STATE PLAN FOR THE STATE VOCATIONAL REHABILITATION SERVICES PROGRAM AND STATE PLAN SUPPLEMENT FOR THE STATE SUPPORTED EMPLOYMENT SERVICES PROGRAM

STATE: **South Dakota**

AGENCY: **Division of Rehabilitation Services**

AGENCY TYPE: **GENERAL X BLIND COMBINED**

SECTION 1: STATE CERTIFICATIONS

1.1 The **South Dakota Department of Human Services** (name of designated state agency or designated state unit) is authorized to submit this State Plan under Title I of the Rehabilitation Act of 1973, as amended[1] and its supplement under Title VI, Part B of the Act.

1.2 As a condition for the receipt of federal funds under Title I, Part B of the Act for the provision of vocational rehabilitation services, the **South Dakota Department of Human Services** (name of the designated state agency)[3] agrees to operate and administer the State Vocational Rehabilitation Services Program in accordance with the provisions of this State Plan[4], the Act, and all applicable regulations[5], policies, and procedures established by the secretary. Funds made available under Section 111 of the Act are used solely for the provision of vocational rehabilitation services under Title I of the Act and the administration of the State Plan for the vocational rehabilitation services program.

1.3 As a condition for the receipt of federal funds under Title VI, Part B of the Act for supported employment services, the designated state agency agrees to operate and administer the State Supported Employment Services Program in accordance with the provisions of the supplement to this State Plan[6], the Act, and all applicable regulations[7], policies, and procedures established by the secretary. Funds made available under Title VI, Part B are used solely for the provision of supported employment services and the administration of the supplement to the Title I State Plan.

1.4 The designated state agency and/or the designated state unit has the authority under state law to perform the functions of the state regarding this State Plan and its supplement.

1.5 The state legally may carry out each provision of the State Plan and its supplement.

1.6 All provisions of the State Plan and its supplement are consistent with state law.

1.7 The **Secretary, South Dakota Department of Human Services** (title of state officer) has the authority under state law to receive, hold, and disburse federal funds made available under this State Plan and its supplement.

1.8 The **Secretary, South Dakota Department of Human Services** (title of state officer) has the authority to submit this State Plan for vocational rehabilitation services and the State Plan supplement for supported employment services.

1.9 The agency that submits this State Plan and its supplement has adopted or otherwise formally approved the plan and its supplement.

(Signature)	**Laurie Gill** **(Typed Name of Signatory)**
06/27/2011 **(Date)**	**Secretary, South Dakota Department of Human Services** **(Title)**

[1] Public Law 93-112, as amended by Public Laws 93-516, 95-602, 98-221, 99-506, 100-630, 102-569, 103-073, and 105-220.

[2] Unless otherwise stated, "Act" means the Rehabilitation Act of 1973, as amended.

[3] All references in this plan to "designated state agency" or to "the state agency" relate to the agency identified in this paragraph.

[4] No funds under Title I of the Act may be awarded without an approved State Plan in accordance with Section 101(a) of the Act and 34 CFR part 361.

[5] Applicable regulations include the Education Department General Administrative Regulations (EDGAR) in 34 CFR Parts 74, 76, 77, 79, 80, 81, 82, 85, and 86 and the State Vocational Rehabilitation Services Program regulations in 34 CFR Part 361.

[6] No funds under Title VI, Part B of the Act may be awarded without an approved supplement to the Title I State Plan in accordance with Section 625(a) of the Act.

[7] Applicable regulations include the EDGAR citations in footnote 5, 34 CFR Part 361, and 34 CFR Part 363.

SECTION 2: PUBLIC COMMENT ON STATE PLAN POLICIES AND PROCEDURES

2.1 Public participation requirements. (Section 101(a)(16)(A) of the Act; 34 CFR 361.10(d), .20(a), (b), (d); and 363.11(g)(9))

(a) Conduct of public meetings.
The designated state agency, prior to the adoption of any substantive policies or procedures governing the provision of vocational rehabilitation services under the State Plan and supported employment services under the supplement to the State Plan, including making any substantive amendments to the policies and procedures, conducts public meetings throughout the state to provide the public, including individuals with disabilities, an opportunity to comment on the policies or procedures.

(b) Notice requirements.
The designated state agency, prior to conducting the public meetings, provides appropriate and sufficient notice throughout the state of the meetings in accordance with state law governing public meetings, or, in the absence of state law governing public meetings, procedures developed by the state agency in consultation with the State Rehabilitation Council, if the agency has a Council.

(c) Special consultation requirements.
The state agency actively consults with the director of the Client Assistance Program, the State Rehabilitation Council, if the agency has a Council, and, as appropriate, Indian tribes, tribal organizations, and native Hawaiian organizations on its policies and procedures governing the provision of vocational rehabilitation services under the State Plan and supported employment services under the supplement to the State Plan.

SECTION 3: SUBMISSION OF THE STATE PLAN AND ITS SUPPLEMENT

3.1 Submission and revisions of the State Plan and its supplement. (Sections 101(a)(1), (23) and 625(a)(1) of the Act; Section 501 of the Workforce Investment Act; 34 CFR 76.140; 361.10(e), (f), and (g); and 363.10)

(a) The state submits to the commissioner of the Rehabilitation Services Administration the State Plan and its supplement on the same date that the state submits either a State Plan under Section 112 of the Workforce Investment Act of 1998 or a state unified plan under Section 501 of that Act.

(b) The state submits only those policies, procedures, or descriptions required under this State Plan and its supplement that have not been previously submitted to and approved by the commissioner.

