

Reference Resources For the VR Program and How To Get Them

There are 3 key reference resources for the VR program. They are:

- ❑ Title I and title VI, part B, of the Rehabilitation Act of 1973, as amended;
- ❑ The implementing regulations at 34 CFR 361 and 363, and the Education Department General Administrative Regulations (EDGAR); and
- ❑ RSA sub-regulatory guidance.

Information as to how you can find and obtain these reference resources is provided below. One of the best ways to obtain the most comprehensive information is to navigate the RSA website at <http://www.ed.gov/about/offices/list/osers/rsa/index.html?src=mr>.

❑ **Sources for Documents Related to the Act**

SRCs can obtain hardcopy and electronic documents related to the Act from various sources.

• **Hardcopies of Bills and Committee Reports**

It is usually a few days after the introduction or filing of a bill or committee report before printed versions are available from either the House or Senate document rooms. Of the various documents, the committee reports are key resources. These are products of the House and Senate Committees that drafted the original bills. The Conference Committee Report that describes the agreed upon provisions of the final bill is a very important document since it will discuss the House and Senate provisions when they differ and the basis for the final provisions.

In addition to the Committee Reports, the Congressional Record can be a good source of information to better understand the intent of a statutory provision since at times a member of Congress, particularly one who has championed a specific provision or amendment, will discuss that point on the floor of the Senate or House.

- **For House Documents:** The House Legislative Research Center is in Room B-25 of the Gerald Ford House Building, opposite the Federal Center SW Metro stop. Documents can be picked up there or they can be ordered by phone at 202.226.5200 or by fax at 202.226.4362. The maximum order is 12 different documents **but no more than 1 of each**.
- **For Senate Documents:** The Senate Document Room is in Room B-04 of the Hart Building. Documents can be picked up in person or requested by fax at 202.228.2815. Phone or e-mail orders are **not** accepted. The maximum order is 6 different documents **but no more than 1 of each**.

- **Electronic Documents**

<http://thomas.loc.gov>.

This is the most comprehensive website to obtain information since it has the Act itself and many other resources such as bills and committee reports that can provide a clearer understanding of the statutory provisions. Bills, amendments, committee reports, summaries and status reports can be searched by number, key words, or sponsor. Documents are available in plain text or Adobe Portable Document Format (PDF) files; however, it is usually a few days after a bill is introduced or a report is filed before it is available on the website.

<http://www.ed.gov/policy/speced/leg/edpicks.jhtml?src=ln>

This is the Department of Education's webpage for the Rehabilitation Act and the Individuals with Disabilities Education Act (IDEA). For the Rehabilitation Act, there is a link to the RSA webpage that contains the Act.

<http://www.ed.gov/policy/speced/reg/narrative.html>.

This is the RSA webpage that contains the Rehabilitation Act in Microsoft Word.

<http://www.gpoaccess.gov/plaws/index.html>

Legislation in "slip law" format is available anywhere from a few weeks to a couple months after enactment, generally depending on length. The best way to search is to enter the House or Senate bill number (not the Public Law number), but without "S." or "H.R." Entering "800", for example, brings up P.L. 106-25 (H.R. 800), the Education Flexibility Partnership Act of 1999. Documents are available as ASCII text and PDF files.

<http://www.access.gpo.gov/uscode/uscmmain.html>.

This URL is for the US Code version of the Act that is found in chapter 16 of title 29 of the Code.

<http://www.gpoaccess.gov/crecord/index.html>

This site is for the Congressional Record. Documents are available as ASCII text and PDF files.

<http://www.ed.gov/policy/speced/reg/index.html>.

This is the legislation page of the RSA website. It contains useful links to other websites such as "thomas".

<http://www.thecre.com/fedlaw/legal6a.htm>.

This provides an extensive history of each section of the Act in the United States Code.

<http://www.gpoaccess.gov/libraries.html>

This site identifies where the Federal Depository Libraries are located and the documents that each library contains. There are many of these libraries, mainly at colleges and universities.

□ **The Regulations**

The regulations that apply to the VR program serve as the second key reference resource for the VR program. The most frequently used regulations are those in 34 CFR 361 for the VR program authorized under title I of the Act and in 34 CFR 363 for the supported employment formula grant authorized under title VI, part B, of the Act. In addition, at times the provisions of Education Department General Administrative Regulations (EDGAR) may come into play. The regulations are legal requirements and carry the same legal weight as the law and they are the clearest articulation of RSA's policies. In general, the regulations will track the statutory provisions and the typical "enhancement" that a regulation will usually provide is either to fill-in where the statute is silent or clarify a statutory provision.

