding this question, respond N/A.

- 15(a) Refer to the answer to question 3 on the Policy Review Checklist regarding the State agency's policy for providing services in a timely manner without undue delays or interruptions (If the agency has such a policy). Once services were initiated, determine whether they were provided without undue delays or interruptions, and answer YES or NO. If the individual is still receiving services and it is too early in the rehabilitation process to make a fair judgment regarding this question, respond N/A.
- 15(b) If there were delays or interruptions in the provision of services once the services were initiated, determine whether there were reasons for such delays or interruptions documented in the service record, and answer either YES or NO. If there were no delays or interruptions in the provision of services or if the individual is still receiving services and it is too early in the rehabilitation process to make a fair judgment regarding this question, respond N/A.
- 16(a) Review the documentation in the service record and determine whether the VR counselor maintained contact with the individual, and answer YES or NO. If the individual is still receiving services and it is too early in the rehabilitation process to make a fair judgment regarding this question, respond N/A.
- 16(b) If the VR counselor did not maintain contact with the individual, determine whether there was documentation for reasons for extended periods without contact, and answer YES or NO. Then explain the answer. If the counselor maintained regular contact with the individual, if reasons for lack of contact were documented, or if the individual is still receiving services and it is too early in the rehabilitation process to make a fair judgment regarding this question, answer N/A.

IV. SUBSTANTIALITY OF SERVICES

Preparation Prior to the Review

“Substantial” vocational rehabilitation services are those services, which, provided in the context of the counseling relationship, collectively and significantly contribute to the achievement of an employment outcome consistent with the informed choice of the individual.

Review 34 CFR 361.47(a)(14), which applies to service records of individuals who achieve employment outcomes. This provision requires that there be documentation that demonstrates that services provided under the individual's IPE contributed to the achievement of the employment outcome.

Review the State VR agency's policies regarding how substantiality of services is defined (if the State agency has such policies) and record these policies in response to question 4 on the Policy Review Checklist.

Review what service record documentation the State agency uses to corroborate that substantial services are being provided to individuals with disabilities.

Review Questions

17. After reviewing the services listed on the IPE and its amendments, determine whether all of the services identified in the IPE were necessary for the achievement of an employment outcome, and respond YES or NO. Answer NO if even one service was identified that was not necessary for the achievement of an employment outcome, and explain the response.
18. All significant services that are provided to an individual should be listed in the IPE or its amendments. Based on facts gleaned from the service record documentation, the reviewer should determine whether all significant services provided to an individual were identified in the IPE, and answer either YES or NO. If significant services were provided that were not identified, provide a brief explanation. Respond N/A if the individual is still receiving services and it is too early in the rehabilitation process to make a fair judgment regarding this question.
19. All services necessary for the achievement of an employment outcome should be provided to an individual. Using reviewer judgment, based on facts gleaned from the service record documentation, determine whether all services necessary for the achievement of an employment outcome were provided to the individual, and respond either YES or NO. If services necessary for the achievement of an employment outcome were not provided, provide a brief explanation. Respond N/A if the individual is still receiving services and it is too early in the rehabilitation process to make a fair judgment regarding this question or if the individual left the program before completing all services and did not achieve an employment outcome.
20. Based on information gleaned from the service record documentation, and a review of the State agency's policy on substantiality of services if the State agency has such a policy (refer to the answer to question 4 on the Policy Review Checklist), and using reviewer judgment, determine whether services provided to an individual who achieved an employment outcome contributed substantially to the achievement of the employment outcome, and respond either YES or NO. If services provided did not contribute substantially to the individual's

achievement of an employment outcome, answer NO and provide a brief explanation. Respond N/A for service records of individuals who did not achieve employment or for individuals who are still receiving services.

The determination of whether the individual received substantial services must be made on a case-by-case basis. The determination is based on individual needs. No simple formula can be applied. When considering whether the services provided meet the definition of substantiality, the reviewer should identify all the needs that ought to have been met in the IPE, its amendments and otherwise in the service record. These needs should include both those pertaining to the vocational abilities of the individual and those relating to the barriers to employment posed by the disability or disabilities.

A NO response should be given in answer to this question if the service record did not contain documented evidence that the services planned and provided did, in fact, contribute significantly to the individual's employment outcome. A NO answer should be given under these circumstances even though all services planned were provided.

V. EMPLOYMENT OUTCOMES

Preparation Prior to the Review

Review both 34 CFR 361.47 and .56 and the associated discussions for these regulatory provisions. The discussions can be found in the preambles to the February 28, 2000, Notice of Proposed Rulemaking (NPRM) on pages 10628-10629 and on page 39494 of the June 26, 2000, Federal Register. Additional discussions in response to comments on the NPRM can be found in the appendix to the final regulations effective April 17, 2001. These discussions can be found on pages 4429-4430 and page 4433 of the January 17, 2001, Federal Register. In addition, there is a brief discussion on page 7258 of the January 22, 2001, final extended employment regulations.

It is also suggested that 34 CFR 361.5(b)(11) be reviewed together with the preamble discussion on pages 6310-6311 of the February 11, 1997, Federal Register. In addition, it is suggested that Policy Directive 97-04, dated August 19, 1997 and entitled "Employment Goal for an Individual with a Disability" be reviewed.

Review State agency policies and procedures related to closing the service record of an individual who has achieved an employment outcome, including any specific agency guidance with respect to competitive employment outcomes. Also, review the types of service record documentation that have been determined by the State VR agency as necessary to support such an action consistent with 34 CFR 361.47(a)(9), (14) and (15) and (b).

Review Questions

Complete this section only when reviewing service records of individuals who achieved employment.

- 21-24 Answer questions 21 through 24 when reviewing service records for individuals who achieved an employment outcome, regardless of the type of employment outcome achieved (competitive employment, supported employment, self-employment, Business Enterprise Program (BEP) employment, unpaid family work, or employment as a homemaker). Include comments whenever they would help to clarify the meaning of an answer.
25. The criteria for questions 25(a) and 25(b) apply to individuals who achieved competitive employment. In 25(a), a NO answer may have several meanings. A NO answer may mean that there is no verification that the individual's wages and level of benefits are not less than that customarily paid to non-disabled individuals for similar work. A NO answer may also mean that the individual is not doing the same or similar work as performed by non-disabled individuals employed by the same employer. Whatever the case, explain the rationale for a NO answer in the comments section. For both questions 25(a) and 25(b), if the individual achieved an employment outcome other than competitive employment, respond N/A.

VI. CLOSURES WITHOUT EMPLOYMENT OUTCOMES

Review Question

Complete this section only when reviewing service records of individuals who did not achieve an employment outcome after receiving VR services.

26. Determine whether the service record contains documentation of the reason(s) for closure without the individual having achieved an employment outcome. If the documentation is present, briefly describe the reason(s) for closure. Of particular interest would be rationale related to a lack of timeliness or a lack of substantiality of services; however, other rationale that the reviewer judges to be relevant should be described as well.

VII. HOMEMAKER OUTCOMES

Preparation Prior to the Review

Review Commissioner's Memorandum "Homemaker as an Employment Outcome in the VR Program" (CM-04-04, dated February 12, 2004, for a discussion of the evolution of recognizing "homemaker" as an allowable employment outcome under the VR program.

Review Questions

Complete this section only when reviewing service records of individuals whose employment outcome was homemaker.

The service record review on homemaker outcomes intends to gather information on characteristics of the individuals who achieved homemaker outcomes and on their experience in the VR process. The review questions gather basic demographic characteristics on the gender and age of the individual and explore the decision-making process leading to a homemaker outcome. Focusing on the needs of the individual and the services he/she received, the questions probe the circumstances underlying the identification of homemaker as the employment goal, both in the original IPE or when amended to identify such an outcome. The questions also explore the role that consumer choice played in the achievement of a homemaker outcome.

SERVICE RECORD REVIEW GUIDE FORM

Required Items:

VR Agency: _____ Reviewer: _____

Service Record ID Number: _____

Disability: Most Significant: ____ Significant: ____ Less Significant: ____

Due to a disability, receiving: SSDI: _____ SSI: _____

Status: Closed Employed: ____ Closed Not Employed: ____ Open: ____

Service Record Type: General: ____ Homemaker: ____

Optional Items:

Referral Source: _____ Date of Birth: _____

Disability: Primary: _____ Secondary: _____

Significant Dates:

Referral: _____ Initial Contact: _____ Application: _____

Eligibility: _____ IPE Signed: _____

Closure: _____ Employment Began: _____

I. ELIGIBILITY

	YES	NO	N/A
1. Does the service record documentation support the following determinations:			
(a) The applicant has a physical or mental impairment?	<input type="checkbox"/>	<input type="checkbox"/>	
(b) The applicant's physical or mental impairment constitutes or results in a substantial impediment to employment for the applicant?	<input type="checkbox"/>	<input type="checkbox"/>	
(c) The applicant requires VR services to prepare for, secure, retain, or regain employment consistent with the applicant's unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice?	<input type="checkbox"/>	<input type="checkbox"/>	
2. Based on all the information in the service record, is the applicant eligible?	<input type="checkbox"/>	<input type="checkbox"/>	
3. If the answer to question 2 is NO, or if there is a discrepancy between the responses to questions 1 and 2 above, please state why. **Comments			
4. If the individual is a recipient of disability benefits under SSI or SSDI at application, was the individual presumed eligible? (If the individual was not a recipient of disability benefits under SSI or SSDI, choose N/A.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5. General observations about eligibility determination (if necessary). **Comments			

II. ASSESSMENT

	YES	NO	N/A
6. Does the service record documentation support the counselor's determination of the level of significance of the individual's disability? If NO, explain. **Comments	<input type="checkbox"/>	<input type="checkbox"/>	
7. If the State agency is operating under an order of selection, is the individual's assignment to a priority category supported by service record documentation? (If individuals are not being assigned to priority categories because all categories are open or because the State agency is not operating under an order of selection, choose N/A.) If NO, explain. **Comments	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8. Does the assessment identify and describe all of the individual's VR needs to the extent necessary? If NO, explain. **Comments	<input type="checkbox"/>	<input type="checkbox"/>	
9. Does the assessment material support the identification of an employment goal that is consistent with the individual's unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice? If NO, explain. **Comments	<input type="checkbox"/>	<input type="checkbox"/>	

III. TIMELINESS

	YES	NO	N/A
Referral to Submission of Application			
10(a) Did the agency make a good faith effort to meet the time standard for informing the individual about the application requirements? (If there is no agency time standard, choose N/A.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(b) For those agencies with no time standard, does the information in the service record indicate that the State agency made good faith efforts to inform the individual about the application requirements in a timely manner? Enter the referral and initial contact dates in the “Significant Dates” section of the cover sheet of the Service Record Review Guide. (If the agency has a time standard, choose N/A.) **Comments	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
11. Does the information in the service record indicate that the State agency made good faith efforts to obtain the information needed to submit the application in a timely manner (i.e., a completed application form/signed request for services and the information needed to initiate the assessment to determine eligibility)? ** Comments	<input type="checkbox"/>	<input type="checkbox"/>	
Application to Eligibility			
12 (a) Was the eligibility/ineligibility determination made within 60 days of the individual’s application?	<input type="checkbox"/>	<input type="checkbox"/>	
(b) If 12(a) is NO, did the counselor and applicant agree to a specific extension of time? (If 12(a) is YES, choose N/A.) **Comments	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

	YES	NO	N/A
Eligibility to IPE Development			
13(a) Was the IPE developed within the agency time standard? (If there is no agency time standard, choose N/A.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(b) For those agencies with no time standard, does the information in the service record indicate that the IPE was developed without unreasonable delays on the part of the State agency? Enter the eligibility and IPE dates in the "Significant Dates" section of the cover sheet of the Service Record Review Guide. (If the agency has a time standard, choose N/A.) ** Comments	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Service Provision			
14 (a) Were timelines identified for the initiation of services listed on the IPE?	<input type="checkbox"/>	<input type="checkbox"/>	
(b) If 14(a) is YES, does the service record indicate that services were initiated according to the timelines identified on the IPE? (If 14(a) is NO or if the individual is still receiving services and it is too early in the rehabilitation process to make a fair judgment regarding this question, choose N/A.) **Comments	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
15(a) Once services listed on the IPE were initiated, did services continue to be provided without undue delays or interruptions on the part of the State VR agency?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(b) If 15(a) is NO, were reasons for delays or interruptions documented in the service record ? (If 15(a) is YES or N/A, choose N/A.) **Comments	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
16(a) Does the service record indicate that the VR counselor maintained contact with the individual?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(b) If 16(a) is NO, were reasons for extended periods without contact documented? (If 16(a) is YES or N/A, choose N/A.) **Comments	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

IV. SUBSTANTIALITY OF SERVICES

	YES	NO	N/A
17. Were all of the services identified in the IPE necessary for the achievement of an employment outcome? If NO, explain. **Comments	<input type="checkbox"/>	<input type="checkbox"/>	
18. Were all significant services provided to the individual identified in the IPE? If NO, explain. **Comments	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
19. Were all services necessary for the achievement of an employment outcome provided? If NO, explain. **Comments	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
20. If the individual achieved an employment outcome, did the services provided contribute substantially to the employment outcome? If NO, explain. **Comments	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

V. EMPLOYMENT OUTCOMES

For Questions 21-25, does the service record documentation support that:

	YES	NO	N/A
21. The individual has achieved an employment outcome that is described in the individual's IPE? If NO, explain. **Comments	<input type="checkbox"/>	<input type="checkbox"/>	
22. The individual achieved an employment outcome that is consistent with the individual's strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice? If NO, explain. **Comments	<input type="checkbox"/>	<input type="checkbox"/>	
23. The individual has maintained the employment outcome for an appropriate period of time but not less than 90 days? If NO, explain. **Comments	<input type="checkbox"/>	<input type="checkbox"/>	
24. At the end of the appropriate employment maintenance period, the individual and the VR counselor: (a) Consider the employment outcome to be satisfactory? If NO, explain. **Comments (b) Agree that the individual is performing well in the employment? If NO, explain. **Comments	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	

	YES	NO	N/A
25. There is verification that the: (If the individual did not achieve competitive employment, choose N/A.)			
(a) Individual's wage and level of benefits are not less than that customarily paid by the employer for the same or similar work performed by non-disabled individuals? If NO, explain. **Comments	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(b) Individual is compensated at or above the minimum wage? If NO, explain. **Comments	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

VI. CLOSURES WITHOUT EMPLOYMENT OUTCOMES

	YES	NO	
26. Does the service record document the reason(s) for closing the case without an employment outcome (e.g., as not rehabilitated)? If YES, describe the reason(s) for this closure. **Comments	<input type="checkbox"/>	<input type="checkbox"/>	

VII. HOMEMAKER OUTCOMES

	YES	N O	N/ A
27. (a) Does the original IPE specify the goal of “homemaker” as the employment outcome?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(b) If 27(a) is “NO,” please explain and specify the employment outcome actually identified in the original IPE. **Comments			
28. If 27(a) is “NO,” did the original IPE specify as the employment outcome:			
Note: More than one response may be marked “YES” in order to best describe the employment outcome. For example, “Full-time competitive employment” and “Telecommuting” could be marked “YES.”			
(a) Full-time competitive employment	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(b) Part-time competitive employment	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(c) Supported employment	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(d) Self-employment	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(e) Telecommuting	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
29. Does the service record indicate that the selection of homemaker as the employment goal in the original IPE was suggested initially by the:			
(a) Counselor?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(b) Individual?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(c) Cannot be determined?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(d) If 29(a) or (b) is “YES,” please explain. **Comments			
30. (a) If 27(a) is “YES,” does the service record indicate that a goal of competitive or supported employment was discussed?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

(b) If 30(a) is either “YES” or “NO,” please explain. **Comments			
31. (a) Does the service record specify the individual’s needs where the original IPE identified homemaker as the employment outcome?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(b) If 31(a) is “YES,” please describe those needs identified. **Comments			
(c) If 31(a) is “YES,” do the needs identified support the selection of homemaker as the employment outcome. **Comments	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
32. (a) Does the service record specify the individual’s needs where the original IPE identified an employment outcome other than that of homemaker?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(b) If 32(a) is “YES,” please describe those needs identified. **Comments			
(c) If 32(a) is “YES,” do the needs identified support the selection of an employment outcome other than homemaker? **Comments	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
33. (a) Does the service record specify the services to be provided to the individual where the original IPE identified an employment outcome of homemaker?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(b) If 33(a) is “YES,” please describe those services identified. **Comments			
(c) If 33(a) is “YES,” are the services identified necessary for the achievement of homemaker as the employment outcome? **Comments	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

34. (a) Does the service record specify the services to be provided to the individual where the original IPE identified an employment outcome other than that of homemaker?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(b) If 34(a) is "YES," please describe those services identified. **Comments			
(c) If 34(a) is "YES," are the services identified necessary for the achievement of an employment outcome other than homemaker? **Comments	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
35. (a) Did the individual receive the services identified in the original IPE?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(b) If 35(a) is "NO," please explain. **Comments			
36. (a) If homemaker was not the employment outcome identified in the original IPE, were attempts made to place the individual in other employment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(b) If 36(a) is either "YES" or "NO," please explain. **Comments			
37. (a) If not identified as the employment outcome in the original IPE, was the IPE amended to identify "homemaker" as the employment outcome?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(b) Please explain the response to 37(a). **Comments			
38. Does the service record indicate that the selection of homemaker in the amended IPE was suggested initially by the:			
(a) Counselor?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(b) Individual?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(c) Cannot be determined?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(d) If 38(a) or (b) is "YES," please explain. **Comments			
39. (a) Does the service record specify the individual's needs where the IPE was amended to identify homemaker as the employment outcome?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

(b) If 39(a) is “YES,” please describe those needs identified. **Comments			
(c) If 39(a) is “YES,” do the needs identified support the selection of homemaker as the employment outcome? **Comments	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
40. (a) Does the service record specify the services to be provided to the individual where the IPE was amended to identify an employment outcome of homemaker?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(b) If 40(a) is “YES,” please describe the identified services that were supportive of the homemaker goal. **Comments			
(c) If 40(a) is “YES,” are the services identified necessary for the achievement of homemaker as the employment outcome? **Comments	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
41. If the IPE was amended to identify homemaker as the employment outcome, how long was the original IPE in effect prior to this change? **Comments			
42. Does the service record indicate if the individual is:			
(a) Male?	<input type="checkbox"/>	<input type="checkbox"/>	
(b) Female?	<input type="checkbox"/>	<input type="checkbox"/>	
43. What is age of the individual? **Comments			

OPTIONAL CHART ON SUBSTANTIALITY OF SERVICES

Instructions for Chart

In order to examine substantiality of services in a service record, a chart has been attached to the service record review form and has been provided as a tool for reviewers. Completion of this chart is optional.