(c) The state submits to the commissioner at such time and in such manner as the commissioner determines to be appropriate, reports containing annual updates of the information relating to the:

(1) Comprehensive system of personnel development;

(2) Assessments, estimates, goals and priorities, and reports of progress;

(3) Innovation and expansion activities; and

(4) Other updates of information required under Title I, Part B or Title VI, Part B of the Act that are requested by the commissioner.

(d) The State Plan and its supplement are in effect subject to the submission of modifications the state determines to be necessary or the commissioner requires based on a change in state policy, a change in federal law, including regulations, an interpretation of the Act by a federal court or the highest court of the state, or a finding by the commissioner of state noncompliance with the requirements of the Act, 34 CFR 361, or 34 CFR 363.

3.2 Supported employment State plan supplement. (Sections 101(a)(22) and 625(a) of the Act; 34 CFR 361.34 and 363.10)

(a) The state has an acceptable plan for carrying out Part B of Title VI of the Act that provides for the use of funds under that part to supplement funds made available under Part B of Title I of the Act for the cost of services leading to supported employment.

(b) The supported employment State Plan, including any needed annual revisions, is submitted as a supplement to the State Plan.

SECTION 4: ADMINISTRATION OF THE STATE PLAN

4.1 Designated state agency and designated state unit. (Section 101(a)(2) of the Act; 34 CFR 361.13(a) and (b))

(a) Designated state agency.

(1) There is a state agency designated as the sole state agency to administer the State Plan or to supervise its administration in a political subdivision of the state by a sole local agency.

(2) The designated state agency is:

(A) ___ a state agency that is primarily concerned with vocational rehabilitation or vocational and other rehabilitation of individuals with disabilities; or

(B) **X** a state agency that is not primarily concerned with vocational rehabilitation or vocational and other rehabilitation of individuals with disabilities and includes a vocational rehabilitation unit as provided in paragraph (b) of this section.

(3) In American Samoa, the designated state agency is the governor.

(b) Designated state unit.

(1) If the designated state agency is not primarily concerned with vocational rehabilitation or vocational and other rehabilitation of individuals with disabilities, in accordance with subparagraph 4.1(a)(2)(B) of this section the state agency includes a vocational rehabilitation bureau, division, or unit that:

(A) Is primarily concerned with vocational rehabilitation or vocational and other rehabilitation of individuals with disabilities and is responsible for the administration of the designated state agency's vocational rehabilitation program under the State Plan;

(B) Has a full-time director;

(C) Has a staff, at least 90 percent of whom are employed full-time on the rehabilitation work of the organizational unit; and

(D) Is located at an organizational level and has an organizational status within the designated state agency comparable to that of other major organizational units of the designated state agency.

(2) The name of the designated state vocational rehabilitation unit is South Dakota Division of Rehabilitation Services.

4.2 State independent commission or State Rehabilitation Council. (Sections 101(a)(21) and 105 of the Act; 34 CFR 361.16 and .17)

The State Plan must contain one of the following assurances.

(a) ___ The designated state agency is an independent state commission that:

(1) Is responsible under state law for operating, or overseeing the operation of, the vocational rehabilitation program in the state and is primarily concerned with the vocational rehabilitation or vocational and other rehabilitation of individuals with disabilities in accordance with subparagraph 4.1(a)(2)(A) of this section.

(2) Is consumer-controlled by persons who:

(A) Are individuals with physical or mental impairments that substantially limit major life activities; and

(B) Represent individuals with a broad range of disabilities, unless the designated state unit under the direction of the commission is the state agency for individuals who are blind;

(3) Includes family members, advocates, or other representatives of individuals with mental impairments; and

(4) Undertakes the functions set forth in Section 105(c)(4) of the Act and 34 CFR 361.17(h)(4).

or

(b) **X** The state has established a State Rehabilitation Council that meets the criteria set forth in Section 105 of the Act and 34 CFR 361.17 and the designated state unit:

(1) Jointly with the State Rehabilitation Council develops, agrees to, and reviews annually state goals and priorities, and jointly submits to the commissioner annual reports of progress, in accordance with the provisions of Section 101(a)(15) of the Act, 34 CFR 361.29, and subsection 4.11 of this State Plan;

(2) Regularly consults with the State Rehabilitation Council regarding the development, implementation, and revision of state policies and procedures of general applicability pertaining to the provision of vocational rehabilitation services;

(3) Includes in the State Plan and in any revision to the State Plan, a summary of input provided by the State Rehabilitation Council, including recommendations from the annual report of the Council described in Section 105(c)(5) of the Act and 34 CFR 361.17(h)(5), the review and analysis of consumer satisfaction described in Section 105(c)(4) of the Act and 34 CFR 361.17(h)(4), and other reports prepared by the Council, and the response of the designated state unit to the input and recommendations, including explanations for rejecting any input or recommendation; and

(4) Transmits to the Council:

(A) All plans, reports, and other information required under 34 CFR 361 to be submitted to the commissioner;

(B) All policies and information on all practices and procedures of general applicability provided to or used by rehabilitation personnel in carrying out this State Plan and its supplement; and

(C) Copies of due process hearing decisions issued under 34 CFR 361.57, which are transmitted in such a manner as to ensure that the identity of the participants in the hearings is kept confidential.

(c) ***If the designated state unit has a State Rehabilitation Council,*** **Attachment 4.2(c)** provides a summary of the input provided by the Council consistent with the provisions identified in subparagraph (b)(3) of this section; the response of the designated state unit to the input and recommendations; and, explanations for the rejection of any input or any recommendation.

