

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

**TECHNICAL ASSISTANCE CIRCULAR
RSA-TAC-92-01
RSM-4535
DATE: April 30, 1992**

ADDRESSEES: STATE VOCATIONAL REHABILITATION AGENCIES (GENERAL)
STATE VOCATIONAL REHABILITATION AGENCIES (BLIND)
PROJECT DIRECTORS, PROJECTS WITH INDUSTRY
REHABILITATION CONTINUING EDUCATION PROGRAMS
CLIENT ASSISTANCE PROGRAMS
RSA SENIOR MANAGEMENT TEAM

SUBJECT: Documentation of Eligibility for Services from Projects With Industry

CITATIONS IN LAW, REGULATION, AND POLICY:

Sections 7(8)(A) and 621 of the Rehabilitation Act of 1973 as amended through 1988.

34 CFR 361.31(b), 361.32, 361.49, 369.4(b), 369.47(a) and (b), 379.3(a), 379.10, 379.43(f) and 379.43(l) and (m).

Rehabilitation Services Manual-4535.

BACKGROUND: Regulations implementing the Projects With Industry (PWI) program authorize training and employment-related services for individuals with handicaps. The term "individual with handicaps" is defined in 34 CFR 369.4(b), which is referenced as applicable to the PWI program by 34 CFR 379.3(a). That definition states:

- "Individual with handicaps means an individual:
- Who has a physical or mental disability which for that individual constitutes or results in a substantial handicap to employment; and

- Who can reasonably be expected to benefit in terms of employability from the provision of vocational rehabilitation services, or for whom an extended evaluation of vocational rehabilitation potential is necessary to determine whether he or she might reasonably be expected to benefit in terms of employability from the provision of vocational rehabilitation services."

This definition incorporates the same eligibility criteria as applied by State vocational rehabilitation (VR) programs (34 CFR 361.31(b)).

In addition, the regulations at 34 CFR 379.43(f) require that those individuals to receive training or employment services from Projects With Industry be determined by the appropriate State VR unit to be "individuals with handicaps suitable for those services." This requirement is also stated in the Rehabilitation Services Manual (RSM) Chapter 4535-Projects With Industry at 4535.05, Individuals Eligible for Services.

The Act and the regulations also require that the projects funded under PWI authority must keep any required records (34 CFR 379.43(l)) and provide an annual evaluation report which includes the numbers and types of individuals with handicaps who are assisted (34 CFR 379.43(m)(n)). Further, in order to maximize the benefits of the PWI and basic VR services to individuals with handicaps, all projects must include cooperative planning with the State VR agencies in the State of the project. In order to assist PWI projects in meeting these Federal requirements, the following guidelines are provided.

GUIDELINES AND SUGGESTED METHODS:

A. Documentation of Eligibility for PWI

In order to comply with 34 CFR 379.43(f), Projects With Industry must document that each individual receiving services under the project has been determined to be an individual with handicaps. PWI projects may obtain this documentation as follows:

- **State VR Agency Client**
Individuals who the State VR agency has determined to be eligible for VR services are by definition, individuals with handicaps. PWI projects may use copies of the individual's certificate of eligibility for documentation. Additional case data for documenting the presence of a handicap would not be required.

- **Non-State VR Agency Client**

PWI projects may submit examinations and diagnostic studies, either purchased by the project or obtained from other sources, to the appropriate State VR agency and request a timely determination by that agency that the individual is an individual with handicaps. The extent of examinations and diagnostic studies is defined as that required in accordance with 34 CFR 361.32.

B. Maintenance of Records for Documentation

Each PWI project must maintain records documenting that all individuals receiving services under the project are individuals with handicaps as determined above. A project might consider establishing a case folder or case file for each individual receiving PWI services which would contain appropriate records and required documentation. Data from these individual case files could be collected on computer files to assist in preparing the required annual evaluation reports.

C. Cooperative Planning

PWI projects should consider including the following in their cooperative planning with State VR agencies:

- Establishing a system of mutual referral of individuals for both PWI and State VR services. Such a system might include sharing lists of client names.
- Establishing methods and timelines for sharing case data, including examinations and diagnostic studies, and obtaining timely determinations by State VR agencies that case data submitted by PWI projects are sufficient for documenting that the individual meets the definition of an individual with handicaps at 34 CFR 369.4(b).
- Establishing methods to assure the protection of personal information shared between the PWI project and the State VR agency in accordance with the requirements under 34 CFR 361.49 and 369.47.

INQUIRIES: RSA Regional Commissioners

Nell C. Carney
Commissioner of Rehabilitation Services
Administration

cc: Executive Director, CSAVR
Executive Director, I-NABIR

Executive Director, NAPAS