

STATE REHABILITATION COUNCIL

Orientation and Policy Manual

Updated April 2019

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MEMBERS AND MEETINGS

SRC MEMBER DIRECTORY

Susan Benolken

Department of Education
Term 2 ends 01/04/2021

Steven Ditschler

Governor's Workforce Development Board
Term 2 ends 01/01/2020

Chase Foreman

Business, Industry and Labor
Term 1 ends 01/07/2019

LeAnn Kleaver

VR Counselor– Non voting member
Term 1 ends 01/07/2019

Karen Leddy

Business, Industry and Labor
Term 1 ends 01/04/2021

Anita Olson

Statewide Independent Living Council
Term 2 ends 01/01/2020

Lisa Parteh

Community Rehabilitation Program Provider
Term 1 ends 01/07/2019

Daniel Plantenberg

Current or Former VR Participant
Term 2 ends 01/06/2020

Becky Puchtel

Advocate
Term 1 ends 01/06/2020

Anne Robertson

Client Assistance Project (CAP)
Not subject to term limits
Term ends 01/01/2020

Sergio Santos

Term 1 ends 01/04/2021
Business, Industry and Labor

Director – Larry Vrooman

VRS Director – Non voting member
Not subject to term limits
Term ends 01/01/2020

Barb Ziemke

PACER (MN Parent Training and Information Center)
Term 1 ends 01/06/2020

2 Open Positions

Advocate

Open Position

Business, Industry and Labor

2 Open positions

Current or Former VR Participant

Open position

Director of American Indian VR Program

Rehabilitation Services Staff*

Karla Eckhoff

SRC Coordinator

Phone (W): 651-259-7364

Phone (cell): 651-442-4154

Email: karla.f.eckhoff@state.mn.us

Not subject to term limits

Term ends 03/30/2021

Kim Babine

VRS Community Partnerships Director

Phone (W): 651-259-7349

Email : kim.babine@state.mn.us

Keith Deckert

VRS Finance Director

Phone (W): 651-259-7591

Email : keith.deckert@state.mn.us

John Fisher

VRS Public Affairs Director

Phone (W): 651-259-7367

Email : john.d.fisher@state.mn.us

Lynda Hinrichs

VRS Staff Development Director

Phone (W): 651-366-5244

Email: Lynda.Hinrichs@state.mn.us

Alyssa Klein

VRS Transition Specialist

Phone (W): 651-279-4374

Email: alyssa.klein@state.mn.us

Eve Lo

VRS Data Unit

Phone (W): 651-259-7590

Email: eve.lo@state.mn.us

Chris McVey

VRS Director of Initiatives and Partnerships

Phone (W): 651-259-7357

Email: chris.mcvey@state.mn.us

Terry Sands

VRS Data Unit

Phone (W): 651-259-7370

Email: terry.sands@state.mn.us

Jan Thompson

VRS Field Services Director

Phone (W): 651.259.7372

Email: jan.thompson@state.mn.us

**VR administrative and managerial staff who most frequently provide information for SRC meetings*

SRC MEETING DATES 2019

State Rehabilitation Council Meetings are held at the Department of Education, 1500 Highway 36 West, Roseville, MN, unless noted otherwise.

May 22, 9am-2pm	Conference Center B, Room CC14
June 26, 9am-2pm	Conference Center B, Room CC14
August 28, 9am-2pm	Conference Center B, Room CC17
September 25, 9am-2pm	Conference Center B, Room CC17
October 23, 9am-2pm	Conference Center B, Room CC17
December 4, 9am-2pm	Conference Center B, Room CC17

MEETING LOGISTICS

Meetings are held the fourth Wednesday of every month, except for July, with a combined November-December meeting held the first week of December. Other exceptions are determined by the council.

Location of the Meetings

Most meetings are held at:

Minnesota Department of Education, 1500 Highway 36 W, Roseville, MN 55113.

**Note to web mapping users; please use the address below to find the building:*

**1500 Commerce Street
Roseville, MN 55113-4266**

Directions

Traveling west on Highway 36: Take the Hamline Avenue exit, turn left on Hamline, cross over Highway 36 to Commerce Street, and turn right. Remain on Commerce for one block. The main entrance to the building and the parking lot will be on your right.

Traveling east on Highway 36: Take the Hamline Avenue exit, merge right onto Commerce Street. The main entrance to the building and the parking lot will be on your right

Directions to Conference Center A: The entrance to Conference Center A can be found to the left as you face the main building entrance. Park in the designated visitor spaces.

Directions to Conference Center B: Continue on Commerce Street past the Minnesota Department of Education main entrance and the first two parking lot entrances until you reach the west parking lot. The entrance will be marked Conference Center B (to the left of National American University entrance). Please do not park in spaces reserved for National American University parking.

The majority of the meetings are held in Conference Center B.

Lunch

According to a memorandum issued by the U.S. Department of Education referred to as Enclosure 7, **the Vocational Rehabilitation Services is not allowed to provide food and beverages for its members** unless doing so “is necessary to accomplish legitimate meeting or conference business.” An example would be a working lunch at which attendance is needed “to ensure the full participation by conference attendees in essential discussions and speeches concerning the purpose of the conference and to achieve the goals and objectives of the project.”

Since the meeting time spans the lunch period and the agenda frequently only allows for a 30 minute break for lunch, many members bring a bag lunch to the meetings. Others go to nearby locations to purchase prepared food.

Typical Agenda Items

Meetings typically follow the format below:

Approx amount of time spent	Topic
10 min	Welcome and Introductions
15 min	Standing Items <ul style="list-style-type: none"> • Approval of draft agenda & previous meeting minutes • Announcements • “Question Corner” – <i>answers to questions from evaluations, frequently used acronyms, etc.</i>
2-3 hours	Discussion Topics and/or Presentations
30 minutes	Public Comment/Break for Lunch
45-60 minutes	Discussion Topic or Presentation
15-45 minutes	Check-ins: <ul style="list-style-type: none"> • VR Director • Legislative Update • Education • Governor’s Workforce Development Board • PACER • SRC-Blind • Policy Core Team • Statewide Independent Living Council
10-15 minutes	“Chair’s Minute” – <i>suggestions for engagement outside the meeting</i>

WHAT IS THE SRC?

OVERVIEW

Who we are

The State Rehabilitation Council (SRC) guides decisions about Minnesota's Vocational Rehabilitation Services (VRS) program, which serves thousands of people with severe disabilities statewide by helping them reach their vocational goals. The Council works jointly with VRS to develop goals and priorities, assess customer satisfaction, conduct needs assessments, and seek citizen input through public forums. The council is created under state law and the Federal Rehabilitation Act, and its members are appointed by the governor.

For more information see the following videos for an overview of Vocational Rehabilitation in the United States:

- The History of VR: <https://www.youtube.com/watch?v=Z7-kCT1S51c> (9:45)
- The Rehabilitation Act: <https://www.youtube.com/watch?v=ulX349PB8O0> (8:25)
- Principles and Policies: <https://www.youtube.com/watch?v=hxXtV8RIM28> (12:21)
- The Role of SRCs: https://www.youtube.com/watch?v=taZQzR_YT-0 (10:25)

See Appendix IX for transcripts of the videos.

How does the SRC fit into the agency?

See the reporting structure diagram on the following page.

Vocational Rehabilitation Services Reporting Structure

Rehabilitation Services Administration (RSA)

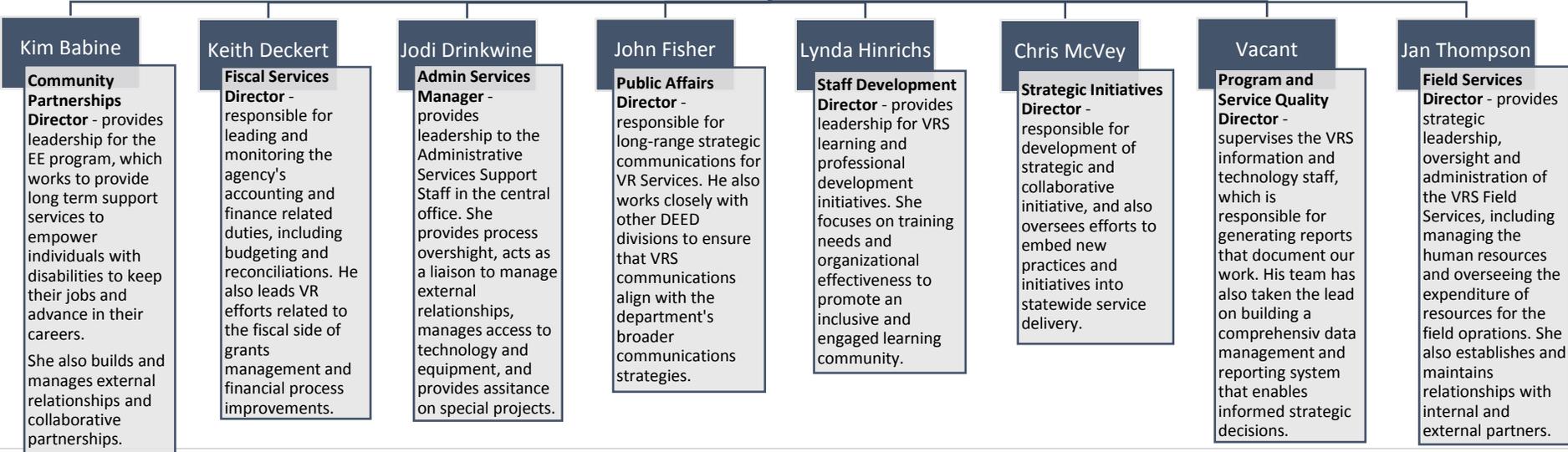
Federal agency under the United States Department of Education, Office of Special Education and Rehabilitative Services, which provides leadership and resources to grantees and stakeholders.

Steve Grove
Commissioner, Department of Employment and Economic Development

Vacant
Deputy Commissioner, Workforce Development

Larry Vrooman
Vocational Rehabilitation Services Director - provides leadership and direction for the VRS Strategic Plan and represents VRS on DEED's Workforce Development Division leadership team.

Karla Eckhoff
SRC Coordinator - provides administrative support to the director of Vocational Rehabilitation Services and serves as liaison and primary staff support to the SRC.



MEMBERSHIP

SRC members are appointed by the Governor with the majority having a disability. Three of the appointed members shall represent traditionally under-served populations as defined by the Rehabilitation Act. Council members are appointed for three-year terms. No member may serve more than two consecutive full terms except as provided for by law. Membership includes representatives from:

- Statewide Independent Living Council (SILC)
- Parent and information training and information center
- Client assistance program
- Vocational rehabilitation counselor
- Community rehabilitation service providers
- Director of the American Indian VR Projects in Minnesota
- State Workforce Investment Board
- Department of Education
- Business, industry and labor
- Disability advocacy groups
- Current or former applicants for or recipients of vocational rehabilitation services
- Director of VRS – ex officio member

See Appendices II and III for more information.

ADMINISTRATION

The State Rehabilitation Council (SRC) Bylaws specifies that the council meet at least ten times per year to ensure realization of the Council's pro-active goals. An Executive Committee exists to assist in carrying out the responsibilities of the SRC. Two additional committees were formed in 2018: 1) Membership/Outreach Committee, and 2) Planning/Evaluation Committee. Each council member is required to serve on one of the committees, which currently meet before the full council meeting. Additional ad hoc committees may be formed to respond to other concerns.

Executive Committee

The Executive Committee shall consist of the Chair (or Co-Chairs), Vice-Chair, Immediate Past Chair (when available), Parliamentarian and the Chairs of standing committees or task forces when appropriate. The Executive Committee may invite the director of Vocational Rehabilitation Services and any designated support staff to participate as a non-voting members of the executive committee. The Executive Committee shall consist of no more than five Council members. The Executive Committee shall be authorized to act on behalf of the regular Council when time does not permit full Council action. The Executive Committee shall not have authority to make changes in (1) the By-Laws or (2) Membership. Any actions taken by the Executive Committee when time does not permit full Council action must be reported to the full Council at the next regularly scheduled meeting. The full Council may restrict the authority of the Executive Committee when the Council deems it necessary.

Support Staff

One of the things that challenges each council is that members are doing this on top of their regular work. The Designated State Unit (VRS) wants to give the council the support it needs to

be effective, given the constraints of limited time and complex information. VRS has identified a Coordinator position to provide primary staff support and serve as liaison to the SRC. All questions and requests should be initiated through the SRC Coordinator.

Additional VR staff are available to provide support as needed (see page 5). These include information and analyses in the areas of budget, communications, data, and VR operations.

WHAT DOES THE SRC DO?

DUTIES OF THE SRC

Participation in Meetings

The importance of making your voice heard cannot be emphasized enough. SRC plays an important role in providing input on VR services and represents key constituents. Across the country there is a broad range in the capacity of councils. Our goal is to have an engaged council that provides substantive input. The council needs to ask the hard questions, request the data needed, and to hold the designated state unit (DSU) accountable.

Legislative Advocacy

The council can take positions that the DSU staff can't on their own because they are employees under the commissioner and the governor. For instance, there are times the council may want to take positions that may be contrary to what the commissioner and deputy commissioner want but the council believes are in the best interests of the citizens with disabilities in Minnesota. See page 19 for more information.

Statutory Responsibilities

The duties of the SRC are spelled out in the Workforce and Innovation Act (WIOA) Regulations (see Appendix II). On the next page is a list of those duties and how those look in action.

DUTIES of the SRC

The Council's duties are:

- To promote comprehensive input and representation from vocational rehabilitation consumers throughout the State.
- To promote comprehensive input and representation from all citizens of Minnesota, including representatives of business, labor, education, health care, and rehabilitation.
- To carry out the statutory functions of the Council set forth by the Rehabilitation Act of 1973 as amended.
- To identify current and potential problems and recommend actions which would result in better service to RS clients.

Statutory functions*	What this looks like in action:
<p>(1) Review, analyze, and advise Vocational Rehabilitation Services regarding the performance of its responsibilities under this part, particularly responsibilities related to—</p> <p>(i) Eligibility, including order of selection;</p> <p>(ii) The extent, scope, and effectiveness of services provided; and</p>	<p>If the level of service is not sustainable, the role of the SRC is essential for recommendations and support for the DSU. Ask for additional data if needed and see it through the process. We need to make an informed recommendation for what is best for the citizens with disabilities in Minnesota in a reasonable time.</p> <p>Input in setting performance measures based on WIOA and setting targets (states may be negotiating performance targets with the federal funder).</p> <p>What outcomes are we seeing? What data would we like to see? Commenting on the performance of the VR with our performance requirements.</p>

(excerpted from the 5-22-13 council by-laws)

DUTIES of the SRC

Statutory functions*	What this looks like in action:
<p>(iii) Functions performed by State agencies that affect or potentially affect the ability of individuals with disabilities in achieving employment outcomes under this part;</p>	<p>The SRC can carry a powerful and effective message around what is being done to build the capacity of the whole WorkForce Center System. How are we serving people who are on a waiting list and aren't being served by VR? The VR program isn't funded to do it all. Inter-agency collaboration is needed with the WorkForce System, Dept. of Education, DHS. The Council could request an update on the collaboration between entities, which could be a springboard for action.</p>
<p>(2) In partnership with Vocational Rehabilitation Services—</p> <p>(i) Develop, agree to, and review State goals and priorities in accordance with §361.29(c); and</p> <p>(ii) Evaluate the effectiveness of the vocational rehabilitation program and submit reports of progress to the Secretary in accordance with §361.29(e);</p>	<p>These are done in line with the Combined State Plan and Comprehensive Statewide Needs Assessment.</p>
<p>(3) Advise Designated State Agency (DEED) and Designated State Unit (VRS) regarding activities carried out under this part and assist in the preparation of the vocational rehabilitation services portion of the Unified or Combined State Plan and amendments to the plan, applications, reports, needs assessments, and evaluations required by this part;</p> <p>(4) To the extent feasible, conduct a review and analysis of the effectiveness of, and consumer satisfaction with—</p> <p>(i) The functions performed by Vocational Rehabilitation Services;</p> <p>(ii) The vocational rehabilitation services provided by State agencies and other public and private entities responsible for providing vocational rehabilitation services to individuals with disabilities under the Act; and</p>	<p>Plan modification is due in 2018; full plan due 2020. VR plan needs to be integrated and imbedded into the Combined State Plan. All of the partners should be coming together to work together to do common planning. Possible action step SRC invite the MnSIC to weigh in on what it sees as the priorities around services to transitioning youth.</p> <p>Give direction to DSU about focus of the customer satisfaction survey.</p> <p>How can VR collaborate with WorkForce Development Board, the local Workforce Innovation Boards (WIBs) to elevate the work and focus? Dakota County WIB has developed a committee specific to serving individuals with disabilities. SRC can strongly recommend that other WIBs across the state do the same thing.</p>

*Statutory functions of the Council set forth by the Rehabilitation Act of 1973 as amended.

