

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

**POLICY DIRECTIVE
RSA-PD-05-03
DATE: April 08, 2005**

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

SUBJECT: State Plan for the State Vocational Rehabilitation Services Program
and the State Plan Supplement for the State Supported Employment
Services Program

BACKGROUND: The U.S. Department of Labor (DOL) is requiring states to submit new state plans under the Workforce Investment Act of 1998 (WIA) by May 31, 2005. Since section 101(a)(1)(A) of the Rehabilitation Act of 1973, as amended, (the Act) requires the state plan for the State Vocational Rehabilitation Services Program (VR program) under title I, part B, of the Act to be submitted on the same date that the state submits its plan under section 112 of WIA, this Policy Directive provides guidance regarding the submittal of the state VR plan and its supplement for the State Supported Employment Services Program under title VI, part B, of the Act.

Since the reauthorization of WIA is not expected to be completed by June 30, 2005, when the currently approved WIA state plans expire, DOL is requiring all states to submit new WIA state plans to cover a two-year period from July 1, 2005 through June 30, 2007. States have the option of submitting a separate "stand alone" plan under section 112 or a state unified plan under section 501(b) of WIA.

POLICY STATEMENT: The state VR plan and its supported employment supplement must be submitted by May 31, 2005. States that choose to submit a separate "stand alone" WIA plan or a unified plan that does not include the VR plan are to submit the VR plan and its supplement directly to the Rehabilitation Services Administration (RSA) Regional Offices on the same date the state submits its WIA plan, but no later than May 31. States that choose to

include the VR plan and its supplement in the unified plan should follow the DOL guidance regarding the submission of that plan. The guidance is available at <http://www.doleta.gov/usworkforce>.

The VR plan and its supported employment supplement consist of a preprint in the form of affirmative assurances based on federal statutory requirements. The preprint also identifies optional assurances from which the state can choose. The preprint is designed to address all of the applicable legal requirements for the VR plan and its supplement while reducing burden as much as possible on the states. If the VR plan and its supplement are subject to the state review process, RSA approval of the plan and its supplement is contingent on the receipt of comments from the review process, or the passage of at least 60 days from the date of submittal of the plan to the state review process.

In addition to the preprint assurances, the Act requires descriptions of the state's policies, procedures and activities relating to certain assurances in the plan and its supplement. These narratives provide greater operational detail for certain elements of the assurances and are submitted in the form of attachments to the preprint. The number of attachments is contingent on options selected by the state in its preprint assurances. A careful reading of the preprint is necessary to ensure that all applicable state plan and supplement descriptions are addressed and submitted.

Consistent with section 101(a)(1)(B) of the Act, the state is not required to submit any policies, procedures, or descriptions that have been previously approved and demonstrate that the state 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 materials (preprint and attachments) meet these requirements. Within this context, it is recommended that in its transmittal to RSA the state identify which state plan and supplement provisions it has determined as meeting the requirements of section 101(a)(1)(B).

Section 101(a)(23) of the Act, however, does require the submission of selected state plan descriptions as annual updates to an approved plan. These required updates encompass state plan 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)). In addition, the annual updates need to include a description of a state's goals and plans with respect to the distribution of title VI, part B funds (section 625(b)(3)).

In accordance with section 101(a)(16) of the Act, 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 to the plan, the designated state agency must conduct public meetings throughout the state, after providing 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.

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

The title I plan and title VI, part B supplement can be submitted to RSA either electronically or in hardcopy.

Electronic Transmission Options

(1) States are encouraged to submit the plan and its supplement to RSA electronically through the Internet. If a state chooses this option, the submission must be in Microsoft Word or PDF format. Internet addresses for the RSA Regional Offices are as follows:

Region I – Boston

Allen.Kropp@ed.gov

Region II – New York

Allen.Kropp@ed.gov

Region III – Philadelphia

Ralph.Pacinelli@ed.gov

Region IV – Atlanta

Ralph.Pacinelli@ed.gov

Region V – Chicago

Joe.Cordova@ed.gov

Region VI – Dallas

Loerance.Deaver@ed.gov

Region VII – Kansas City

Joe.Cordova@ed.gov

Region VIII – Denver

Loerance.Deaver@ed.gov

Region IX – San Francisco

Noel.Nightingale@ed.gov

Region X – Seattle

Noel.Nightingale@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 electronically either through the Internet or the CD-ROM does not include the signature of the state official authorized to submit the plan, the state must submit to its RSA Regional Office 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.

Hardcopy Transmission

The original and two copies of the plan with a transmittal letter signed by the state official authorized to submit the plan are to be sent to RSA.

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>.

CITATIONS IN LAW:	Sections 101 and 625 of the Rehabilitation Act of 1973, as amended.
CITATIONS IN REGULATIONS:	34 CFR Parts 74, 76, 77, 78, 79, 80, 81, 82, 85, 361 and 363.
EFFECTIVE DATE:	Upon Issuance
EXPIRATION DATE:	January 31, 2007
INQUIRIES:	RSA Regional Offices

Troy R. Justesen, Ed.D.
Acting Commissioner

cc: Council of State Administrators of Vocational Rehabilitation

OMB Number: 1820-0500
Expiration Date: January 31, 2007