

**U.S. DEPARTMENT OF EDUCATION
OFFICE OF SPECIAL EDUCATION AND
REHABILITATIVE SERVICES
REHABILITATION SERVICES ADMINISTRATION
WASHINGTON, D.C. 20202-2800**

INFORMATION MEMORANDUM
RSA-IM-07-07
DATE: July 9, 2007

TO: STATE VOCATIONAL REHABILITATION AGENCIES
STATE REHABILITATION COUNCILS
CLIENT ASSISTANCE PROGRAMS

SUBJECT: Reporting Employment Status at Closure for Code 7, "Employment with Supports in Integrated Setting," in the RSA-911, Case Service Report, Transmitted by PD-07-01

BACKGROUND: It has recently come to our attention that there may be a misunderstanding about the use of code 7 in data element 28, "employment status at closure," on the RSA-911. Code 7 for this item refers to the employment status, "employment with supports in integrated setting." A recent analysis of RSA-911 data related to supported employment outcomes and subsequent discussions with state vocational rehabilitation (VR) agencies indicate that some state VR agencies may be incorrectly including under code 7 in data element 28 individuals who receive support services to help them obtain and maintain their employment, other than ongoing support services, and may thereby be incorrectly reporting such individuals as achieving supported employment outcomes. This misunderstanding on the part of state agencies may result in an overrepresentation of individuals achieving supported employment outcomes in the national database.

Purpose 1: The first purpose of this Information Memorandum is to clarify that code 7 for data element 28, "employment with supports in integrated setting," should be used when individuals with most significant disabilities are being provided ongoing support services (i.e., on-the-job supports) leading to a supported employment outcome. If individuals with disabilities receive personal assistance services and achieve an employment outcome in an integrated setting, they should be classified under code 1 for data element 28, "employment without supports in integrated setting."

Purpose 2: The second purpose of this Information Memorandum is to clarify the correct use of service codes under data element 25, “services provided. The service codes to be discussed include “on-the-job supports,” as well as the three codes under the broad category, “personal assistance services.”

DISCUSSION:

Data element 28, “employment status at closure,” contains seven codes classifying individuals’ employment statuses at closure. The instructions in the RSA-911 for this data element list the seven employment statuses with an explanation regarding their appropriate use. The seven codes are as follows:

1. Employment without Supports in Integrated Setting;
2. Extended Employment (applies only to closure type 4 with a reason for closure of 14);
3. Self-employment except Business Enterprise Program;
4. State Agency-managed Business Enterprise Program;
5. Homemaker;
6. Unpaid Family Worker; and
7. Employment with Supports in Integrated Setting

The explanation in PD-07-01 for code 7, “employment with supports in integrated setting,” is as follows: “full-time or part-time employment in an integrated setting with ongoing support services for individuals with significant disabilities.” The explanation goes on to state that for purposes of the RSA-911 report, compensation for such employment may be below, at, or above the minimum wage.

While the explanation for code 7 states that this code applies to individuals with significant disabilities, the term “ongoing support services” as defined in regulations at 34 CFR 361.5(b)(38) applies only to individuals with most significant disabilities, a subset of those who are coded as having significant disabilities. The RSA-911 does not have a field for coding most significant disabilities. Therefore, for coding purposes, individuals coded as achieving an employment status of “employment with supports in integrated setting” would be reported as having significant disabilities. However, their service records should indicate that they in fact have a most significant disability.

The term “ongoing support services” as used in this explanation of code 7 in data element 28 is defined in regulations at 34 CFR 361.5(b)(38) and states, in part:

“Ongoing support services, as used in the definition of ‘supported employment’

(i) Means services that are –

- (A) Needed to support and maintain an individual with a most significant disability in supported employment;
- (B) Identified based on a determination by the designated State unit of the individual's need as specified in an individualized plan for employment; and
- (C) Furnished by the designated State unit from the time of job placement until transition to extended services....”

In addition to the effect on data element 28, “employment status at closure,” the misunderstanding regarding “ongoing support services” affects the coding for data element 25, “services provided.” The RSA-911 does not contain a reporting category called “ongoing support services” in data element 25, “services provided.” Therefore, when reporting such services, state agencies should use the category, “on-the-job supports” in record positions 134-135.

Some state agencies may be inappropriately including as “ongoing support services” those services that should be more appropriately considered “personal assistance services.” As a result, these agencies may be reporting more individuals in code 7 for data element 28, “employment with supports in integrated setting,” than should be reported in this employment status.

As defined in 34 CFR 361.5(b)(39), “personal assistance services” means “a range of services provided by one or more persons designed to assist an individual with a disability to perform daily living activities on or off the job that the individual would typically perform without assistance if the individual did not have a disability.” The RSA-911 contains three services under the broad category of “personal assistance services” in data element 25: reader services (record positions 142-143); interpreter services (record positions 144-145); and personal care attendant services (record positions 146-147). It should be noted that the RSA-911 includes services that would not be considered “personal assistance services” according to the regulatory definition of that term. Nevertheless, individuals who work in an integrated setting and who are coded as using personal assistance services, according to the RSA-911 coding instructions, rather than

ongoing support services, should be reported using code 1 in item 28, “employment without supports in integrated setting.”

Summary:

(1) Code 7 for data element 28, “employment with supports in integrated setting,” should be used when individuals with most significant disabilities are being provided ongoing support services (i.e., on-the-job supports) leading to a supported employment outcome. (2) If individuals with disabilities receive personal assistance services and achieve an employment outcome in an integrated setting, they should be classified under code 1 for data element 28, “employment without supports in integrated setting.”

In future RSA-911 submissions, beginning with FY 2007 data, please be mindful of the appropriate classifications of employment status at closure, particularly with regard to code 7 for employment with supports in an integrated setting. When the RSA-911 instructions are next revised, they will be changed in order to address the issues discussed in this memorandum.

INQUIRIES:

Please address any questions concerning this Information Memorandum to Joe Pepin, Chief, Data Unit, SMPID at Joe.Pepin@ED.gov, 202-245-7598.

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

cc: Council of State Administrators of Vocational Rehabilitation
National Council of State Agencies for the Blind
Regional Rehabilitation Continuing Education Programs