Review the IPE and any amendments. In the column entitled “Needs Related to Services on the IPE,” describe the services that addressed the individual's major needs identified in the assessment process or later in the service record that had to be met in order for the individual to achieve an employment outcome consistent with that individual's unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice. The VR counselor may have planned to meet these needs through services provided directly by the agency, may have purchased these services from vendors, or may have arranged to meet the needs through other service providers using the comparable services and benefits provision. Regardless of how the services are provided, the services planned to meet the needs should be listed on the IPE; therefore, the IPE and its amendments are the sources of information listed in this column.

Examples of vocational needs are: financial assistance for college or other educational training; the purchase of equipment and assistive technology; the provision of transportation services; and housing/maintenance. Needs relating to the barriers posed by the disability may include, for example, orientation and mobility instruction for a person who is blind.

Decide whether the needs listed on the IPE were met or not met. In the column entitled “Extent Met,” place a checkmark in the appropriate column: “Met” or “Unmet.” Documentation of the individual's needs and whether or not they were met can be found in the certificate of eligibility, IPE and amendments, or counselor's notes.

Indicate on the chart that a need has been unmet if:

- counseling and guidance were needed but not provided;
- placement assistance was necessary but not provided;
- services were stated as needed on the IPE, its amendments, or anywhere in the service record, were planned, but were not provided.

In the column entitled “Comments,” include any comments necessary to explain the analysis.

Sample Chart

The following is an example of a completed chart based on a hypothetical case of an individual in need of college training and job placement. This sample chart reflects a situation in which substantial services were provided.

NEEDS RELATED TO SERVICES ON THE IPE	EXTENT MET		COMMENTS
	MET	UNMET	
O&M Instruction; Braille and Alternative Techniques	X		VR paid for 9 month residential training program
College Tuition	X		Paid for by student loans, VR and family contributions
Computer and Adaptive Equipment	X		Purchased by VR
Accessible Transportation	X		Individual uses city bus system
Books and Supplies	X		VR paid allowance to individual
Housing	X		VR paid for on-campus housing
LSAT Prep Course	X		VR paid
Law School Tuition	X		Paid for by student loans, VR and family contributions
Bar Exam Prep Course and Bar Exam	X		VR paid
Schedule A Certification	X		Documentation prepared by VR
Placement Assistance	X		Placement Assistance provided; individual employed as attorney with Federal agency

OPTIONAL CHART ON SUBSTANTIALITY OF SERVICES

NEEDS RELATED TO SERVICES ON THE IPE	EXTENT MET		COMMENT
	MET	UNMET	

Policy Review Checklist on Timeliness and Substantiality of Services

Instructions for Checklist

--In order to answer question 1, record the State agency's time standard for contacting an individual who is referred for services, and record when the time standard was implemented; and

--In order to answer question 2, record the State agency's time standard for developing an IPE once eligibility has been determined, and record when the time standard was implemented; and

--In order to answer question 3, record the State agency policy for providing services in a timely manner without undue delays or interruptions (if the State agency has such a policy, and record when such a policy was implemented.

Reviewers should compare answers on the FY 2004 Policy Review checklist with those provided during the FY 2002 review to determine whether the State agency has made necessary changes in policy that were recommended during FY 2002 monitoring.

After reviewing agency time standards, it is critical for all members of the review team to develop and utilize a consistent method for determining timeframes. One consideration is how to calculate time standards based on "working days," since weekend days could occur during that time period. Reviewers could use a calendar, or could agree to add 2 days to the standard to account for the possibility of a weekend occurring within the span of the time standard. Thus, for a time standard of "3 working days" for initial contact, reviewers could decide that any contact made after 5 calendar days does not meet the agency standard.

If the review indicates a serious deficiency in any of the time standards, use the appropriate dates to calculate the extent of the deficiency. Also, determine if the agency is aware of the deficiency and has developed plans to correct the deficiency.

POLICY REVIEW CHECKLIST
ON
TIMELINESS AND SUBSTANTIALITY OF SERVICES

Referral to Submission of Application

1. Has the agency established a time standard YES NO
for contacting an individual who has been referred
to the VR agency? If yes, what is the standard and
when was it implemented?

**Comments

Eligibility to IPE Development

2. Has the agency established a time standard for YES NO
the development of an IPE for an individual who
has been determined eligible? If yes, what is the
standard and when was it implemented?

**Comments

Service Provision

3. Has the agency established a policy for YES NO
providing services in a timely manner without
undue delays or interruptions? If yes, what is
the policy and when was it implemented?

**Comments

Substantiality of Services

4. Has the agency established a policy regarding YES NO
how substantiality of services is defined? If yes,
what is the policy and when was it implemented?

**Comments

***Focus Area II:
Performance Monitoring Based on
Vocational Rehabilitation Program
Evaluation Standards and
Performance Indicators***

PERFORMANCE MONITORING
BASED ON VOCATIONAL REHABILITATION PROGRAM
EVALUATION STANDARDS AND PERFORMANCE INDICATORS

Introduction

The implementation of vocational rehabilitation (VR) evaluation standards and performance indicators requires RSA to monitor and track each State agency's performance. The VR program standards and indicators report is the official gauge of this performance, and identifies specific measures of this performance, including: number of VR participants achieving employment outcomes; the proportion of VR participants receiving services who achieve employment outcomes; the proportion of VR participants achieving employment who become competitively employed; the proportion of VR participants achieving competitive employment who have significant disabilities; a comparison of the average earnings of VR participants who are competitively employed with the average earnings of all individuals in their respective States; the effectiveness of VR services in enhancing the ability of competitively employed VR participants to support themselves; and finally, a comparison of the rates at which VR participants from minority and non-minority backgrounds access VR services.

In order to fulfill its monitoring requirements, RSA needs to examine a State agency's performance regarding outcomes for the VR participants it serves. This performance monitoring needs to take place along with the more traditional monitoring of a State agency's policies, procedures, and practices for their compliance with the law and regulations. Performance monitoring is an ongoing RSA activity in which RSA tracks the State agency performance measures, and at the time of an annual review, records a snapshot of the State agency's performance, particularly in those areas that relate to the VR program standards and indicators.

This focus area contains three sections. The first section describes an analysis of possible factors that may impact a State agency's score on the standards and indicators report. The second section contains suggestions on how to review current reports that State agencies routinely submit to their Regional Offices. The third section lists some additional factors, depicted in supporting tables produced by the Central Office that may be used to better understand a State agency's performance.

Section I: Review of the Standards and Indicators

As part of the required annual reviews, RSA staff will discuss with the State agency its performance as recorded on the standards and indicators report, based on FY 2002 RSA-911 data. RSA staff will be given other guidance to work with State agencies that fail either or both standards I and II. This section of the annual review is designed particularly for working with State agencies that either fail to meet one or more indicators but pass standard I or that narrowly pass one or more indicators. The annual review for these State

agencies will focus on those implementation areas that may be affecting low performance on the particular indicator(s).

The standards and indicators report provides a formal indication of the State agency's performance on measures of the quality and quantity of employment outcomes being achieved by the participants of the VR program. It must be noted that the standards and indicators report is a summary, a starting place for additional investigations and analyses. Therefore, the RSA Central Office will provide a worktable listing all numbers used to reach the final calculations on the standards and indicators report, usually called "Show the Work Tables." When used in conjunction with information gleaned from the standard reports that the State agency submits to the RSA Regional Offices (described in the second section of this focus area) and when viewed in the context of other factors depicted in tables produced by the RSA Central Office (described in the third section of this focus area), the standards and indicators report can assist the RSA State Representative to assess the total health of the State agency.

RSA Regional Office staff will continue to examine State agency policies, procedures, and guidance materials related to the achievement of employment outcomes. Because RSA staff are knowledgeable about the particular State agency to which they are assigned, the RSA reviewer will undoubtedly have additional relevant insights that should be documented. During the review of the standards and indicators report, the reviewer should speak with State agency staff to obtain their insights into the agency's performance on the standards and indicators.

Following are some possible factors to consider when reviewing performance on specific indicators:

Indicator 1.1 – Equal or increase the number of employment outcomes

- Examine trends in employment outcomes achieved by the State agency. Are these trends consistent with State agency goals and plans?
- Look at trends in applications for VR services. Does it appear that the State agency is continuing to draw a sufficient number of applicants to maintain a total caseload for its employment outcomes two years from now? (Traditionally, the average time in service for VR participants achieving employment outcomes has been 24 months.) Note that a ratio of acceptances to closures of 1.0 and greater means that replacement rates should be sufficient; below 1.0, replacement rates might not be sufficient.
- With increases in employment outcomes, are there corresponding increases in the numbers of individuals served? That is, do the increases (or decreases) in outcomes appear to be the result of respective changes in the size of the caseload, or possibly the gain or loss of efficiencies in the way the agency operates?

- Are substantial services provided to VR participants? Information from the service record reviews will most accurately answer this question.
- Does the State agency have sufficient staff/funding to maintain the level of services for individuals with disabilities in the State? That is, have there been or are there expected to be any negative changes in staff or funding?
- Are there changes in the State agency's policies and/or procedures that may suggest decreases in future levels of service?
- If there is a significant increase in this indicator (number of employment outcomes), is there a corresponding increase in indicator 1.3 (competitive employment outcomes)?

Indicator 1.2 – Of all individuals who exit the VR program after receiving services, the percentage who achieve employment outcomes

- Examine the trend of the proportion of VR participants obtaining employment compared to the number of participants who received services under an IPE. Has the trend been steady?
- Are there changes in the demographics of VR participants currently accepted for services such that they may need longer periods of services or will be challenged to obtain employment? Note: this question will necessarily be based on “Time in VR” and employment outcomes data for a variety of populations, obtained from the RSA-911.
- Are there State agency reorganizations or excessively large caseloads that may affect the percentage of VR participants who obtain employment?
- How does the percentage of VR participants who obtain employment after receiving services compare to the percentages for previous years?
- To other similar State agencies?
- To the national average?
- If the percentage of VR participants achieving employment is higher than average, is this a result of a decrease in, or a low percentage of, individuals with significant disabilities being served? Are VR participants with significant disabilities given the opportunity to attempt employment? If the percentage of VR participants achieving employment is much lower than average, is the VR agency being used as a provider of disability-related services for individuals in the State without regard to employment?
- The Service Record Review of eligibility determination and the timeliness and

substantiality of services provided under the IPE may provide additional information regarding this indicator.

Indicator 1.3 – Of all individuals who achieve employment outcomes, the percentage who exit the VR program with competitive, self-, or BEP employment with earnings equivalent to at least the minimum wage

Note: For purposes of calculating the standards and indicators, individuals achieving "competitive employment outcomes" are defined as individuals who achieve competitive, self-, or BEP employment (as reported on the RSA-911) and whose earnings are equal to or greater than the minimum wage. "Minimum wage" refers to the Federal or State minimum wage, whichever is higher.

- Examine the State agency's policies, procedures, and practices relating to homemakers. Are they negatively affecting the percentage of VR participants achieving competitive employment?
- If the State agency placed a significant number of VR participants in extended employment in the past, has the agency adopted new policies and practices that encourage individuals to seek competitive employment?
- Does the State agency make rehabilitation technology services available to VR participants so they may compete on a more even "playing field" when obtaining employment? Look at the amount expended on rehabilitation technology services (on the RSA-2) as a percentage of the total and as compared with other similar State agencies.
- Assuming that VR participants want "good" employment, (that is, employment with high wages and consistent with their abilities and interests), does the review of the State agency's implementation of provisions on informed choice indicate that the State agency is responsive to consumer choice?

Indicator 1.4 - Of all individuals who exit the program with competitive employment outcomes, the percentage who are individuals with significant disabilities

- Review the State agency's policies, procedures, and practices relating to significant disability.
- Examine the RSA-911 records of individuals with significant disabilities with regard to the various employment categories. Are they adequately represented in competitive employment?
- Does the service record review confirm that all VR participants who are reported as individuals with significant disabilities truly have disabilities that are a significant impediment to employment?

- Review whether the State agency truly serves individuals of the entire cross-section of disabilities. This review requires detailed reports from the RSA-911 system. Compare the State agency's distribution to the national distribution.
- Are there sufficient numbers of individuals with significant disabilities determined eligible and currently being served to ensure that the State agency will continue, at the current level of effort and output, to assist individuals with significant disabilities to obtain competitive employment?

Indicator 1.5 – Ratio of the average hourly earnings of all individuals with disabilities who achieve competitive employment to the average hourly earnings for all individuals in the State who are employed

Note: Compare the average hourly wage of VR participants achieving competitive employment outcomes with the average hourly wage of all workers in the State as determined by the Department of Labor. The latest wage data available can be found on the Bureau of Labor Statistics website at:

<http://stats.bls.gov/news.release/annpay.t02.htm>.

However, be cautious with the conclusions of this analysis. The recently employed VR program participants will have been employed for only a few months when the final RSA-911 data is recorded. The Statewide salary figures will include individuals who have been employed for several years, and would likely have higher wages based on experience and longevity. Perhaps for this reason, the national average for earnings of persons exiting the VR program appears to be just over half the State average wage.

- Examine the types of employment that VR participants obtain – particularly the percentage who obtain professional, managerial, and technical employment. (The national average for professional, managerial, and technical employment is 23.6%; for clerical/sales, 21.8%; and for service, 23%.) If professional, managerial, and technical employment is underrepresented, examine the degree to which the State agency provides significant high-level training to VR participants. Does it appear that the State agency is steering participants to low-level jobs?
- Examine the proportion of VR participants who obtain post-secondary education training or degrees. Also examine the VR participants' years of education. The VR Longitudinal Study shows that nationally, VR participants with 11.4 years of education earn \$5.00 per hour or less. Participants with an average of 13.1 years of education earn \$9.00 per hour or more.
- Examine the percentage of VR participants receiving SSI or SSDI. A disproportionately high number of these recipients among VR participants achieving employment might depress earnings levels.

Indicator 1.6 – Difference from application to closure in the percentage of individuals achieving competitive employment who indicate their own income is their primary source of support

- This item measures the impact of the VR program on the ability of VR participants to become self-sufficient. Consistently low numbers may suggest that the State agency is focusing on other priorities.
- Examine the proportion of VR participants who are competitively employed at application. If the State agency is serving disproportionately large numbers of individuals who are already employed at application and who are seeking VR services to help them maintain their employment, the State agency's performance on this indicator may be depressed.
- Examine the proportion of employed VR participants who are SSI or SSDI recipients at application or at closure. Longitudinal Study data indicate that relatively few SSI/SSDI recipients lose their benefits when they exit from the VR program, and additional individuals obtain SSI/SSDI while they are receiving VR services. Therefore, it is less likely that such individuals will report that their own income is their primary source of support. However, if the individual's salary is greater than the amount of SSI/SSDI the individual receives, the salary would be the primary source of support.

Indicator 2.1 – The service rate for all individuals with disabilities from minority backgrounds as a ratio to the service rate for all non-minority individuals with disabilities

Note 1: For purposes of this indicator, "Individuals from a minority background" means individuals who report their race and ethnicity in any of the following categories: American Indian or Alaska Native, Asian, Black or African American, Native Hawaiian or Other Pacific Islander, Hispanic or Latino.