4.3 Consultations regarding the administration of the State Plan. (Section 101(a)(16)(B) of the Act; 34 CFR 361.21)
The designated state agency takes into account, in connection with matters of general policy arising in the administration of the plan and its supplement, the views of:

(a) Individuals and groups of individuals who are recipients of vocational rehabilitation services, or, as appropriate, the individuals' representatives;

(b) Personnel working in programs that provide vocational rehabilitation services to individuals with disabilities;

(c) Providers of vocational rehabilitation services to individuals with disabilities;

(d) The director of the Client Assistance Program; and

(e) The State Rehabilitation Council, if the state has a Council.

4.4 Nonfederal share. (Sections 7(14) and 101(a)(3) of the Act; 34 CFR 80.24 and 361.60)

The nonfederal share of the cost of carrying out this State Plan is 21.3 percent and is provided through the financial participation by the state, or if the state elects, by the state and local agencies.

4.5 Local administration. (Sections 7(24) and 101(a)(2)(A) of the Act; 34 CFR 361.5(b)(47) and .15)

The State Plan provides for the administration of the plan by a local agency. **Yes___ No_X_**
If "Yes", the designated state agency:

(a) Ensures that each local agency is under the supervision of the designated state unit with the sole local agency, as that term is defined in Section 7(24) of the Act and 34 CFR 361.5(b)(47), responsible for the administration of the vocational rehabilitation program within the political subdivision that it serves; and

(b) Develops methods that each local agency will use to administer the vocational rehabilitation program, in accordance with the State Plan.

4.6 Shared funding and administration of joint programs. (Section 101(a)(2)(A)(ii) of the Act; 34 CFR 361.27)

The State Plan provides for the state agency to share funding and administrative responsibility with another state agency or local public agency to carry out a joint program to provide services to individuals with disabilities. **Yes__ No_X_**
If "Yes", the designated state agency submits to the commissioner for approval a plan that describes its shared funding and administrative arrangement. The plan must include:

(a) A description of the nature and scope of the joint program;
(b) The services to be provided under the joint program;
(c) The respective roles of each participating agency in the administration and provision of services; and
(d) The share of the costs to be assumed by each agency.

4.7 Statewideness and waivers of statewideness. (Section 101(a)(4) of the Act; 34 CFR 361.25, .26, and .60(b)(3)(i) and (ii))

(a) Services provided under the State Plan are available in all political subdivisions of the state.
(b) The state unit may provide services in one or more political subdivisions of the state that increase services or expand the scope of services that are available statewide under this State Plan if the:
- **(1)** Nonfederal share of the cost of these services is met from funds provided by a local public agency, including funds contributed to a local public agency by a private agency, organization, or individual;
- **(2)** Services are likely to promote the vocational rehabilitation of substantially larger numbers of individuals with disabilities or of individuals with disabilities with particular types of impairments; and
- **(3)** State, for purposes other than the establishment of a community rehabilitation program or the construction of a particular facility for community rehabilitation program purposes, requests in **Attachment 4.7(b)(3)** a waiver of the statewideness requirement in accordance with the following requirements:
  - **(A)** Identification of the types of services to be provided;
  - **(B)** Written assurance from the local public agency that it will make available to the state unit the nonfederal share of funds;
  - **(C)** Written assurance that state unit approval will be obtained for each proposed service before it is put into effect; and
  - **(D)** Written assurance that all other State Plan requirements, including a state's order of selection, will apply to all services approved under the waiver.

(c) Contributions, consistent with the requirements of 34 CFR 361.60(b)(3)(ii), by private entities of earmarked funds for particular geographic areas within the state may be used as part of the nonfederal share without the state requesting a waiver of the statewideness requirement provided that the state notifies the commissioner that it cannot provide the full nonfederal share without using the earmarked funds.

4.8 Cooperation, collaboration, and coordination. (Sections 101(a)(11), (24)(B), and 625(b)(4) and (5) of the Act; 34 CFR 361.22, .23, .24, and .31, and 363.11(e))

(a) Cooperative agreements with other components of statewide workforce investment system.
The designated state agency or the designated state unit has cooperative agreements with other entities that are components of the statewide workforce investment system and replicates those agreements at the local level between individual offices of the designated state unit and local entities carrying out the One-Stop service delivery system or other activities through the statewide workforce investment system.

(b) Cooperation and coordination with other agencies and entities.
Attachment 4.8(b) (1)-(4) describes the designated state agency's:

(1) Cooperation with and use of the services and facilities of the federal, state, and local agencies and programs, including programs carried out by the undersecretary for Rural Development of the United States Department of Agriculture and state use contracting programs, to the extent that those agencies and programs are not carrying out activities through the statewide workforce investment system;

(2) Coordination, in accordance with the requirements of paragraph 4.8(c) of this section, with education officials to facilitate the transition of students with disabilities from school to the receipt of vocational rehabilitation services;

(3) Establishment of cooperative agreements with private non-profit vocational rehabilitation service providers, in accordance with the requirements of paragraph 5.10(b) of the State Plan; and,

(4) Efforts to identify and make arrangements, including entering into cooperative agreements, with other state agencies and entities with respect to the provision of supported employment and extended services for individuals with the most significant disabilities, in accordance with the requirements of subsection 6.5 of the supplement to this State Plan.

(c) Coordination with education officials.

(1) **Attachment 4.8(b)(2)** describes the plans, policies, and procedures for coordination between the designated state agency and education officials responsible for the public education of students with disabilities that are designed to facilitate the transition of the students who are individuals with disabilities from the receipt of

educational services in school to the receipt of vocational rehabilitation services under the responsibility of the designated state agency.

