

Legal Responsibilities of the VR Agency Regarding the SRC

Statutory Provisions

□ **Conduct of Triennial Statewide Assessment of Rehabilitation Needs (101(a)(15)(A)(i))**

The State plan is to include the results of a comprehensive, statewide assessment, jointly conducted by the designated State unit and the State Rehabilitation Council every 3 years, that describe the rehabilitation needs of individuals with disabilities residing within the State....

□ **Development of State Goals and Priorities for the VR Program (101(a)(15)(C)(i))**

The State plan is to identify the goals and priorities of the State in carrying out the program. The goals and priorities are to be jointly developed, agreed to, and reviewed annually by the designated State unit and the State Rehabilitation Council. Any revisions to the goals and priorities are to be jointly agreed to by the designated State unit and the State Rehabilitation Council.

The State goals and priorities are to be based on an analysis of ... other available information on the operation and the effectiveness of the VR program carried out in the State, including any reports received from the State Rehabilitation Council.

□ **Evaluation and Progress Reports (101(a)(15)(E)(i))**

The State plan is to include the results of an evaluation of the effectiveness of the VR program, and a joint report by the designated State unit and the State Rehabilitation Council to the Commissioner on the progress made in improving the effectiveness from the previous year....

□ **Administration of the State Plan (101(a)(16)(B)(v))**

The designated State agency is to take into account, in connection with matters of general policy arising in the administration of the plan, the views of ... the State Rehabilitation Council.

□ **Use of Innovation and Expansion Authority (101(a)(18)(A)(ii)(I))**

The State plan is to assure that the State will reserve and use a portion of the funds allotted under section 110 to support the funding of the State Rehabilitation Council consistent with the resource plan prepared under section 105(d)(1) of the Act.

□ **Specific Responsibilities of the VR Agency Relating to the SRC (101(a)(21)(A)(ii))**

The designated State VR unit:

- Jointly develops, agrees to, and reviews annually State goals and priorities, and jointly submits annual reports of progress with the Council;
- Regularly consults with the Council regarding the development, implementation, and revision of State policies and procedures of general applicability pertaining to the provision of vocational rehabilitation services;
- Includes in the State plan and in any revision to the State plan:
 - A summary of input provided by the Council, including:
 - ◆ Recommendations from the annual report of the Council described in section 105(c)(5);
 - ◆ The review and analysis of consumer satisfaction described in section 105(c)(4); and
 - ◆ Other reports prepared by the Council; and
 - The response of the designated State unit to such input and recommendations, including explanations for rejecting any input or recommendation;
- Transmits to the Council:
 - All plans, reports, and other information required under this title to be submitted to the Secretary;
 - All policies, and information on all practices and procedures, of general applicability provided to or used by rehabilitation personnel in carrying out the VR program; and
 - Copies of due process hearing decisions that are to be transmitted in such a manner as to ensure that the identity of the participants in the hearings is kept confidential.

□ **Identification of Impartial Hearing Officers (102(c)(5)(B))**

Impartial hearing officers are to be identified jointly by the designated State unit and the Council.

□ **Development of Policies and Procedures Relating to Choice (102(d))**

The VR agency, in consultation with the State Rehabilitation Council, is to develop and implement written policies and procedures that enable each individual who is an applicant for or eligible to receive vocational rehabilitation services to exercise informed choice throughout the vocational rehabilitation process.

□ **Non-voting Membership on SRC (105(b)(1)(A)(iv) and (2))**

Employees of the designated State agency serve only as ex officio nonvoting members of the Council.

❑ **Conflict of Interest Prohibition (105(d)(4))**

Staff and personnel assisting the Council in carrying out its functions are not to be assigned duties by the designated State unit or any other agency or office of the State that would create a conflict of interest.

Regulatory Provisions

❑ **Joint Development/Review/Progress Report on State Goals (361.16(a)(2)(ii))**

The designated State unit is to jointly develop, agree to, and review annually State goals and priorities and jointly submit to the Secretary annual reports of progress with the Council.

❑ **Regular Consultation on VR Policy Development/Implementation (361.16(a)(2)(iii))**

The designated State unit is to regularly consult with the Council regarding the development, implementation, and revision of State policies and procedures of general applicability pertaining to the provision of vocational rehabilitation services.