Note 2: For purposes of calculating this indicator, the numerator for the Service rate is the number of individuals whose service records are closed after they receive services under an IPE whether or not they achieved an employment outcome; the denominator is the number of all individuals whose records are closed after they applied for services whether or not they had an IPE.

- How does the data correlate with the State agency's State plan and other goals and objectives pertaining to unserved and underserved populations?
- Does the State agency's service ratio for VR participants who are members of minority groups differ substantially from the ratio of minority groups in the general State population?
- What has the State agency done to outreach to minority group populations? For instance, are VR applications available in libraries, community centers, and other appropriate places in neighborhoods with high minority group populations? Has

the State agency developed linkages to interest groups comprised of members of minority groups?

- Is the State agency brochure available in languages used by the largest minority group populations in the State? Does the agency have bilingual counselors on staff?
- What has the agency done to recruit counselors from minority backgrounds?
- Are local VR offices located in areas easily accessible to individuals who are minorities?
- Does the State agency use vendors and community rehabilitation programs that are accessible for individuals of minority backgrounds? Has the agency worked with these vendors to develop culturally sensitive assessments and other training materials?

Section II: Review of State Agency Standard Reports

The RSA State Representative keeps abreast of the State agency's programmatic and policy changes as well as local and political activities that affect a State agency's functioning and performance. For purposes of performance monitoring, reviewing the contents of performance reports that State agencies routinely submit to RSA Regional Offices can increase and enhance the quality of knowledge related to the State agency's performance. Comprehensive knowledge of the State agency's performance can enable the RSA State Representative to predict more accurately the numbers for a particular State agency on the standards and indicators report. Based on this thorough understanding, the RSA State Representative can often provide technical assistance to the State agency to prevent future deficiencies in particular areas of the standards and indicators report. At other times, depending on its priorities, the State agency may choose to score lower on one of the indicators in order to score higher on another that is more important to its purpose (e.g., deliberately concentrating on saving the jobs of currently employed persons with disabilities which might adversely impact indicator 1.6, which measures the gains made from application to closure in the percentage of those VR participants who have their own income as their primary source of support).

Data that may be useful in evaluating a State agency's current performance can be obtained from the three performance information reports that State VR agencies submit to their respective Regional Offices: SF 269 -- Financial Status Report, RSA-2 -- Annual Vocational Rehabilitation Program/Cost Report, and RSA-113 -- Quarterly Cumulative Caseload Report. Generally, data is most useful when viewed in the context of other data, such as comparing a State agency's data with data for State agencies with similar characteristics; looking at State agency data in relation to national data; and using percentage distributions rather than raw counts. Lacking outside data, a comparison of the same State agency's data over the years can be extremely beneficial. The number of years used for trending varies with individual preferences. RSA State Representatives who

regularly review trends for their State agencies have indicated preferences from three years, five years, to ten years of trending. Following is a summary description of useful State agency data that may be obtained from reports at the Regional Offices before they are analyzed at a national level.

The SF 269 is a quarterly submission used to monitor the State agency's expenditures and obligations under the VR program, including the application of non-Federal funds. It is submitted to the Regional Office quarterly. Central Office only receives fourth quarter reports. Therefore, the Regional Office is clearly in the best position to identify the State agency's fiscal management patterns during the year. Some of the items that may be reviewed include:

- Federal funds authorized – Has the amount of funds decreased? Are funds being expended at a different rate during the year as compared to prior years? How much is unobligated at the year's end? What amount of funds is being carried over from the last fiscal year to this year and to the next year?
- State share/match reported – how much is required match? How much (both actual dollars and as a percentage) is the match over or under the required amount? What are the sources of match other than general State funds? Is that amount increasing or decreasing? Does the amount of matching funds increase or decrease after the first grant year ends? (Information regarding sources of match may need to be obtained directly from the State agency. Beginning in FY 2002, this information appears in Block 12.)
- Maintenance of Effort – Is the State agency meeting its required Maintenance of Effort (MOE)? Has the State agency had MOE or match problems in the past?
- Program income that is disbursed and undisbursed. Is the amount of program income increasing or decreasing? How much, if any, is being transferred to other grants, rather than being used in the Basic Support program?

The RSA 2 is an annual submission reporting the State agency's expenditures for the year and shows the State agency's spending patterns and program priorities.

- How does the State agency divide its total expenditures among the main VR program categories: administrative costs, counseling and guidance personnel costs, purchased services for VR participants, establishment of community rehabilitation programs, Business Enterprise Program (BEP), services for groups of individuals with disabilities, and innovation and expansion activities? What percent does each category represent of the State agency's total expenditures?
- Is the number of administrative staff increasing or decreasing? Are administrative costs increasing disproportionately?
- To evaluate the workload of the agency, how much and what percentage of the

agency's expenditures go to counseling and guidance and purchased services?

- What percent of the money goes to community rehabilitation programs, other public vendors, and other private vendors?
- What proportion of VR participants receive services from each of the different service categories (Schedule II)?
- Of service expenditures, what proportion is spent on eligibility needs assessment; physical/mental restoration; maintenance; transportation; personal assistance services; rehabilitation technology; post-employment services; total training; and all other? Is the number of VR participants receiving these services consistent with the expenditures for each category?

The RSA-113 is a quarterly submission that identifies the State agency's caseload flow.

- How many individuals applied for services? How many and what proportion were determined eligible?
- How many new individualized plans for employment (IPEs) were developed? How many individuals began receiving services?
- How many service records were closed? What percent of the individuals who received services had employment outcomes? What percent had significant disabilities? (These numbers are integral to the standards and indicators report.)

RSA-113 data in combination with RSA-2 data provide additional instructive information. Examples of the types of information that can be analyzed by using both the RSA-113 and the RSA-2 include, but are certainly not limited to, the following:

- Cost per service record closed--all records or only those with employment outcomes, (total expenditures shown on Schedule I, line 4 on the RSA-2 divided by the number of closures on Section D of the RSA-113);
- The number of closures per counselor (closures on Section D of the RSA-113 divided by number of counselors on Schedule III of the RSA-2);
- The cost per active case (total expenditures shown on line 4, Schedule I of the RSA-2 divided by the sum of lines B3, C3, D1 and D2 of the RSA-113); and
- Caseload per counselor (the sum of lines A3, A6, A10, A15, B3 and C3 of the RSA-113 divided by the number of counselors on Schedule III of the RSA-2).

Again, when examining data for a single State agency, review the trends over the past few years, and when available, compare the State data with national figures and data from other comparable State agencies.

Section III: Review of Additional Factors That May Influence State Agency Performance

For purposes of monitoring in FY 2004, RSA Central Office will make available to Regional Office staff a data sheet for each State agency containing data from FY 2002. These data represent factors that may influence State agency performance on the standards and indicators. Reviewers will be able to use these data to compare a State agency to other State agencies and to obtain a national ranking to determine a particular State agency's position within the national VR program.

While reviewers can, of course, view and use the data in whatever appropriate ways they choose, the following approach provides a starting point to assist those less familiar with the data. Note that the list of measures on the data sheet has a column titled "Type of Measure." This column indicates whether the measure is an outcome measure (coded O), a process measure (coded P), or a context measure (coded X). Outcome measures are considered to be the most important measures, as they represent various ways of looking at how well the State agency is accomplishing the program goal of assisting VR participants to achieve high quality employment. Outcome measures contain a variable related to number of employment outcomes achieved or a variable related to the quality of outcome such as wages or hours worked. Process measures provide information about the effectiveness or efficiency of the flow through various steps in the VR process, information about demographic characteristics that might influence the results found for the outcome measures, or information about the use of staff and fiscal resources. Context measures refer to useful variables that are not within the control of the State agency but provide a point of reference, or context, within which to evaluate the results found on the outcome measures. Measures related to numbers of VR participants per million state population at various points in the VR process (applicants, eligible individuals, etc.) represent a mix of process variables (numbers of participants) and context variables (state population) and are coded P/X. Likewise, the measure related to various kinds of employment outcomes per million state population represent a combination of outcome variables and context variables and are coded O/X.

Because outcome measures are considered to be the most important measures, it is suggested that reviewers begin their review of the data by looking at the State agency performance on the outcome measures. Consider such context measures as State average wage and State per capita income when looking at outcome measures involving wages.

If the State agency does not do well on the outcome measures, look carefully at the process measures for clues or points of discussion with the State agency. It might be helpful to think of at least two important groups: a group that includes measures related to the flow of participants through the VR process (such as the percent of all individuals whose service records were closed after receiving services who achieved employment outcomes, otherwise known as the rehabilitation rate) and a group that relates to State agency allocation of resources (such as percent of funds spent on purchased services).

If the State agency is doing reasonably well on the outcome measures, the results of the process measures will be of less importance. State agencies can achieve a reasonable level of performance on outcome measures in a variety of ways, which can result in considerably different results on some of the process measures. However, there are at least two reasons to spend some time looking at the process measures for reasonably successful State agencies. The measures of flow through the VR process will provide some idea of whether the State agency is operating as efficiently as it could. For example, a State agency could be doing well but might be able to do better if it could identify reasons for a high number of dropouts at various stages of the VR process. Likewise, a State agency could be doing reasonably well because the program is operating very effectively and efficiently with what money is made available to the general field program, but additional individuals might be served if an examination of unusual patterns of resource distribution found additional resources for services to individuals.

In order to compare the State agency’s performance with other similar State agencies or with other State agencies in the Region, review the more detailed data tables that support the items on the data sheet. These tables will be available on RSA’s shared drive and easily accessible in WORD or EXCEL format.

Following is a list of some of the factors that may be reflected on the data sheet.

LIST OF MEASURES	TYPE OF MEASURE	NATIONAL AVERAGE	AGENCY DATA	AGENCY RANK	SOURCE REPORT
X = COUNT/COST	Output				
Y = PERCENT'	Process				
	Context				
MEAN WEEKLY HOURS WORKED AT CLOSURE (COMPETITIVE EMPLOYMENT OUTCOMES*)	O	X	X	X	911
MEAN WEEKLY HOURS WORKED AT CLOSURE (ALL EMPLOYMENT OUTCOMES)	O	X	X	X	911
MEAN COST PER COMPETITIVE EMPLOYMENT OUTCOME	O	X	X	X	2,113,911
MEAN COST PER EMPLOYMENT OUTCOME	O	X	X	X	2, 113
% FUNDS SPENT ON ADMINISTRATIVE COSTS	P	Y	Y	X	2
% FUNDS SPENT ON COUNSELING AND GUIDANCE	P	Y	Y	X	2
% FUNDS SPENT ON PURCHASED SERVICES	P	Y	Y	X	2
MEAN # OPEN SERVICE RECORDS PER COUNSELOR FTE	P	X	X	X	2,113
MEAN # EMPLOYMENT OUTCOMES PER COUNSELOR FTE	P	X	X	X	2,113
MEAN # COMPETITIVE EMPLOYMENT OUTCOMES PER COUNSELOR FTE	P	X	X	X	2,113
NO. EMPLOYMENT OUTCOMES PER MILLION STATE POPULATION	P/X	X	X	X	113,CENS US
NO. EMPLOYMENT OUTCOMES PER \$1 MILLION SPENT	P/X	X	X	X	2,113

* On the data sheet, when reference is made to “competitive employment outcomes,” the definition of “competitive employment” as used in indicators 1.3, 1.4, 1.5, and 1.6 applies.

IV. Summary Report of Review

In order to document the review activities and to provide some feedback to the State agency, write a brief summary report that is no longer than one or two pages. The web-based program for recording all annual monitoring results will provide space for a brief narrative summary in the following format so as to enable a national collection and tally of the review results:

- 1. Issues Identified:**
- 2. Summary of Discussions with the State Agency:**
- 3. Summary of Proposed Actions or Activities:**

Focus Area III:

***34 CFR 361.50
WRITTEN POLICIES
GOVERNING THE PROVISION
OF SERVICES FOR
INDIVIDUALS WITH
DISABILITIES***

34 CFR 361.50: Written Policies Governing the Provision of Services for Individuals with Disabilities

Review Objectives

The purpose of the vocational rehabilitation (VR) program is to empower individuals with disabilities, particularly individuals with significant disabilities, to achieve high quality employment outcomes to which they aspire and that are consistent with their unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice. In fulfilling this purpose, a State VR agency is faced with the administrative challenge of balancing two legal requirements:

- Meeting the individualized rehabilitation needs of each person through the provision of VR services.
- While managing its financial resources so that costs are necessary and reasonable.

Within this framework, this monitoring module is designed to achieve the following objectives:

- Assess whether the State agency's written policies on the nature and scope of services and the criteria under which the services are provided are consistent with the requirements in 34 CFR 361.50;
- Ensure that the State agency's policies strike an appropriate balance with respect to meeting the rehabilitation needs of an individual at a cost that is both necessary and reasonable to the agency;
- Identify model policies and practices for possible replication in other agencies; and
- Assist agencies, as necessary, in developing policies and practices that reflect an appropriate balance and are consistent with 34 CFR 361.50

Scope of the Review

The review encompasses an initial analysis of written State agency policies using a policy review guide followed by interviews with selected personnel.

Findings made during the assessment of the State agency's written policies will shape the discussions to be pursued in the interviews. Interviews will be conducted with the State VR agency Director, the Director of Field Services, a first-line VR supervisor, and a VR counselor. The Client Assistance Program (CAP) and State Rehabilitation Council (SRC) interviews should be conducted with the CAP Director and the SRC Chairperson, or their designees. While guides that provide some structure for the interviews are included in the module, they will need to be tailored by the reviewer(s) to accommodate the findings of the policy analysis.

Conceptual Framework for the Review

In its administration of the VR program and the provision of services to individuals with disabilities, a State VR agency must balance two legal principles:

- The principle of individualization and
- The principle that costs must be reasonable and necessary to achieve the purposes of the program.

The first principle is based on the very nature of the VR program itself, namely, the program is mandated to address on an individualized basis the unique rehabilitation and employment needs of an individual with a disability. This principle of individualization permeates the statutory and regulatory requirements for the program and, as such, it must be fully and faithfully reflected in an agency's written policies governing the provision of VR services to individuals and also implemented in agency practices. The clearest articulation of the individualization principle is found in the provisions related to the *Individualized* Plan for Employment (IPE) in sections 101(a)(9) and 102(b) of the Rehabilitation Act (the Act). This statutory principle requires the VR program to address the rehabilitation and employment needs of each individual with a disability as those needs are identified in an approved IPE.

The second principle requires a State VR agency to administer its program and manage its resources in an efficient manner by ensuring that the costs to meet the unique rehabilitation needs of each individual are both necessary and reasonable. This principle is reflected in:

- Section 101(a)(6)(A) of the Act, which requires the State to use methods of administration found by the Commissioner, e.g., 34 CFR §361.50, to be necessary for the proper and efficient administration of the State plan for VR services;
- Attachment "A" of OMB Circular A-87 ("General Principles for Determining Allowable Costs"), which requires governmental units in receipt of Federal awards to use sound management practices, including ensuring that costs are necessary and reasonable for the proper and efficient performance and administration of the awards; and
- The Education Department General Administrative Regulations (EDGAR) at 34 CFR §80.20(b)(5) that require a grantee to follow applicable OMB cost principles, the awarding agency's program regulations, and the terms of the grant agreement in determining the reasonableness, allowability, and allocability of costs.

While these two principles provide the legal and conceptual framework within which a State VR agency is to develop its written policies on the provision of VR services to individuals, the principle of informed choice must also be taken into consideration and factored into the policies. Section 102(d) of the Act requires a State VR agency to ensure that the availability and scope of informed choice in terms of the selection of the employment goal, VR services, and the provider of services are consistent with the agency's obligations in administering the program. Since the nature and scope of VR services under an IPE are influenced by the employment goal chosen by the individual (to the extent that the chosen goal is consistent with the individual's primary employment factors, i.e., the individual's unique strengths, priorities, concerns, abilities, capabilities,

and career interests) and by the providers of the services selected by the individual, these considerations will in turn impact the costs of the services identified in an IPE.

Since the two principles (individualization and reasonable/necessary costs) intersect with the principle of informed choice within the context of the IPE, it follows that the IPE is the key mechanism available to the agency for ensuring costs are reasonable and necessary, honoring the informed choices of the individual, and, addressing the identified rehabilitation and employment needs of the individual. Thus in the development and approval of the IPE, agency staff need to balance these principles so that the required services are provided at reasonable cost consistent with the informed choice of the individual.

In translating these principles into practice, a VR agency has several resource management mechanisms available to it to ensure costs are reasonable while at the same time fully meeting the rehabilitation and employment needs and informed choice of the individual. These mechanisms are the:

- Utilization of available comparable services and benefits for services other than those services exempted by the Act (Section 101(a)(8) of the Act and 34 CFR §361.53); and
- Application of means testing for services (excluding those services exempted by Federal regulations) selected by the agency as being subject to means testing (34 CFR §361.54).

In addition to these mechanisms, 34 CFR §361.50 requires a State VR agency to develop policies on the provision of services to individuals that ensure an appropriate balance between fully meeting the rehabilitation and employment needs of the individual and ensuring the reasonableness and necessity of associated costs. The following section identifies the regulatory requirements that such policies must satisfy in order to appropriately balance cost considerations with the provision of VR services needed by an individual to achieve the chosen employment outcome.