(2) The State Plan description must:

(A) Provide for the development and approval of an individualized plan for employment in accordance with 34 CFR 361.45 as early as possible during the transition planning process but, at the latest, before each student determined to be eligible for vocational rehabilitation services leaves the school setting or, if the designated state unit is operating on an order of selection, before each eligible student able to be served under the order leaves the school setting; and

(B) Include information on a formal interagency agreement with the state educational agency that, at a minimum, provides for:

(i) Consultation and technical assistance to assist educational agencies in planning for the transition of students with disabilities from school to post-school activities, including vocational rehabilitation services;

(ii) Transition planning by personnel of the designated state agency and the educational agency for students with disabilities that facilitates the development and completion of their individualized education programs under Section 614(d) of the Individuals with Disabilities Education Act;

(iii) Roles and responsibilities, including financial responsibilities, of each agency, including provisions for determining state lead agencies and qualified personnel responsible for transition services; and

(iv) Procedures for outreach to students with disabilities as early as possible during the transition planning process and identification of students with disabilities who need transition services.

(d) Coordination with statewide independent living council and independent living centers.

The designated state unit, the Statewide Independent Living Council established under Section 705 of the Act and 34 CFR 364, and the independent living centers described in Part C of Title VII of the Act and 34 CFR 366 have developed working relationships and coordinate their activities.

(e) Cooperative agreement with recipients of grants for services to American Indians.

(1) There is in the state a recipient(s) of a grant under Part C of Title I of the Act for the provision of vocational rehabilitation services for American Indians who are individuals with disabilities residing on or near federal and state reservations.

Yes X No

(2) **If "Yes",** the designated state agency has entered into a formal cooperative agreement that meets the following requirements with each grant recipient in the state that receives funds under Part C of Title I of the Act.

(A) Strategies for interagency referral and information sharing that will assist in eligibility determinations and the development of individualized plans for employment;

(B) Procedures for ensuring that American Indians who are individuals with disabilities and are living near a reservation or tribal service area are provided vocational rehabilitation services; and

(C) Provisions for sharing resources in cooperative studies and assessments, joint training activities, and other collaborative activities designed to improve the provision of services to American Indians who are individuals with disabilities.

4.9 Methods of administration. (Section 101(a)(6) of the Act; 34 CFR 361.12, .19 and, .51(a) and (b))

(a) In general.
The state agency employs methods of administration, including procedures to ensure accurate data collection and financial accountability, found by the commissioner to be necessary for the proper and efficient administration of the plan and for carrying out all the functions for which the state is responsible under the Plan and 34 CFR 361.

(b) Employment of individuals with disabilities.
The designated state agency and entities carrying out community rehabilitation programs in the state, who are in receipt of assistance under Part B of Title I of the Act and this State Plan, take affirmative action to employ and advance in employment qualified individuals with disabilities covered under and on the same terms and conditions as set forth in Section 503 of the Act.

(c) Facilities.
Any facility used in connection with the delivery of services assisted under this State Plan meets program accessibility requirements consistent with the provisions, as applicable, of the Architectural Barriers Act of 1968, Section 504 of the Act, the Americans with Disabilities Act of 1990, and the regulations implementing these laws.

4.10 Comprehensive system of personnel development. (Section 101(a)(7) of the Act; 34 CFR 361.18)

Attachment 4.10 describes the designated state agency's procedures and activities to establish and maintain a comprehensive system of personnel development designed to ensure an adequate supply of qualified state rehabilitation professional and paraprofessional personnel for the designated state unit. The description includes the following:

(a) Data system on personnel and personnel development.
Development and maintenance of a system for collecting and analyzing on an annual basis data on qualified personnel needs and personnel development with respect to:

(1) Qualified personnel needs.

(A) The number of personnel who are employed by the state agency in the provision of vocational rehabilitation services in relation to the number of individuals served, broken down by personnel category;

(B) The number of personnel currently needed by the state agency to provide vocational rehabilitation services, broken down by personnel category; and

(C) Projections of the number of personnel, broken down by personnel category, who will be needed by the state agency to provide vocational rehabilitation services in the state in 5 years based on projections of the number of individuals to be served, including individuals with significant disabilities, the number of personnel expected to retire or leave the field, and other relevant factors.

(2) Personnel development.

(A) A list of the institutions of higher education in the state that are preparing vocational rehabilitation professionals, by type of program;

(B) The number of students enrolled at each of those institutions, broken down by type of program; and

(C) The number of students who graduated during the prior year from each of those institutions with certification or licensure, or with the credentials for certification or licensure, broken down by the personnel category for which they have received, or have the credentials to receive, certification or licensure.

(b) Plan for recruitment, preparation, and retention of qualified personnel.

Development, updating on an annual basis, and implementation of a plan to address the current and projected needs for qualified personnel based on the data collection and analysis system described in paragraph (a) of this subsection and that provides for the coordination and facilitation of efforts between the designated state unit and institutions of higher education and professional associations to recruit, prepare, and retain personnel who are qualified in accordance with paragraph (c) of this subsection, including personnel from minority backgrounds and personnel who are individuals with disabilities.

(c) Personnel standards.

Policies and procedures for the establishment and maintenance of personnel standards to ensure that designated state unit professional and paraprofessional personnel are appropriately and adequately prepared and trained, including:

(1) Standards that are consistent with any national or state-approved or -recognized certification, licensing, registration, or,

in the absence of these requirements, other comparable requirements (including state personnel requirements) that apply to the profession or discipline in which such personnel are providing vocational rehabilitation services.