DUTIES of the SRC

Statutory functions*	What this looks like in action:
<p>(iii) The employment outcomes achieved by eligible individuals receiving services under this part, including the availability of health and other employment benefits in connection with those employment outcomes;</p>	<p>SRC needs to ask: what is the quality of the employment outcome (does it align with the individual's career goal, does it provide health benefits, etc.)? Are individuals getting what we're paying for from employment service providers? What is the DSU doing to make sure the employment outcomes reflect opportunities for people to be fully engaged in a career? Ask for more qualitative information from our consumer story participants. Develop and give them the questions ahead of time so they can come to the meeting prepared.</p>
<p>(5) Prepare and submit to the Governor and to the Secretary no later than 90 days after the end of the Federal fiscal year an annual report on the status of vocational rehabilitation programs operated within the State and make the report available to the public through appropriate modes of communication;</p>	<p>Establish a standing committee with people who are willing to fully participate.</p>
<p>(6) To avoid duplication of efforts and enhance the number of individuals served, coordinate activities with the activities of other councils within the State, including the Statewide Independent Living Council established under chapter 1, title VII of the Act, the advisory panel established under section 612(a)(21) of the Individuals with Disabilities Education Act, the State Developmental Disabilities Planning Council described in section 124 of the Developmental Disabilities Assistance and Bill of Rights Act, the State mental health planning council established under section 1914(a) of the Public Health Service Act, and the State workforce development board, and with the activities of entities carrying out programs under the Assistive Technology Act of 1998;</p>	<p>Establish a list of councils/groups that outlines who they are and what they do. Have focused meetings with people from these groups. Find gaps that our council can serve to fill.</p>
<p>(7) Provide for coordination and the establishment of working relationships between Vocational Rehabilitation Services and the Statewide Independent Living Council and centers for independent living within the State;</p>	<p>What are the council's views and recommendations based on our meeting in May, which was focused on this collaboration?</p>
<p>(8) Perform other comparable functions, consistent with the purpose of this part, as the Council determines to be appropriate, that are comparable to the other functions performed by the Council.</p>	<p>The council isn't limited by what is delineated in the statutory functions. If there are things you think the DSU needs to attend to, the council has every authority to bring it to their attention.</p>

*Statutory functions of the Council set forth by the Rehabilitation Act of 1973 as amended.

DUTIES of the SRC

Statutory functions*	What this looks like in action:
(9) Hold hearings and forums that the Council determines necessary to carry out its duties.	To what end do we want to hold hearings and forums? What is our expected outcome? What will we do with this information?
(10) Prepare, in conjunction with Vocational Rehabilitation Services, a plan for the provisions of resources, including such staff and other personnel, as may be necessary and sufficient to carry out the functions of the Council.	Budget - does the SRC need more to accomplish its goals/functions?
(11) Every 3 years, VR and SRC must jointly conduct a comprehensive needs assessment.	We need to develop a calendar so we're not scrambling as we near the due date. We are currently nearing the 2nd year of the cycle.
(12) Review the Comprehensive System of Personnel Development and provide recommendations.	Being informed, understanding, and making recommendations about staffing, succession planning and improvement challenges of the DSU.

*Statutory functions of the Council set forth by the Rehabilitation Act of 1973 as amended.

See Appendix II

GUIDING PRINCIPLES/RULES

ADVOCACY

In addition to the duties prescribed by WIOA, the SRC advocates with federal and state legislators to promote the public VR program as a sound investment that leads to the employment of individuals with significant disabilities. In general, federal funds may not be used to engage in lobbying activities (Lobbying Disclosure Act of 1995, P.L. 104-65). Unless otherwise prohibited by state law, nonfederal funds can be used in lobbying activities (Michaels, 1998). Lobbying may include the following activities:

- Attempts to influence the outcome of any federal, state, or local election, referendum, initiative, or similar procedure 89
- Attempts to influence the introduction, enactment, or modification of federal or state legislation by efforts to utilize state or local officials to engage in similar activities
- Attempts to influence the introduction, enactment, or modification of federal or state legislation by trying to gain the support of part or all of the general public (Michaels, 1998).

Thus, an important distinction needs to be made between lobbying and advocacy. While lobbying can be a subset of advocacy, it is narrower in scope with the specific focus of convincing legislators to vote in a requested manner on a particular legislative proposal (Michaels, 1998).

SRC members should make sure that no federal funds are used to support lobbying activities. Of course, SRC members as private citizens, not representing or acting on behalf of the SRC, can lobby with their own funds while exercising their first amendment right of free speech. SRC members, unlike VR agency employees, can take a more credible stance than VR employees when advocating for the VR program. Stated differently, unlike employees, they are not likely to be told by legislative or other decision makers that they are merely attempting to save their own jobs. Also, SRC members who were past VR clients or their family members can demonstrate the effectiveness of VR programs when advocating for individuals with disabilities. However, it is important that the state SRC fully understand the specific state laws and regulations concerning advocacy activities with state legislators.

CODE OF ETHICS

Gift Ban

The state is the only entity that can compensate members for their activities related to the board, commission or task force. Members may not accept gifts from any source other than the state in connection with their responsibilities.

“Gift” includes money, objects, tickets to events, meals, services, loans, forbearance or forgiveness of indebtedness, or a promise of future employment.

Use of Official Position

Members may not use or attempt to use their position as members to secure benefits, privileges, exemptions, or advantages for themselves, their family or an organization with which the member is associated that are different from those available to the general public. This includes use of membership to secure preference in access to tickets or special purchase offers.

Use of State Property and Resources

Members may only use state time, supplies, or state property and equipment for state business.

Confidential Information

Members may not use or disclose private or confidential information received as part of their responsibilities on the board, commission or task force. Disclosure of information classified by law as private or confidential violates the Minnesota Government Data Practices Act (see below).

Discrimination

Any member found to have engaged in illegal discrimination, sexual or other harassment may be subject to removal.

Avoiding Conflicts of Interest

If as a member an action or decision would substantially affect a member's financial interests or those of an associated business (unless the effect on the official is no greater than on other members of the official's business classification, profession, or occupation), the member must abstain, if possible, in a manner prescribed by the board from influence over the action or decision in question. Members should also abstain from any action or decision for which there may be even the perception of a conflict of interest or bias.

DATA PRACTICES

The Minnesota Governmental Data Practices Act (the "Act"), Minnesota Statutes Chapter 13, governs the classification and public access to government data, including the data of state boards and commissions.

All government documents are presumed to be accessible to the public unless state or federal law classifies the data as private or confidential. The Act also applies to board related data, regardless of where it is maintained. A member's written or electronic communications related to board matters may be public data that is accessible to the public even if it is stored on a home computer.

Where the law classifies documents or information as private or confidential, members may not disclose the data. Disclosure of data classified as private or confidential violates the Act and can result in legal liability for the board. Willful violation of the Act is a misdemeanor.

More information is available at: http://www.ipad.state.mn.us/docs/IPAD_datapractices.pdf

OPEN MEETING LAW

The Minnesota Open Meeting Law (OML), Minnesota Statutes Chapter 13D, requires that meetings of governmental boards and commissions generally be open to the public. The purpose of the OML is to ensure that decisions are made in the open and that the public has the right to be present and informed about the decisions of governmental entities. Boards are also required to give public notice of their meetings and keep official records of votes and actions.

A quorum of members cannot “meet” outside of the public process. Purely social gatherings are not a meeting, but members need to make sure that they do not use those gatherings to discuss public business. Email cannot be used to conduct discussions of matters before the board with a quorum of members (either individually or through serial emails).

The OML allows certain kinds of meetings, or parts of meetings to be closed. The open meeting law does not apply to any state agency, board, or commission when exercising quasi-judicial functions involving disciplinary hearings. Intentional violations of the OML can subject members to a \$300 fine. Three intentional violations can result in additional fines and forfeiture of membership.

More information is available at: <http://www.ipad.state.mn.us/docs/publicmeetmain.html>

ROBERT’S RULES OF ORDER

What is parliamentary procedure?

It is a set of rules for conduct at meetings that allows everyone to be heard and to make decisions without confusion.

Why is parliamentary procedure important?

Because it’s a time-tested method of conducting business at meetings and public gatherings. It can be adapted to fit the needs of any organization. Today, Robert’s Rules of Order newly revised is the basic handbook of operation for most clubs, organizations, and other groups. So it’s important that everyone know these basic rules!

Organizations using parliamentary procedure usually follow a fixed order of business.

Below is a typical example:

- Call to order
- Roll call of members present
- Reading of minutes of last meeting
- Officers’ reports
- Committee reports
- Special orders: Important business previously designated for consideration at this meeting
- Unfinished business
- New business
- Announcements
- Adjournment

The method used by members to express themselves is in the form of moving motions. A motion is a proposal that the entire membership can take action on or a stand on an issue. Individual members can:

- Call to order
- Second motions
- Debate motions
- Vote on motions

There are four basic types of motions:

1. *Main motions*: The purpose of a main motion is to introduce items to the membership for their consideration. Main motions cannot be made when any other motion is on the floor and yield to privileged, subsidiary, and incidental motions.
2. *Subsidiary motions*: Their purpose is to change or affect how a main motion is handled, and they are voted on before a main motion.
3. *Privileged motions*: Their purpose is to bring up items that are urgent about special or important matters unrelated to pending business.
4. *Incidental motions*: Their purpose is to provide a means of questioning procedure concerning other motions, and they must be considered before the other motion.

How are motions presented?

1. Obtain the floor.
 - a. Wait until the last speaker has finished.
 - b. Rise and address the chairman by saying “Mr. Chairman” or “Mr. President.”
 - c. Wait until the chairman recognizes you.
2. Make your motion.
 - a. Speak in a clear and concise manner.
 - b. Always state a motion affirmatively. Say, “I move that we . . .” rather than “I move that we do not. . . .”
 - c. Avoid personalities and stay on your subject.
3. Wait for someone to second your motion.
4. Another member will second your motion or the chairman will call for a second.
5. If there is no second to your motion, it is lost.
6. The chairman states your motion.
 - a. The chairman will say, “It has been moved and seconded that we . . .” thus placing your motion before the membership for consideration and action.
 - b. The membership then either debates your motion or may move directly to a vote.
 - c. Once your motion is presented to the membership by the chairman, it becomes assembly property” and cannot be changed by you without the consent of the members.
7. Expanding on your motion
 - a. The time for you to speak in favor of your motion is at this point in time, rather than at the time you present it.
 - b. The mover is always allowed to speak first.
 - c. All comments and debate must be directed to the chairman.
 - d. Keep to the time limit for speaking that has been established.
 - e. The mover may speak again only after other speakers are finished, unless called upon by the chairman.
8. Putting the question to the membership
 - a. The chairman asks, “Are you ready to vote on the question?”
 - b. If there is no more discussion, a vote is taken.
 - c. On a motion to move the previous question may be adapted.

Voting on a Motion

The method of vote on any motion depends on the situation and the bylaws or policy of your organization. There are five methods used to vote by most organizations:

- *By voice.* The chairman asks those in favor to say “aye” and those opposed to say “no.” Any member may move for an exact count.
- *By roll call.* Each member answers “yes” or “no” as his name is called. This method is used when a record of each person’s vote is required.
- *By general consent.* When a motion is not likely to be opposed, the chairman says, “If there is no objection . . . “

The membership shows agreement by their silence; however, if one member says, “I object,” the item must be put to a vote.

- *By division.* This is a slight verification of a voice vote. It does not require a count unless the chairman so desires. Members raise their hands or stand.
- *By ballot.* Members write their vote on a slip of paper. This method is used when secrecy is desired.

Two other motions are commonly used that relate to voting.

1. Motion to table. This motion is often used in the attempt to “kill” a motion. The option is always present, however, to “take from the table,” for reconsideration by the membership.
2. Motion to postpone indefinitely. This is often used as a means of parliamentary strategy and allows opponents of a motion to test their strength without an actual vote being taken. Also, debate is once again open on the main motion.

Parliamentary procedure is the best way to get things done at your meetings. But, it will only work if you use it properly.

- Allow motions that are in order.
- Have members obtain the floor properly.
- Speak clearly and concisely.
- Obey the rules of debate.

Most importantly, be courteous!

The full text of Robert’s Rules of Order can be downloaded at

<http://www.constitution.org/rror/rror--00.htm>

McGuire-Kuletz, M., Tomlinson, P., & Siblo, M. (2010). The State Rehabilitation Council-Vocational Rehabilitation partnership: Working together Works (Institute on Rehabilitation Issues Monograph No. 36). Washington, DC: The George Washington University, Technical Assistance and Continuing Education Center.

BUSINESS OPERATIONS

COMPENSATION

Rules

Vendor Status Required

In order to be reimbursed for expenses (mileage, etc.) or paid the per diem, you must be set up as a “vendor” in the State of Minnesota accounting system. Please go to <http://supplier.swift.state.mn.us> and choose the “Vendor Registration Link” to complete this process.

Timing

Reimbursement requests should be submitted **as soon as possible** after each meeting.

1. The Internal Revenue Service (IRS) requires that if employee business expenses are not submitted for reimbursement within 60 days after the expenses were incurred, the reimbursement becomes taxable for federal, state, FICA and Medicare; and withholding tax must be taken.

If you submit expenses after the 60-day period, your reimbursement will be taxed at the following rates:

- a. Supplemental Federal Tax Rate 25.00%
 - b. Supplemental State Tax Rate For MN it is 6.25%
 - c. FICA/Med Taxes 7.65%
2. Expenses can only be reimbursed for the current fiscal year. (July 1-June 30). After June 30, expenses from the previous fiscal year can no longer be submitted.

Rates

Per Diem

Per diem rate is currently \$55.00 per day.

Mileage Reimbursement

Mileage reimbursement is at the Federal IRS mileage reimbursement rate. As of January 1, 2019, that amount is \$0.58 per mile. The mileage rate for specialized vehicles for wheelchair access is \$0.09 above the federal mileage rate, or \$0.67 per mile as of January 1, 2019.

In addition to mileage, actual parking fees and toll charges shall be reimbursed. At the sole discretion of the Appointing Authority, employees who normally are not required to travel on state business may be reimbursed for parking at their work location on an incidental basis when they are required to use their personal or a state vehicle for state business and no free parking is provided.