Review Standards and Criteria

The principles of individualization and reasonable costs are reflected in the regulatory provisions at 34 CFR §361.50.

34 CFR §361.50(a) - Policies

The State unit must develop and maintain written policies covering the nature and scope of each of the vocational rehabilitation services specified in §361.48 and the criteria under which each service is provided. The policies must ensure that the provision of services is based on the rehabilitation needs of each individual as identified in that individual's IPE and is consistent with the individual's informed choice. The written policies may not establish any arbitrary limits on the nature and scope of vocational rehabilitation services to be provided to the individual to achieve an employment outcome.

Discussion

These overarching regulatory provisions require a State VR agency to have written policies covering the nature and scope of each of the VR services available to individuals and the criteria under which each service is provided. The agency's written policies must ensure that the:

- Provision of VR services is based on the rehabilitation needs of the individual as those needs are identified in the assessments of rehabilitation needs prior to the development of the IPE;
- Services are consistent with the individual's informed choice; and
 - Agency does not establish any arbitrary and absolute limits on the nature and scope of VR services to be provided to the individual to achieve an employment outcome.

These provisions specify the broad legal parameters within which a State VR agency must develop its written service policies. In carrying out the analysis of a State agency's written policies within the framework of 34 CFR§361.50(a), two basic questions need to be considered:

- Are the content and prohibition requirements met?
- Do the written policies ensure that the two purposes, i.e., services are based on the rehabilitation needs of each individual as identified in an individual's IPE and are consistent with the individual's informed choice, will be achieved?

Specifically, the agency's policies must be developed in accordance with the following regulatory requirements.

34 CFR §361.50(b) - Out-of-State Services

(1) The State unit may establish a preference for in-State services, provided that the preference does not effectively deny an individual a necessary service. If the individual chooses an out-of-State service at a higher cost than an in-State service, if either service would meet the individual's rehabilitation needs, the designated State unit is not responsible for those costs in excess of the cost of the in-State service.

(2) The State unit may not establish policies that effectively prohibit the provision of out-of-State services.

Discussion

An agency can establish a preference for the delivery of VR services within the State to the extent that the available in-State services meet the rehabilitation needs of the individual and does not have the effect of denying an individual a necessary service. A policy that effectively precludes the provision of out-of-State services is prohibited.

A State agency policy on post-secondary training in an institution of higher education (IHE) may establish a preference for training in State-sponsored IHEs using the tuition

and fee guidelines established for State IHEs. An individual pursuing post-secondary training in IHEs may, however, choose to attend an IHE that is outside of the State or a private school within the State whose tuition and fees may be higher than the State funded IHEs. In this instance, if a State funded IHE can meet the rehabilitation needs of the individual, then the individual is faced with making an informed choice between attending the State IHE with the VR agency providing the appropriate level of support in light of the tuition and fees structure established for State IHEs or attending an IHE outside of the State and paying the difference between the actual costs and the in-State costs that the VR agency would have provided. If, however, a State-supported IHE cannot meet the rehabilitation needs of the individual and an out-of-State IHE or a private in-State institution can only meet the needs, then the allowable State policy providing preference cannot be utilized. The in-State preference can only be used if the preference meets the rehabilitation needs of the individual.

In the analysis of the State agency's policies, two key questions need to be answered.

Do the written policies:

- Specify what is permitted and prohibited regarding out-of-State services?
- Establish a process to ensure that out-of-State service requests are addressed without denying an individual a necessary service or effectively prohibiting the provision of out-of-State services?

34 CFR §361.50(c) - Payment for Services

- (1) The State unit must establish and maintain written policies to govern the rates of payment for all purchased vocational rehabilitation services.
- (2) The State unit may establish a fee schedule designed to ensure a reasonable cost to the program for each service, if the schedule is-
 - (i) Not so low as to effectively deny an individual a necessary service; and
 - (ii) Not absolute and permits exceptions so that individual needs can be addressed.
- (3) The State unit may not place absolute dollar limits on specific service categories or on the total services provided to an individual.

Discussion

In the development of the required written policies, State VR agencies use various strategies to manage resources and costs. Two of the more common strategies are the use of fee schedules and the identification of limitations on the amount of funds, duration of service provision, number of services, type of planned employment outcome, and other similar constraints. In some circles, these limitations are commonly referred to as "caps." Fee schedules are allowable as long as their levels are not so low as to effectively deny an individual a necessary service and are not absolute, i.e., they incorporate provisions to ensure that the rehabilitation needs of the individual are met, notwithstanding the fee schedule level for a particular service. Likewise, State agency policies cannot establish absolute dollar limits on specific service categories or on the total services provided to an individual.

If a State VR agency chooses a fee schedule, the above regulatory provisions identify the legal parameters for the schedule. In order to achieve the required balance between the costs identified in the fee schedule and the individualization principle, an agency must establish the level of payment so as to ensure that the individual in fact can obtain a necessary VR service at the identified cost. In establishing its fee schedules, an agency should avoid using an arbitrary figure in establishing the fee. Fee schedules based on "usual and customary fees," on the average costs incurred by the agency for the provision of a given service, or on fee schedules used by other agencies and organizations are often good barometers in establishing an appropriate fee schedule for services. Regardless of how the fee schedule is developed, if the established rate for a service is less than what the individual needs then the principle of individualization requires the provision of the service, regardless of the established rate in the schedule.

Within the context of the above discussion, a State VR agency's fee schedule for a particular type of service, such as job coaching, must be set at a level, most likely through negotiation with community-based service providers, at which the individual can actually obtain the service. If, however, the individual chooses to obtain a service, e.g., job coaching, from a provider that does not accept the agency's fee schedule for that service, then the State VR agency would not be obligated to pay for the difference in the cost that would result, if, in fact, the lower cost provider's services would address the needs of the individual. If, however, the individual's rehabilitation needs could not be met other than through the provision of services by a provider that does not accept the agency's fee schedule, the agency's policy must have the flexibility to ensure that the individual's rehabilitation needs are met. State policies that do not provide such provisions are not allowable. As a corollary, if an agency elects to use a fee schedule, it should periodically monitor the schedule and adjust the established fee levels to ensure that a given service can, in fact, be obtained at the rate established in the schedule.

Another strategy that some State VR agencies employ to manage resources and costs is the establishment of maximum levels of expenditures for total service costs per individual, costs for specific service categories, e.g., assessment services, or, in some instances, particular types of employment outcomes, e.g., self-employment. Similar to this strategy, some State agencies attempt to contain costs by placing limitations on the level of employment outcomes for individuals. For example, an agency may discourage an individual's selection of an employment goal that requires an advanced college degree. In other instances, agencies require an individual to pursue loans so as to offset costs.

Such strategies pose compliance concerns if the policies articulate absolute limitations in terms of expenditures, i.e., the policies do not contain flexible provisions to ensure the individualized rehabilitation needs of the individual are met. To address these concerns and to reflect the individualization principle, some agencies incorporate in their written policies a "waiver" provision. In this context, a policy that establishes a limit on service costs also allows for the agency to "waive" the limitation in order to meet the specific rehabilitation needs of the individual. Such a policy, in which a limitation is coupled with an individualized "waiver," may be consistent with the regulatory requirements in 34 CFR 361.50(c)(2) and (3) since the limitation is not "absolute" and "permits exceptions" based on individual needs. In such instances, however, it is important to

assess the implementation of the waiver, i.e., the extent to which it is being utilized in order to ensure that the agency is in fact “waiving” its cost limitations when the cost of addressing an individual’s rehabilitation needs warrants that it do so.

In the analysis of the State agency's policies, the following questions need to be addressed.

- Do the written policies include the content requirements that identify the rates of payment for all purchased VR services?
- Do the written policies include a fee schedule designed to ensure a reasonable cost to the program for each service?
- Do the written policies establish an absolute dollar limit on specific service categories or on the total services provided to an individual?
- If a fee schedule is included in written policies, is it not so low as to effectively deny an individual a necessary service, or absolute and permits exceptions so that individual needs can be addressed?

34 CFR §361.50(d) - Duration of Services

(1) The State unit may establish reasonable time periods for the provision of services provided that the time periods are--

- (i) Not so short as to effectively deny an individual a necessary service; and
- (ii) Not absolute and permit exceptions so that individual needs can be addressed.

(2) The State unit may not establish absolute time limits on the provision of specific services or on the provision of services to an individual. The duration of each service needed by an individual must be determined on an individual basis and reflected in that individual's individualized plan for employment.

Discussion

As with the resource management and cost containment strategies discussed above, State agency policies can specify reasonable time periods for the provision of services as long as they are not so short as to effectively deny an individual a necessary service, are not absolute, and include provisions that ensure that the rehabilitation needs of the individual are fully addressed. Again the overriding principle that must be reflected in such policies is that the length of each service must be determined on an individualized basis and reflected in the individual's IPE.

In the analysis of a State agency's policy with respect to this requirement, the following considerations should be explored.

- Do the written policies include a provision that the duration of each service needed by an individual must be determined on an individual basis and reflected in the individual's IPE?
- Do the written policies establish time periods for the provision of services and if so:
 - Are they reasonable?

- ❑ Are they so short as to effectively deny an individual a necessary service?
- ❑ Are they absolute or do they permit exceptions so that individual needs can be addressed?
- ❑ Do they establish absolute time limits on the provision of specific services or on the provision of services to an individual?

Review Protocol

Pre-Review Preparation

Prior to initiating any review activities, the following regulatory and sub-regulatory documents should be studied since they address various considerations that may be germane to the monitoring.

- PD 97-04 entitled, "Employment Goal for an Individual with a Disability," issued August 19, 1997
- Preamble discussion for 34 CFR 361.50 that appears in the **Federal Register**, pages 6328-6329, published on February 11, 1997
- 34 CFR 361.42 Assessment for Determining Eligibility and Priority for Services
- 34 CFR 361.45 Development of the Individualized Plan for Employment
- 34 CFR 361.46 Content of the Individualized Plan for Employment
- 34 CFR 361.48 Scope of Vocational Rehabilitation Services for Individuals with Disabilities
- 34 CFR 361.50 Written Policies Governing the Provision of Services for Individuals with Disabilities
- 34 CFR 361.53 Comparable Services and Benefits
- 34 CFR 361.54 Participation of Individuals in Cost of Services Based on Financial Need
- TAC 98-04 entitled, "Responsibility of State VR Agencies in the Provision of Rehabilitation Technology," issued September 29, 1998
- TAC 00-02 entitled, "Self-employment, Telecommuting, and Establishing a Small Business As Employment Outcomes," issued July 24, 2000

In addition, other sources of information such as those identified below should be examined well in advance of the actual review since they may yield pertinent information to warrant further exploration. It is recommended that the following materials for the last three to five years be examined to gain a better understanding of any changes that have occurred in the State VR agency's policies and practices with respect to service limitations.

- **RSA Program Reports**

Good sources of information are:

- ❑ RSA 722 (Annual Report of Appeals Process).
- ❑ RSA 227 (Annual CAP Report).

- ❑ SRC Annual Report.
- ❑ Title I State plan (particularly the descriptions/attachments).
- ❑ Section 107 annual review reports and findings.
- **RSA Statistical and Financial Reports**

Fiscal and statistical reports submitted to RSA can be rich sources of information to gain a better understanding about how the State agency utilizes its resources. They can also provide a context in which to more fully interpret agency policies and practices that are designed to manage the agency's resources and costs.

- ❑ RSA 2 (Annual Vocational Rehabilitation Programs/Cost Report) can provide trend data on costs for services.
- ❑ SF-269 financial status reports can provide indicators to prompt the further examination of the agency's financial status, e.g., cost allocation plan and/or indirect costs, increased expenditures in the early part of the year, decreases in State match, changes in sources of match, third party arrangements, etc.
- ❑ Information provided in the RSA national tables and DSU annual data summary report (series of tables based on the RSA 911, RSA 113, RSA 2, and SF 269 issued annually) can be used to analyze expenditures in more detail, particularly to identify expenditure categories that appear particularly low and/or particularly high.

- **Agency Policies and Procedures**

An examination of the current written agency policies and procedures regarding ancillary considerations related to the provision of VR services can yield useful information to better understand the agency's service limitation policies. Key areas to consider are the agency's policies and procedures pertaining to:

- ❑ Comparable services and benefits;
- ❑ Financial means testing for services; and
- ❑ Development of the IPE.

Conduct of the Review

- **Analysis of State Agency Policies**

The first review activity for this module is the analysis of the State agency's written policies on the provision of VR services to individuals using the Policy Review Guide. The policy analysis *must be completed prior to the conduct of any interviews* since the findings of policy analysis will provide the framework, context, and focus for the interviews, particularly those with State agency personnel. The results of the policy analysis should serve as the primary basis for the information to be gathered in the interviews.

In using the Policy Review Guide, a well-conducted analysis should be able to identify written policies that either meet or do not meet legal requirements, and also those that could be considered as outstanding. If the policy analysis identifies apparent exemplary and/or questionable policies, the subsequent interviews can be tailored to pursue clarification and additional information to garner a more complete understanding as to how a State agency implements the requirements of 34 CFR §361.50. If information gathered through the interviews supports the policy analysis that a given agency policy or procedure is exemplary then that policy or procedure can be identified as a possible candidate for dissemination to other VR agencies. Likewise, if the policy analysis raises questions about a particular agency policy or procedure, then that concern can be discussed in the interviews to determine if the policy is in need of modification to satisfy legal requirements.

- **Interviews**

The approach of tailoring the monitoring to the analysis of an agency's written policies required the development of interview guides that are open-ended thus many of the interview questions are designed to stimulate discussion and dialogue between the interviewer and the interviewee. Within this context, the instruments are primarily guides to enable reviewers to follow-up with suggested questions and other avenues of inquiry that explore how agency policies are actually implemented. This approach demands that the reviewers not only do a thorough analysis of the written policies but also follow-up that analysis with appropriate inquiries in the subsequent interviews. Thus, staff conducting the interviews will need to determine in light of the policy analysis which questions are pertinent and need to be asked to gain a better understanding of how a particular policy plays out in practice and also which questions can be eliminated. It also places on the reviewer the responsibility to pursue questions not identified in the guides that will generate needed information to round out the findings of the policy analysis.

- **Review Procedures**

It is recommended that the policy analysis be conducted in the Regional Office far enough in advance of the interviews so as to afford Regional Office staff the opportunity to tailor the interview guides to explore with the interviewees, particularly State agency personnel, the findings of the policy analysis.

To gather information on the implementation of the State agency's written service provision policies and procedures, interviews are to be held with the following State VR agency personnel: State director; the chief (director) of field services; at least one first-line VR supervisor; and, at least one VR counselor. It is suggested that to obtain a balanced appreciation of the implementation of the policies from the perspective of field service personnel that a representative sample of supervisors and counselors be interviewed either in a group setting or individually. Discussions with the agency's fiscal officer may also be useful to better understand the agency's current procurement, authorization, and payment policies; the agency's current financial

status; and patterns of expenditures. In addition to interviews with State agency personnel, interviews are to be conducted with the CAP director (or designee) and the SRC chairperson (or designee). There is no service record review component for this monitoring activity since it would not be possible to establish sample specifications that would ensure the identification of service records appropriate for review.

POLICY REVIEW GUIDE
Focus Area 34 CFR 361.50
Written Policies Governing the Provision
of Services for Individuals with Disabilities

<p>The responses to questions 1-4 will be applied to each VR service and will be recorded on the Nature and Scope of Services Table I</p>
--

Item	Question	Yes	No	NA
1.	Does the State unit maintain written policies covering the nature and scope ¹ of each of the VR services specified? If "No," a comment is required.	Yes	No	NA
2.	Does the State unit maintain written policies covering the criteria ² under which each service is provided?	Yes	No	NA
3.	Do the policies ensure that the provision of the services is based on the rehabilitation needs of the individual as defined in the individual's IPE? If "No," a comment is required.	Yes	No	NA
4.	Do the policies ensure that the provision of services is consistent with the individual's informed choice? If "No," a comment is required.	Yes	No	NA

<p>The responses to questions 5-7 will be applied to each VR service and will be recorded on the Nature and Scope of Services Table II</p>

5.	Does the policy impose any limits on the nature and scope of the service provided?	Yes	No	NA
6.	Does the policy allow for exceptions to the limits on the nature and scope of the service? If "No," a comment is required.	Yes	No	NA
7.	Does the policy describe how exceptions can be made? Please describe.	Yes	No	NA

¹ Nature and scope of services means the type and range of activities that can be provided under the service. Example: The State unit might describe the nature and scope of vocational and other training services to include: vocational training; academic training; personal adjustment training; rehabilitation teaching; mobility training; independent living skills training; vocational adjustment; job coaching; on the job training; job seeking skills training; and books, tools and other training materials.

² Criteria mean the standards or conditions on which the individual can access the service. Example: A State unit might list maintaining a "C" average as a condition for receiving vocational training services.

