

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

**INFORMATION MEMORANDUM
RSA-IM-06-04
DATE: December 20, 2005**

ADDRESSEES: STATE VOCATIONAL REHABILITATION AGENCIES (GENERAL)
STATE VOCATIONAL REHABILITATION AGENCIES (BLIND)
STATE REHABILITATION COUNCILS
REGIONAL REHABILITATION CONTINUING EDUCATION
PROGRAMS
AMERICAN INDIAN VOCATIONAL REHABILITATION
PROGRAMS
CLIENT ASSISTANCE PROGRAMS
CONSUMER ADVOCACY ORGANIZATIONS

SUBJECT: Fiscal Year 2007 Updates and Amendments of the State Plan for the State Vocational Rehabilitation Services Program and the State Plan Supplement for the State Supported Employment Services Program

BACKGROUND: This provides guidance about the required fiscal year (FY) 2007 annual updates for the state plan governing the State Vocational Rehabilitation Services Program (VR) under title I, part B, of the Rehabilitation Act of 1973, as amended, (the Act) and its supplement for the State Supported Employment Services Program under title VI, part B, of the Act. It also addresses state plan amendments determined to be necessary by the state to ensure that its plan and supplement reflect the current administration of the VR and supported employment programs. This guidance may need to be modified in the event that reauthorization of the Act occurs and there are new or modified state plan statutory provisions.

DISCUSSION: State plan updates that reflect an October 1, 2006, date are to be submitted to the Rehabilitation Services Administration (RSA) no later than July 1, 2006. State plan updates reflecting a July 1, 2006 date are to be submitted to RSA by May 11, 2006. If a State determines that its state plan needs to be amended, these amendments should be submitted to RSA for review in sufficient time prior to the date of their implementation so as to provide RSA staff the opportunity to review the proposed change and negotiate any needed modifications.

Consistent with section 101(a)(1)(B) of the Act, the state is not required to submit any policies, procedures, or descriptions related to its state plan

that have been previously approved and demonstrate that the state currently meets the requirements of title I, part B or title VI, part B of the Act. It is the responsibility of the state to determine which previously submitted state plan materials (preprint assurance options and descriptive attachments) meet or do not meet these requirements. If the state determines that an approved state plan assurance or description no longer reflects the state's current administration of the VR or supported employment programs, then the state plan must be amended accordingly.

Section 101(a)(23) of the Act, however, does require the submission of selected state plan descriptions as annual updates to an approved state plan. These required updates encompass narratives relating to the comprehensive system of personnel development (section 101(a)(7)); state assessments, estimates, goals and priorities, and reports of progress (section 101(a)(15)); and, innovation and expansion (section 101(a)(18)). The annual updates also need to include a description of a state's plans with respect to the distribution of title VI, part B funds (section 625(b)(3)).

RSA will be carefully reviewing the annual updates and any amendments to the state plan to ensure that they conform to all of the legally required content requirements for each update and amendment. Particular attention will be focused on the state plan provisions required by section 101(a)(15) of the Act. These provisions are very important since they focus on annual state agency performance considerations and, as such, provide important information for future RSA performance monitoring initiatives.

In accordance with section 101(a)(16) of the Act and 34 CFR 361.10(d) of its implementing regulations, prior to the adoption of any substantive policies or procedures (or any substantive amendment to such policies and procedures) governing the provision of VR services under the VR plan or the provision of supported employment services under the supported employment supplement, the designated state agency must conduct public meetings throughout the state, after giving adequate notice of the meetings, to provide the public, including individuals with disabilities, an opportunity to comment on the policies and procedures, and must actively consult with the director of the client assistance program, and, as appropriate, Indian tribes, tribal organizations, and Native Hawaiian organizations.

In addition, in accordance with section 101(a)(21)(A)(ii)(III) of the Act, the VR state plan must include a summary of input and recommendations provided by the State Rehabilitation Council (if the VR state unit is required to have a Council) together with the unit's response to such input and recommendations, including explanations for the rejection of any Council input or recommendation.

Further guidance for the title I plan and its supplement is available on the RSA web site at <http://www.ed.gov/rschstat/eval/rehab/state-plans.html>.

Procedures for Submitting the Annual Updates or Amendments

The FY 2007 annual updates and any state plan amendment to the title I plan and its title VI, part B supplement can be submitted to RSA either electronically or in hardcopy.

Electronic Transmission Options

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

osers.rsa.vrstateplans@ed.gov

(2) States can also submit the plan on a CD-ROM. If a state chooses this option, the submission must be in Microsoft Word or PDF format.

(3) If the plan submitted either through the Internet or a CD-ROM does not include the signature of the state official authorized to submit the plan, the state must submit to RSA a separate hardcopy of the transmittal letter and section 1 of the plan signed by the state official authorized to submit the plan and its supplement. States should submit hardcopies of these pages to one of the two addresses specified below, depending on whether the pages are being sent via regular mail or overnight mail.

Hardcopy Transmission

In lieu of an electronic submission of the state plan materials, a state can submit the original and two copies of the materials together with a transmittal letter signed by the state official authorized to submit the plan.

Materials sent through regular mail can be addressed as follows:

United States Department of Education
Office of Special Education and Rehabilitative Services
Attention: Pedro Romero
400 Maryland Avenue, S.W., PCP Room 5007
Washington, D.C. 20202-2800

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

United States Department of Education
Attention: Pedro Romero
Mail Stop 2800, PCP Room 5007
7100 Old Landover Road
Landover, MD 20785-1605

Lobbying Certification

In addition to the state plan materials, a certification regarding lobbying is required for *each* program for which federal funds is requested, thus one certification must be submitted for the VR program and another for the supported employment program. The certification form (ED-80-0013) is available at <http://www.ed.gov/programs/8002/assurancesed800013.doc>.

INQUIRIES: Your State Liaison

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

cc: Council of State Administrators of Vocational Rehabilitation

OMB Number: 1820-0500

Expiration Date: January 31, 2007