• **Notice of Proposed Rulemaking (NPRM)**

The first formal public manifestation of regulatory intent is the publication in the Federal Register of a Notice of Proposed Rulemaking, commonly referred to as an NPRM. The NPRM is a very important document since it will describe in the preamble (nowadays the appendix) the reasons why RSA is regulating, provide explanations as to the intent of the proposed regulatory provisions, and articulate the proposed RSA policy position of a given provision.

It is important to hold onto NPRMs even after a final regulation is published since if as a result of public comments a provision in the NPRM is not modified then the policy position articulated in the NPRM's preamble/appendix becomes the agency's final formal and official policy position.

After a NPRM is published, the public is provided an opportunity to comment on the proposed provisions. Once the comment period closes, RSA staff analyzes the comments and make any changes to the proposed regulatory provisions that are considered necessary to clarify, improve, or otherwise enhance the provisions. Again the preamble/appendix discussions to the final regulations will address the comments and indicate whether (along with supporting rationales) changes were made to the NPRM as the result of the comments.

- **Sources for the Regulations and Their Interpretation**

Regulations for the VR program can be found in hardcopy and electronic formats.

Hardcopy

Copies of the regulations for the VR program should be available from the VR agency. They can also be available at libraries or through the auspices of elected officials.

Electronic

The regulations can be found on various websites.

<http://www.ed.gov/print/about/offices/list/osers/rsa/regulations.html>

This is the RSA website and it is the best website for the VR regulations. Unlike the other sites it has both the codified regulatory provisions and also the preamble/appendix discussions for both NPRMs and final regulations extending back to the final regulation in 1996 on the order of selection. This website also has links to the Federal Register and the Code of Federal Regulations (CFR).

<http://www.gpoaccess.gov/cfr/index.html>

This is a Federal Register website that has the CFR; however, it does not contain the important preamble/appendix discussions that explain and/or clarify certain regulatory provisions.

<http://www.ed.gov/policy/fund/reg/edgarReg/edgar.html>

The EDGAR regulations are located at this website. The following EDGAR parts apply to the VR program: 34 CFR 74, 76, 77, 79, 80, 81, 82, 85, and 86.

- **RSA Sub-regulatory Guidance**

The third key reference resource for the VR program is promulgated RSA sub-regulatory guidance that encompasses policy, technical assistance, and information documents.

- **Sources for Obtaining RSA Sub-regulatory Guidance**

Hardcopy

Hardcopy of RSA Policy Directives, Technical Assistance Circulars and Information Memoranda prior to 1991 can be obtained by sending an e-mail request to tammy.nelson@ed.gov.

Electronic

<http://www.ed.gov/policy/speced/guid/rsa/index.html>

This is the RSA webpage that has links to RSA Policy Directives, Technical Assistance Circulars and Information Memoranda promulgated after 1991.

<http://www.ed.gov/rschstat/eval/rehab/statistics.html>

This RSA website provides important summary statistical data on a State agency basis. It includes data on individuals with disabilities served and rehabilitated (including caseload data and client characteristics) through the VR program.

<http://www.ed.gov/rschstat/eval/rehab/monitoring.html>

One of the key responsibilities of RSA is to monitor grantee, including State VR agencies, compliance with the applicable statutory and regulatory requirements and to assess grantee performance. For the VR program, this monitoring is carried out on a yearly basis using a Monitoring Guide that can be accessed at this website.

<http://www.ed.gov/policy/speced/leg/rehab/eval-studies.html>

This RSA website provides information regarding the various evaluations carried out by RSA. It includes Longitudinal Study of the Vocational Rehabilitation Services Program. The study's broad purpose is to assess the performance of the VR program in assisting eligible individuals to achieve positive, sustainable economic and non-economic outcomes as a result of their receipt of VR services.

<http://www.ed.gov/rschstat/eval/rehab/standards.html>

Section 106 of the Act requires RSA to establish evaluation standards and performance indicators for the VR program that include outcome and related measures of program performance. RSA has established minimum levels of performance for each performance indicator. State agencies that fail to meet these performance levels must develop a program improvement plan outlining specific actions to be taken to improve program performance. RSA also provides technical assistance to those State agencies that perform below the established performance levels. This website contains for each State VR agency its performance on each of the performance indicators for the evaluation standards.