Reimbursable expenses may include, but are not limited to, the following:

Commercial transportation (air, taxi, rental car, etc.) provided that no air transportation shall be by first class unless authorized by an Appointing Authority; and that reimbursement for travel

which includes more than one destination visited for State purposes and non-State purposes shall be in an amount equal to the cost of the air fare only to those destinations visited for State purposes.

Meal Reimbursement

Employees in travel status for two or more consecutive meals may be reimbursed for the actual costs of the meals up to the combined maximum reimbursement for the meals.

Maximum reimbursement, including tax and gratuity is:

Meals	Amount	Parameters for Assigned Travel Status
Breakfast	\$9.00	Leave home before 6:00 a.m. or away from home overnight
Lunch	\$11.00	Working more than 35 miles from workstation over normal noon meal period
Dinner	\$16.00	Return home after 7:00 p.m. or away from home overnight

Sample Reimbursement Request

AGENCY COST 1
55985

DEED NON EMPLOYEE EXPENSE REPORT

First Name: **Karla F** Last Name: **Eckhoff** Home Address, City State and Zip Code: **332 Minnesota Street, St. Paul, MN 55101**

Relationship to DEED: **State Rehabilitation Council Member**

FinDepID 1: **B22VRBASIC** FinDepID 2: **B2243600** ACTIVITY 1: **640**

Start: **06/28/17** End: **06/28/17**

DATE	ITINERARY	Speedchart 1 (1 or 2)	PRIVATE CAR MILES			MEALS: Actual costs up to limits			LODGING	OTHER EXPENSES		Circle Fare: Air, Car, Taxi, Ramp, Meter	PER DIEM	SUBTOTALS ACROSS
			TRIP MILES	LOCAL MILES	TOTAL MILES	B	L	D		ITEM	AMT.			
06/28/17	Leave 8:30 am 332 Minnesota Street, St. Paul	1		8.8	8.8								\$55.00	\$55.00
	Arrive 9:00 am 1500 Hwy 38, Roseville													
	Leave 2:00 pm 1500 Hwy 38, Roseville													
06/28/17	Arrive 2:30 pm 332 Minnesota Street, St. Paul	1		8.8	8.8									\$0.00
	Leave				0									\$0.00
	Arrive				0									\$0.00
	Leave				0									\$0.00
	Arrive				0									\$0.00
	Leave				0									\$0.00
	Arrive				0									\$0.00
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	Leave				0									\$0.00
	Arrive				0									\$0.00
	Leave				0									\$0.00
	Arrive				0									\$0.00
	Leave				0									\$0.00
	Arrive				0									\$0.00
SUBTOTALS BY SPEEDCHART:			1	0	17.6	17.6	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$55.00	\$55.00
			2	0	0	0	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
				0	17.6	17.6	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$55.00	\$55.00

*IF USING PRIVATE CAR FOR OUT-OF-STATE TRAVEL:
What would air fare to destination be? \$ _____ DO NOT CLAIM on route mileage and expenses in excess of this amount.
I declare under penalties of perjury that this claim is just and correct and that no part of it has been paid. State employees and other officials using state funds traveling on state business can't claim benefits offered to them from airlines, lodging facilities or credit card companies as their own. Non employees must certify that they have not used benefits offered to them from lodging facilities or credit card companies as their own. Any benefits received belong to the state.

Non Employee's Signature: _____ Date: **06/28/17**

APPROVED: BASED ON KNOWLEDGE OF THE NECESSITY FOR TRAVEL AND ON THE BASIS OF COMPLIANCE WITH ALL PROVISIONS OF APPLICABLE TRAVEL REGULATIONS.

Supervisor's Signature: _____ Date: _____

DEED - 8588 (DEED 0303-05) Rev. 07/14

FOR ACCOUNTING AND INPUT USE ONLY

INPUT CODES & AMOUNTS

Code	Amount
410705 Per Diem	_____
411601 Travel Expense-Insolate	_____
411602 Living Expense-Insolate	_____
411605 Mileage-Insolate	_____
Other	_____
TOTAL	_____

Vendor Number: _____

Voucher Number: _____

MILEAGE CLAIMED:

Speed Chart 1:	MILES	RATE	AMOUNT
	17.6	\$0.00	\$0.00
		\$0.526	\$9.42
Sub-total, Speed Chart 1:			\$9.42

Speed Chart 2:	MILES	RATE	AMOUNT
	0	\$0.00	\$0.00
		\$0.526	\$0.00
Sub-total, Speed Chart 2:			\$0.00

TOTAL AMOUNT: **\$94.42**

APPENDICES

APPENDIX I - Bylaws of the State Rehabilitation Council of the Minnesota Department of Employment and Economic Development (DEED), Division of Vocational Rehabilitation Services (VRS)

ARTICLE I – MEMBERSHIP, VACANCIES, COMPENSATION and DUTIES

SECTION 1.1 MEMBERSHIP - The State Rehabilitation Council consists of at least nineteen members appointed by the Governor in accord with the provisions of the Rehabilitation Act of 1973 as amended. Council members are appointed for three-year terms. No member may serve more than two consecutive full terms except as provided for by law. If a member completes any portion of a three year term, it is considered a full term. Upon completion of two terms, members may be considered for reappointment after being off the council for one year.

A majority of the members of the Council shall be persons with a disability including at least: one representative of the Statewide Independent Living Council; one representative of a parent training and information center; one representative of the client assistance program; one vocational rehabilitation counselor; one representative of community rehabilitation services providers; one representative of the directors of the American Indian VR Projects in Minnesota; one representative of the State Workforce Investment Board; one representative from the Department of Education; four representatives of business, industry and labor; representatives of disability advocacy groups; and current or former applicants for or recipients of, vocational rehabilitation services. Three of the appointed members shall represent traditionally underserved populations as defined by the Rehabilitation Act. The Director of the designated State VR unit shall be an ex officio member of the Council. Any member of the Council who is employed by the Department of Employment and Economic Development shall be a nonvoting member. Expertise, not necessarily membership or employment, may be adequate to fulfill some membership requirements.

SECTION 1.2 DUTIES - The Council's duties are:

- To promote comprehensive input and representation from vocational rehabilitation consumers throughout the State.
- To promote comprehensive input and representation from all citizens of Minnesota, including representatives of business, labor, education, health care, and rehabilitation.
- To carry out the statutory functions of the Council set forth by the Rehabilitation Act of 1973 as amended.
- To identify current and potential problems and recommend actions which would result in better service to RS clients.

SECTION 1.3 COMPENSATION - Members of the Council shall be compensated at a per diem rate set by Minnesota Statute 15.0575. The Council shall also be reimbursed for expenses

incurred on behalf of Council business in the same manner and amount as authorized by the Commissioner's Plan adopted pursuant to Minnesota Statutes. Examples of costs that members may be compensated for include child care, personal assistance services, and other reasonable accommodations.

43A.18 subd.2 Members who are state employees must not receive the daily payment for activities for which they are compensated by the state. A state employee may receive the daily payment if the employee uses vacation time or compensatory time. Members may receive the expenses and per diem provided for unless the expenses are reimbursed by another source. Members who are state employees may be reimbursed for child care only for time spent on council activities that are outside their working hours.

In order to qualify to receive per diem, a full day would be any regularly scheduled meeting of the full SRC at which the council member is present for more than three hours, any event for which a council member is required to stay overnight, any event that a member attends in the performance of his/her responsibilities as a council members that is three hours or longer in duration, any time the member is in travel status for more than 150 miles, any in person meeting of the SRC Executive Committee, or any event that requires a council member to drive more than 50 miles one way. When feasible, the SRC will plan meetings and other activities of the council and its committees to minimize the need for individuals to take time from work.

SECTION 1.4 REMOVAL/VACANCIES - A member may be removed by the appointing authority at any time (1) for cause, after notice and hearing, or (2) after missing three consecutive meetings. The Chair of the Council shall inform the Council of a member missing three consecutive meetings. The Council shall determine by majority vote whether to inform the appointing authority of the absences, to recommend removal of the member to the appointing authority, or to take other appropriate action to remedy the absenteeism.

ARTICLE II - MEETINGS

SECTION 2.1 NOTICE OF MEETING - Written notice to all members stating the place, day and hour of all regular and special meetings of the full Council and any documents requiring a Council decision shall be mailed to each Council member no less than five business days prior to the date of the meeting. In the case of a recess to another day, all Council members shall be notified of the place, day and hour of the reconvened meeting. The Council shall meet at least ten times per year, at least one of which will be held outside the seven county metropolitan area.

SECTION 2.2 MINUTES OF MEETING - Minutes shall be recorded and transcribed for all regular and special meetings of the full Council. Distribution shall be made to the full Council membership no less than five business days prior to the date of the next meeting.

SECTION 2.3 SPECIAL MEETINGS - Special meetings of the Council may be called any time upon request of the Chair, Commissioner, or upon a written request to the Chair by any three members of the Council.

SECTION 2.4 QUORUM - A quorum shall consist of a majority of the appointed voting members, not including persons attending in proxy.

SECTION 2.5 DECISION MAKING - After thorough consideration, all decisions of the Council must be approved by a simple majority vote of a quorum of the Council unless otherwise provided in these

By-Laws. Votes that are not unanimous will be taken individually by roll call and recorded in the minutes.

CONFLICT OF INTEREST Members may not vote if there is a conflict of interest or the appearance of a conflict of interest. The member must recuse him or herself from that particular vote, explaining to the council the reason for the recusal.

SECTION 2.6 PROCEDURES - The most recent edition of Robert's Rules of Order shall govern the conduct of business in all cases in which they are applicable and not inconsistent with these By-Laws and the Open Meeting Law. (MN Stat. 13D.01).

SECTION 2.7 ACCESSIBILITY - Consistent with the principles of full participation and inclusion expressed in the Americans with Disabilities Act, Section 504 of Title V of the Rehabilitation Act, and any other relevant laws, both the location and the content of Council meetings will be fully accessible. This includes, but is not limited to, such things as holding the meetings in a location with full access to all necessary areas, microphones, ASL interpreters, and accessible formats. Accommodations will be provided regularly for SRC members and provided upon request for members of the public. All requests should be made at least one week prior to the meeting. Written material used at the meeting shall not be distributed if accessible format was not distributed to those with print impairments. Requests can be made by contacting the central Vocational Rehabilitation Services office. Contact names and numbers shall be posted on all meeting announcements.

SECTION 2.8 PUBLIC COMMENT – Each agenda of the Council shall have time designated for public comment. It is the responsibility of the executive committee to designate time on every regular Council meeting agenda. Public comment may be extended or terminated by the Chair. Said decision of the chair may be upheld or overruled by a simple majority vote of the voting Council members present. Public comment shall comply with the accessibility requirements outlined in Section 2.7.

ARTICLE III – OFFICERS AND ELECTIONS

SECTION 3.1 SELECTION - The officers of the Council shall consist of a Chair (or Co-Chairs), a Vice-Chair, and a parliamentarian elected by the Council from among its members. Election shall be by simple majority of a quorum of the Council. Only appointed members who are not employees of DEED shall be eligible to serve as Chair of the Council. It is desirable that the chair of the Council be a person with a disability.

SECTION 3.2 TERMS OF OFFICE - The terms of the Chair, Vice-Chair, and parliamentarian are for one year. They may serve more than one term.

SECTION 3.3 COUNCIL CHAIR - The Council Chair shall preside at all meetings of the Council. In accordance with Roberts Rules of Order, the chair is entitled to vote. The Chair shall be an ex-officio member of all Council standing committees and task forces. In addition, s/he shall:

1. With the approval of the Council, appoint the Chairs of the Council standing committees and task forces from among the Council's voting members;
2. With the approval of the Council, appoint the members of the Council's committees and task forces;
3. Develop agendas for Council members;
4. With the Director of the State VR Unit arrange orientation for new Council members and encourage their most meaningful involvement in Council activities; and
5. Seek effective communication with all Council members including solicitation of agenda items.

SECTION 3.4 COUNCIL VICE-CHAIR - The Vice-Chair shall aid the Chair in the performance of his/her duties and, in the absence of the Chair, shall preside at meetings of the Council. If the Chair is unable to serve, the Vice-Chair shall assume the Chair's duties, but shall not succeed to the position unless elected by the Council. In the absence of the Chair and Vice Chair, members present shall select a temporary Chair.

SECTION 3.5 PARLIAMENTARIAN – the Parliamentarian shall advise the Chair on Roberts Rules of Order. In the event of a dispute, the Parliamentarian's decision will be final.

SECTION 3.6 COUNCIL REPRESENTATION - All official Council business / representation shall be approved or sanctioned by the full Council, the Chair or Vice Chair.

ARTICLE IV - COMMITTEES and TASK FORCES

SECTION 4.1 COMMITTEES - The Chair shall appoint all standing Committees created by majority vote of the Council.

SECTION 4.2 TASK FORCES - As the need arises, the Council may establish special structures called task forces for the purpose of investigating or taking action on specific issues within Council-established policies. These task forces are limited to acting on the issues for which they were created and within the time frame established for the assignment.

SECTION 4.3 COMMITTEE AND TASK FORCE CHAIRS - The Council Chair shall appoint the committee and task force Chairs with the approval of the Council. Committee Chairs shall serve a one year term. Each task force Chair shall serve for the life of the task force. The Council Chair with approval of the council may remove a committee or task force Chair who is unable to perform the assigned responsibilities.

SECTION 4.4 COMMITTEE AND TASK FORCE MEMBERSHIP - After consultation with the appropriate committee or task force Chair, the Council Chair shall, with the approval of the Council, appoint the members of each committee and task force. The Council Chair may request attendance and participation by Rehabilitation Services staff to assist the committees and task forces to achieve their goals. Each voting member of the Council shall have one vote in appropriate committee or task force deliberations. Committees and task forces may invite community experts to serve as non-compensated members. Terms on the committees shall be for one year. A majority of task force members shall be members of the Council. The members of a task force shall serve for the life of the task force.

SECTION 4.5 EXECUTIVE COMMITTEE - The Executive Committee shall consist of the Chair (or Co-Chairs),

Vice-Chair, Immediate Past Chair (when available), Parliamentarian and the Chairs of standing committees or task forces when appropriate. The Executive Committee may invite the director of Vocational Rehabilitation Services and any designated support staff to participate as a non-voting members of the executive committee. The Executive Committee shall consist of no more than five Council members. The Executive Committee shall be authorized to act on behalf of the regular Council when time does not permit full Council action The Executive Committee shall not have authority to make changes in (1) the By-Laws or (2) Membership. Any actions taken by the Executive Committee when time does not permit full Council action must be reported to the full Council at the next regularly scheduled meeting. The full Council may restrict the authority of the Executive Committee when the Council deems it necessary.

ARTICLE V - AMENDMENTS

SECTION 5.1 PROCEDURES - Suggested amendments to these By-Laws must be presented in writing in a regular or special Council meeting. Action on such suggested amendments shall not occur until the next regular or special meeting at which a quorum shall be required in order for ratification of the suggested amendment to occur. Ratification shall require the affirmative vote of at least two thirds of the Council members present.

APPENDIX II – Workforce and Innovation Act (WIOA) Regulations – State Rehabilitation Council

(a) General requirement. Except as provided in paragraph (b) of this section, the vocational rehabilitation services portion of the Unified or Combined State Plan must contain one of the following two assurances:

(1) An assurance that the designated State agency is an independent State commission that -

(i) Is responsible under State law for operating, or overseeing the operation of, the vocational rehabilitation program in the State and is primarily concerned with vocational rehabilitation or vocational and other rehabilitation services, in accordance with § 361.13(a)(1)(i);

(ii) 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;

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

(iv) Conducts the functions identified in § 361.17(h)(4).