Nature and Scope of Services Table I		Q1	Q2	Q3	Q4	Descriptions and Comments
	Please enter responses to questions 1-4. Negative responses for questions 1,3, and 4 require a comment.	Yes No NA	Yes No NA	Yes No NA	Yes No NA	
1.	Assessment for determining eligibility	1.1	1.2	1.3	1.4	
2.	Assessment for determining priority of services	2.1	2.2	2.3	2.4	
3.	Assessment for determining the vocational rehabilitation needs	3.1	3.2	3.3	3.4	
4.	Assessment for rehabilitation technology	4.1	4.2	4.3	4.4	
5.	Vocational rehabilitation guidance and counseling	5.1	5.2	5.3	5.4	
6.	Referral and other services necessary to assist individuals to secure needed services from other agencies	6.1	6.2	6.3	6.4	
7.	Physical restoration services	7.1	7.2	7.3	7.4	
8.	Mental restoration services	8.1	8.2	8.3	8.4	
9.	Vocational & other training services, including personal & voc. adjustment training, books, tools & other training materials	9.1	9.2	9.3	9.4	
10.	Training services at an institution of higher education	10.1	10.2	10.3	10.4	
11.	Maintenance	11.1	11.2	11.3	11.4	
12.	Transportation	12.1	12.2	12.3	12.4	
13.	Vocational rehabilitation services to family members	13.1	13.2	13.3	13.4	

14.	Interpreter services	14.1	14.2	14.3	14.4	
15.	Reader services, rehabilitation teaching services, orientation and mobility services for individuals who are blind	15.1	15.2	15.3	15.4	
16.	Job related services, including job search and placement assistance, job retention services, follow-up services and follow along services	16.1	16.2	16.3	16.4	
17.	Supported employment services	17.1	17.2	17.3	17.4	
18.	Personal assistance services	18.1	18.2	18.3	18.4	
19.	Post employment services	19.1	19.2	19.3	19.4	
20.	Occupational licenses, tools, equipment, initial stock and supplies	20.1	20.2	20.3	20.4	
21.	Rehabilitation technology including vehicle modification, telecommunications, sensory, and other technological aids or devices	21.1	21.2	21.3	21.4	
22.	Transition services	22.1	22.2	22.3	22.4	
23.	Technical assistance and other consultation services to conduct market analysis, develop business plan, and otherwise provide resources to eligible individuals who are pursuing self-employment or telecommuting or establishing a small-business operation as employment outcome	23.1	23.2	23.3	23.4	
24.	Other goods and services determined necessary for the individual to achieve an employment outcome	24.1	24.2	24.3	24.4	
	General Comment if any:					

	Nature and Scope of Services Table II	Q5	Q6	Q7		Descriptions and Comments
	Please enter responses to questions 5-7. Negative responses for questions 6 and 7 require a comment.	Yes No NA	Yes No NA	Yes No NA		
1.	Assessment for determining eligibility	1.5	1.6	1.7		
2.	Assessment for determining priority of services	2.5	2.6	2.7		
3.	Assessment for determining the vocational rehabilitation needs	3.5	3.6	3.7		
4.	Assessment for rehabilitation technology	4.5	4.6	4.7		
5.	Vocational rehabilitation guidance and counseling	5.5	5.6	5.7		
6.	Referral and other services necessary to assist individuals to secure needed services from other agencies	6.5	6.6	6.7		
7.	Physical restoration services	7.5	7.6	7.7		
8.	Mental restoration services	8.5	8.6	8.7		
9.	Vocational & other training services, including personal & voc. adjustment training, books, tools & other training materials	9.5	9.6	9.7		
10.	Training services at an institution of higher education	10.5	10.6	10.7		
11.	Maintenance	11.5	11.6	11.7		
12.	Transportation	12.5	12.6	12.7		
13.	Vocational rehabilitation services to family members	13.5	13.6	13.7		

14.	Interpreter services	14.5	14.6	14.7		
15.	Reader services, rehabilitation teaching services, orientation and mobility services for individuals who are blind	15.5	15.6	15.7		
16.	Job related services, including job search and placement assistance, job retention services, follow-up services and follow along services	16.5	16.6	16.7		
17.	Supported employment services	17.5	17.6	17.7		
18.	Personal assistance services	18.5	18.6	18.7		
19.	Post employment services	19.5	19.6	19.7		
20.	Occupational licenses, tools, equipment, initial stock and supplies	20.5	20.6	20.7		
21.	Rehabilitation technology including vehicle modification, telecommunications, sensory, and other technological aids or devices	21.5	21.6	21.7		
22.	Transition services	22.5	22.6	22.7		
23.	Technical assistance and other consultation services to conduct market analysis, develop business plan, and otherwise provide resources to eligible individuals who are pursuing self-employment or telecommuting or establishing a small-business operation as employment outcome	23.5.	23.6	23.7		
24.	Other goods and services determined necessary for the individual to achieve an employment outcome	24.5	24.6	24.7		
	General Comment if any:					

25.	If the State unit has established a preference for in-state services, does the policy allow for the provision of out-of-state services?	Yes	No	NA
26.	If the State unit has established a preference for in-state services, does the policy provided for the individual to choose an out-of-state service at a higher cost rather than a similar in-state service that does not meet the individual's rehabilitation needs?	Yes	No	NA
27.	If the State unit has established a preference for in-state services, does the policy provide for the individual to choose an out-of-state service at a higher cost which is the same service provided by an in-state source, both of which would meet the individual's rehabilitation needs, at no excess cost to the VR agency?	Yes	No	NA
28.	Is the fee schedule designed to ensure reasonable costs to the program for each service:			
28.1	Not so low as to effectively deny an individual a necessary service; and,	Yes	No	NA
28.2	Not absolute and permits exceptions so that the individual's needs can be addressed.	Yes	No	NA
29.	Does the State unit provide a flexible budget on specific service categories? (No absolute dollar limits)	Yes	No	NA
30	Does the State unit provide for individualized expenditures on the total services provided to an individual? (No absolute dollar limits)	Yes	No	NA
31.	Has the State unit established reasonable time periods for the provision of services that provide that the time periods are:			
31.1	Not so short as to effectively deny an individual a necessary service; and,	Yes	No	NA
31.2	Not absolute and permit exceptions so that an individual's needs can be addressed.	Yes	No	NA
32.	Has the State unit established flexible time limits on the provision of specific services?	Yes	No	NA
33.	Has the State unit established policies related to the timely authorization of services including any conditions under which verbal authorization can be given?	Yes	No	NA

STATE DIRECTOR INTERVIEW GUIDE
Focus Area 34 CFR 361.50
Written Policies Governing the Provision
of Services for Individuals with Disabilities

NAME _____
AGENCY _____

DATE _____
REVIEWER _____

1. As a VR agency director, how do you attempt to balance the principles of *individualization of services* and *reasonableness of cost*?

2. What do you perceive as the greatest challenge in balancing these two principles?

3. Has the agency been able to generate sufficient funds to meet the required non-Federal match? Y N

If "No," please discuss the reasons for not being able to do so.

4. What are the agency's sources for securing matching funds:

___ State appropriated funds?
___ Establishment authority?
___ Third-party agreements?
___ Other?

5. What is the extent of your involvement and authority to develop the agency's budget request and ability to defend the request?

6. What mechanisms does the agency use to manage service provision costs?

___ Means testing for services?
___ Comparable services and benefits?
___ Fee schedules for VR services?
___ Expenditure limits on services?
___ Expenditure limits on specific employment outcomes (e.g., self-employment)?
___ Other?

7. Please identify the three most costly services provided by the agency and discuss the reasons contributing to this ranking:

(a)

(b)

(c)

8. Does agency policy impose any limitations on the nature and scope of VR services?
Y N

If "Yes," please discuss the types of limitations.

9. Were service limitation policies discussed at public meetings on the State plan to provide opportunity for public comment? Y N

If "Yes," please discuss the comments and the agency's response to them.

If "No," please discuss the basis for not seeking public comment.

10. Did the agency provide the policies to the SRC and consult with the SRC about the development/implementation of the policies? Y N

If "Yes," please discuss the role of the SRC and its input related to the development, implementation, evaluation and modification of the agency's practices on service limitations.

If "No," please discuss why the policies were not provided to the SRC.

11. In gathering input on the administration of the State plan, what constituencies were consulted?

- CAP?
- Service providers?
- Advocacy groups?
- Consumer organizations?
- Other?

12. Is the agency operating under an order of selection? Y N

If "Yes," please discuss the basis for that decision.

If "No," please discuss the relationship between any agency service limitation policies and the decision not to go on an order of selection.

13. Does the agency apportion case service dollars by:

- (a) District/region? Y N
- (b) Caseloads? Y N

If "Yes," please discuss how the budgets are determined.

14. Does the agency have a formal or informal policy or practice that provides guidance to counselors (for example, individual counselor budgets) regarding amount of expenditures per applicant or eligible individual? Y N

If "Yes," please discuss whether the guidance provides flexibility to counselors for exceeding the budget.

15. Does agency policy require financial participation on the part of an individual for VR services not exempted by Federal regulations? Y N

If "Yes," please specify which services are subject to needs testing and describe the basis for that determination.

Service	Reason

16. Does the agency have an expenditure limit policy for self-employment? Y N

If "Yes," please discuss how this limitation was determined.

17. Does agency policy establish a preference for in-State services? Y N

If "Yes," please indicate the circumstances under which out-of-State services can be provided.

- Individual's choice
- No in-state availability of service
- Other: _____

18. How often do individuals receive out-of-State services?

- Never, Why?
- Rarely, Why?
- Sometimes, Why?
- Frequently, Why?

19. Are there out-of-State limitations regarding costs of services? Y N

If "Yes," please discuss the types of limitations.

20. Is there any prohibition regarding the provision of certain out-of-State services? Y N

If "Yes," please indicate which services and describe the basis for the prohibition.

21. Does the agency place dollar limits on specific services? Y N

If "Yes," please indicate which services and define the limits.

Service	Dollar limits

22. In the instance of a service dollar limit, how does the agency accommodate the rehabilitation needs of the individual if those needs require services above the dollar threshold in the agency policy?

23. Does agency policy establish a total expenditure limit per applicant or eligible individual? Y N

If "Yes," please describe the limitation and discuss the basis for it.

If "Yes," how does the agency apply or alter its policy to meet the rehabilitation needs of an individual when the total cost for the individual exceeds the threshold identified in the policy?

24. Does the agency place limits on the number or duration of VR services? Y N

If "Yes," please describe the limits and discuss the basis for them.

If "Yes," how does the agency accommodate the rehabilitation needs of the individual when those needs require more or a longer period of service provision than the limitations identified in the agency's policy?

25. How does the agency determine the effectiveness and impact of its policies on service limitations?

26. Are there provisions for waivers or exceptions to general cost limitation guidelines in the agency's policies? Y N

If "Yes," please describe those provisions.

If "No," please discuss the basis for not having a waiver or exception provision.

27. Please discuss any safeguards in the policy to ensure the waiver is used only as necessary.
28. Please discuss the process that is used to determine when to grant the waiver and make an exception.
29. Within the past 12 months, approximately how many waivers or exceptions were granted and what limitations were waived?
30. Within the past 12 months, approximately how many waivers or exceptions were not granted and what was the nature of those requests for exceptions?
31. Has the agency established fee schedules? Y N
- If "Yes," please discuss how the fees were established.
32. Does the agency periodically monitor the reasonableness of the fee schedules?
Y N
- If "Yes," please discuss what (if any) adjustments have been made.
33. Please discuss what has worked well (strengths) in terms of agency policies, procedures and practices with respect to the service limitations while still meeting the rehabilitation needs of each individual? Do you consider any of these to be exemplary and worthy of being exported to other agencies by RSA?
34. What in-service training or technical assistance has the agency provided to field staff on policy issues related to:
- Self-employment outcomes?

- Nature and scope of agency services?
- Informed choice?
- Individualization of services appropriate to each applicant or eligible individual?
- Service providers and service options?

FIELD SERVICE DIRECTOR INTERVIEW GUIDE

Focus Area 34 CFR 361.50

Written Policies Governing the Provision
of Services for Individuals with Disabilities

NAME _____

DATE _____

AGENCY _____

REVIEWER _____

1. As a director of field services, how do you attempt to balance the principles of *individualization of services* and *reasonableness of cost*?

2. What do you perceive as the greatest challenge in this process?

3. What mechanisms do you use to control or manage costs?
 - ___ Means testing for services?
 - ___ Comparable services and benefits?
 - ___ Fee schedules for VR services?
 - ___ Expenditure limits on services?
 - ___ Expenditure limits on specific employment outcomes (e.g., self-employment)?
 - ___ Other?

4. Please identify the three most costly services provided by the agency and discuss the reasons contributing to this ranking:
 - (a)

 - (b)

 - (c)

5. Does agency policy impose any limitations on the nature and scope of VR services?
Y N

If "Yes," please describe the types of limitations.

6. Is the agency operating under an order of selection? Y N

If "Yes," please discuss the basis for that decision.

If "No," please describe the relationship between any agency service limitation policies and the decision not to go on an order of selection.

7. Does the agency apportion case service budgets by:

(a) District/region? Y N

(b) Caseloads? Y N

If "Yes," please discuss how the budgets are determined.

8. Do you have input into the budget planning process for the agency? Y N

If "Yes," please describe the nature and extent of your participation.

9. Do you have input into the development and/or revision of agency policy relating to the nature and scope of services that the agency provides? Y N

What changes in the policies would you make, if given the opportunity?

10. Does the agency have a formal or informal policy or practice that provides guidance to counselors (for example, individual counselor budgets) regarding expenditure per applicant or eligible individual? Y N

If "Yes," please indicate whether the guidance provides flexibility to counselors for exceeding the budget, and explain why or why not.

11. Does agency policy require financial participation on the part of an individual for VR services? Y N

If "Yes," please specify which services are subject to needs testing and discuss the basis for that determination.

Service	Reason

12. At what level, if any, are high-cost items and services that are identified in the IPE and that exceed thresholds established in State policy approved?

Approvals must be made at the central/State office level

Approvals may be made at the regional/field level

Approvals may be made by counselors

13. Does the agency have an expenditure limit policy for self-employment? Y N

If "Yes," please describe how this limitation was determined.

14. Does agency policy establish a preference for in-State services? Y N

If "Yes," please indicate the circumstances under which out-of-State services can be provided.

Individual's choice

No in-state availability of service

Other:

15. How often do individuals receive out-of-State services?

Never, Why?

Rarely, Why?

Sometimes, Why?

___ Frequently, Why?

16. Are there out-of-State limitations regarding costs of services? Y N

If "Yes," please describe the types of limitations.

17. Is the provision of any out-of-State services prohibited? Y N

If "Yes," please specify which services and discuss the basis for the prohibition.

18. Does the agency place dollar limits on specific services? Y N

If "Yes," please identify which services and describe the limits.

Service	Dollar limits

19. In the event of a service dollar limit, how does the agency accommodate the rehabilitation needs of the individual if those needs require services above the dollar threshold in the agency policy?

20. Does agency policy establish a total expenditure limit per applicant or eligible individual? Y N

If "Yes," please describe the limitation, the threshold, and discuss the basis for it.

If "Yes," how does the agency apply or alter its policy to meet the rehabilitation needs of an individual when the total cost for the individual exceeds the threshold identified in the policy?

21. Does the agency policy place absolute dollar limits on specific services? Y N

If "Yes," please identify which services have absolute dollar limits and specify the amount of the limitation.

Service	Dollar limits

If "Yes," how does the agency accommodate the rehabilitation needs of the individual?

22. Does the agency place limits on the number or duration of VR services? Y N

If "Yes," please describe the limits and discuss the basis for them.

How does the agency accommodate the rehabilitation needs of the individual when those needs require more or a longer period of service provision than the limitations identified in the agency's policy?

23. Are agency policies on service limitations implemented uniformly throughout the agency or differently in various regions or locales in the State?

24. Describe what you think are the major challenges facing the agency in ensuring that the rehabilitation needs of individuals are fully met in the context of service limitation policies.

25. Are there provisions for waivers or exceptions to general cost limitation guidelines in the agency's policies? Y N

If "Yes," please describe those provisions.

If "No," please discuss the basis for not having a waiver or exception provision.

26. Please describe any safeguards in the policy that ensure the waiver is used only as necessary.

27. Please describe the process that is used to determine when to grant the waiver and make an exception.

28. Within the past 12 months, approximately how many waivers or exceptions were granted and what limitations were waived?

Please explain the basis for granting these waivers or exceptions.

29. Within the past 12 months, approximately how many waivers or exceptions were not granted and what was the nature of those requests for exceptions?

Please explain why these waivers or exceptions were not granted.

30. How do applicants and eligible individuals learn about service limitations and the process to request a waiver or exception?

31. Please describe the various steps in the process to request, consider, and respond to a waiver/exception request.

32. Are timelines identified for the various steps in the process and the ultimate timely disposition of the waiver or exception request? Y N

If "Yes," what are the timelines?

If "No," how does the agency ensure a timely response so as not to unduly delay the provision of services?

