

UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF SPECIAL EDUCATION AND REHABILITATIVE SERVICES
REHABILITATION SERVICES ADMINISTRATION
WASHINGTON, D.C. 20202

TECHNICAL ASSISTANCE CIRCULAR
RSA-TAC-FY-93-02
RSM-
DATE: May 12, 1993

ADDRESSEES: STATE VOCATIONAL REHABILITATION AGENCIES (GENERAL)
STATE VOCATIONAL REHABILITATION AGENCIES (BLIND)
CLIENT ASSISTANCE PROGRAMS
RSA DISCRETIONARY GRANTEEES
REGIONAL REHABILITATION CONTINUING EDUCATION
PROGRAMS
RSA SENIOR MANAGEMENT TEAM

SUBJECT: Implementation of Part C of Title I, Innovation and
Expansion Grants, of the Rehabilitation Act of
1973, as Amended

CITATIONS IN LAW and REGULATION:

A. Statutory Citations
Rehabilitation Act of 1973, as amended

1. Section 7(7)(B)
2. Section 101(a)(5)
3. Section 101(a)(15)
4. Section 101(a)(19)
5. Section 101(a)(23)
6. Section 101(a)(32)
7. Section 101(a)(34)
8. Section 101(a)(36)(A)(ii)
9. Section 105(c)
10. Section 107(a)(2)(d)
11. Section 108
12. Section 111(a)(1)
13. Section 120

14. Section 121

15. Section 122

16. Section 123

17. Section 124

B. Regulatory Citations

1. Education Department General Administrative Regulations
34 CFR Part 80

BACKGROUND:

The Rehabilitation Act Amendments of 1992 (the 1992 Amendments) fundamentally redesigned the innovation and expansion grant program under Part C of title I, the Rehabilitation Act of 1973, as amended. Effective October 1, 1993, States are required to submit a written strategic plan for developing and using innovative approaches for achieving long-term success in expanding and improving VR services, including supported employment service. A State must submit a strategic plan to the commissioner in order to qualify for funding under Part B of title I of the Act (Vocational Rehabilitation Programs and Client Assistance Programs) and under Part C of title I of the Act (Innovation and Expansion Grants). Prior to the 1992 amendments, the Act did not contain a requirement for the development of a strategic plan.

The 1992 Amendments also mandate a new requirement that States use at least 1.5 percent of their Part B allotment for one or more of the specific activities described in Part C as innovation and expansion program examples.

This Technical Assistance Circular provides guidance on the development of the strategic plan and on the required 1.5 percent set aside.

A. SUBMITTAL REQUIREMENTS:

1.To comply with the requirements of Section 101(a) of the Act for the submittal of the State VR Services plan including the supplement for the Supported Employment Services Program under Section 635 of the Act, the State agency must assure that it has developed and implemented a strategic plan. This requirement is effective October 1, 1993.

(Section 101(a)(34) and 120 of the Act)

2.The strategic plan and State plan covering a 3-year period and its subsequent annual updates may be submitted separately from the State plan but both are interrelated with the State plan and annual updates submitted under Section 101 and the supplement to the State plan submitted under Part C of Title VI. Specific instructions regarding submittal of the Strategic plan will be provided in a separate issuance.

(Section 101(a)19, 122(a) and 635 of the Act.)

B. LINKAGES:

The requirements for the content of, and process for developing the strategic plan are found in title I, Part C of the Act.

Other references in the Act and linkages to the strategic plan include:

1.Section 101(a)(19) - This section requires that the continuing statewide studies required under Section 101(a)(15), as well as the annual evaluation of the effectiveness of the VR services program in meeting the goals and priorities set forth in the plan will be utilized for developing and updating the strategic plan.

2.Section 101(a)(34) - Requires the State to assure that the State has developed and implemented a strategic plan for expanding and improving VR services for individuals with disabilities on a statewide basis in accordance with Part C of Title I. This Section also requires the State to assure that it will use at least 1.5 percent of its allotment under Part B of Title I for uses described in Section 123 of the Act.