❑ **Sharing Information (361.16(a)(2)(iv))**

The designated State unit is to provide the Council:

- All plans, reports, and other information required by the regulations to be submitted to the Secretary.
- All policies and information on all practices and procedures of general applicability provided to or used by rehabilitation personnel providing VR services.
- Copies of due process hearing decisions transmitted in a manner to ensure that the identity of the participants in the hearings is kept confidential.

❑ **Development and Revision of the VR State Plan (361.16(a)(2)(v))**

- The State plan, and any revision to the plan, is to include a summary of input provided by the Council, including:
 - Recommendations from the annual report of the Council.
 - The review and analysis of consumer satisfaction.
 - Other reports prepared by the Council.and
- The designated State unit's response to the input and recommendations, including explanations of reasons for rejecting any input or recommendation of the Council.

❑ **Non-voting Membership on SRC (361.17(b)(2))**

Employees of the designated State agency (other than the CAP representative) serve only as nonvoting members of the Council.

❑ **Conflict of Interest Prohibition (361.17(i)(5))**

Staff and personnel assisting the Council in carrying out its functions are not to be assigned duties by the designated State unit or any other agency or office of the State that would create a conflict of interest.

❑ **Comprehensive System of Personnel Development (361.18)**

The Council is to have an opportunity to review and comment on the development of plans, policies, and procedures related to the State VR agency's comprehensive system of personnel development with respect to the agency's plan for recruitment, preparation, and retention of qualified personnel; personnel standards; and, staff development.

❑ **Notice Requirements Related to Public Meetings on State Plan (361.20(b))**

In the absence of State law governing the conduct of public meetings, the VR agency is to develop such procedures in consultation with the State Rehabilitation Council.

❑ **Summary of State Plan Input of the State Rehabilitation Council (361.20(c))**

The State agency is to include in its State plan a summary of the State Rehabilitation Council's input into the State plan and any amendment to the plan.

❑ **Special State Plan Consultation Requirements (361.20(d))**

The State agency is to actively consult with the State Rehabilitation Council on its policies and procedures governing the provision of VR under the State plan.

❑ **Consultations on the Administration of the State Plan (361.21(e))**

In connection with matters of general policy arising in the administration of the State plan, the designated State agency is to take into account the views of the State Rehabilitation Council.

❑ **Comprehensive Statewide Assessment (361.29(a)(i))**

The State VR agency is to jointly conduct with its State Rehabilitation Council a comprehensive, statewide assessment every 3 years to determine the rehabilitation needs of individuals with disabilities residing within the State.

❑ **State Goals and Priorities (361.29(c)(2))**

The goals and priorities for the VR program are to be jointly developed, agreed to, reviewed annually, and, as necessary, revised by the designated State unit and the State Rehabilitation Council.

❑ **Basis for State Goals and Priorities (316.29(c)(4))**

The State goals and priorities for the VR program are to be based on an analysis of ... and other available information on the operation and the effectiveness of the VR program, including any reports received from the State Rehabilitation Council.

❑ **Joint Report on the Evaluation of Effectiveness of VR Program (361.29(e))**

The VR State plan is to include the results of an evaluation of the effectiveness of the VR program and a joint report is to be submitted annually by the designated State unit and the State Rehabilitation Council on the progress made in improving the effectiveness of the program from the previous year.

❑ **Funding of the State Rehabilitation Council (361.35(a)(2)(i))**

The State agency is to reserve and use a portion of the funds allotted to the State under section 110 of the Act to support the funding of the State Rehabilitation Council.

❑ **Consultation Regarding the Order of Selection (361.36(f))**

The designated State unit is to consult with the State Rehabilitation Council regarding the:

- Need to establish an order of selection, including any reevaluation of the need;
- Priority categories of the particular order of selection;
- Criteria for determining individuals with the most significant disabilities; and
- Administration of the order of selection.

❑ **Consultation on Service Record Documentation Requirements (361.47(b))**

The State VR unit is to consult with the State Rehabilitation Council to determine the type of service record documentation that the State unit is to maintain for each applicant and individual eligible for VR services.

❑ **Consultation on Written Policies and Procedures Related to Choice (361.52(b))**

The designated State unit is to consult with its State Rehabilitation Council in the development and implementation of written policies and procedures that enable an applicant or individual eligible for VR services to exercise informed choice throughout the VR process.

□ **Selection of Impartial Hearing Officers (361.57(f)(1)(ii))**

Impartial hearing officers are to be jointly identified by the State unit and the State Rehabilitation Council.