33. Other than due process (informal resolution, mediation, impartial hearings), how does the agency address any conflicts between what the individual chooses and what the agency policy states?

34. What do you view as the basis of most due process appeals?

34. Please identify the number of due process appeals regarding service limitations and denial of waivers:

____ Informal dispute resolutions

____ IHO decisions

____ Mediation

35. Has the agency established fee schedules? Y N

If "Yes," please explain how the fees were established.

36. Does the agency periodically monitor the reasonableness of the fee schedules?

Y N

If "Yes," could you discuss what (if any) adjustments have been made?

37. What are your opinions on the impact of the service policy limitations in terms of the VR process with respect to:

- Role of the VR counselor?
- Quality of vocational planning?
- Quality and appropriateness of IPE provisions?
- Quality and appropriateness of outcomes?

38. Describe what you think has worked well in terms of agency policies, procedures and practices with respect to the service limitations while still meeting the rehabilitation needs of each individual. Do you consider any of these to be exemplary and worthy of recommendation to other agencies by RSA?

39. What use has the agency made of PD 97-04 on employment outcomes in the VR program with respect to the requirement that the costs of services cannot be used as a determinant with respect to the selection of an employment outcome?

40. What policy issues have surfaced when individuals choose self-employment goals and how has the agency addressed those issues?

41. What use has the agency made of TAC 00-02 relating to self-employment outcomes?

VR SUPERVISOR INTERVIEW GUIDE
Focus Area 34 CFR 361.50
Written Policies Governing the Provision
of Services for Individuals with Disabilities

NAME _____
AGENCY _____

DATE _____
REVIEWER _____

1. How long have you been a supervisor with the State VR agency?

2. Do you meet the highest requirements in your State for your discipline? Y N
If "No," what is your highest educational level?

3. How many counselors do you supervise and what is the average number of individuals served by your unit at any given time?

4. How do individuals served by your unit get information about those service policies relevant to their needs?

5. How do you ensure that the counselors you supervise are providing services to individuals in accordance with your agency's written service policies?

6. How do you ensure that the counselors you supervise are meeting each individual's unique service needs?

7. How do you ensure that the availability and scope of informed choice provided to individuals served by your unit meets the informed choice requirements that apply to individuals and is consistent with the obligations of your State agency?

8. In your agency, are exceptions or waivers for provisions in agency service policies initiated by the counselor, the individual, or some other person?

9. What is your role in the process for requesting and for granting an exception or waiver to agency service policies?

10. During the past year, about how frequently were exceptions or waivers for provisions in your agency's service policies requested for individuals served by your unit?
(Examples of frequency: number of times per week, month, quarter, year)

Were these requests related to any of the following:

(a) Use of a provider located outside your State? Y N NA

(b) Use of a provider whose fee was higher than that specified in your agency's policy? Y N NA

(c) A need for more services or services for a longer time period than specified in agency policy? Y N NA

(d) Other circumstances? Y N NA If "Yes," explain.

11. Were any of the requests denied? Y N NA

If "Yes," approximately how many were denied and what were the most common reasons for any denials?

12. During the past year, did counselors whom you supervise stop providing specific services to any individuals because they no longer met the criteria for provision of those specific services as identified in your agency's policies? Y N

If "Yes," approximately how many and what service was most frequently discontinued?

13. During the past year, have individuals served by your unit sought the assistance of the CAP because of issues related to limitations on service provision? Y N

If "Yes":

(a) Approximately how many?

(b) Which service limitations were involved?

(c) In general, what were the decisions that resulted from the individuals seeking the assistance of CAP?

14. During the past year, have individuals served by your unit used your agency's due process procedures (informal dispute resolution, mediation, or an impartial hearing) because of issues related to limitations on service provision? Y N

If "Yes":

(a) Approximately how many?

(b) Which service limitations were involved?

(c) In general, what were the outcomes?

15. What is the impact, if any, of your agency's fee schedule on the availability of services and service providers within your area?

16. How does your agency's process for authorizing and paying for services impact on your unit's ability to provide services at the time that individuals need the services?

17. Do you manage your unit's services budget? Y N

If "Yes," how do you assure that individuals can continue to be served throughout the year?

18. What do you do if the costs of fully serving individuals in your unit results in depletion of your services budget prior to the end of the fiscal year?

19. What happens if your agency depletes its services budget prior to the end of the fiscal year?

20. How do you provide your counselors with any feedback, consultation, or technical assistance about the application of your agency's service provision policies?

21. How do you provide your counselors with feedback, consultation, or technical assistance about your agency's process for requesting exceptions or waivers?

22. Have you had any training on your agency's policies for providing services to individuals with disabilities? Y N

If "Yes":

(a) When did the most recent training occur?

(b) Did the training address service limitations? Y N

(c) Did the training address methods for meeting individual service needs that exceed service limitations? Y N

23. Please share any suggestions you have for improving your agency's methods for:

(a) Informing individuals about relevant agency service policies

(b) Informing counselors about agency service policies

(c) Providing feedback, consultation, or technical assistance about the application of agency service policies.

24. Please identify any of your agency's service policies that could serve as model policies for sharing with other State VR agencies.

25. Please share any suggestions you have for changes to your agency's service policies that would enable your unit to better meet the needs of the individuals it serves.

26. Do you have any additional comments?

VR COUNSELOR INTERVIEW GUIDE

Focus Area 34 CFR 361.50 Written Policies Governing the Provision of Services for Individuals with Disabilities

NAME _____ DATE _____
AGENCY _____ REVIEWER _____

1. How long have you worked for the State VR agency? _____
2. Do you meet the highest requirements in your State for a VR counselor? Y N
If “No,” what is your highest educational level?
3. What is the average size of your caseload? _____
4. How do you ensure that the individuals you serve understand those agency service policies related to their service needs?
5. How do you ensure that you provide services to individuals in accordance with your agency's written service policies?
6. If an individual’s service needs exceed the limitations in your agency’s service policies, what do you do?
7. If an individual expresses an informed choice for a service or service provider that does not meet the criteria or conditions specified in your agency’s service policies, what do you do?
8. In your agency, are exceptions or waivers for provisions in agency service policies initiated by the counselor, the individual, or some other person?

9. During the past year, how frequently did individual's service needs exceed the limitations in your agency's service policies? (Examples of frequency: number of times per week, month, quarter, year)

Were these instances related to any of the following:

- (a) Use of a provider located outside your State? Y N NA
- (b) Use of a provider whose fee was higher than that specified in your agency's policy? Y N NA
- (c) A need for more services or services for a longer time period than specified in agency policy? Y N NA
- (d) Other circumstances? Y N NA If "Yes," please explain.

10. During the past year, did you stop providing specific services to any individuals on your caseload because they no longer met the criteria identified in your agency's policies for providing those specific services? Y N

If "Yes," approximately how many individuals were affected and what service was most frequently discontinued?

11. During the past year, how many exceptions or waivers for provisions in your agency's service policies were requested for individuals on your caseload?

Were the requests related to any of the following:

- (a) Use of a provider located outside your State? Y N NA
- (b) Use of a provider whose fee was higher than that specified in your agency's policy? Y N NA
- (c) A need for more services or services for a longer time period than specified in agency policy? Y N NA
- (d) Other circumstances? Y N NA If "Yes," please explain.

12. Were any of the requests denied? Y N NA

If "Yes," approximately how many were denied and what were the most common reasons for any denials?

13. During the past year, have any individuals on your caseload sought the assistance of the CAP because of issues related to limitations on service provision? Y N

If "Yes":

- (a) Approximately how many?
- (b) Which service limitations were involved?

(c) In general, what were the decisions that resulted from the individuals seeking the assistance of CAP?

14. During the past year, have any individuals on your caseload used your agency's due process procedures (informal dispute resolution, mediation, or an impartial hearing) because of issues related to limitations on service provision? Y N

If "Yes":

- (a) Approximately how many?
- (b) Which service limitations were involved?

(c) In general, what were the outcomes?

15. What is the impact, if any, of your agency's fee schedule on the availability of services and service providers within your area?

16. How does your agency's process for authorizing and paying for services impact on your ability to provide services at the time that individuals need the services?

17. How do you manage your VR services budget so that you can continue to fully serve individuals on your caseload throughout the year?

18. What do you do if the costs of fully serving individuals on your caseload results in depletion of your services budget prior to the end of the fiscal year?

19. What happens if your agency depletes its services budget prior to the end of the fiscal year?

20. Have you had any training on your agency's policies for providing services to individuals with disabilities? Y N

If "Yes":

(a) When did the most recent training occur?

(b) Did the training address service limitations? Y N

(c) Did the training address methods for meeting individual service needs that exceed service limitations? Y N

21. What feedback, consultation, or technical assistance have you received from your supervisor or agency management about how you apply your agency's service provision policies to the individuals you serve?

22. What feedback, consultation, or technical assistance have you received from your supervisor or agency management about the process you use to request exceptions or waivers?

23. Please share any suggestions you have for improving your agency's methods for:

(a) Informing individuals about relevant agency service policies

(b) Informing counselors about agency service policies

(c) Providing feedback, consultation, or technical assistance about the application of agency service policies.

24. Please identify any of your agency's service policies that could serve as model policies for sharing with other State VR agencies.

25. Please share any suggestions you have for changes to agency service policies that would enable you to better meet the needs of the individuals on your caseload.

26. Do you have any additional comments?

STATE REHABILITATION COUNCIL INTERVIEW GUIDE

Focus Area 34 CFR 361.50 Written Policies Governing the Provision of Services for Individuals with Disabilities

NAME _____
AGENCY _____

DATE _____
REVIEWER _____

1. Does the State agency provide services to its consumers under policies that impose limitations on the nature or scope of services by:
- a. Restricting an individual's ability to receive out-of-state services? Y N
 - b. Establishing maximum dollar amounts to be spent on total services to:
 - An individual? Y N
 - A category of service? Y N
 - A specific type of service? Y N
 - c. Limiting the duration of total services?
 - A specific service? Y N

If "Yes," to any of the above, please describe the policies.

2. If such policies are in effect, do they contain language permitting waivers or exceptions based on the individual's needs or circumstances? Y N N/A

3. Did the agency provide the SRC with a copy of the waiver policy and the procedures to implement it? Y N

If "Yes," please describe the SRC's response.

4. Did the agency consult the SRC about the development, implementation, or revision of the waiver policy? Y N

If "Yes," please describe the SRC's input.

5. Were the policy and procedures to request a waiver discussed at public meetings to provide the public opportunity to comment on the policy and/or procedures? Y N

If "Yes," please describe the comments.

6. Has the agency sought the views of any of the following with respect to the waiver policy and procedures as they relate to its administration of the State plan?

- | | | | | |
|----|--------------------------------|---|---|-----|
| a. | SRC? | Y | N | N/A |
| b. | VR providers? | Y | N | N/A |
| c. | CAP director? | Y | N | N/A |
| d. | Individuals with disabilities? | Y | N | N/A |

7. Can you explain the process by which such exceptions are obtained? Y N

If "Yes," do you believe this process to be difficult for either the counselor or the consumer to use? Y N

If "Yes," please explain.

8. Are these policies, including procedures for requesting waivers, readily available to consumers? Y N N/A

If "No," please explain.

9. When necessary, are waivers or exceptions granted to ensure that the needs of the individual are being met? Y N N/A

If "No," please explain.

10. How did you become aware of the existence of these policies or any issues associated with their implementation, including the granting of exceptions? (Circle all that apply)

- a. Routine review of agency policies and procedures?
- b. Review of proposed amendments to agency policies and procedures?

- c. Interaction with agency officials/personnel?
- d. Receipt of information from the CAP?
- e. Complaints from consumers?
- f. Review of IHO decisions?
- g. Conduct of consumer satisfaction survey?
- h. Other?

11. Has the SRC addressed issues relating to these policies and their implementation, including the procedures for granting exceptions, with State agency officials or personnel? Y N

- If the answer to Question 11 is “Yes”:

a. In what manner?

b. Was the SRC successful in obtaining changes in language or the implementation of these policies, including procedures for requesting exceptions? Y N

If “Yes” or “No,” please explain.

- If the answer to Question 11 is “No,” do you plan to address such issues?
Y N

If “Yes” or “No,” please explain.

CLIENT ASSISTANCE PROGRAM INTERVIEW GUIDE
 Focus Area 34 CFR 361.50
 Written Policies Governing the Provision
 of Services for Individuals with Disabilities

NAME _____ DATE _____
 AGENCY _____ REVIEWER _____

1. Does the State agency provide services to its consumers under policies that impose limitations on the nature or scope of services by:

- | | | |
|--|---|---|
| a. Restricting an individual's ability to receive out-of-state services? | Y | N |
| b. Establishing maximum dollar amounts to be spent on: | | |
| • Total services to an individual? | Y | N |
| • A category of service? | Y | N |
| • A specific type of service? | Y | N |
| c. Limiting the duration of | | |
| • Total services? | Y | N |
| • A specific service? | Y | N |

If "Yes," please describe the policies.

2. If such policies are in effect, do they contain language permitting waivers or exceptions based on the individual's needs or circumstances? Y N N/A

If "Yes," please explain the waiver provisions.

3. Do the policies identify a process by which exceptions are obtained? Y N

If "Yes," do you consider this process to be difficult for either the counselor or the consumer to use? Y N

If "Yes," please explain.

4. Are these policies, including procedures for requesting waivers, readily available to consumers? Y N

If "No," please explain.

5. Are waivers or exceptions granted when necessary to ensure that the needs of the individual are being met? Y N

If "No," please explain.

6. How did you become aware of the existence of these policies or any issues associated with their implementation, including the granting of exceptions? (Circle all that apply)

- a. Routine review of agency policies and procedures?
- b. Review of proposed amendments to agency policies and procedures?
- c. Participation on State Rehabilitation Council?
- d. Interaction with agency officials/personnel?
- e. Requests from individuals for assistance from CAP?
- f. Public meetings on the State plan?
- g. Consultation on the administration of the State plan?
- h. Other?

7. Within the past year, have you advocated on behalf of individuals seeking exceptions to policies that impose limitations on the nature or scope of services? Y N

If "Yes":

- How many instances?
- Please describe the specific issues in the cases.

- Are any of these cases still pending? Y N

If "Yes":

How many cases?

How long has each been pending?

- For cases that are no longer pending, what were the outcomes?

- If not resolved in favor of the consumer, what was your response?

8. Within the past year, have you formally discussed with the State agency issues relating to service limitation policies or their implementation by requesting changes in language or the manner in which the agency implements the requirements, including the procedures for granting exceptions? Y N

If “Yes”:

- On how many occasions?
- What were the:

Specific issues?

Results of these requests?

Focus Area IV:

Homemaker Outcomes

Homemaker Outcomes

Background

It is the policy of the Rehabilitation Services Administration (RSA) that the optimal employment outcome under the vocational rehabilitation (VR) program is competitive employment in integrated settings for which individuals with disabilities are compensated at a level comparable to non-disabled persons for similar type of work but not less than the minimum wage. This policy is based on the provisions of Title I of the Rehabilitation Act (the Act) and its implementing regulations that articulate that the purpose of the VR program is to empower individuals with disabilities, especially individuals with significant disabilities, to achieve competitive employment outcomes to which they aspire and that are consistent with their unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice.

Although the Act and the implementing regulations governing the State VR program place emphasis on competitive employment outcomes, they also provide for non-competitive employment outcomes in integrated settings, such as homemaker outcomes, in which the individual receives no remunerative compensation. In a homemaker outcome, an individual with a disability carries out homemaking duties such as cleaning and meal preparation as a result of services provided by the VR agency.

The RSA policy of considering homemaking as an employment outcome is inconsistent with the policies of other Federal employment related programs. The Dictionary of Occupational Titles published by the United States Department of Labor has no entry or code denoting homemaker as an employment occupation. The Social Security Administration has steadfastly rejected attempts to include the services performed by homemakers as proxy earnings for computing retirement and disability benefits.

Over the past 20 years, many State VR agencies have reoriented their programs to focus more on competitive employment outcomes and to reduce the number of homemaker outcomes; however, other VR agencies, particularly some agencies serving individuals with visual disabilities, have maintained traditional policies and practices regarding homemaker outcomes. In 1980 homemaker outcomes as a percentage of all employment outcomes achieved under the VR program was 15 percent; by 1992 that figure had dropped to 10 percent; by 1995, the percentage fell to 7.6 percent and in 2002, 4.2 percent. For VR agencies serving either individuals with all types of disabilities or individuals with disabilities other than visual impairments around 3 percent of the outcomes are homemakers. For agencies that exclusively serve individuals with visual impairments nearly one-third of the outcomes are homemakers.

The decreases in the number of homemaker outcomes over the years have been the result of an increased focus on competitive employment due to changes in Title I of the Act and its implementing regulations, and RSA technical assistance initiatives. To build upon these efforts, in FY 2004, RSA will carry out a major monitoring review in each State VR agency to assess its policies, procedures and practices relating to homemaker outcomes.