(2) An assurance that -

(i) The State has established a State Rehabilitation Council (Council) that meets the requirements of § 361.17;

(ii) The designated State unit, in accordance with § 361.29, jointly develops, agrees to, and reviews annually State goals and priorities and jointly submits to the Secretary annual reports of progress with the Council;

(iii) The designated State unit 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;

(iv) The designated State unit transmits to the Council -

(A) All plans, reports, and other information required under this part to be submitted to the Secretary;

(B) All policies and information on all practices and procedures of general applicability provided to or used by rehabilitation personnel providing vocational rehabilitation services under this part; and

(C) Copies of due process hearing decisions issued under this part and transmitted in a manner to ensure that the identity of the participants in the hearings is kept confidential; and

(v) The vocational rehabilitation services portion of the Unified or Combined State Plan, and any revision to the vocational rehabilitation services portion of the Unified or Combined State Plan, includes a summary of input provided by the Council, including

recommendations from the annual report of the Council, the review and analysis of consumer satisfaction described in § 361.17(h)(4), and other reports prepared by the Council, and the designated State unit's response to the input and recommendations, including its reasons for rejecting any input or recommendation of the Council.

(b)Exception for separate State agency for individuals who are blind. In the case of a State that designates a separate State agency under § 361.13(a)(3) to administer the part of the vocational rehabilitation services portion of the Unified or Combined State Plan under which vocational rehabilitation services are provided to individuals who are blind, the State must either establish a separate State Rehabilitation Council for each agency that does not meet the requirements in paragraph (a)(1) of this section or establish one State Rehabilitation Council for both agencies if neither agency meets the requirements of paragraph (a)(1) of this section.

(Approved by the Office of Management and Budget under control number 1205-0522)
(Authority: Sections 101(a)(21) of the Rehabilitation Act of 1973, as amended; 29 U.S.C. 721(a)(21))

§ 361.17 Requirements for a State Rehabilitation Council.

If the State has established a Council under § 361.16(a)(2) or (b), the Council must meet the following requirements:

(a)Appointment.

(1) The members of the Council must be appointed by the Governor or, in the case of a State that, under State law, vests authority for the administration of the activities carried out under this part in an entity other than the Governor (such as one or more houses of the State legislature or an independent board), the chief officer of that entity.

(2) The appointing authority must select members of the Council after soliciting recommendations from representatives of organizations representing a broad range of individuals with disabilities and organizations interested in individuals with disabilities. In selecting members, the appointing authority must consider, to the greatest extent practicable, the extent to which minority populations are represented on the Council.

(b)Composition -

(1)General. Except as provided in paragraph (b)(3) of this section, the Council must be composed of at least 15 members, including -

(i) At least one representative of the Statewide Independent Living Council, who must be the chairperson or other designee of the Statewide Independent Living Council;

(ii) At least one representative of a parent training and information center established pursuant to section 682(a) of the Individuals with Disabilities Education Act;

(iii) At least one representative of the Client Assistance Program established under part 370 of this chapter, who must be the director of or other individual recommended by the Client Assistance Program;

(iv) At least one qualified vocational rehabilitation counselor with knowledge of and experience with vocational rehabilitation programs who serves as an ex officio, nonvoting member of the Council if employed by the designated State agency;

(v) At least one representative of community rehabilitation program service providers;

(vi) Four representatives of business, industry, and labor;

(vii) Representatives of disability groups that include a cross section of -

(A) Individuals with physical, cognitive, sensory, and mental disabilities; and

(B) Representatives of individuals with disabilities who have difficulty representing themselves or are unable due to their disabilities to represent themselves;

(viii) Current or former applicants for, or recipients of, vocational rehabilitation services;

(ix) In a State in which one or more projects are funded under section 121 of the Act (American Indian Vocational Rehabilitation Services), at least one representative of the directors of the projects in such State;

(x) At least one representative of the State educational agency responsible for the public education of students with disabilities who are eligible to receive services under this part and part B of the Individuals with Disabilities Education Act;

(xi) At least one representative of the State workforce development board; and

(xii) The director of the designated State unit as an ex officio, nonvoting member of the Council.

(2) *Employees of the designated State agency.* Employees of the designated State agency may serve only as nonvoting members of the Council. This provision does not apply to the representative appointed pursuant to paragraph (b)(1)(iii) of this section.

(3) *Composition of a separate Council for a separate State agency for individuals who are blind.* Except as provided in paragraph (b)(4) of this section, if the State establishes a separate Council for a separate State agency for individuals who are blind, that Council must

-

(i) Conform with all of the composition requirements for a Council under paragraph (b)(1) of this section, except the requirements in paragraph (b)(1)(vii), unless the exception in paragraph (b)(4) of this section applies; and

(ii) Include -

(A) At least one representative of a disability advocacy group representing individuals who are blind; and

(B) At least one representative of an individual who is blind, has multiple disabilities, and has difficulty representing himself or herself or is unable due to disabilities to represent himself or herself.

(4) *Exception.* If State law in effect on October 29, 1992 requires a separate Council under paragraph (b)(3) of this section to have fewer than 15 members, the separate Council is in compliance with the composition requirements in paragraphs (b)(1)(vi) and (viii) of this section if it includes at least one representative who meets the requirements for each of those paragraphs.

(c) *Majority.*

(1) A majority of the Council members must be individuals with disabilities who meet the requirements of § 361.5(c)(28) and are not employed by the designated State unit.

(2) In the case of a separate Council established under § 361.16(b), a majority of the Council members must be individuals who are blind and are not employed by the designated State unit.

(d) Chairperson.

- (1)** The chairperson must be selected by the members of the Council from among the voting members of the Council, subject to the veto power of the Governor; or
- (2)** In States in which the Governor does not have veto power pursuant to State law, the appointing authority described in paragraph (a)(1) of this section must designate a member of the Council to serve as the chairperson of the Council or must require the Council to designate a member to serve as chairperson.

(e) Terms of appointment.

- (1)** Each member of the Council must be appointed for a term of no more than three years, and each member of the Council, other than a representative identified in paragraph (b)(1)(iii) or (ix) of this section, may serve for no more than two consecutive full terms.
- (2)** A member appointed to fill a vacancy occurring prior to the end of the term for which the predecessor was appointed must be appointed for the remainder of the predecessor's term.
- (3)** The terms of service of the members initially appointed must be, as specified by the appointing authority as described in paragraph (a)(1) of this section, for varied numbers of years to ensure that terms expire on a staggered basis.

(f) Vacancies.

- (1)** A vacancy in the membership of the Council must be filled in the same manner as the original appointment, except the appointing authority as described in paragraph (a)(1) of this section may delegate the authority to fill that vacancy to the remaining members of the Council after making the original appointment.
- (2)** No vacancy affects the power of the remaining members to execute the duties of the Council.

(g) Conflict of interest. No member of the Council may cast a vote on any matter that would provide direct financial benefit to the member or the member's organization or otherwise give the appearance of a conflict of interest under State law.

(h) Functions. The Council must, after consulting with the State workforce development board -

- (1)** Review, analyze, and advise the designated State unit regarding the performance of the State unit's responsibilities under this part, particularly responsibilities related to -
 - (i)** Eligibility, including order of selection;
 - (ii)** The extent, scope, and effectiveness of services provided; and
 - (iii)** Functions performed by State agencies that affect or potentially affect the ability of individuals with disabilities in achieving employment outcomes under this part;
- (2)** In partnership with the designated State unit -
 - (i)** Develop, agree to, and review State goals and priorities in accordance with § 361.29(c); and
 - (ii)** Evaluate the effectiveness of the vocational rehabilitation program and submit reports of progress to the Secretary in accordance with § 361.29(e);

(3) Advise the designated State agency and the designated State unit regarding activities carried out under this part and assist in the preparation of the vocational rehabilitation services portion of the Unified or Combined State Plan and amendments to the plan, applications, reports, needs assessments, and evaluations required by this part;

(4) To the extent feasible, conduct a review and analysis of the effectiveness of, and consumer satisfaction with -

(i) The functions performed by the designated State agency;

(ii) The vocational rehabilitation services provided by State agencies and other public and private entities responsible for providing vocational rehabilitation services to individuals with disabilities under the Act; and

(iii) The employment outcomes achieved by eligible individuals receiving services under this part, including the availability of health and other employment benefits in connection with those employment outcomes;

(5) Prepare and submit to the Governor and to the Secretary no later than 90 days after the end of the Federal fiscal year an annual report on the status of vocational rehabilitation programs operated within the State and make the report available to the public through appropriate modes of communication;

(6) To avoid duplication of efforts and enhance the number of individuals served, coordinate activities with the activities of other councils within the State, including the Statewide Independent Living Council established under chapter 1, title VII of the Act, the advisory panel established under section 612(a)(21) of the Individuals with Disabilities Education Act, the State Developmental Disabilities Planning Council described in section 124 of the Developmental Disabilities Assistance and Bill of Rights Act, the State mental health planning council established under section 1914(a) of the Public Health Service Act, and the State workforce development board, and with the activities of entities carrying out programs under the Assistive Technology Act of 1998;

(7) Provide for coordination and the establishment of working relationships between the designated State agency and the Statewide Independent Living Council and centers for independent living within the State; and

(8) Perform other comparable functions, consistent with the purpose of this part, as the Council determines to be appropriate, that are comparable to the other functions performed by the Council.

(i) Resources.

(1) The Council, in conjunction with the designated State unit, must prepare a plan for the provision of resources, including staff and other personnel, that may be necessary and sufficient for the Council to carry out its functions under this part.

(2) The resource plan must, to the maximum extent possible, rely on the use of resources in existence during the period of implementation of the plan.

(3) Any disagreements between the designated State unit and the Council regarding the amount of resources necessary to carry out the functions of the Council must be resolved by the Governor, consistent with paragraphs (i)(1) and (2) of this section.

(4) The Council must, consistent with State law, supervise and evaluate the staff and personnel that are necessary to carry out its functions.

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

(j) Meetings. The Council must -

(1) Convene at least four meetings a year in locations determined by the Council to be necessary to conduct Council business. The meetings must be publicly announced, open, and accessible to the general public, including individuals with disabilities, unless there is a valid reason for an executive session; and

(2) Conduct forums or hearings, as appropriate, that are publicly announced, open, and accessible to the public, including individuals with disabilities.

(k) Compensation. Funds appropriated under title I of the Act, except funds to carry out sections 112 and 121 of the Act, may be used to compensate and reimburse the expenses of Council members in accordance with section 105(g) of the Act.

(Approved by the Office of Management and Budget under control number 1205-0522)
(Authority: Section 105 of the Rehabilitation Act of 1973, as amended; 29 U.S.C. 725)

APPENDIX III – RSA Technical Assistance Circular on Composition and Membership

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

TECHNICAL ASSISTANCE CIRCULAR

RSA-TAC-12-01

DATE: October 21, 2011

ADDRESSEES: STATE VOCATIONAL REHABILITATION AGENCIES
STATE REHABILITATION COUNCILS
CLIENT ASSISTANCE PROGRAMS
TECHNICAL ASSISTANCE & CONTINUING EDUCATION CENTERS
AMERICAN INDIAN VOCATIONAL REHABILITATION SERVICES PROJECTS
CONSUMER ADVOCACY ORGANIZATIONS

SUBJECT: Federal Requirements Governing the Composition and Membership of, and
Appointments to, the State Rehabilitation Councils

PURPOSE: *The Rehabilitation Act of 1973*, as amended (*Rehabilitation Act*) requires the State Plan for the vocational rehabilitation (VR) program to assure that either the designated state agency is an independent commission that is consumer-controlled or that the state has established a State Rehabilitation Council (SRC) that meets the requirements set forth in Section 105 of the *Rehabilitation Act* (Section 101(a)(21)).

Except for those states in which the designated state agency is an independent commission established pursuant to Section 101(a)(21)(A)(i) of the *Rehabilitation Act*, a state must establish an SRC so that it can receive funding for the administration and operation of the VR program (Section 105(a)(1)). Among its several responsibilities, the SRC reviews, evaluates and advises the agency regarding its performance and effectiveness in the delivery of services and the effect of service provision on the achievement of employment outcomes by individuals with disabilities (Section 105(c)(1) of the *Rehabilitation Act*). Additionally, the SRC ensures that the voice of the community of stakeholders is heard as agencies develop and implement policies and procedures that directly

impact the individuals served by the VR agency (Sections 101(a)(16) and 105(c)(2) and (6) of the *Rehabilitation Act*).¹

When constituted in accordance with federal requirements, the SRC brings together a variety of individuals with disabilities, disability groups, VR professionals, service providers and leaders in the community, including those representing business, industry and labor. To ensure that each SRC is properly constituted so that it is able to carry out its mandated functions, the Rehabilitation Services Administration (RSA) provides, through this technical assistance circular (TAC), guidance to VR agencies and SRCs regarding the federal requirements concerning the composition and membership of, and appointments to, the SRC.²

TECHNICAL

ASSISTANCE: The information contained in this TAC is presented below in answer to a series of questions frequently asked by VR agencies and SRCs. Except where otherwise noted, all requirements discussed herein also apply to SRCs established in states with a separate VR agency serving individuals who are blind and visually impaired.

1. Who has the authority to appoint members to the SRC?

Except in a very limited number of states, the governor must select and appoint the members of the SRC (Section 105(b)(3) of the *Rehabilitation Act*; 34 CFR 361.17(a)). However, in those few states where the state's constitution or statutes vest authority to carry out activities under the *Rehabilitation Act* in another entity, including one or more houses of the legislature or an independent board, the chief officer of that entity has the authority to make the appointments to the SRC (*Id.*). For example, a state's constitution may establish an elected board of education that is structurally independent from the state's executive branch and from the control of the governor. In such circumstances, state statute may identify the elected board as the entity charged with the responsibility to carry out the activities under the *Rehabilitation Act*. In that case, the board's president, as its chief officer, has the authority to select and appoint the members of the SRC.

When making the appointments, the appointing authority must do so only after receiving recommendations from representatives of organizations representing a broad range of individuals with disabilities. To the greatest extent practicable, the appointing authority must take into account the extent to which minority populations are represented on the SRC (*Id.*). This requirement is consistent with changes to the *Rehabilitation Act* that emphasize outreach to individuals

¹ A complete list of an SRC's mandated functions and responsibilities can be found at Section 105(c) of the *Rehabilitation Act* and its implementing regulations at 34 CFR 361.17(h).

² This TAC does not address federal requirements, found at Section 101(a)(21)(A)(i) of the *Rehabilitation Act* and 34 CFR 361.16(a)(1), pertaining to the composition and functions of an independent commission established for the purpose of overseeing and administering a state's VR program.

from minority backgrounds and the need for the VR program to better reflect the culturally diverse population of the United States (preamble to the Notice of Proposed Rulemaking (NPRM) 60 Fed. Reg. 64475, 64482-64483 (Dec. 15, 1995)).

2. Must the director of the designated state unit be a member of the SRC?

Regardless of whether the SRC is established pursuant to Section 105(b)(1)(A) or (B) of the *Rehabilitation Act*, the director of the designated state unit must be appointed to the SRC as an ex-officio, nonvoting member (Section 105(b)(2) of the *Rehabilitation Act* and 34 CFR 361.17(b)(i)(xii)). In those states where one SRC represents two designated state units – one for individuals who are blind and one for all other individuals with disabilities – both directors must be appointed to the SRC and serve in a nonvoting, ex-officio capacity.