(2) To the extent that existing standards are not based on the highest requirements in the state applicable to a particular profession or discipline, the steps the state is currently taking and the steps the State Plans to take in accordance with the written plan to retrain or hire personnel within the designated state unit to meet standards that are based on the highest requirements in the state, including measures to notify designated state unit personnel, the institutions of higher education identified in subparagraph (a)(2), and other public agencies of these steps and the timelines for taking each step.

(3) The written plan required by subparagraph (c)(2) describes the following:

(A) Specific strategies for retraining, recruiting, and hiring personnel;

(B) The specific time period by which all state unit personnel will meet the standards required by subparagraph (c)(1);

(C) Procedures for evaluating the designated state unit's progress in hiring or retraining personnel to meet applicable personnel standards within the established time period; and

(D) The identification of initial minimum qualifications that the designated state unit will require of newly hired personnel when the state unit is unable to hire new personnel who meet the established personnel standards and the identification of a plan for training such individuals to meet the applicable standards within the time period established for all state unit personnel to meet the established personnel standards.

(d) Staff development.

Policies, procedures, and activities to ensure that all personnel employed by the designated state unit receive appropriate and adequate training. The narrative describes the following:

(1) A system of staff development for professionals and paraprofessionals within the designated state unit, particularly with respect to assessment, vocational counseling, job placement, and rehabilitation technology.

(2) Procedures for the acquisition and dissemination to designated state unit professionals and paraprofessionals significant knowledge from research and other sources.

(e) Personnel to address individual communication needs.

Availability of personnel within the designated state unit or obtaining the services of other individuals who are able to communicate in the native language of applicants or eligible individuals who have limited English speaking ability or in appropriate modes of communication with applicants or eligible individuals.

(f) Coordination of personnel development under the Individuals with Disabilities Education Act.

Procedures and activities to coordinate the designated state unit's comprehensive system of personnel development with personnel development under the Individuals with Disabilities Education Act.

4.11. Statewide assessment; annual estimates; annual state goals and priorities; strategies; and progress reports. (Sections 101(a)(15), 105(c)(2) and 625(b)(2) of the Act; 34 CFR 361.17(h)(2), .29, and 363.11(b))

(a) Comprehensive statewide assessment.

(1) **Attachment 4.11(a)** documents the results of a comprehensive, statewide assessment, jointly conducted every 3 years by the designated state unit and the State Rehabilitation Council (if the state has such a Council). The assessment describes:

(A) The rehabilitation needs of individuals with disabilities residing within the state, particularly the vocational rehabilitation services needs of:

(i) Individuals with the most significant disabilities, including their need for supported employment services;

(ii) Individuals with disabilities who are minorities and individuals with disabilities who have been unserved or underserved by the vocational rehabilitation program carried out under this State Plan; and

(iii) Individuals with disabilities served through other components of the statewide workforce investment system.

(B) The need to establish, develop, or improve community rehabilitation programs within the state.

(2) For any year in which the state updates the assessments, the designated state unit submits to the commissioner a report containing information regarding updates to the assessments.

(b) Annual estimates.

Attachment 4.11(b) identifies on an annual basis state estimates of the:

(1) Number of individuals in the state who are eligible for services under the Plan;

(2) Number of eligible individuals who will receive services provided with funds provided under Part B of Title I of the Act and under Part B of Title VI of the Act, including, if the designated state agency uses an order of selection in accordance with subparagraph 5.3(b)(2) of this State Plan, estimates of the number of individuals to be served under each priority category within the order; and

(3) Costs of the services described in subparagraph (b)(1), including, if the designated state agency uses an order of selection, the service costs for each priority category within the order.

(c) Goals and priorities.

(1) **Attachment 4.11(c)(1)** identifies the goals and priorities of the state that are jointly developed or revised, as applicable, with and agreed to by the State Rehabilitation Council, if the agency has a Council, in carrying out the vocational rehabilitation and supported employment programs.

(2) The designated state agency submits to the commissioner a report containing information regarding any revisions in the goals and priorities for any year the state revises the goals and priorities.

(3) Order of selection.

If the state agency implements an order of selection, consistent with subparagraph 5.3(b)(2) of the State Plan, **Attachment 4.11(c)(3):**

(A) Shows the order to be followed in selecting eligible individuals to be provided vocational rehabilitation services;

(B) Provides a justification for the order; and

(C) Identifies the service and outcome goals, and the time within which these goals may be achieved for individuals in each priority category within the order.

(4) Goals and plans for distribution of Title VI, Part B funds.

Attachment 4.11(c)(4) specifies, consistent with subsection 6.4 of the State Plan supplement, the state's goals and priorities with respect to the distribution of funds received under Section 622 of the Act for the provision of supported employment services.

(d) Strategies.

(1) Attachment 4.11(d) describes the strategies, including:

(A) The methods to be used to expand and improve services to individuals with disabilities, including how a broad range of assistive technology services and assistive technology devices will be provided to those individuals at each stage of the rehabilitation process and how those services and devices will be provided to individuals with disabilities on a statewide basis;

(B) Outreach procedures to identify and serve individuals with disabilities who are minorities, including those with the most significant disabilities in accordance with subsection 6.6 of the State Plan supplement, and individuals with disabilities who have been unserved or underserved by the vocational rehabilitation program;

(C) As applicable, the plan of the state for establishing, developing, or improving community rehabilitation programs;

(D) Strategies to improve the performance of the state with respect to the evaluation standards and performance indicators established pursuant to Section 106 of the Act; and

(E) Strategies for assisting other components of the statewide workforce investment system in assisting individuals with disabilities.