3.Section 101(a)(5) - Specifies that the State plan contain the plans, policies, and methods to be followed in carrying out the State plan and in its administration and supervision, including the results of a comprehensive

Statewide assessment of the rehabilitation needs of individuals with severe disabilities residing in the State. The plan must also contain the State's response to the assessment, a description of the method to be used to expand and improve services to individuals with the most severe disabilities, including individuals served under Part C of Title VI of this Act, a description of the method to be used to utilize community rehabilitation programs to the maximum extent feasible, and an explanation of the methods by which the State will provide VR to all individuals with disabilities within the State who are eligible for such services. Please note that Section 101(a)(5) and Section 101(a)(15) require similar evaluation studies.

Section 121(b)(2) requires the strategic plan to include specific goals and objectives for expanding and improving the system for providing services under the State VR Services program.

4. Section 101(a)(32) - Requires the State to describe the manner in which it will modify the policies and procedures of the State based on consumer satisfaction surveys conducted by the State Rehabilitation Advisory Council. Information obtained from these surveys can be utilized in making programmatic decisions reflected in the strategic plan.
5. Section 105(c)(2) - Describes the responsibilities of the State Rehabilitation Advisory Council to advise the designated State agency and the designated State unit, and at the discretion of the designated State agency, assist in the preparation of applications, the State plan, the strategic plan and amendments to the plans, reports, needs assessments, and evaluations required by Title I of the Act.

C. PROCESS FOR DEVELOPING THE STRATEGIC PLAN:

1. The 1992 Amendments require that public forums be held prior to the development of the strategic plan to gather input from individuals with disabilities and other interested parties. The requirement to provide opportunity for public input in the development of the strategic plan is similar to that in Section 101(a)(23), which requires State agencies to conduct public meetings throughout the State, after appropriate and sufficient notice, to allow interested groups and organizations and other interested parties an opportunity to comment on the VR State plan before development of the plan by

the State. (Section 122(b) and 101(a)(23)(a) of the Act)

The 1992 Amendments require that prior to developing both the State VR plan and the strategic plan, the State must hold public forums to allow interested individuals, groups, organizations and all segments of the public an opportunity to comment on these plans. States may wish to develop their strategic plans concurrently with their three year VR State plans and annual updates. It is suggested that to insure the best use of resources and non-duplication of effort, public forums should consider both plans at the same time. (Section 101(a)(23)(a) and 122(b) of the Act.)

Since public forums are required prior to the development of both the State plan and the strategic plan it is important to conduct these forums early enough to allow for the orderly development of both plans. In the planning process for these forums, time for appropriate and sufficient public notice must be provided. RSA experience suggests that a prior notice of at least 30 days is necessary to insure adequate public participation.

Public forums should be planned in such a manner as to encourage broad participation. In larger States at least two public forums are suggested. The location of sites should allow reasonable access to the State's population.

2. The State agency must meet with, solicit, and seriously consider recommendations from members of the State Rehabilitation Advisory Council and the Statewide Independent Living Council on the development and implementation of the strategic plan and any amendments to the plan. This requirement necessitates the establishment of the State Rehabilitation Advisory Council in a timely manner. If any recommendations of the Councils are rejected, a written explanation of the rejection must be included in the strategic plan. (Section 122(b)(c) and 101(a)(36)(A)(ii) of the Act.)

RSA review of the innovation and expansion grant (the carrying out of the strategic plan) as required by Section 107(a)(2)(d) will include an analysis of the reasons why any recommendations from the councils were rejected by the State agency. To facilitate this review the State agency should provide clear, concise reasons for its rejection. The reasons should be consistent with law, regulation and sound administrative practice. (Section 107(a)(2)(d) of the Act.)

3.A procedure must be developed by the State agency to ensure regular and ongoing comment is received and considered from the councils as the plan is being implemented.
(Section 122(d) of the Act.)

4.The strategic plan must be widely disseminated to individuals with disabilities, disability organizations, rehabilitation professionals, and other interested persons.
(Section 122(e) of the Act).

D. REQUIRED STRATEGIC PLAN CONTENT AND ASSESSMENT CRITERIA:

The strategic plan shall include:

1.A statement of the mission, philosophy, values, and principles of the VR program in the State.

a. The plan must contain a statement on the mission, philosophy, values and principles of the vocational rehabilitation program that is consistent with the findings, purpose and policy contained in Section 2(a), (b), and (c) of the Act.

b. The statement must also be consistent with the purposes of Titles I and VI, Part C of the Act.

2.Specific goals and objectives for expanding and improving the system for providing VR services.

a. The plan must contain specific and measurable goals and objectives, including resource allocations, believed to be instrumental in expanding and improving the State agency's system for providing the VR program.

b. The plan must also contain programs, projects and activities clearly identified as additional to the current efforts to provide VR services to eligible individuals with disabilities.