3. What are the other composition and membership requirements for the SRC?

The membership requirements, set forth at Section 105(b) of the *Rehabilitation Act* and 34 CFR 361.17(b) ensure that various constituencies of the VR program have a voice in the conduct of the VR program in the state (Final Regulations, 66 Fed. Reg. 4379, 4422 (Jan. 17, 2001)). An SRC must be comprised of a minimum of 15 members (Section 105(b)(1)(A) and (B) of the *Rehabilitation Act* and 34 CFR 361.17(b)(1) and (3)). However, a separate SRC for agencies serving individuals who are blind and visually impaired may consist of fewer than 15 members, if state law establishing this lower minimum number of members was in effect on the day of enactment of the *Rehabilitation Act Amendments of 1992* (Section 105(b)(1)(C); 34 CFR 361.17(b)(4)).

A majority of SRC members must be individuals with disabilities who do not work for the VR agency (Section 105(b)(4)(A) of the *Rehabilitation Act*; 34 CFR 361.17(c)(1)). In those states that establish a separate SRC for the agency serving the blind, the majority of that SRC must be comprised of individuals who are blind and do not work for either VR agency in the state (Section 105(b)(4)(B); 34 CFR 361.17(c)(2)).

In accordance with Section 105(b)(1)(A) of the *Rehabilitation Act* and regulations at 34 CFR 361.17(b)(1), states may appoint more than the minimum 15 members to the SRC, so long as the membership includes all of the representatives described below:

- at least one representative of the Statewide Independent Living Council (SILC) – who must be either the chairperson or another designee of the SILC;
- at least one representative of a parent training and information center established pursuant to Section 682(a) of the *Individuals with Disabilities Education Act (IDEA)*;

- at least one representative of the Client Assistance Program (CAP) who must be either the CAP director or another individual recommended by the CAP;
- at least one qualified VR counselor with knowledge of and experience with the VR programs. This individual serves as an ex-officio, nonvoting member if he or she is employed by the designated state agency;
- at least one representative of a community rehabilitation program;
- four representatives of business, industry and labor;
- representatives of disability advocacy groups: (a) representing a cross section of individuals with physical, cognitive, sensory and mental disabilities; and, (b) representing individuals with disabilities who have difficulty representing themselves or are unable due to their disabilities to represent themselves.
- at least one former or current applicant for, or recipient of, VR services;
- at least one representative of the directors of the American Indian Vocational Rehabilitation grant program, if the state has such a project(s) carried out in the state;
- at least one representative of the state educational agency (SEA) responsible for the public education of students with disabilities; and
- at least one representative from the state workforce investment board.

Pursuant to Section 105(b)(1)(B) of the *Rehabilitation Act* and 34 CFR 361.17(b)(3)(i), states that have established a separate SRC for a VR agency serving individuals who are blind and visually impaired must satisfy all of the above membership requirements, with only a few exceptions permitted. In particular, instead of including representatives of a cross section of disability groups, the SRC for a separate agency serving the blind and visually impaired, must include at least one individual who represents an advocacy group for the blind (34 CFR 361.17(b)(3)(ii)(A)). In addition, this SRC must include at least one representative of an individual who is blind, has multiple disabilities, and has difficulty representing him or herself due to his or her disabilities (34 CFR 361.17(c)(3)(ii)(B)).

RSA recommends that appointing officials, and those that advise them, make every effort to ensure, whenever practicable, that the SRC includes representation from more than one advocacy group in those states where there are more than one advocacy group representing individuals with disabilities, including more than one advocacy group representing individuals who are blind. In those states where there is one SRC representing both designated state units for the VR program, RSA encourages the appointing authority to appoint representatives from a cross section of disability groups that include those advocacy groups of the blind.

4. Can an entity be represented on the SRC by an individual who is not a member or employee of that entity?

With few exceptions, Section 105(b) of the *Rehabilitation Act* and 34 CFR 361.17(b)(1) require that “representatives” of specified organizations must be appointed to sit on the SRC. Neither the *Rehabilitation Act* nor its implementing regulations require that the representatives be employees or members of those organizations. Therefore, RSA has interpreted this to mean that those organizations may be represented by individuals who are not members or employees of those organizations (Final Regulations, 66 Fed. Reg. 4379, 4422 (Jan. 17, 2001)).

As noted elsewhere in this TAC, while the organizations and entities represented on the SRC must provide their recommendations of representatives, the final appointment decision vests in the governor or other appointing authority. Although RSA strongly encourages that the representatives be active members or employees of those organizations, RSA also recognizes that the appointing authority may appoint a nonmember or someone who is not employed by that organization. RSA recommends that careful consideration be given, prior to such a decision, to whether such an individual can truly represent the organization for which he or she is being appointed. If a nonmember or someone who is not employed by the organization is to be appointed, RSA expects that such a council member would be closely affiliated with and knowledgeable about the organization or entity whose interests the individual is charged with representing (*Id.* At 4422-4423) so that the member can best carry out his or her responsibilities on the SRC.

5. Which SRC members may vote?

With limited exceptions, all members of the SRC have the right to vote on matters before the council. The first of the exceptions prohibits representatives who are employed by the VR agency or its designated state agency from voting on SRC matters (34 CFR 361.17(b)(2)). For example, the director of the designated state unit serves as an ex officio member and is not allowed to vote (Section 105(b)(2) of the *Rehabilitation Act*; 34 CFR 361.17(b)(1)(xii)). Similarly, the member who serves as a qualified VR counselor, if that individual works for the VR agency at the time he or she is appointed to the council, also serves as an ex-officio member and is not permitted to vote (Section 105(b)(1)(A)(iv); 34 CFR 361.17(b)(1)(iv)). However, if the CAP representative is from a CAP that is housed within the VR agency, that individual representative is not so restricted and, therefore, has the right to vote on matters before the SRC (34 CFR 361.17(b)(2)).

The second of the exceptions pertains to those matters before the council when a conflict of interest – or the appearance of a conflict of interest – exists, e.g., when the vote would result in a direct financial gain for that individual or the organization he or she represents. In such circumstances, individuals must not vote on such matters. Members also must not vote when there is an appearance of a conflict of interest under state law (Section 105(e) of the *Rehabilitation Act*; 34 CFR 361.17(g)). If there is a conflict of interest, or the appearance of a

conflict of interest, the member must recuse him or herself from that particular vote, explaining to the council as necessary the reason for the recusal.

6. When an individual with a disability is appointed to represent an agency or entity on the SRC, does this count toward the majority representation of individuals with disabilities?

Yes, so long as the individual is not an employee of a state VR agency. As noted above, the SRC must be comprised of a majority of individuals with disabilities who are voting members (Section 105(b)(4); 34 CFR 361.17(c)). This requirement applies even if more than the minimum of 15 individuals are appointed to serve on the council.

7. Can one person represent more than one agency or stakeholder group on the SRC?

RSA has consistently stated that a member of the SRC can represent only one agency or organization on the council at a time (Final Regulations 66 Fed. Reg. 4379, 4423 (Jan. 17, 2001)). For example, an individual, who is a former or current applicant or client of VR services, may not also serve as a representative of a disability group, even though that individual may be affiliated with such a group. RSA recognizes that some states have difficulty maintaining a sufficient pool of qualified individuals to serve on statewide councils. Nevertheless, Section 105(b) of the *Rehabilitation Act* and 34 CFR 361.17(b) establish a minimum number of members for the council, each of whom represents a specific component of the disability community. Because each member represents a different interest, sometimes one that is divergent from that of other members, we maintain that each organizational requirement must be met separately (Final Regulations, 66 Fed. Reg. 4379, 4423 (Jan. 17, 2001)).

8. How is the chairperson of the SRC selected?

Every SRC must have a chairperson. The members of the SRC must select the chairperson from among the voting members of the SRC (Section 105(b)(5)(A) of the *Rehabilitation Act* and 34 CFR 361.17(d)(1)). This means that ex-officio members of the Council, such as the director of the designated state unit or qualified VR counselor employed by the designated state unit, cannot be selected to serve as the chairperson. The governor may veto the council's choice of chairperson if state law grants this authority to the governor (*Id.*). In states where the governor does not have a veto power, or in which another entity is granted the authority to make appointments to the SRC, that entity may select a chairperson, or require the SRC to select a chairperson (Section 105(b)(5)(B) of the *Rehabilitation Act*; 34 CFR 361.17(d)(2)). There is nothing in federal law to prohibit an SRC from selecting co-chairs.

Although not required, RSA strongly recommends that a chairperson of the SRC be an individual with a disability or, in the case of a SRC for agencies serving the

blind, that the chairperson be blind. RSA also encourages SRC members to select a chairperson in accordance with the council's bylaws, and with attention to a number of factors, including availability of the individual to take on the responsibility of serving as chairperson, demonstrated leadership skills, and a minimum potential for conflicts of interest that might result in frequent recusals from voting or actively participating in the work of the council.

9. How long can a member serve on the SRC?

Each SRC member shall be appointed to serve no more than two consecutive full three-year terms (Section 105(b)(6)(A) and (B); 34 CFR 361.17(e)(1)). This rule does not apply to the individuals representing the CAP or the AIVRS project (*Id.*). If a council member is appointed to replace a former member who did not complete his or her term, the new council member must be appointed for the remainder of the vacated term for which he or she is being appointed – not a full three-year term (Section 105(b)(6)(A)(i); 34 CFR 361.17(e)(2)). Once that initial term is completed, the individual may be appointed to fill a second term of three years (Section 105(b)(6)(A)(i) and (B); 34 CFR 361.17(e)(2)).

When an SRC was originally established, the length of the member's terms were to be staggered, so that the SRC remained fully constituted as the initial terms expired; however, no single term was to be longer than three years (Section 105(b)(6)(A)(ii); 34 CFR 361.17(e)(3)). This staggered approach to the setting of the length of a member's term also can be used in the rare instance when the SRC must be re-established after the terms of all members have lapsed.

10. Can a member of the SRC continue to serve on the council once his or her term has expired?

It has come to RSA's attention that some states have enacted statutes or regulations, or have adopted policies, permitting a member of an advisory council in general, or the SRC specifically, to continue in his or her role on the council after the term of membership, set by federal law, has expired, until the governor reappoints the individual or appoints another person to replace that member. Whether these statutes, regulations or policies are consistent with the provisions of the *Rehabilitation Act* and its implementing regulations is a matter of federal constitutional principle.

The *Rehabilitation Act* typically grants wide flexibility to states in the implementation of federal requirements governing the administration and operation of the VR program. Nonetheless, Section 105 of the *Rehabilitation Act* is prescriptive with respect to SRC membership criteria, as well as the length and number of terms a member is permitted to serve. Although the *Rehabilitation Act* provides for a few exceptions to each of these requirements (e.g., the CAP representative is not limited in the number of terms he or she can serve), even the exceptions are very specifically detailed. The specificity of these particular

requirements is intended to ensure that the SRC is well qualified to carry out its responsibilities and functions in a meaningful manner.

Consequently, the Supremacy Clause of the U.S. Constitution dictates that the very clear and specific language contained in the provisions of the *Rehabilitation Act* and implementing regulations pertaining to the terms of service for SRC members supersede such state statutes and regulations. If permitted, the implementation of the state's statutes or regulations would both interfere with and undermine the proper implementation of the *Rehabilitation Act*. The implementation of a state's policy allowing a member to sit beyond his or her term would have the direct effect of undermining the provisions of Section 105 specifying the time limit for SRC membership. Therefore, no member of the SRC to whom term limits apply can continue to serve on the council once his or her term has expired, unless he or she is reappointed if eligible.

In an effort to minimize the effect SRC vacancies may have on the council's ability to continue its work, the *Rehabilitation Act* created two safeguards. First, Section 105(b)(7)(A) of the *Rehabilitation Act* makes it clear that a vacancy shall not affect the ability of the remaining SRC members to perform their duties. Second, Section 105(b)(7)(B) permits the appointing authority to delegate the authority to the remaining SRC members to fill a vacancy once the appointing authority has made the original appointment.

11. Can the same individual serve two terms representing one agency or entity and then serve additional terms representing a different agency or entity?

There is nothing in federal law to prohibit an individual, whose term of membership has expired or who has left the SRC, from being appointed to a new term. However, this appointment must be done consistent with the term-limit requirements already discussed. In other words, if an individual has served the maximum number of terms as a representative of a particular organization, he or she may not be re-appointed to that same membership slot – or any other membership slot – immediately. A meaningful break in service must occur before that individual could sit as a member of the SRC again. Both the *Rehabilitation Act* and its implementing regulations are very clear that “members” are appointed and that “members” have specific term limits. In other words, both the *Rehabilitation Act* and its implementing regulations speak in terms of the individuals serving on the council, not the seats they represent. Therefore, in order to give meaning to the specificity of the term limits imposed by federal law, no member should be appointed – after having already served the maximum time allowed – to a new membership seat until a meaningful break in service to the council has passed. Because neither the *Rehabilitation Act* nor its implementing regulations define this break in service, RSA encourages SRCs to consider addressing this issue through its bylaws so that criteria may be established to govern when an individual may be appointed to the council again.

12. How is a SRC member replaced if he or she cannot complete his or her term?

The governor or other appointing authority in the state must select a member to fill a vacant position in the middle of a term in the same manner as members appointed to a full term (Section 105(b)(7)(A) of the *Rehabilitation Act*; 34 CFR 361.17(f)(1)). However, the appointing authority can delegate this responsibility to the remaining members of the SRC after making the initial appointment (*Id.*). The substituting member must be appointed for the entire remainder of the departing member's term (Section 105(b)(6)(A)(i); 34 CFR 361.17(e)(2)). RSA interprets these statutory and regulatory provisions to permit a member, who completed the term of a vacating member, to be appointed for a consecutive full three-year term.

13. Can members be removed from the SRC, by whom and under what circumstances?

Neither the *Rehabilitation Act* nor its implementing regulations specify requirements governing the removal of an SRC member whose term has not expired. Each SRC has adopted bylaws that provide guidelines on how all aspects of the SRC are to be managed, which could include the varying circumstances that could cause the possible removal of an active member of the council. The council should then make a recommendation for removal to the governor or other appointing authority, who ultimately would make the decision since he or she made the original appointment.

14. Can SRC members receive compensation for their service on the council?

Members are not compensated for their service, which is voluntary, but may be compensated for expenses incurred in the course of their service, or be compensated for lost income as a result of attending to council business. This may include attending council meetings, hearings and forums sponsored by the council, or for receiving training which is deemed necessary by the council for the purpose of facilitating the members' ability to carry out their assigned duties as council members (Section 105(g) of the *Rehabilitation Act*; 34 CFR 361.17(k)).

Examples of expenses that may be reimbursed include child care expenses, costs associated with personal assistance services, reasonable accommodations for individuals with disabilities and other necessary expenses for individual members to participate in the work of the council. Compensation may be made for lost wages that occur as a direct result of participating in council activities.

RSA encourages SRCs to plan meetings and other activities of the council and its established committees to minimize the need for individuals to take time from work, and thus reduce the need for compensation for lost wages in order to maximize the resources of the council for other council activities. There is no

federal requirement that compensation be equivalent to the wages earned by the individual, and, therefore, the level may be set by the council in accordance with its bylaws. RSA encourages SRCs to consider carefully the balance between maximizing the council's resources, and minimizing the inconvenience and expenses incurred by members in the course of participating on the council so that individuals are not unduly deterred from serving.