Objectives of the Review

The homemaker review module is designed to achieve the following objectives:

- Gather information of current agency policies and practices with respect to homemaker outcomes;
- Ensure that written State agency policies and practices place emphasis on competitive employment outcomes as the optimal employment outcome under the VR program;
- Identify model employment policies and practices for possible replication in other agencies; and
- Assist agencies, as necessary, in developing appropriate employment related policies and practices that place emphasis on competitive employment outcomes.

Scope of the Review

In FY 2004, the review will encompass all State VR agencies and include the following discrete activities:

- Assessment of written State agency policies pertaining to homemaker outcomes;
- Interviews with State agency personnel, including the agency's director; the field service director; first-line supervisors and VR counselors;
- Interviews with individuals who have achieved homemaker outcomes; and
- Review of service records of individuals who achieved homemaker outcomes.

Procedure for Review of Homemaker Outcomes

Pre-Review Activities

Several review activities should be carried out prior to the conduct of the interviews and the service record review. These pre-review activities should be carried out well in advance of the full review to identify the agency's performance with respect to homemaker outcomes and content items to be pursued in the various interviews. Listed below are the materials to be reviewed.

- Specific RSA reports that would be helpful in pinpointing areas for possible discussion in the interviews, including comments and recommendations from the State Rehabilitation Council (SRC) concerning the agency's policies relating to homemaker outcomes;
- Agency data trends on homemaker outcomes with specific attention to homemaker outcomes as a percentage of total outcomes, a comparison of agency homemaker percentages to national data for similar agencies, and any available cost data on homemaker outcomes (see CM-04-04, dated February 12, 2004, for such data.);

- Impact of homemaker outcomes on the agency’s data for performance indicator 1.3 of Evaluation Standard 1 on Employment Outcomes (Performance indicator 1.3 examines individuals who achieve competitive, self-, or BEP employment with earnings equivalent to at least the minimum wage, as a percentage of all individuals determined to have achieved an employment outcome);
- Program Improvement Plans for any agency that has failed to pass Evaluation Standard 1 due, at least in part, to the number of homemaker outcomes;
- Current written agency policies and procedures relating to homemakers , including comments (other than from the SRC and State plan meetings) from public meetings pursuant to State administrative procedure requirements;
- The RSA 2 (Annual Vocational Rehabilitation Programs/Cost Report) and other State budget information, which may be available, to determine amounts spent on services germane to homemaker outcomes, such as physical and mental restoration, and training in techniques of daily living;
- Financial status reports and other state budget information, which may be available, relating to the budgets for Independent Living programs and projects to serve the older blind; and
- Paper entitled “Homemaker as an Employment Outcome in the VR Program,” an attachment to CM-04-04, for a discussion of the evolution of recognizing “homemaker” as an allowable employment outcome under the VR program.

Review Procedures

The policy analysis should be conducted in the Regional Office far enough in advance of the interviews so as to afford Regional Office staff the opportunity to tailor the interview guides to explore with the interviewees, particularly the State agency interviewees, the findings of the policy analysis.

To gather information on the implementation of the State agency's homemaker policies, interviews will be conducted with the following State VR agency personnel: State director; the chief (director) of field services; at least one first-line VR supervisor; and, at least one VR counselor. To obtain a balanced appreciation of the implementation of the policies from the perspective of field service personnel a representative sample of supervisors and counselors should be interviewed either in a group setting or individually. Interview questions for the client assistance program (CAP) and the SRC have not been developed for this module since it is likely that the CAP and the SRC can provide little information with respect to this focus area. In addition, a small number of individuals who have achieved homemaker outcomes (no more than six) are to be interviewed.

NOTE: In reviewing agencies with few or no homemaker closures, Regional Offices have the flexibility to eliminate the consumer interviews. However, interviews with State VR agency personnel should still be conducted to ascertain information on how they have managed a reduction in homemaker closures.

A review of service records of individuals who achieved homemaker outcomes will also be conducted. In this regard, specific questions for this focus area have been incorporated in the generic Service Record Review instrument. Please refer to the general instructions on sampling in this Guide for further information on how the sub-sample of these records is to be drawn.

Policy Review Questions:

When reviewing any available policies and procedures relating to homemaker outcomes, the following questions should be answered:

1. Does the agency have a policy relating to closures where the employment goal is that of homemaker? Y N
**Comments

2. Does the policy define the term “homemaker?” If so, please state the definition.
Y N NA
**Comments

3. Does the policy establish criteria relating to the selection of homemaker as the employment outcome, such as the significance of disability, type of disability, and the needs or informed choice of the individual? If so, what are these criteria? Y N NA
**Comments

4. Does the policy permit the selection of homemaker as the employment outcome:
 - a) only in cases where the individual will support another member of the household to engage in competitive employment? Y N NA
 - b) without regard to the individual’s living situation? Y N NA

5. Does the policy describe those services that can be provided in order to support the attainment of a homemaker outcome? If so, please describe the services identified. Y N NA
**Comments

STATE DIRECTOR
INTERVIEW QUESTIONS

NAME _____ DATE _____
AGENCY _____ REVIEWER _____

1. What do you view as the advantages and disadvantages with respect to “homemaker” as an allowable employment outcome?
2. If your agency has separate homemaker policy or procedures, please describe how it differs from regular VR policy and procedures, and describe what actions were taken to solicit agency, SRC, and consumer input into its development.
3. Have you significantly changed the agency’s policy and practices regarding homemakers in the past few years? What impact have these changes had? How have your policies and practices affected the number of individuals who have achieved employment outcomes or the number who did not achieve employment outcomes? What has been the impact on agency performance on standards and indicators?
4. When and what training has your staff received on homemaker policies and procedures?
5. If you provide homemaker services under the VR program, what distinguishes which individuals receive homemaker services and which individuals receive or are referred for independent living services?
6. Your agency’s homemaker outcomes for the past ____ years are: _____ respectively. What do you believe accounts for the rise/decline in the number of homemaker outcomes?
7. In your opinion, how can homemakers best be served under the Rehabilitation Act?
8. What are your thoughts or concerns regarding maintaining or eliminating homemaker closures as recognized employment outcomes?

9. If your agency has discontinued serving homemakers through the VR program, has significantly reduced the provision of homemaker services, or is serving traditional “homemaker cases through independent living, how has the disability community responded? the CAP? the SRC? CRPs?

CHIEF OF FIELD SERVICES
INTERVIEW QUESTIONS

NAME _____ DATE _____
AGENCY _____ REVIEWER _____

1. What do you view as the strengths and weaknesses with respect to “homemaker” as an allowable employment outcome?
2. Under your agency’s homemaker policy, what distinguishes which individuals receive homemaker services and which individuals receive independent living (IL) services? How do these services differ?
3. When and what training has your staff received on homemaker policy/procedures?
4. Have you received training related to homemaker policies or practices? When and how has it affected your agency’s ability to serve consumers?
5. Is the percentage of homemaker outcomes in your agency problematic? If so, why?
6. Have there been significant changes in the agency’s policy and practices regarding homemakers in the past few years? If so, how have these changes affected service provision or agency performance?
7. What is the average duration and cost of services for homemakers vs. other VR employment outcomes? What accounts for these differences?
8. If you have discontinued serving homemakers through the VR program, have significantly reduced the provision of homemaker services, or are serving traditional “homemaker” cases through independent living, how has the disability community responded? the CAP? the SRC? CRPs?
9. What funding sources does your agency use for homemakers?
___ 110 funds
___ IL funds
___ Chapter 2 Older Blind

- ___ SS reimbursement
- ___ State appropriations
- ___ Other _____

10. How does the state VR agency determine, for an individual seeking a homemaker goal, the program (VR/IL) under which that individual should be served?

VR SUPERVISORS
INTERVIEW QUESTIONS

NAME _____ DATE _____
AGENCY _____ REVIEWER _____

1. What do you view as the strengths and weaknesses with respect to “homemaker” as an allowable employment outcome?

2. If you provide homemaker services under the VR program, what distinguishes which individuals receive homemaker services and which individuals receive independent living (IL) services?

3. Are homemaker cases problematic for you as a supervisor? If so, why?

4. Has the number of individuals who achieved employment or the number of individuals who did not achieve employment been affected by your agency’s policies regarding homemaker outcomes? Please explain.

5. As a supervisor, have you experienced any problems with the appropriate application of homemaker policy among your counselors? Please explain.

6. Have you received training related to homemaker policies or practices? When and how has it affected your supervision of counselors regarding homemakers?

7. Have you seen changes in IPE goals from homemaker to a competitive employment goal or from a competitive employment goal to homemaker? Please explain the reasons for these changes.

VR COUNSELORS
INTERVIEW QUESTIONS

NAME _____ DATE _____
AGENCY _____ REVIEWER _____

1. What do you view as the strengths and weaknesses with respect to “homemaker” as an allowable employment outcome?
2. Have you received training related to homemaker policies or practices? When and how has it affected your case management practices and ability to serve consumers?
3. How do you decide when to serve an individual under the VR program or under the independent living (IL) program as a homemaker?
4. When a consumer applies for services with a goal of homemaker, what do you typically do?
5. What services do you typically provide to a consumer with a homemaker goal?
6. Do the homemakers that you serve have specific characteristics? (i.e. type of disability, specific service needs, etc.)
7. Do you have a separate intake or assessment instrument for homemakers? If so, how does it differ from the regular VR intake/assessment?
8. Do you have a target number or rate for individuals you are expected to assist with employment outcomes, and if so, does it include homemaker outcomes? Does this target impact your case management practices or decisions?
9. What percentage of your active cases identify homemaker as an IPE goal? Do these cases require more or less investment of time and services than VR cases leading to competitive employment? Please explain.

10. Has the number of individuals who achieved employment or the number of individuals who did not achieve employment on your caseload been affected by your agency's policies regarding homemaker outcomes? Please explain.

11. In the last fiscal year, what percentage of individuals closed as homemakers on your caseload originally entered VR with a different employment goal? What circumstances surrounded this change in outcome?

12. In the last fiscal year, what percentage of individuals in your active caseload or closed in competitive employment initially had a goal of homemaker? What do you think contributed to the change in goal?

HOMEMAKER CONSUMER QUESTIONS

NAME _____ DATE _____
AGENCY _____ REVIEWER _____

1. Are you aware that your VR service record was closed, identifying “homemaker” as the employment outcome that you achieved? Y N

2. What does the term “homemaker” mean to you?

3. Was being a homemaker your original goal when you applied for VR services?
Y N

If the answer to question # 3 is “Yes,” proceed to question #7.

If the answer to question #3 is “No,” proceed to questions #4 thru #6.

4. What was your original goal when you applied for VR services?

_____ Full-time competitive employment

_____ Part-time competitive employment

Other _____

5. Please identify one or more reasons why you did not achieve your original goal:

_____ Loss of health or financial benefits made original goal impractical.

_____ The VR services were not provided for a long enough period of time.

_____ Physical or mental condition deteriorated over time to the point where original goal was inappropriate.

_____ The VR services provided did not match the skills needed for original goal.

_____ Original goal was not appropriate.

_____ Lack of access to assistive technology.

Other _____

6. Whose decision was it to revise your original vocational goal to homemaker?

Consumer Agency Consumer and Agency

7. Did the homemaker services you received assist you to become more independent?

Y N

Please explain your answer:

8. Did the homemaker services you receive enable someone in your family to improve their employment status because you were able to take over more homemaker duties?

Y N

9. Are you satisfied with the VR services you received?

Y N

10. If your circumstances changed and you were considering competitive employment, would you return to the VR agency for assistance in finding employment?

Y N

Focus Area V:

*Third Party Cooperative
Arrangements*

Third Party Cooperative Arrangements

Historically, some State agencies have used sources of match other than State general revenue fund appropriations directed to the Designated State Unit (DSU) to meet match requirements and capture federal VR program funds. Such matching funds can come from a variety of sources. The use of funds other than State general revenue fund appropriations to the DSU is allowable under the Rehabilitation Act, but some methods of generating match have specific statutory requirements pertaining to the use of such funds. Review of the FY 1999 data as well as historical use suggests that the most used sources of alternative match are interagency transfers of funds and use of local funds to create third party cooperative arrangements. For this reason, the focus area for this year and the suggested review activities for subsequent years primarily address the use of interagency transfers of funds and local funds to create third party cooperative arrangements pursuant to 34 CFR 361.28.

DSUs may enter into a third party cooperative arrangement with a State or local public agency to provide or administer the provision of VR services. The cooperating agency provides part or all of the non-Federal share of funds (non-Federal matching funds) for the project (34 CFR 361.28(a)).

- The program established by the cooperative arrangement to be carried out by the cooperating agency must consist of new VR services, or provide services that have been modified, adapted, expanded, or reconfigured to have a VR focus (34 CFR 361.28(a)(1)). The services cannot be services that the cooperating agency is providing or has the legal responsibility to provide. In other words, the cooperating agency cannot use VR funds to pay for the cooperating agency's current program or current program responsibilities.
- The services established by the cooperating agency using third party cooperative arrangement funds must be provided only to applicants for or recipients of services from the State VR agency (34 CFR 361.28(a)(2)).
- The program expenditures and staff providing services under the cooperative arrangement must be under the administrative supervision of the State VR agency (34 CFR 361.28(a)(3)).
- The program of services established by the cooperative arrangement must operate in accordance with all State plan requirements, including the State VR agency's order of selection requirements (34 CFR 361.28(a)(4)).
- If the third party cooperative arrangement will not operate statewide (the cooperative arrangement is with a sub-State public agency such as a city, county or other local administrative unit), then the State VR agency must request a waiver of statewideness in the State plan (34 CFR 361.28(b)).

Third party cooperative arrangements are often used in order to use local agency funds for matching purposes, and then to establish a program particular to a local area or group of VR eligible individuals. Examples include cooperative arrangements with school districts to provide transition services to eligible students receiving special education services from the school system, or working with a County Developmental Disability or County Mental Health Office to establish an employment program for individuals who are eligible for both the county programs and for VR. In these situations, a waiver of statewideness is almost always required.

A State VR agency may provide services under a waiver of statewideness when

- the non-Federal share of the cost of the services to be provided under the waiver is met from funds provided by a public agency,
- the services are likely to promote the vocational rehabilitation of substantially larger numbers of individuals with disabilities, or of individuals with disabilities with particular types of impairments, and
- the State VR agency includes in its State plan, and the Secretary of Education approves, a waiver of statewideness. (34 CFR 361.26(a))

The requirements for a request for a waiver of statewideness are found in 34 CFR 361.26(b). State VR agencies must request approval from RSA prior to waiving responsibility for providing services statewide by submitting Attachment 4.6(a)(3) or by an optional attachment to the State plan. The waiver of statewideness request must

- identify the types of services to be provided,
- include a written assurance that the cooperating public agency will make available the non-Federal share of funds required for the arrangement,
- include a written assurance that the State VR agency approval will be obtained for each service before that service is put into effect,
- include a written assurance that all other State plan requirements will apply to all services approved under the waiver.

If the cooperating agency is another State Agency, the matching funds usually are provided through an interagency transfer of funds. The programs or use of funds created by cooperative arrangements with State agencies may provide services to the agreed upon group of individuals statewide, may create programs in only certain areas of the State, or may delegate funds to local agencies or administrative units of the cooperating agency for implementation. When the cooperating agency is a State Agency, waivers of statewideness may or may not be necessary, depending on the use of the funds, or the scope and organization of the programs created from such funds.

There are several reasons why RSA needs to focus monitoring attention and resources on the use and effect of these alternative sources of match at this time. These include:

- Use of these sources of match to generate third party cooperative arrangements has created program activities that have been found to be problematic in the past.

- After a period in which there was relatively less use of these “other” mechanisms for generating matching funds, FY 1999 data showed that some State agencies used sources other than direct State appropriations to meet substantial proportions of their local match requirements. In a few agencies, these “other” sources of matching funds provided over thirty percent of the total match requirement.
- Preliminary analysis of RSA data indicates that, for some agencies, heavy reliance on mechanisms such as interagency transfer of funds and third party cooperative arrangements has impacted the overall performance of the agency and may have impacted the scope of the VR program and the populations served by the VR program.
- Across the nation, some States have been experiencing severe financial problems for several years. One likely effect is that more States will ask their DSU to develop alternative sources of local match in order to reduce the amount the DSU will require from State general revenue funds.

For these reasons, it is timely that RSA should invest resources to monitor and provide technical assistance to State VR agencies using or considering the use of third party cooperative arrangements to create match. Monitoring of these aspects of the Rehabilitation Act is a general responsibility of RSA that deserves additional attention.

A MULTI-YEAR AND MULTI-LEVEL APPROACH

A multi-level approach is needed to fully appreciate both the compliance issues and the program impact of a substantial number of such arrangements.

At the State Agency compliance level, the purposes of monitoring this focus area are to determine whether the individual State Agency is aware of the statutory and regulatory requirements pertaining to uses of alternative sources of match and third party cooperative arrangements, and to determine whether the State VR agency has developed systems to administer funds and track program activities associated with these arrangements.