(2) Attachment 4.11 (d) describes how the designated state agency uses these strategies to:

(A) Address the needs identified in the assessment conducted under paragraph 4.11(a) and achieve the goals and priorities identified in the State Plan attachments under paragraph 4.11(c);

(B) Support the innovation and expansion activities identified in subparagraph 4.12(a)(1) and (2) of the Plan; and

(C) Overcome identified barriers relating to equitable access to and participation of individuals with disabilities in the State Vocational Rehabilitation Services Program and State Supported Employment Services Program.

(e) Evaluation and reports of progress.

(1) The designated state unit and the State Rehabilitation Council, if the state unit has a Council, jointly submits to the commissioner an annual report on the results of an evaluation of the effectiveness of the vocational rehabilitation program and the progress made in improving the effectiveness of the program from the previous year.

(2) Attachment 4.11(e)(2):

(A) Provides an evaluation of the extent to which the goals identified in **Attachment 4.11(c)(1)** and, if applicable, **Attachment 4.11(c)(3)** were achieved;

(B) Identifies the strategies that contributed to the achievement of the goals and priorities;

(C) Describes the factors that impeded their achievement, to the extent they were not achieved;

(D) Assesses the performance of the state on the standards and indicators established pursuant to Section 106 of the Act; and

(E) Provides a report consistent with paragraph 4.12(c) of the plan on how the funds reserved for innovation and expansion activities were utilized in the preceding year.

4.12 Innovation and expansion. (Section 101(a)(18) of the Act; 34 CFR 361.35)

(a) The designated state agency reserves and uses a portion of the funds allotted to the state under Section 110 of the Act for the:

(1) Development and implementation of innovative approaches to expand and improve the provision of vocational rehabilitation services to individuals with disabilities under this State Plan, particularly individuals with the most significant disabilities, consistent with the findings of the statewide assessment identified in **Attachment 4.11(a)** and goals and priorities of the state identified in **Attachments 4.11(c)(1)** and, if applicable, **Attachment 4.11(c)(3)**; and

(2) Support of the funding for the State Rehabilitation Council, if the state has such a Council, consistent with the resource plan prepared under Section 105(d)(1) of the Act and 34 CFR 361.17(i), and the funding of the Statewide Independent Living Council, consistent with the resource plan prepared under Section 705(e)(1) of the Act and 34 CFR 364.21(i).

(b) Attachment 4.11 (d) describes how the reserved funds identified in subparagraph 4.12(a)(1) and (2) will be utilized.

(c) **Attachment 4.11(e)(2)** describes how the reserved funds were utilized in the preceding year.

4.13 **Reports.** (Section 101(a)(10) of the Act; 34 CFR 361.40)

(a) The designated state unit submits reports in the form and level of detail and at the time required by the commissioner regarding applicants for and eligible individuals receiving services under the State Plan.

(b) Information submitted in the reports provides a complete count, unless sampling techniques are used, of the applicants and eligible individuals in a manner that permits the greatest possible cross-classification of data and protects the confidentiality of the identity of each individual.

SECTION 5: ADMINISTRATION OF THE PROVISION OF VOCATIONAL REHABILITATION SERVICES

5.1 Information and referral services. (Sections 101(a)(5)(D) and (20) of the Act; 34 CFR 361.37)
The designated state agency has implemented an information and referral system that is adequate to ensure that individuals with disabilities, including individuals who do not meet the agency's order of selection criteria for receiving vocational rehabilitation services, if the agency is operating on an order of selection, are provided accurate vocational rehabilitation information and guidance, including counseling and referral for job placement, using appropriate modes of communication, to assist such individuals in preparing for, securing, retaining, or regaining employment, and are referred to other appropriate federal and state programs, including other components of the statewide workforce investment system in the state.

5.2 Residency. (Section 101(a)(12) of the Act; 34 CFR 361.42(c)(1))
The designated state unit imposes no duration of residence requirement as part of determining an individual's eligibility for vocational rehabilitation services or that excludes from services under the plan any individual who is present in the state.

5.3 **Ability to serve all eligible individuals; order of selection for services**. (Sections 12(d) and 101(a)(5) of the Act; 34 CFR 361.36)

(a) The designated state unit is able to provide the full range of services listed in Section 103(a) of the Act and 34 CFR 361.48, as appropriate, to all eligible individuals with disabilities in the state who apply for services.

Yes___ No_X_

(b) **If "No":**

(1) Individuals with the most significant disabilities, in accordance with criteria established by the state, are selected first for vocational rehabilitation services before other individuals with disabilities**.**

(2) **Attachment 4.11(c)(3)**:

(A) Shows the order to be followed in selecting eligible individuals to be provided vocational rehabilitation services;

(B) Provides a justification for the order of selection; and

(C) Identifies the state's service and outcome goals and the time within which these goals may be achieved for individuals in each priority category within the order.

(3) Eligible individuals who do not meet the order of selection criteria have access to the services provided through the designated state unit's information and referral system established under Section 101(a)(20) of the Act, 34 CFR 361.37, and subsection 5.1 of this State Plan.

5.4 **Availability of comparable services and benefits.** (Sections 101(a)(8) and 103(a) of the Act; 34 CFR 361.53)

(a) Prior to providing any vocational rehabilitation services, except those services identified in paragraph (b), to an eligible individual, or to members of the individual's family, the state unit determines whether comparable services and benefits exist under any other program and whether those services and benefits are available to the individual.