3.Specific multifaceted and systemic approaches for accomplishing the objectives, including interagency coordination and cooperation, that build upon state-of- the-art practices and research findings, and that implement the State plan and the supplement to the State plan submitted under Part C of Title VI of the Act.

a. The plan describes a number of delineated and interrelated approaches to achieve the plan's objectives.

- b. The approaches represent a systemic strategy or strategies to achieve the plan's objectives.
 - c. An integral element of the plan provides for interagency coordination and cooperation with specified agencies.
 - d. The plan identifies state-of-the-art practices and research findings used in the development of strategies and approaches.
 - e. The plan's strategies and approaches expand upon and do not supplant provisions of the State plan and the supplement submitted under Part C of Title VI.
- 4.A description of the specific programs, projects, and activities funded under this part and how the programs, projects and activities accomplish the objectives.
- a. The plan specifies the purpose, nature, and scope of each program, project, and activity.
 - b. The plan describes how each program, project and activity will result in the achievement of the plan's corresponding objectives.
5. Specific criteria for determining whether the objectives have been achieved.
- a. The plan specifies how the results of the programs, projects and activities will be measured and documented.
 - b. The plan describes how the achievements under the plan will be communicated to the staff, constituency and other interested parties.
6. An assurance that the State will conduct an annual evaluation to determine the extent to which the objectives have been achieved, and if not achieved, the reasons that they were not achieved and a description of alternative approaches that will be taken.
- a. The plan contains an assurance that an annual evaluation will be conducted. It is suggested that the annual evaluation be conducted at such time as to permit the consideration of findings in the development of the State plan and its annual updates.
 - b. The plan contains an assurance that the annual evaluation includes an assessment to determine:
 - i. The extent to which the objectives have been achieved; and

- ii. If specific objectives have not been achieved, the reasons that the objectives have not been achieved.
- c. If the annual evaluation determines that specific objectives have not been achieved, the plan provides a description of alternative approaches that will be taken. Changes in the strategic plan should be made at such time so as to allow appropriate changes to be made in the State plan and its annual updates if necessary.
(Section 121 of the Act)

E. FUNDS AVAILABLE:

- 1. The term "Federal Share" means 90 percent for the purposes of Part C of Title I.
(Section 7(7)(B) of the Act)
- 2. There are two funding sources for Innovation and Expansion Grants:
 - a. A minimum of 1.5% shall be utilized from the State's VR allotment.
 - b. Funds appropriated specifically for Part C pursuant to an authorization of appropriations in Section 100 (b)(2).
- 3. At least 1.5 percent of the allotment of the State under Part B, Vocational Rehabilitation Services program must be utilized for the purposes described in Section 123. In those States that have two State agencies, the directors of these agencies should consult with each other to assure the full 1.5 percent of the total state allotment is expended for these purposes. This authority is effective October 1, 1993.
(Section 101(a)(34)(b) and 111(a)(1) of the Act)
- 4. No funds have been appropriated under Section 100 (b)(2) of the Act to carry out Part C, Innovation and Expansion for FY 1993. If, in the future, a specific appropriation is made, the State shall receive an allotment of \$200,000 or 1/3 of one percent of the sums made available for the fiscal year for which the allotment is made, whichever is greater, except that Guam, American Samoa, the United States Virgin Islands, the Commonwealth of the Northern Mariana Islands, and the Republic of Palau shall be allotted not less than 1/8 of 1 percent of the amount made available for the purposes of this part. The Republic of Palau may

receive an allotment under this Section only until the Compact of Free Association with Palau takes effect.

Whenever the Commissioner determines that any amount of an allotment to a State for any fiscal year will not be expended by such State in carrying out the provisions of this part, the Commissioner shall make such amounts available for carrying out the purposes of part C of Title I to one or more of the States that the Commissioner determines will be able to use additional amounts during such year for carrying out such provisions. Any amount made available to a State for any fiscal year shall be regarded as an increase in the allotment for such year.
(Section 124 of the Act)

5. Social Security reimbursement payments for expenditures under the vocational rehabilitation program can also be utilized to develop and implement the strategic plan.
(Section 108 of the Act)

6. State agencies must have an accounting system sufficient to receive and expend funds authorized for the purposes of Part C of Title I, Innovation and Expansion grants consistent with 34 CFR Part 80.