There may also be compliance and/or performance issues at the individual program or arrangement level. While the State plan may contain appropriate documentation and assurances, review of specific arrangements and the general operation of the individual programs created by the arrangements is necessary to determine whether that particular program complies with the applicable requirements of the Act and regulations. Also, the details of the arrangement and the actual results of the particular programs created by a particular arrangement must be reviewed to determine the impact of the program relative to the State Agency’s overall VR program.

There may also be compliance issues at the individual program participant level. Review at the individual participant level is necessary to evaluate whether the programs created by the arrangements operate in compliance with all State plan requirements in the recruitment of and provision of services to program participants.

The individual program or arrangement level of review and the individual service record level of review also serve to evaluate the effectiveness of the management structures in place at the State Agency level. In addition, these two levels of review may provide information about the impact that such programs or arrangements have, both individually and collectively, on the overall results achieved by the State Agency. This can be a particularly useful source of information for technical assistance purposes.

To address the need to monitor activities related to use of third party cooperative arrangements at all three levels, the total activity will be spread over two or more years.

First Year (FY 2004) Activity. FY 2004 monitoring activity begins by completion of the Sources of Match Spreadsheet, a table breaking down sources of match for FY 2003. The Sources of Match spreadsheet will be sent to the Regional Offices with instructions for completion and submission. RSA last captured a national picture of the sources of match in FY 2000, gathering information related to the FY 1999 sources of match. Completion of the Sources of Match Table will give RSA a more current picture of the extent to which State Agencies are using these sources of matching funds.

If the State VR agency showed matching funds originating from interagency transfers or from local funds which were provided for the purpose of creating a third party cooperative arrangement, the State Agency will be asked to provide documentation regarding the development and monitoring of the cooperative arrangements, and to answer a series of questions describing how the agency addresses issues related to statutory, regulatory and State plan requirements, and the operation of management and monitoring systems related to third party cooperative arrangements.

The collection of documents and the use of the questions in this guide serve two purposes. First, they provide RSA with a description of the processes the State Agencies have established to develop cooperative arrangements and manage the program activities and funds related to these arrangements. Any omissions or weaknesses in the development of the arrangements or in the management systems identified by these questions then become areas for technical assistance. It also provides the State Agencies the opportunity to assure RSA that they are cognizant of the requirements associated with these arrangements and related program activities.

Second, the questions provide a reminder list of the requirements and issues related to cooperative arrangements for those agencies that are relatively new to the use of such arrangements, or are considering the use of cooperative arrangements.

The end result of the first year's activity is to build a database showing the degree to which each State Agency relies on alternative match sources, the number of agencies that

use alternative sources of local match to create third party cooperative arrangements, and a description of the management systems these agencies have in place to assure compliance with statutory requirements related to third party cooperative arrangements and to assess the results of related program activities.

Central Office first year activities include development of the Sources of Match Spreadsheet, development of the Third Party Cooperative Arrangements Focus Area, development of specific arrangement on-site review instruments, development of questions for individual service record reviews, and development of information related to overall State VR agency performance - performance with certain groups of individuals, and the implementation of known third party arrangements.

Second and third year activities. Activities in these two years would consist of monitoring selected State VR agencies in greater depth, including individual arrangement site reviews and individual service record reviews. Using the data collected in the first year, State agencies would be selected for further review based upon the percentage of match generated by third party cooperative arrangements, comprehensiveness of the State Agency management systems as described in the responses to the focus area questions, and input from the Regional Offices related to any history of problems with program activities associated with cooperative arrangements. The criteria for selecting the list of agencies to be reviewed may also be determined based on availability of RSA resources.

For agencies selected for thorough review, the review will consist of the following activities:

- Selection of specific arrangements or program sites to be reviewed on-site.
- Review of specific program arrangement agreements for selected sites.
- Review of State Agency documentation related to monitoring and management of the selected arrangements or programs for the prior year. This information would be requested in advance and reviewed prior to the on-site visits.
- On-site visits to selected programs using on-site review instruments and interview guides.
- For each on-site visit, case reviews of both VR agency service records and cooperating agency service records (when appropriate).
- Discussion with the State VR agency about specific aspects of the monitoring and management information provided for each site, and how the information provided for each site fits with the picture of the specific arrangement or program's observed operation.
- In the final report, include an analysis of the overall adequacy of the State VR agency's management and monitoring of third party cooperative arrangements, compliance findings related to specific sites visited, and case reviews related to specific sites visited. The analysis may include a discussion of the impact of the cooperative arrangements on State Agency performance and/or the efficiency and effectiveness of the programs created by the arrangements.

An on-site review of a third party cooperative arrangement or program can be expected to take two full days per arrangement, including case reviews. The number of on-site reviews of specific arrangements will vary depending on the total number of arrangements in the State, the proportion of match involved, and the RSA resources available for the review. Consideration may be given to developing a pool of individuals with knowledge and experience in such reviews to be available to augment Regional Office staff.

FY 2004 MONITORING ACTIVITIES

Complete the Sources of Match Spreadsheet for your State VR agency. The Sources of Match Spreadsheet will be sent to Regional Offices in February, 2004 with instructions for completion and submission of the spreadsheet. For purposes of this focus area document, completion of this spreadsheet for your agency is assumed.

Determine if this focus area applies to your State VR agency. If your State VR agency does not show any matching funds coming from third party cooperative arrangements on the cooperative arrangement line of the Sources of Match Spreadsheet, answer Question 1 in the question list below “NO” and submit the focus area to the Section 107 Master Database and you are done with this focus area, because the focus area does not apply to your State VR agency.

Request Documents from the State VR agency pertaining to third party cooperative arrangements. Assuming that your State VR agency reports matching funds for cooperative arrangements, the next step is to request documentation about the arrangements for Regional Office review prior to the FY 2004 107 review. This documentation should include at minimum

- A general description of the State VR agency’s cooperative arrangement program,
- All State VR agency policies and procedures pertaining to the development and monitoring of third party cooperative arrangements,
- A list of all third party cooperative arrangements,
- Copies of all arrangement agreements if the number of arrangements is small (fewer than 10), or a representative sample of arrangement agreements if the number of arrangements totals 10 or more (If sampling, ensure that the sample includes examples of any significant types of arrangements),
- Copies of typical fiscal and outcome reports developed by the State VR agency to monitor the ongoing performance of the activity funded by the arrangement for each of the arrangements for which you requested copies of arrangement agreements,
- Copies of the typical fiscal, outcome and other reports submitted by any program entity carrying out programs funded by the arrangements for which you requested copies of the arrangement agreement, and
- Copies of any evaluation or monitoring review reports developed by the State VR agency as part of their monitoring or review activities (request copies of reports that apply both to the individual arrangements for which you requested copies of

the arrangement agreements as well as any evaluations of the overall effectiveness or efficiency of groups of arrangements).

- Copies of any recent State audits of the State VR agency's cooperative arrangement program including any pertaining to individual arrangements.

Review the documents collected, compare the results to the question section below, and identify any questions for which answers cannot be found, or where answers indicate areas for discussion.

There are several purposes for collecting the documents described above. First, the documents should give a basis for understanding the overall agency use of alternative match to generate third party cooperative arrangements and to assist in understanding the specific kinds of activities and programs developed. Second, comparison of the documents collected to the questions in this guide will give you an idea about the existence of any compliance issues or gaps in the State VR agency management of cooperative arrangements that should be addressed in the interviews conducted as part of the formal Section 107 review. Finally, the information collected, the interview process conducted as part of the formal Section 107 review process, and information from national tables from the RSA-911 and RSA-113 should give some idea of the impact of third party cooperative arrangements on the performance of the State VR agency.

Follow up on any gaps or problems identified in the documents review in interviews with State VR agency staff during the formal Section 107 Review. If you cannot answer the questions in the review guide because the information submitted is incomplete or unclear, or because the information submitted implies that a problem may exist, highlight this information and follow up on these areas with the State VR agency. The review guide questions should be covered in the interview, but given the range of activities that can occur as a result of third party cooperative arrangements, reviewer judgment in pursuing additional information or topics will likely be required before finalizing answers to all questions in the review guide.

THIRD PARTY COOPERATIVE ARRANGEMENT REVIEW QUESTIONS

The questions in this review guide for FY 2004 tend to emphasize compliance and deemphasize program impact. For this year, the intent is primarily to describe State VR agency use of alternative sources of matching funds to create third party cooperative arrangements, and the degree to which the State VR agency has mechanisms in place to address statutory and regulatory compliance issues pertaining to such arrangements. For this year, the idea is to ensure that State VR agencies using these sources of match have systems that can address compliance requirements.

***Third-Party Cooperative Arrangement Review Questions
(State VR agency)***

Match

1. Does the VR Agency claim matching funds from cooperative arrangements? (See the cooperative arrangement line of the Sources of Match Spreadsheet) (34 CFR 361.28(a)) Yes No

If the answer to question 1 is NO, scroll to the bottom of this focus area and submit this focus area to the Master Data Base. You are done with this focus area because it does not apply to your State VR agency.

2. Do Cooperative Arrangements require more than 21.3% for use as match by the VR Agency? Yes No
3. Does the VR Agency “bank” the excess to be used in future years if more than 21.3%? Answer N/A if the VR Agency does not require more than 21.3% Yes No N/A

Waivers of Statewideness

RSA must grant a waiver of statewideness in order for the State VR agency to operate third party cooperative arrangements with local (sub-State level) political entities. This waiver is required any time a program is developed where the services to be provided or the program to be operated will not be available to all statewide (34 CFR 361.26). The questions below ask how the State VR agency determines at the initiation of the arrangement contract award that the proposed cooperative arrangement will meet the criteria for receiving a waiver of statewideness related to increasing the number of individuals served, or the number of individuals of a particular disability group who are served, and how the State VR agency determines at the time of completion of the arrangement that the arrangement actually resulted in serving more individuals or more individuals with a particular disability.

4. If necessary, has the VR Agency obtained waivers of statewideness (34 CFR 361.26)? Answer N/A if waivers of statewideness are unnecessary. Yes No N/A
5. Does the VR Agency document how the arrangement would increase the number of

individuals served or how it would increase the number of individuals served with particular types of disabilities? Answer N/A if the VR Agency did not obtain waivers of statewideness.

Yes No N/A

6. Does the VR Agency determine at the completion of the arrangements that they did indeed increase the number of individuals served or the number of individuals served with particular types of disabilities? Answer N/A if the VR Agency did not obtain waivers of statewideness.

Yes No N/A

Contract Management

The following questions are intended to relate to some aspects of the general management of contracts for programs or program services established under the third party cooperative arrangement authorities of the Rehabilitation Act of 1973, as amended, and its implementing regulations (particularly 34 CFR 361.26 and 361.28), grants management requirements in 34 CFR 80.40, as well as general principles for establishing allowable costs as established in OMB Circular A-87. 34 CFR 361.28 establishes the basic requirements for the establishment of third party cooperative arrangements.

OMB Circular A-87 Cost Principles require that States as Federal grantees must meet general criteria in regard to allowable costs. These general criteria are based on the fundamental premises that Governmental units are responsible for the efficient and effective administration of Federal awards through the application of sound management practices (A-87A.2.a.1). When establishing or renewing a cooperative or third party arrangement contract for services, the State VR agency must determine that the costs associated with the arrangement, as with all costs incurred relative to the VR program, meet the general criteria for allowable costs according to the requirements of OMB Circular A-87. Questions in this section also assume, pursuant to 34 CFR 361.28(a)(3), that the State VR agency is responsible for all costs associated with the VR program, including costs incurred under contracts related to third party arrangements.

7. Does the VR Agency determine that the services provided by the cooperating agency are not the customary or typical services provided by that agency, but are in fact new services that have a vocational rehabilitation focus, or are existing services that have been modified, adapted, expanded or reconfigured to have a vocational rehabilitation focus (34 CFR 361.28(a)(1))? If Yes, please discuss. Yes No

**Comments

8. Does the VR Agency determine that those served by the cooperative arrangements are applicants of or individuals served by the VR Agency under the VR program (34 CFR 361.28(a)(2))? If No, please discuss. Yes No

**Comments

9. Does the VR Agency ensure that expenditures of the cooperative arrangements and the provision of services are under its administrative supervision (34 CFR 361.28(a)(3))? If No, please discuss. Yes No

**Comments

10. Do the cooperative arrangements reflect all the VR Agency's State Plan requirements including those for Order of Selection (34 CFR 361.28(a)(4))? Yes No

11. Are performance measures included in cooperative arrangement agreements, such as numbers of VR consumers served or numbers of job placements? If Yes, please comment. Yes No

12. Are the performance measures of the cooperative arrangements adequate to determine whether the financial considerations were necessary and reasonable based on effectiveness and efficiency considerations (OMB Circular A-87 C(1)(a)? Please comment. Answer N/A if there are no performance measures. Yes No N/A

**Comments

13. In determining whether the costs of goods or services received are reasonable, does the VR Agency compare arrangement proposals to similar arrangements or agency fee for service agreements for similar services to determine “market” prices for goods and services? (OMB Circular A-87 C.2) Yes No

Agency Monitoring of Cooperative Arrangements

As previously stated, the State VR agency is ultimately responsible for all expenditures made and results achieved relative to the VR program (34 CFR 361.28(a)(3)). The following questions relate to how the State VR agency monitors the contracts during the contract period and the State Agency’s processes and practices related to the evaluation of third party cooperative arrangements as the contracts are completed or come due for renewal.

14. Does the VR Agency monitor its cooperative arrangements for compliance with the terms of the arrangements? Yes No
15. If Yes, do the monitoring activities address all the compliance requirements? Answer N/A if the VR Agency does not monitor its cooperative arrangements. Yes No N/A

16. Were there any program or fiscal findings as a result of the State VR agency's monitoring activities? If Yes, please comment. Answer N/A if the VR Agency does not monitor its cooperative arrangements. Yes No N/A

**Comments

17. Were there any program or fiscal findings as a result of any other audits or reviews? If so, please comment. Answer N/A if there were no other audits or reviews. Yes No N/A

** Comments

18. Does the VR Agency evaluate the effectiveness and efficiency of the cooperative arrangements (OMB Circular A-87 C.1.a and C.2)? Yes No

19. If Yes, are ineffective and/or inefficient arrangements renewed? Answer N/A if the VR Agency does not evaluate the effectiveness and efficiency of its cooperative arrangements. Yes No

20. Is technical assistance provided for those arrangements considered ineffective and inefficient by the VR Agency? If so, please comment. Answer N/A if the VR Agency does not evaluate the effectiveness and efficiency of its cooperative arrangements. Yes No N/A

**Comments

21. Does the VR Agency evaluate the effectiveness and efficiency of groups of cooperative arrangements or cooperative arrangements as a whole (OMB Circular A-87 C.1.a and C.2)? Yes No

Financial

- 22. Does the VR Agency follow State procurement requirements in negotiating cooperative arrangements as required by 34 CFR 80.36? Yes No

- 23. Are the non-Federal funds accounted for by the cooperating agency in a separate accounting process allowing for clear review and audit trail? (34 CFR 80.20) Yes No

- 24. Is appropriate documentation maintained by the VR Agency to verify expenditures under the cooperative arrangement? (34 CFR 80.20) Yes No

- 25. Does cooperating agency documentation submitted to the VR Agency for match or reimbursement adequately support expenditures for salary and other appropriate costs allowable by the arrangement? (34 CFR 80.20) Yes No

Fiscal Reviews

FISCAL REVIEWS

During FY 2004, a fiscal review will be conducted in all State VR agencies. An RSA financial management specialist will work with a program specialist in conducting the review of Focus Area V on third party cooperative arrangements. In addition, the financial management specialist will do other fiscal monitoring. Fiscal reviews will be tailored to follow up on monitoring findings from previous years and to address issues of concern in the State agency. To this end, reviewers may design their review strategy using a combination of any of the following materials:

- Select one or more of the following sections from the SAFARI:
 - I. Accounting
 - II. Audit Resolution
 - III. Operating Budget and Administration
 - IV. Cash Management
 - V. Indirect Cost
 - VI. Matching and Earmarking
 - VII. Payroll
 - VIII. Procurement
 - IX. Program Income
 - X. Property Management
 - XI. Record Retention

- Select one or more of the following sections of the FY2003 Monitoring and Technical Assistance Guide:
 - Focus Area V: The WIA and its impact on participants in the VR program

 - Focus Area VII: Matching and Earmarking

 - Focus Area VIII: Financial and Statistical Reports

 - Focus Area IX: Reallotment Information

CONTACT INFORMATION

RSA monitoring and technical assistance guidance is available in various formats and may be obtained by contacting the RSA staff listed below. Much of the guidance will also be available at the RSA website in the near future. The address for the RSA website is: <http://www.ed.gov/offices/OSERS/RSA/rsa.html>.

Contact Ms. Teresa Washington at (202) 205-9413 for further information and assistance with regard to the website.

The RSA Regional Commissioners and Regional Office State Representatives are available to answer questions regarding any of the programs funded under the Rehabilitation Act, as amended. The contact information is as follows:

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For further information regarding RSA VR Program monitoring and technical assistance,
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