SUMMARY: The SRC plays an important role in advising, and guiding state VR agencies to ensure the effective delivery of VR services to eligible individuals with disabilities in the community. RSA believes that the SRC should represent as great a diversity of voices from the disability community as possible, including ethnic, cultural, linguistic, gender diversity, as well as a wide range of physical, intellectual and mental health disabilities. All of the requirements discussed above are intended to support these goals of ensuring that the voice of individuals with disabilities served by state VR agencies are heard, along with the voices of the community of stakeholders, business and labor leaders, and VR service providers who work together to assist individuals with disabilities to achieve their vocational goals.

CITATIONS: Section 105 of the *Rehabilitation Act of 1973*, as amended

VR program regulations found at 34 CFR 361.16 and 34 CFR 361.17

APPENDIX IV – VRS Strategic Framework

OUR MISSION STATEMENT

Empower Minnesotans with disabilities to achieve their goals for competitive, integrated employment and career development.

OUR VALUE PROPOSITION

Vocational Rehabilitation Services is uniquely positioned to provide **leadership for the disability employment services system** that results in **competitive, integrated employment** for people with disabilities. As a **designated steward of public resources**, Vocational Rehabilitation Services is the **primary facilitator** of a broad stakeholder coalition that promotes choice, equal opportunity, and full community integration for people with disabilities.

State Goals and Strategic Priorities

Goal 1: Promoting Jobseeker Success: Provide VR participants with person-centered, quality services that result in competitive integrated employment for Minnesotans with the most significant disabilities

Strategic Priorities

A. Focus on participant engagement and satisfaction

Action: Enculturate Person Centered practices throughout VRS

Action: Review and respond to SRC's participant engagement and satisfaction survey recommendations

B. Monitor and evaluate the quality and quantity of employment outcomes

Action: Conduct qualitative statewide review process

Action: Monitor quantitative statewide employment outcomes

Goal 2. Building Business Relationships: Build long-term, collaborative relationships with business partners to increase competitive, integrated employment for Minnesotans with disabilities.

Strategic Priorities

A. Assist VRS staff in matching qualified VRS job seekers with competitive, integrated employment opportunities.

Action: Leverage Talent Pool technology to identify qualified job seekers and connect them to employers with hiring needs

B. Assist Business Partners in building inclusive workplaces and developing best practices for recruitment and retention for individuals with disabilities.

Action: Work with Business Partners to increase knowledge related to employment and disabilities and increase awareness and value associated with VRS' expertise and services through education, engagement and support.

Action: Develop, implement, and refine low risk hiring options such as On the Job Training, Job Try Outs, Internships and Connect 700 Program. Increase Business Partners' use of these hiring options.

Action: Create and deliver training designed to help employers facilitate, and coordinate workplace supports for employees with disabilities requiring them.

C. VRS will lead and reinvigorate Placement Partnerships by strengthening partnerships among VRS, VR Community Partners and Business Partners

Action: Develop a two-year plan for Placement Partnerships focusing on assessing Employer needs and analyzing best practices in placement and employer engagement.

Action: Lead efforts to provide development opportunities for placement professionals

Action: Build and maintain collaborative relationships with business partners through tours, presentations and networking events.

D. VRS will measure its effectiveness in serving Employers/Business Partners

Action: Expand and reissue 2017 VRS Business Engagement Survey to determine where improvements can be made to better serve Business Partners

Action: Work with CareerForce System partners to develop and track indicators of effectiveness in serving employers

Goal 3: Enhancing Organization Vitality – Creating an environment for staff to be passionate about their work.

Strategic Priorities

A. Develop staff skills and competencies in serving Minnesotans with the most significant disabilities.

Action: Provide innovative, timely, and in-depth training to VRS staff, using both internal and external learning opportunities

Action: Lead initiatives to incorporate person-centered language, tools and resources into every training, project and service provided by VRS

B. Offer leadership development opportunities for current and emerging leaders.

Action: Utilize the Enterprise Talent Development programs to cultivate staff potential

Action: Provide guidance and opportunities to apply learning and project work within a VRS context

C. Develop strategies for increasing the diversity and cultural competence of VRS staff

Action: Provide cultural competence training for VRS staff

Action: Utilize strategies to increase diversity in staff hiring and retention

D. Strengthen organizational communication internally and with system partners

Action: Provide frequent VRS organizational updates to staff

Action: Communicate major policy and practice decisions internally and/or with system partners

E. Develop strategies for overall organizational health

Action: Offer innovative workplace solutions to support organizational health

Action: Improve efforts to recognize staff and provide meaningful feedback

Goal 4. Leveraging Partnerships – To convene and strengthen collaboration to better serve Minnesotans with disabilities.

Strategic Priorities

A. Maintain and build partnerships with community-based rehabilitation providers and advocacy organizations

Action: Convene and leverage the VRS CRP Advisory Committee

Action: Provide timely communication and key updates to the VR Community

Action: Strengthen local relationships between VRS and community-based rehabilitation providers

Action: Collaborate with advocacy organizations to advance mutual agendas.

B. Expand our collaboration with other employment and disability services system partners to better coordinate and align services provided to Minnesotans with disabilities.

Action: Expand key partnership work with Department of Human Services (DHS), Minnesota Department of Education (MDE), counties, local school districts, and CareerForce System partners

Action: Partner with Department of Human Services (DHS) to finalize the WIOA required MOU.

Action: Facilitate collaboration of field staff, Medicaid lead agency staff, and Extended Employment (EE) providers to implement policies and practices that maximize Waiver, VR, and EE funding for employment services.

C. Engage the State Rehabilitation Council (SRC) for input and feedback on the vocational rehabilitation service delivery model for Minnesota

Action: Work in partnership with the SRC to develop and review state goals and priorities and seek input in the development of the State Plan and Comprehensive Statewide Needs Assessment

Action: Seek input from the SRC on substantive VR policy changes

Action: Seek input from the SRC on the Comprehensive System of Personnel Development

Action: Work collaboratively with the SRC to measure customer satisfaction and program effectiveness

Action: Work collaboratively with the SRC to maintain working relationships between VRS and external stakeholders, including Centers for Independent Living, other state agencies and other councils to coordinate activities and avoid duplication of efforts.

APPENDIX V - Glossary of Terms and Acronyms

Accommodations - special working conditions, job re-engineering, rehabilitation technology, or substantial support and/or supervision.

ADA – Americans with Disabilities Act of 1990 – makes it illegal to discriminate against people with disabilities in employment or public accommodations.

AT – Assistive or adaptive technology, equipment & devices – equipment or systems developed to provide solutions to problems confronting people with disabilities. These solutions can be high-tech or low-tech. By developing new products or re-engineering current ones, rehabilitation technologists can assist a person with a physical, mental or sensory impairment to function independently at home or on the job.

CAP – Client Assistance Program – CAP helps individuals obtain information concerning the Vocational Rehabilitation Agency and assists with problems that arise between counselors and consumers. CAP involvement occurs only when the consumer, counselor or other individual requests its assistance.

CCD - Consortium of Citizens with Disabilities - a coalition of approximately 100 national disability organizations working together to advocate for national public policy that ensures the self-determination, independence, empowerment, integration and inclusion of children and adults with disabilities in all aspects of society.

CFR - Code of Federal Regulations - the codification of the general and permanent rules and regulations (sometimes called administrative law) published in the Federal Register by the executive departments and agencies of the federal government of the United States.

C&G - Counseling and Guidance - a service provided during. A qualified counselor provides C&G throughout the rehabilitation process to: promote a successful relationship between the consumer and counselor; and help the consumer achieve his or her rehabilitation goal. C&G is short-term and problem-centered. It is not therapy. Refer a consumer who needs intensive counseling to an appropriate resource.

CILS - Centers for Independent Living - a consumer-controlled, community-based, cross-disability, nonresidential private nonprofit agency that is designed and operated within a local community by individuals with disabilities and provides an array of independent living services.

Closure – Usually “closure” occurs when a consumer has been employed for 90 days, and the counselor and consumer may close the case as a success. Closure can occur for other reasons.

Community-based assessment – Describes a work evaluation or assessment provided in the community.

CORE Services - 4 basic services Centers for Independent Living are required to provide for individuals with disabilities: Individual and Systems Advocacy, Peer Counseling, Information & Referral, and Independent Living Skills Training.

CRP - Community Rehabilitation Program – Refers to a community-based agency that provides specialized vocational rehabilitation services.

Competitive Employment – Describes full- or part-time work in the competitive labor market in an integrated setting, for which payment is at or above the minimum wage but not less than the customary wage, and the level of benefits paid by the employer is equal to that for the same or similar work performed by people who aren't disabled.

Consumer – A person who's been made eligible for Vocational Rehabilitation services.

CRC - Certified Rehabilitation Counselor – counselor certified by CRCC.

CRCC - Commission on Rehabilitation Counselor Certification – an independent, not-for-profit organization which has certified counselors since its incorporation in 1974.

CSAVR – Council of State Administrators of Vocational Rehabilitation - The Council of State Administrators of Vocational Rehabilitation is composed of the chief administrators of the public rehabilitation agencies serving individuals with physical and mental disabilities in the States, District of Columbia, and the territories. These agencies constitute the state partners in the State-Federal program of rehabilitation services provided under the Rehabilitation Act of 1973, as amended. The Council's members supervise the rehabilitation of some 1.2 million persons with disabilities.

CSNA – Comprehensive Statewide Needs Assessment – an assessment which and is required under Rehabilitation Act of 1973, as amended, and is conducted jointly by VR and SRC every 3 years. The CSNA is completed to identify needs for individuals with disabilities that can be address through the VR programs and provides the basis for state plan goals, objective and strategies.

CSPD - Comprehensive System of Personnel Development - The purpose of the CSPD is to improve the quality of educational and early intervention services and programs for infants, toddlers, children, and young adults with special needs through the effective preparation and ongoing professional development of educators, service providers, and families. It is through the development and implementation of the CSPD that the goal of an adequate supply of highly qualified personnel can be realized.

CE - Customized Employment - a flexible process designed to personalize the employment relationship between a job candidate or employee and an employer in a way that meets the needs of both. It is based on identifying the strengths, conditions, and interests of a job candidate or employee through a process of discovery.

DHS - Department of Human Services – Minnesota state agency that helps provide essential services to Minnesota's most vulnerable residents. Working with many others, including counties, tribes and nonprofits, DHS helps ensure that Minnesota seniors, people with disabilities, children and others meet their basic needs and have the opportunity to reach their full potential.

DEED - Department of Employment and Economic Development – Minnesota's principal economic development agency. DEED programs promote business recruitment, expansion, and retention; international trade; workforce development; and community development.

DDS - Disability Determination Services – federally funded agency that evaluates claims for disability benefits using Social Security Administration (SSA) guidelines. The Social Security program provides benefits to persons with disabilities who are unable to work.

DSU - Designated State Unit - the State vocational rehabilitation bureau, division, or other organizational unit that is primarily concerned with vocational rehabilitation or vocational and other rehabilitation of individuals with disabilities and that is responsible for the administration of the vocational rehabilitation program of the State agency, as required under § 361.13(b).

EDGAR - Education Department General Administrative Regulations – Parts 74-99 of the Code of Federal Regulations. These parts contain regulations for administering discretionary and formula grants awarded by the Department.

EE – Extended Employment – a program within Vocational Rehabilitation Services that works with nationally accredited community rehabilitation programs to provide long-term support services to help people with disabilities keep jobs and advance in their careers.

Eligibility for VR services – a person is eligible for vocational rehabilitation services from the general VR agency when they have a physical or mental impairment that constitutes or results in a substantial impediment to employment, and they require vocational rehabilitation services to prepare for, secure, retain, or regain employment.

Functional areas - Serious limitations in life skills in one or more of the following areas, as defined:

- A. *Communication*: the ability to effectively give and receive information through words or concepts, such as reading, writing, speaking, listening, sign language, or other adaptive methods
- B. *Interpersonal skills*: the ability to establish and maintain personal, family, and community relationships as it affects, or is likely to affect, job performance and security.
- C. *Mobility*: the physical and psychological ability to move about from place to place inside and outside the home, including travel to and from usual destinations in the community for activities of daily living, training, or work.
- D. *Self-care*: the skills needed to manage self or living environment, such as eating, toileting, grooming, dressing, money management, and management of special health or safety needs, including medication management, as they affect an individual's ability to participate in training or work-related activities.
- E. *Self-direction*: the ability to independently plan, initiate, organize, or carry out goal-directed activities or solve problems related to working.
- F. *Work skills*: (1) the ability to do specific tasks required to carry out job functions; and (2) the capacity to benefit from training in how to perform tasks required to carry out job functions.
- G. *Work tolerance*: the capacity or endurance to effectively and efficiently perform jobs requiring various levels of physical demands, psychological demands, or both.

FY – Fiscal Year

FFY – Federal Fiscal Year – October 1 – September 30

SFY – State Fiscal Year – July 1 – June 30

HCFA - Health Care Funding Agency

IDEA – Individuals with Disabilities Education Act – a law ensuring services to children with disabilities through the nation, IDEA governs how states and public agencies provide early

intervention, special education and related services to eligible infants, toddlers, children and youth with disabilities.

IEP – Individualized Education Program – a written plan for a child with a disability, developed and implemented through the local school system according to federal and state regulations. It includes details about the student’s performance, objectives, and the type and frequency of specific educational services.

Informed choice – Occurs when the consumer has been provided information (using appropriate modes of communication) about the options available in terms of employment outcome, employment setting, goods and services (including assessment services), service providers/vendors, settings in which services are provided, and methods used to provide services.

IPE – Individualized Plan for Employment – A written statement outlining the services and training an individual needs to prepare him or her for a job.

Job Club - A group of employed individuals and those seeking employment who meet for the purpose of support, instruction and career growth.

Job Developer – A professional who works with consumers and employers to match job vacancies with possible employees.

Job Coach/Job Coordinator/Job Trainer – A professional or paraprofessional who provides specialized job placement, job-site training, assessment and follow-up services to people with disabilities who have difficulty securing and maintaining competitive employment.

MACIL – Minnesota Association of Centers for Independent Living –A non-profit organization whose purpose is to advocate for a statewide network of independent living services and support for Minnesotans with disabilities throughout the State.

MOHR – Minnesota Organization for Habilitation and Rehabilitation - an organization comprised of Adult Day, Day Training & Habilitation, Extended Employment, and Supported Employment Service providers serving Minnesotans with disabilities.

NCSRC – National Coalition of State Rehabilitation Councils - the premiere national organization of the consumer voice to enhance the employment opportunities of persons with disabilities through the public vocational rehabilitation system.

OJT – On-the-job Training – Instruction that occurs on an actual job site. Training may take place after employment has begun or as a job try-out. Wages may be subsidized in whole or in part by various training funds.

OOS - Order of Selection – an order of selection consists of priority categories to which eligible individuals are assigned based on the significance of their disability. Under an order of selection, individuals with the most significant disability are selected first for the provision of vocational rehabilitation services. A State VR agency is “on an order of selection” when one or more priority categories are closed due to insufficient resources to fully serve all eligible individuals.

PCA – Personal Care Assistant – A professional offering services that help a person with a significant disability perform activities of daily living such as dressing, toileting, grooming, bathing, preparing food, feeding, repositioning, transferring, taking medication and mobility.

Person centered planning - an ongoing problem-solving process used to help people with disabilities plan for their future. In person centered planning, groups of people focus on an individual and that person's vision of what they would like to do in the future. This "person-centered" team meets to identify opportunities for the focus person to develop personal relationships, participate in their community, increase control over their own lives, and develop the skills and abilities needed to achieve these goals.

Qualifications for VR services – a person is qualified for vocational rehabilitation services from the General VR agency when they are eligible and found to have serious functional limitations due to a severe impairment and wish to obtain, retain, or regain employment.