F. USE OF SUCH FUNDS:

1. A State may use funds made available under Part C directly or by grant, contract or other arrangement.
(Section 123 of the Act)

A State may utilize funds from the State VR allotment set-aside only for the activities specified in Section 123 of the Act. Funds appropriated for Part C may be used for the specific purposes identified but can also be used for other purposes as long as they are consistent with the purposes of the Innovation and Expansion Grant Program.

2. A State may use these funds to carry out:

A State may utilize funds from the State VR allotment set aside only for the activities specified Section 123 of the Act. Funds appropriated for Part C may be used for the specific purposes identified but can also be used for other purposes as long as they are consistent with the purposes of the Innovation and Expansion Grant Program.

a. Programs to initiate and expand employment opportunities for individuals with severe disabilities in integrated

settings that allow for the use of on-the-job training to promote the intent of Title I of the ADA;

- b. Programs or activities to improve the provision of, and expand, employment services in integrated settings to individuals with sensory, cognitive, physical and mental impairments who have traditionally not been served by the State vocational rehabilitation agency;
- c. Programs and activities to maximize the ability of individuals with disabilities to use rehabilitation technology in employment settings;
- d. Programs and activities that assist employers in accommodating, evaluating, training or placing individuals with disabilities in the workplace of the employer consistent with provisions of this Act and Title I of the Americans with Disabilities Act, including short term technical assistance or other effective strategies;
- e. Programs and activities that expand and improve the extent and type of client involvement in the review and selection of the training and employment goals of the client;
- f. Programs and activities that expand and improve opportunities for career advancement for individuals with severe disabilities;
- g. Programs, projects, and activities designed to initiate, expand, or improve working relationships between VR services provided under this title and independent living services provided under Title VII;
- h. Programs, projects, and activities designed to improve functioning of the system for delivering VR services and to improve coordination and working relationships with other State and local agencies, business, industry, labor, community rehabilitation programs, and centers for independent living, including projects designed to:
 - i. Increase the ease of access to, timeliness of, and quality of VR services through the development and implementation of policies, procedures, and systems and interagency mechanisms for providing VR services;
 - ii. Improve the working relationships between State VR agencies, and other State agencies, centers for independent

living, community rehabilitation programs, educational agencies involved in higher education, adult basic education, and continuing education, and businesses, industry, and labor organizations in order to create and facilitate cooperation in:

- (a). Planning and implementing services and
- (b). The development of an integrated system of community based VR service that includes appropriate transitions between service systems; and
- iii. Improve the ability of professionals, clients, advocates, business, industry, and labor to work in cooperative partnerships to improve the quality of VR services and job and career opportunities for individuals with disabilities;
 - i. Support efforts to ensure that the annual evaluation of the effectiveness of the program in meeting the goals and objectives set forth in the State plan, including the system for evaluating the performance of rehabilitation counselors, coordinators, and other personnel used in the State, facilitates and does not impede the accomplishment of the purpose and policy of the VR services program;
 - j. Support the initiation, expansion, and improvement of a comprehensive system of personnel development;
 - k. Support the provision of training and technical assistance to clients, business, industry, labor, community rehabilitation programs, and others regarding the implementation of the amendments made by the 1992 Amendments, of Title V of the Act, and of the ADA; and
 - l. Support the funding of the State Rehabilitation Advisory Council and the Statewide Independent Living Council established under Section 705. (Section 123 of the Act)

INQUIRIES: RSA Regional Commissioners

William L. Smith
Acting Commissioner of Rehabilitation Services
Administration

Technical Assistance Circular - Part C of Title I, Innovation and Expansion Grants

This Technical Assistance Circular (TAC) is being resubmitted after revision. It will be a valuable resource to State agencies in the development of their strategic plan. Please note the following:

- This TAC identifies in a single, well organized document, not only the requirements found in Title I Part C, but also references to the strategic plan in other Sections of the Act.
- The "Background" Section has been revised to more clearly reflect the differences between the new I&E authority and the old authority.
- Guidance has been added regarding appropriate and sufficient notice for a public forum.
- The TAC identifies content and assessment criteria which can be utilized to determine compliance.
- The content and assessment criteria have been modified to more clearly indicate that resource allocation is a content requirement.
- Additional information and guidance has been added regarding funding requirements.