(b) The following services are exempt from a determination of the availability of comparable services and benefits:

(1) Assessment for determining eligibility and vocational rehabilitation needs by qualified personnel, including, if appropriate, an assessment by personnel skilled in rehabilitation technology;

(2) Counseling and guidance, including information and support services to assist an individual in exercising informed choice consistent with the provisions of Section 102(d) of the Act;

(3) Referral and other services to secure needed services from other agencies, including other components of the statewide workforce investment system, through agreements developed under Section 101(a)(11) of the Act, if such services are not available under this State Plan;

(4) Job-related services, including job search and placement assistance, job retention services, follow-up services, and follow-along services;

(5) Rehabilitation technology, including telecommunications, sensory, and other technological aids and devices; and

(6) Post-employment services consisting of the services listed under subparagraphs (1) through (5) of this paragraph.

(c) The requirements of paragraph (a) of this section do not apply if the determination of the availability of comparable services and benefits under any other program would interrupt or delay:

(1) Progress of the individual toward achieving the employment outcome identified in the individualized plan for employment;

(2) An immediate job placement; or

(3) Provision of vocational rehabilitation services to any individual who is determined to be at extreme medical risk, based on medical evidence provided by an appropriate qualified medical professional.

(d) The governor in consultation with the designated state vocational rehabilitation agency and other appropriate agencies ensures that an interagency agreement or other mechanism for interagency coordination that meets the requirements of Section 101(a)(8)(B)(i)-(iv) of the Act takes effect between the designated state unit and any appropriate public entity, including the state Medicaid program, a public institution of higher education, and a component of the statewide workforce investment system to ensure the provision of the vocational rehabilitation services identified in Section 103(a) of the Act and 34 CFR 361.48, other than the services identified in paragraph (b) of this section, that are included in the individualized plan for employment of an eligible individual, including the provision of those vocational rehabilitation services during the pendency of any dispute that may arise in the implementation of the interagency agreement or other mechanism for interagency coordination.

5.5 Individualized plan for employment. (Section 101(a)(9) of the Act; 34 CFR 361.45 and .46)

(a) An individualized plan for employment meeting the requirements of Section 102(b) of the Act and 34 CFR 361.45 and .46 is developed and implemented in a timely manner for each individual determined to be eligible for vocational rehabilitation services, except if the state has implemented an order of selection, an individualized plan for employment is developed and implemented for each individual to whom the designated state unit is able to provide vocational rehabilitation services.

(b) Services to an eligible individual are provided in accordance with the provisions of the individualized plan for employment.

5.6 Opportunity to make informed choices regarding the selection of services and providers. (Sections 101(a)(19) and 102(d) of the Act; 34 CFR 361.52)

Applicants and eligible individuals, or, as appropriate, their representatives, are provided information and support services to assist in exercising informed choice throughout the rehabilitation process, consistent with the provisions of Section 102(d) of the Act and 34 CFR 361.52.

5.7 Services to American Indians. (Section 101(a)(13) of the Act; 34 CFR 361.30)
The designated state unit provides vocational rehabilitation services to American Indians who are individuals with disabilities residing in the state to the same extent as the designated state agency provides such services to other significant populations of individuals with disabilities residing in the state.

5.8 Annual review of individuals in extended employment or other employment under special certificate provisions of the fair labor standards act of 1938. (Section 101(a)(14) of the Act; 34 CFR 361.55)

(a) The designated state unit conducts an annual review and reevaluation of the status of each individual with a disability served under this State Plan:

(1) Who has achieved an employment outcome in which the individual is compensated in accordance with Section 14(c) of the Fair Labor Standards Act (29 U.S.C. 214(c)); or

(2) Whose record of services is closed while the individual is in extended employment on the basis that the individual is unable to achieve an employment outcome in an integrated setting or that the individual made an informed choice to remain in extended employment.

(b) The designated state unit carries out the annual review and reevaluation for 2 years after the individual's record of services is closed (and thereafter if requested by the individual or, if appropriate, the individual's representative), to determine the interests, priorities, and needs of the individual with respect to competitive employment or training for competitive employment.

(c) The designated state unit makes maximum efforts, including the identification and provision of vocational rehabilitation services, reasonable accommodations, and other necessary support services, to assist the individuals described in paragraph (a) in engaging in competitive employment.

(d) The individual with a disability, or, if appropriate, the individual's representative, has input into the review and reevaluation, and through signed acknowledgement attests that the review and reevaluation have been conducted.

5.9 Use of Title I funds for construction of facilities. (Sections 101(a)(17) and 103(b)(2)(A) of the Act; 34 CFR 361.49(a)(1), .61 and .62(b))
If the state elects to construct, under special circumstances, facilities for community rehabilitation programs, the following requirements are met:

(a) The federal share of the cost of construction for facilities for a fiscal year does not exceed an amount equal to 10 percent of the state's allotment under Section 110 of the Act for that fiscal year.

(b) The provisions of Section 306 of the Act that were in effect prior to the enactment of the Rehabilitation Act Amendments of 1998 apply to such construction.

(c) There is compliance with the requirements in 34 CFR 361.62(b) that ensure the use of the construction authority will not reduce the efforts of the designated state agency in providing other vocational rehabilitation services, other than the establishment of facilities for community rehabilitation programs.

5.10 Contracts and cooperative agreements. (Section 101(a)(24) of the Act; 34 CFR 361.31 and .32)

(a) Contracts with for-profit organizations.

The designated state agency has the authority to enter into contracts with for-profit organizations for the purpose of providing, as vocational rehabilitation services, on-the-job training and related programs for individuals with disabilities under Part A of Title VI of the Act, upon the determination by the designated state agency that for-profit organizations are better qualified to provide vocational rehabilitation services than non-profit agencies and organizations.

(b) Cooperative agreements with private non-profit organizations.