RAM – Rehabilitation Area Manager – manage Vocational Rehabilitation Services field staff within a defined regional area. There are currently 19 RAMs in Minnesota.

Rehabilitation technology – The applications of science, engineering and technology to solve issues confronted by individuals with disabilities. Solutions may involve assistive devices/adaptive equipment and/or modifying a task of the environment.

RSA – Rehabilitation Services Administration – federal entity which administers grant programs and oversees implementation of Federal policy and program effectiveness of state vocational rehabilitation programs.

Serious limitation - serious limitation in a functional area means that, due to a severe physical or mental impairment, the individual's functional capacities in the specific area are restricted to the degree that they require services or accommodations not typically made for other individuals in order to prepare for, enter, engage in, or retain employment.

Service priority – the order of selection establishes service priority based on the number of functional areas in which a person has significant limitations to employment. Persons with limitations in more functional areas are deemed to have more significant disability.

SILC – Statewide Independent Living Council – a federally mandated council of community volunteers appointed by the governor. This council works collaboratively with the Centers for Independent Living and coordinates activities with other entities in the state that provide services similar or complementary to independent living services.

SRC – State Rehabilitation Council – guides decisions about Minnesota's Vocational Rehabilitation Services (VRS) program, which serves thousands of people with severe disabilities statewide by helping them reach their vocational goals. The council is created under state law and the Federal Rehabilitation Act, and its members are appointed by the governor.

Supported employment – Paid work in a variety of settings, particularly regular work sites in the community, especially designed for people with severe disabilities for whom competitive employment at or above the minimum wage requires ongoing support. On-the-job support may be provided by a job trainer/coach.

SWIFT – StateWide Integrated Financial Tools – the accounting and procurement system used by the State of Minnesota. Every individual and organization doing business with the state must be registered with the State of Minnesota as a vendor and given a vendor record.

Transition services – A set of activities coordinated among VR and other agencies, such as Department of Education, specifically helping school-aged youth make decisions about their future, set goals and start preparing to meet those goals. These services can begin before the child enters high school and can continue through post-secondary education or into the early years of employment.

Trial work experience – Exploring the consumer’s a capacity to perform in work situations through a planned series of temporary jobs with supports provided through VR.

Vehicle modification – Alterations to a vehicle, such as a car or van, to allow a person with a disability to enter it and/or drive it.

Vendor – Person and/or company providing rehabilitation services or products to VR’s applicants and consumers

VR – Vocational Rehabilitation – services provided to people with disabilities seeking assistance in gaining competitive employment.

VRS – Vocational Rehabilitation Services – state unit which serves to assist people with disabilities in preparing for, finding and keeping a job.

Waiting list - When annual program resources are insufficient to serve qualified new applicants and to serve all current customers through the end of the fiscal year, a priority category may be closed. New applicants who qualify in a closed category are then placed on a statewide waiting list for that category. Closing a category slows the rate of increase in the number of persons being served. It conserves resources so that obligations to persons who are already being served may continue to be met.

WAT – Work Adjustment Training – A service that teaches appropriate work habits and attitudes, often helping the consumer to increase work stamina and productivity.

Work evaluation – A service for consumers that assesses an individual’s work stamina, abilities, interests and work habits to help the person examine different career attitudes and options.

WIA – Workforce Investment Act – Federal legislation that contains the Rehabilitation Act. The Rehabilitation Act establishes and sets rules for state vocational rehabilitation programs.

WIOA – Workforce Innovation and Investment Act - WIOA replaces the Workforce Investment Act, which had been due for reauthorization since 2003. It funds state and local workforce initiatives and provides a comprehensive menu of job training services for adults and youth. The Rehabilitation Act, which addresses Vocational Rehabilitation, is Title IV of WIOA.

WOTC – Work Opportunities Tax Credit - A federal program that gives a tax break to employers hiring individuals with disabilities who are or have been consumers of a state vocational rehabilitation program

APPENDIX VI – WIOA/ADA Definitions of “Disability”

Definition given by the ADA National Network: It is important to remember that in the context of the ADA, “disability” is a legal term rather than a medical one. Because it has a legal definition, the ADA’s definition of disability is different from how disability is defined under some other laws.

The ADA defines a person with a disability as a person who has a physical or mental impairment that substantially limits one or more major life activity. This includes people who have a record of such an impairment, even if they do not currently have a disability. It also includes individuals who do not have a disability but are regarded as having a disability. The ADA also makes it unlawful to discriminate against a person based on that person’s association with a person with a disability.

<https://adata.org/faq/what-definition-disability-under-ada>

Definition given in Section 3 of the Workforce Innovation and Opportunity Act: The term “individual with a disability” means an individual with a disability as defined in section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102).

- (1) **Disability** The term “disability” means, with respect to an individual—
- (A) a physical or mental impairment that substantially limits one or more major life activities of such individual;
 - (B) a record of such an impairment; or
 - (C) being regarded as having such an impairment (as described in paragraph (3)).

(2) **Major Life Activities**

- (A) In general

For purposes of paragraph (1), major life activities include, but are not limited to, caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working.

- (B) Major bodily functions

For purposes of paragraph (1), a major life activity also includes the operation of a major bodily function, including but not limited to, functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions.

- (3) **Regarded as having such an impairment** For purposes of paragraph (1)(C):
- (A) An individual meets the requirement of “being regarded as having such an impairment” if the individual establishes that he or she has been subjected to an action prohibited under this chapter because of an actual or perceived physical or mental impairment whether or not the impairment limits or is perceived to limit a major life activity.
 - (B) Paragraph (1)(C) shall not apply to impairments that are transitory and minor. A transitory impairment is an impairment with an actual or expected duration of 6 months or less.
- (4) **Rules of construction regarding the definition of disability** The definition of “disability” in paragraph (1) shall be construed in accordance with the following:

- (A) The definition of disability in this chapter shall be construed in favor of broad coverage of individuals under this chapter, to the maximum extent permitted by the terms of this chapter.
- (B) The term “substantially limits” shall be interpreted consistently with the findings and purposes of the ADA Amendments Act of 2008.
- (C) An impairment that substantially limits one major life activity need not limit other major life activities in order to be considered a disability.
- (D) An impairment that is episodic or in remission is a disability if it would substantially limit a major life activity when active.
- (E)
 - (i) The determination of whether an impairment substantially limits a major life activity shall be made without regard to the ameliorative effects of mitigating measures such as—
 - I. medication, medical supplies, equipment, or appliances, low-vision devices (which do not include ordinary eyeglasses or contact lenses), prosthetics including limbs and devices, hearing aids and cochlear implants or other implantable hearing devices, mobility devices, or oxygen therapy equipment and supplies;
 - II. use of assistive technology;
 - III. reasonable accommodations or auxiliary aids or services; or
 - IV. learned behavioral or adaptive neurological modifications.
 - (ii) The ameliorative effects of the mitigating measures of ordinary eyeglasses or contact lenses shall be considered in determining whether an impairment substantially limits a major life activity.
 - (iii) As used in this subparagraph—
 - I. the term “ordinary eyeglasses or contact lenses” means lenses that are intended to fully correct visual acuity or eliminate refractive error; and
 - II. the term “low-vision devices” means devices that magnify, enhance, or otherwise augment a visual image.

([Pub. L. 101–336](#), § 3, July 26, 1990, [104 Stat. 329](#); [Pub. L. 110–325](#), § 4(a), Sept. 25, 2008, [122 Stat. 3555](#).)

APPENDIX VII – Order of Selection

Service Priority Categories

A State vocational rehabilitation (VR) agency is required to implement an order of selection when it anticipates that it will not have sufficient fiscal and/or personnel resources to fully serve all eligible individuals. (Section 101(a)(5)(A) of the Rehabilitation Act of 1973(Act) and 34 CFR 361.36(a)(1)). Persons are served according to their “priority category”. When priority categories must be closed, lower priority categories are closed before higher categories. Persons leave their waiting list according to the priority of their category and their date of application for VR services.

- *Priority Category One* (first priority for service) includes all individuals with a most significant disability, that is, persons whose condition results in serious limitations in three or more functional areas.
- *Priority Category Two* (second priority for service) includes all individuals with a significant disability that results in serious functional limitations in two functional areas.
- *Priority Category Three* (third priority for service) includes all individuals with a significant disability that results in a serious functional limitation in one functional area.
- *Priority Category Four* (fourth priority for service) includes all other eligible customers. These customers have a disability that makes them eligible for service but they do not have a serious limitation in a functional area. This category has essentially been closed since 1993.

Definitions

Service Priority

The order of selection establishes service priority based on the number of functional areas in which a person has significant limitations to employment. Persons with limitations in more functional areas are deemed to have more significant disability. It is intended by the order of selection that persons with the most significant disabilities will be served first when all persons who are eligible cannot be served.

Functional Areas

Serious limitations in life skills in one or more of the following areas, as defined:

- H. *Communication*: the ability to effectively give and receive information through words or concepts, such as reading, writing, speaking, listening, sign language, or other adaptive methods
- I. *Interpersonal skills*: the ability to establish and maintain personal, family, and community relationships as it affects, or is likely to affect, job performance and security.
- J. *Mobility*: the physical and psychological ability to move about from place to place inside and outside the home, including travel to and from usual destinations in the community for activities of daily living, training, or work.
- K. *Self-care*: the skills needed to manage self or living environment, such as eating, toileting, grooming, dressing, money management, and management of special health or

safety needs, including medication management, as they affect an individual's ability to participate in training or work-related activities.

- L. *Self-direction*: the ability to independently plan, initiate, organize, or carry out goal-directed activities or solve problems related to working.
- M. *Work skills*: (1) the ability to do specific tasks required to carry out job functions; and (2) the capacity to benefit from training in how to perform tasks required to carry out job functions.
- N. *Work tolerance*: the capacity or endurance to effectively and efficiently perform jobs requiring various levels of physical demands, psychological demands, or both.

Serious Limitation

A serious limitation in a functional area means that, due to a severe physical or mental impairment, the individual's functional capacities in the specific area are restricted to the degree that they require services or accommodations not typically made for other individuals in order to prepare for, enter, engage in, or retain employment. Accommodations are defined as special working conditions, job re-engineering, rehabilitation technology, or substantial support and/or supervision.

Eligibility for VR Services

A person is eligible for vocational rehabilitation services from the general VR agency when they have a physical or mental impairment that constitutes or results in a substantial impediment to employment, and they require vocational rehabilitation services to prepare for, secure, retain, or regain employment.

Qualifications for VR Services

A person is qualified for vocational rehabilitation services from the General VR agency when they are eligible and found to have serious functional limitations due to a severe impairment and wish to obtain, retain, or regain employment.

Waiting List

When annual program resources are insufficient to serve qualified new applicants and to serve all current customers through the end of the fiscal year, a priority category may be closed. New applicants who qualify in a closed category are then placed on a statewide waiting list for that category. Closing a category slows the rate of increase in the number of persons being served. It conserves resources so that obligations to persons who are already being served may continue to be met.

RSA Order of Selection Fact Sheet

- A State vocational rehabilitation (VR) agency is required to implement an order of selection when it anticipates that it will not have sufficient fiscal and/or personnel resources to fully serve all eligible individuals. (*Section 101(a)(5)(A) of the Rehabilitation Act of 1973 (Act) and 34 CFR 361.36(a)(1)*)
- The decision to establish and implement an order of selection must be made prior to the beginning of each fiscal year and reevaluated whenever changed circumstances indicate that the agency's resources are not sufficient to fully serve all eligible individuals. (*34 CFR 361.36(c)*)
- An order of selection consists of priority categories to which eligible individuals are assigned based on the significance of their disability. (*34 CFR 361.36(d)(1)*)
- Under an order of selection, individuals with the most significant disabilities are selected first for the provision of vocational rehabilitation services. (*Section 101(a)(5)(C) of the Act and 34 CFR 361.36(a)(3)(iv)(A)*).
- An "individual with a significant disability" is defined *Section 7(21)(A) of the Act* as an individual with a disability –
 - who has a severe physical or mental impairment which seriously limits one or more functional capacities (such as mobility, communication, self-care, self-direction, interpersonal skills, work tolerance, or work skills) in terms of an employment outcome;
 - whose vocational rehabilitation can be expected to require multiple vocational rehabilitation services over an extended period of time; and
 - who has one or more physical or mental disabilities listed in section 7(21)(A)(iii) of the Act or another disability or combination of disabilities determined on the basis of an assessment for determining eligibility and vocational rehabilitation needs to cause comparable substantial functional limitation.
- An "individual with a most significant disability" is defined by each State VR agency, using criteria consistent with the statutory definition of "individual with a significant disability." (*Section 101(a)(5)(C) and 34 CFR 361.36(a)(3)(iv)(A) and (d)(1)*)
- No other factors, including type of disability, referral source, and income, can be used to determine significance of disability or assignment to a priority category. (*34 CFR 361.36(d)(2)*)
- Individuals who are receiving disability benefits from the Social Security Administration (SSA) are considered to be individuals with significant disabilities. (*Section 102(a)(3)(A) of the Act*)
- If a State VR agency is on an order of selection, individuals who are receiving SSA disability benefits must be further assessed to determine if they meet the State agency's criteria for "individuals with the most significant disabilities." (*34 CFR 361.36(d)*)
- If a State VR agency establishes an order of selection, but does not implement the order at the beginning of the fiscal year, it must continue to serve all eligible individuals or it must implement the order by closing one or more priority categories. State VR agencies that are experiencing scarce resources may have one, some, or all priority categories closed. In these instances, some or all individuals receiving SSA disability benefits may be on waiting lists. (*34 CFR 361.36(c)(3)*)
- In a State VR agency operating under an order of selection, the individualized plan for employment (IPE) will be developed and implemented only for those eligible individuals to whom the State VR agency is able to provide services. Thus, an IPE will not be developed for individuals on waiting lists. (*Section 101(a)(9)(A) of the Act and 34 CFR 361.45(a)(1)*)

- Eligible individuals who do not meet the State VR agency's order of selection criteria, i.e., individuals on waiting lists, must be provided with access to the services available through the agency's information and referral system. (*Section 101(a)(5)(D) of the Act and 34 CFR 361.37*)
- In FY 2004, of the 80 State VR agencies, 40 were on an order of selection, compared to 39 agencies in FY 2003 and 37 agencies in FY 2002. Because the administrative preparations to establish an order of selection are very time consuming, many agencies that implement an order tend to remain on an order. Some agencies have been on an order since the late 1970's. (*State Plan Preprint 6.7 and Attachment 4.12*)

APPENDIX VIII - Defining “Person-Centered Practices”

What Does “Person-Centered” Mean?

For people who use services, their families, and supporters

The use of Person-Centered Practices is a way of assuring that people with disabilities and older adults have the same rights and responsibilities as other people, including:

- ◆ Expressing what they want in their everyday lives
- ◆ Taking and/or maintaining control of their lives
- ◆ Making their own choices
- ◆ Connecting and contributing to the community
- ◆ Having opportunities to improve their lives and have joy, happiness, and purpose
- ◆ Seeing family and friends as often as they like
- ◆ Managing their own money and other resources

Agencies are respecting you and your rights if they:

- ◆ Listen to you
- ◆ Work together with you and whomever else you choose (family, friends, neighbors) to support you in living the life you want
- ◆ Offer you choices about when, where, and how you get your supports—and honor those choices
- ◆ Help you:
 - Plan better for the present and the future
 - Work and/or contribute in other ways to your community
 - Be involved in groups, organizations, and social activities that interest you
 - Learn new things
 - Stay healthy and safe

Agencies that use person-centered practices:

- ◆ Support staff members in making you the center of planning.
- ◆ Provide staff to you based on matching staff skills and personality to your needs.
- ◆ Make sure that staff members know their responsibilities (those things they have to do) and know where they can use judgment and creativity (where they can try different ways). They also know what is private and respect your privacy.
- ◆ Are flexible and creative in the ways they support you.
- ◆ Frequently ask, “What is working, what is not working, and what do we still need to learn?”