Attachment 4.8(b)(3) describes the manner in which the designated state agency establishes cooperative agreements with private non-profit vocational rehabilitation service providers.

STATE PLAN SUPPLEMENT FOR THE STATE SUPPORTED EMPLOYMENT SERVICES PROGRAM

SECTION 6: PROGRAM ADMINISTRATION

6.1 Designated state agency. (Section 625(b)(1) of the Act; 34 CFR 363.11(a))
The designated state agency for vocational rehabilitation services identified in paragraph 1.2 of the Title I State Plan is the state agency designated to administer the State Supported Employment Services Program authorized under Title VI, Part B of the Act.

6.2 Statewide assessment of supported employment services needs. (Section 625(b)(2) of the Act; 34 CFR 363.11(b))
Attachment 4.11(a) describes the results of the comprehensive, statewide needs assessment conducted under Section 101(a)(15)(a)(1) of the Act and subparagraph 4.11(a)(1) of the Title I State Plan with respect to the rehabilitation needs of individuals with most significant disabilities and their need for supported employment services, including needs related to coordination.

6.3 Quality, scope, and extent of supported employment services. (Section 625(b)(3) of the Act; 34 CFR 363.11(c) and .50(b)(2))
Attachment 6.3 describes the quality, scope, and extent of supported employment services to be provided to individuals with the most significant disabilities who are eligible to receive supported employment services. The description also addresses the timing of the transition to extended services to be provided by relevant state agencies, private non-profit organizations, or other sources following the cessation of supported employment service provided by the designated state agency.

6.4 Goals and plans for distribution of Title VI, Part B funds. (Section 625(b)(3) of the Act; 34 CFR 363.11(d) and .20)
Attachment 4.11(c)(4) identifies the state's goals and plans with respect to the distribution of funds received under Section 622 of the Act.

6.5 Evidence of collaboration with respect to supported employment services and extended services. (Sections 625(b)(4) and (5) of the Act; 34 CFR 363.11(e))
Attachment 4.8(b)(4) describes the efforts of the designated state agency to identify and make arrangements, including entering into cooperative agreements, with other state agencies and other appropriate entities to assist in the provision of supported employment services and other public or nonprofit agencies or organizations within the state, employers, natural supports, and other entities with respect to the provision of extended services.

6.6 Minority outreach. (34 CFR 363.11(f))
Attachment 4.11(d) includes a description of the designated state agency's outreach procedures for identifying and serving individuals with the most significant disabilities who are minorities.

6.7 Reports. (Sections 625(b)(8) and 626 of the Act; 34 CFR 363.11(h) and .52)
The designated state agency submits reports in such form and in accordance with such procedures as the commissioner may require and collects the information required by Section 101(a)(10) of the Act separately for individuals receiving supported employment services under Part B of Title VI and individuals receiving supported employment services under Title I of the Act.

SECTION 7: FINANCIAL ADMINISTRATION

7.1 Five percent limitation on administrative costs. (Section 625(b)(7) of the Act; 34 CFR 363.11(g)(8))
The designated state agency expends no more than five percent of the state's allotment under Section 622 of the Act for administrative costs in carrying out the State Supported Employment Services Program.

7.2 Use of funds in providing services. (Sections 623 and 625(b)(6)(A) and (D) of the Act; 34 CFR 363.6(c)(2)(iv), .11(g)(1) and (4))

(a) Funds made available under Title VI, Part B of the Act are used by the designated state agency only to provide supported employment services to individuals with the most significant disabilities who are eligible to receive such services.

(b) Funds provided under Title VI, Part B are used only to supplement, and not supplant, the funds provided under Title I, Part B, of the Act, in providing supported employment services specified in the individualized plan for employment.

(c) Funds provided under Part B of Title VI or Title I of the Act are not used to provide extended services to individuals who are eligible under Part B of Title VI or Title I of the Act.

SECTION 8: PROVISION OF SUPPORTED EMPLOYMENT SERVICES

8.1 Scope of supported employment services. (Sections 7(36) and 625(b)(6)(F) and (G) of the Act; 34 CFR 361.5(b)(54), 363.11(g)(6) and (7))

(a) Supported employment services are those services as defined in Section 7(36) of the Act and 34 CFR 361.5(b)(54).

(b) To the extent job skills training is provided, the training is provided on-site.

(c) Supported employment services include placement in an integrated setting for the maximum number of hours possible based on the unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice of individuals with the most significant disabilities.

8.2 Comprehensive assessments of individuals with significant disabilities. (Sections 7(2)(B) and 625(b)(6)(B); 34 CFR 361.5(b)(6)(ii) and 363.11(g)(2))

The comprehensive assessment of individuals with significant disabilities conducted under Section 102(b)(1) of the Act and funded under Title I of the Act includes consideration of supported employment as an appropriate employment outcome.

8.3 Individualized plan for employment. (Sections 102(b)(3)(F) and 625(b)(6)(C) and (E) of the Act; 34 CFR 361.46(b) and 363.11(g)(3) and (5))

(a) An individualized plan for employment that meets the requirements of Section 102(b) of the Act and 34 CFR 361.45 and .46 is developed and updated using funds under Title I.

(b) The individualized plan for employment:

(1) Specifies the supported employment services to be provided;

(2) Describes the expected extended services needed; and

(3) Identifies the source of extended services, including natural supports, or, to the extent that it is not possible to identify the source of extended services at the time the individualized plan for employment plan is developed, a statement describing the basis for concluding that there is a reasonable expectation that sources will become available.

(c) Services provided under an individualized plan for employment are coordinated with services provided under other individualized plans established under other federal or state programs.