Agencies that use person-centered practices may also help you develop a plan and review and update it on an ongoing basis—so the plan changes with you. This plan may include:

- ◆ A **positive description** of you—what people like and admire about you and what your talents and gifts are.
- ◆ **Who** is important to you—this may include family, friends, and paid professionals.
- ◆ What is **important to** you—your likes, preferences and routines.
- ◆ What is **important for** you—what you need to stay healthy and safe.
- ◆ What others need to **know or do to support** you.
- ◆ How you prefer to **communicate**.
- ◆ **Characteristics** of the people **who best support** you.
- ◆ An **action plan** that says who will do what by when.
- ◆ Evidence that the **plan is updated** as your needs and preferences change.

Developed by: Partnership for People with Disabilities at Virginia Commonwealth University.

VCU is an equal opportunity/affirmative action university providing access to education and employment without regard to age, race, color, national origin, gender, religion, sexual orientation, veteran’s status, political affiliation, or disability.



APPENDIX IX – Additional Resources

Federal

Rehabilitation Services Administration (RSA) Website

- <https://rsa.ed.gov/>

National Coalition of State Rehabilitation Councils (NCSRC) Website

- <http://www.ncsrc.net/>

Workforce Innovation Technical Assistance Center (WINTAC)

- http://www.wintac.org/topic-areas/pre-employment-transition-services/resources?utm_content=&utm_medium=email&utm_name=&utm_source=govdelivery&utm_term=#preets_resources

2011 Institute on Rehabilitation Issues (IRI) publication: *The State Rehabilitation Council-Vocational Rehabilitation Partnership*

- <http://www.acb.org/sites/default/files/Media/36IRIF~1.PDF>

Electronic Code of Federal Regulations

- https://www.ecfr.gov/cgi-bin/text-idx?SID=8500bf8bf0413e204155a456b42a3d68&node=se34.2.361_117&rgn=div8

State

Department of Employment and Economic Development (DEED) Website

- <https://mn.gov/deed/>

Vocational Rehabilitation Services (VRS) Website

- <https://mn.gov/deed/job-seekers/disabilities/>

Location of WorkForce Centers in Minnesota

- <https://mn.gov/deed/job-seekers/workforce-centers/workforce-center-locations/>

Minnesota Board Members' Handbook of Legal Issues

- https://mn.gov/pelsb/assets/Board%20manual%20October%202015_tcm1113-323000.pdf

Other

Disability and Special Education Acronyms

- <http://www.parentcenterhub.org/acronyms/>

APPENDIX X - Video Transcripts

Module 1: History of Vocational Rehabilitation

The Public Rehabilitation Program in America can trace its roots back to World War I.

During that war, modern medicine allowed more injured soldiers to survive and come home with significant disabilities than ever before.

But they couldn't go back to their old jobs.

The Soldiers Rehabilitation Act of 1918 introduced a new concept in disability support - not just money to live on, but training for the injured veterans as preparation for new jobs matching their "new" abilities.

A farmer who lost a leg fighting in France might be trained in drafting.

A factory worker with lungs burned by chlorine gas might become a pharmacist.

This idea was popular with the American people and matched programs in several states for training injured workers.

In 1920 Congress expanded the veteran's program to include anyone with a physical disability, not just veterans.

This was the beginning of the Public Vocational Rehabilitation Program, or VR.

The new program was great - as long as your physical disability met the requirements and as long as you needed the limited VR services the system offered.

These gentlemen, for instance, are learning to weave wicker backs and seats for chairs.

These men are making rugs.

But if you had some other kind of disability that didn't meet the requirements - such as seizures or mental retardation - you weren't eligible for any help.

People with these disorders continued to live on charity from family, church groups, or strangers - or in a state-supported institution.

World War Two expanded the rehabilitation system even more.

When millions of soldiers went off to war, they left behind jobs that still needed to be done.

So millions of women went to work to help out, but many unskilled jobs were still empty.

To help fill those jobs, some amendments to the Rehab Act in 1943 expanded VR services to include people with mental illness and mental retardation.

This gradually doubled the number of people finding jobs through VR.

And those new workers began changing society's stereotypes about what people with disabilities could do.

In response to comments from the public, these amendments also changed the kinds of services that VR provided.

In addition to training and guidance, VR began paying to correct certain disabilities, including cataract surgery on eyes or bone surgery for limb deformities.

VR also began paying for equipment like hearing aids or wheelchairs - anything that improved the ability of someone with a disability to find a job.

The 1943 amendments also allowed states to create separate VR agencies for people with blindness, if the states chose to.

In the decades that followed, as the economy grew and as doctors learned how to treat more serious disabilities, the process of VR became more complicated.

Beginning with the 1954 amendments to the Act, the federal government started funding scientific research into disabilities and rehabilitation, eventually leading to the National Institute on Disability and Rehabilitation Research, or NIDRR.

These amendments also significantly increased funding for the public rehabilitation system to match its growing popularity.

Politically, Vocational Rehabilitation was popular.

It helped thousands of people, even if it still didn't reach everyone with a disability.

It had a clear definition of its target group - people with disabilities who could return to work with help - and a clear definition of success - employment of those people.

You could measure the results financially and the program consistently made money for the government.

On average, for every dollar spent on training and support initially, people with disabilities paid 7 dollars in state and federal taxes when they got back to work.

VR was a Washington success story.

Then came the 1965 amendments.

President Johnson used these to recruit VR into his Great Society program.

VR had been so successful finding jobs for people in need, so to speak, that the administration was going to expand its role.

Suddenly the term Disability included drug abuse, alcoholism, repeated jail sentences, so-called Behavior Disorders, public assistance, and many other conditions that were not medical at all.

In short, almost anyone who couldn't get a job could get help from VR.

VR was operating offices in prisons, welfare offices, and storefronts.

Where the VR system had once served thousands of people, it now served tens of thousands.

This change quickly overwhelmed the system, and VR officials had to streamline the process.

Now applicants were processed and evaluated quickly, and training choices were much more limited.

VR services became less individualized and flexible and rehabilitation became a mass production system.

VR now helped many more people, but the people who needed the flexibility and individualization of earlier years - people with the most significant disabilities - often got lost in the shuffle. They had to go back to doing without.

By this time - in the late sixties and seventies - people with disabilities, advocates, and family members had learned a few lessons from the civil rights movement.

They began lobbying and protesting about, among other things, this streamlining of VR.

In 1973 Congress responded with a completely new Rehab Act.

This act directed VR to primarily serve people with significant physical or mental disabilities.

In addition, counselors and consumers would now work in close partnership to individualize services.

And each counselor-consumer team would use a formal Individualized Written Rehabilitation Program to help them develop and carry out those services.

Meanwhile, the voices of disability advocates continued to grow.

They started a radical "de-institutionalization" movement in the 1960s, which pushed institutions to move people out into new "group homes" and "residential care facilities" in local communities.

Unfortunately, after lifetimes living passively in institutions, many people living in the new facilities didn't know what else to do. Instead of creating community inclusion, many group homes became small duplicates of the institutions.

Although the new facilities were a good idea, it was going to take more than that for people with disabilities to build ties to their communities and live independently.

Out of these efforts and others, came a new Disability Rights movement.

Advocates began to talk about things like "community inclusion" and "consumer choice" for disability services.

The VR system integrated these concepts with new amendments in 1986.

For people with the most significant disabilities, these amendments shifted VR's focus away from jobs in protected places like sheltered workshops.

Instead, the amendments provided supports to help people adapt to work in typical jobs out in the community.

Since 1986, VR has continued working closely with the disability community and has integrated emerging concepts into its regulations and services.

In 1992, new amendments to the Rehab Act created a new front section that spelled out some of these concepts in a statement of definitions and principles.

These amendments also created the State Rehabilitation Councils - which are citizens' advisory councils in each state to increase the voice of consumers in the policy and operations of state agencies.

In addition, the 1992 amendments increased the role of the consumer in planning his or her services, mandated a set of standards and indicators for monitoring agencies, required agencies to set minimum training standards for all VR counselors, and speeded up the eligibility process.

The amendments also said Agencies were to presume that everyone with a disability could benefit from VR services.

This meant agencies could not deny services to someone just because his or her disability was very significant.

In 1998, another set of amendments increased supports for informed consumer choice in the VR process, streamlined some administrative requirements, and increased the options to help consumers find high quality jobs.

This set of amendments also required a partnership between the public rehabilitation system and other state and federal agencies that provide employment-related services.

This included requirements for local cooperative agreements.

As part of this partnering effort, the Rehab Act became Title Four of the Workforce Investment Act.

However, the changes carefully maintain the integrity of the Public Rehabilitation System.

The VR system still provides flexible, individualized services to people with disabilities who need more than the general public jobs programs can provide.

Through all these changes, the guiding principles of the rehabilitation system have not changed - a belief that employment and productivity lead to independence and a belief that independence is the right of all American citizens.

Module 2: The Rehabilitation Act

The current Rehabilitation Act stands as one of the defining documents for the relationship between the US government and its citizens with disabilities.

The Act is divided into seven sections, called Titles, and a preamble that comes before the titles.

This initial section defines important terms used in the Act and describes the basic intent and principles of the Act.

In effect, it lays out the philosophical framework for all that is to follow.

And, according to Jan La Belle of the Florida State Rehabilitation Council, this section says some fundamental things about why the Act exists:

Jan La Belle: I think that it is an implementation of our constitution; it is a way of realizing and operationalizing our constitution. I think it declares that every human being has value and every human being can be productive. And some people may need additional services on their way to getting there. But it doesn't mean that's not where they are going to go.

Narrator: This section of the Act also establishes RSA and identifies its administrative responsibilities, especially with regard to the VR program.

Title One of the Rehab Act describes the basic structure of the public rehabilitation system.

It establishes the role of state VR agencies and authorizes a special program for Native Americans - sometimes called the One-Twenty-One Program - to meet the unique rehabilitation needs of Native Americans with disabilities.

Title One also establishes two advocacy programs - Client Assistance Programs - or "CAPs" - to make sure people with disabilities know about the support options the state will provide; and State Rehabilitation Councils - or SRCs - to act as citizens' advisory groups to State VR agencies.

Title Two of the Act covers Research and Training issues related to disability and rehabilitation.

This title establishes the National Institute on Disability and Rehabilitation Research - usually called NIDDR.

Title Three of the Act authorizes funding for Special Projects and Demonstrations related to VR services and training.

This includes funding for a variety of academic scholarships, development projects, and educational programs.

It also includes a set of continuing education centers for working rehabilitation counselors - called RRCEPs - and a similar set of centers for community rehabilitation providers - called CRP-RCEPs.

Title three also funds projects to expand or improve VR services and projects to provide VR services to migrant and seasonal farm workers.

Title Four of the Act establishes a National Council on Disability.

This council acts as the voice of people with disabilities at a national level, similar to the State Rehabilitation Councils on an agency level.

Title Five addresses the rights and advocacy of people with disabilities.

It describes how the Federal Government and the projects it funds will protect the rights of people with disabilities and not allow discrimination toward them.

This title is the civil rights section of the Act and is a forerunner of the ADA.

Title Six establishes two specific approaches to promote employment opportunities for people with disabilities.

The first is Projects With Industry and the second is Supported Employment.

The Projects With Industry grants program promotes corporate hiring of qualified people with disabilities into competitive jobs.

The Supported Employment Program helps people with the most significant disabilities find competitive, community-based jobs.

This title of the Act makes sure the Public Rehabilitation System includes the business community.

Title Seven establishes several support systems for independent living of people with disabilities.

The first is a program called Independent Living Services, which provides funds for states to help people with disabilities live independently.

Title Seven also establishes the system of Independent Living Centers - or ILCs - that provide referral, advocacy, and guidance services to promote independent living.

The third program is Independent Living Services for Older Individuals Who Are Blind.

Title Seven also establishes the State Independent Living Councils as a key administrative part of the independent living programs.

These "Silks" - as some people call them - often work closely with the State Rehabilitation Councils.

With that basic structure in mind, it is worth looking more closely at Title One and a few of its subsections.

At the front of Title One is a set of definitions and policy principles, similar to the preamble.

After that is some language about required funding for the programs - which seems minor at first, but which makes a huge difference.

Other titles in the Rehab Act simply say Congress will appropriate necessary funds to carry them out.

Title One says Congress will appropriate the same amount as the year before plus a cost of living increase.

This makes the amount of funding for Title One mandatory - Congress cannot reduce - or eliminate - the funding unless it changes the law.

The funding for all other titles is discretionary - which means Congress can reduce or eliminate them if needed.

The next section, Section 101, requires that each state develop a State Plan, describing how it will provide

VR services to its citizens and naming the Designated State Unit - or D-S-U - to carry out the plan on a day-to-day basis.

The State Plan acts as a contract between the State and Federal governments about the delivery of VR services.

This section of the Act also requires that the state plan address Order of Selection (if necessary), the training of VR personnel under a Comprehensive System of Personnel Development - also called "C-S-P-D" - and the Individualized Plan for Employment forms - or "I-P-E"s - that counselors and consumers in that state will use.

Section 102 discusses eligibility and the I-P-E.

Section 103 outlines the elements of VR service to individuals and groups.

Section 105 establishes the State Rehabilitation Councils, or "S-R-C" s.

It outlines the specific composition of S-R-C membership, the duties of the council, and the resources available to it.

Section 106 requires R-S-A to create a set of Standards and Indicators, which state agencies and R-S-A will use to measure progress towards program goals.

Section 107 outlines the monitoring responsibilities of R-S-A to ensure that state agencies are complying with the Rehab Act. It also outlines the available penalties and appeals process for states judged non-compliant.

Section 112 requires states to establish a Client Assistance Program, or "Cap." And, as mentioned,

Section 121 provides an alternative VR system for Native Americans.

Taken together, Title One and the other Titles of the Rehab Act represent the accumulated wisdom of more than eighty years experience helping and promoting people with disabilities to achieve basic independence.

The Act creates a public rehabilitation system that is, at it's core, flexible, individualized, and comprehensive, focused on doing whatever it takes. Carl Suter, Director of the Council of State Administrators of Vocational Rehabilitation, says it is a model for other laws around the world.

Carl Suter: I think that what we have with this law is - there's nothing we can't do on behalf and with a consumer in order to help them achieve their goals, their ambitions for success in becoming self sufficient. You know, there's not a cap on services, there's not a limitation on what you can or can't buy. And that's really unique. And, I think, is one of the things that makes our program so unique is that it is so individually tailored.

Module 3: Principles and Policies

The Rehab Act lays out the basic principles to which all projects and programs that the Act funds will comply.

Several important sets of policies flow from these principles, so it is important to review their implications.

The first principle is respect for people with disabilities, particularly in regard to individual dignity, personal responsibility, self-determination, and the pursuit of meaningful careers based on informed choice.

The second principle is respect for the privacy, rights, and equal access of people.

The third principle is the inclusion, integration, and full participation of individuals in all activities and programs that the Rehab Act funds.

The fourth principle is the inclusion of a person's representative for support if the person with a disability asks, wants, or needs that person included.

The final principle is support for individual advocacy, systemic advocacy, and community involvement.

Reading farther into the Rehab Act, we reach Title One, which provides the foundation of the public rehabilitation system.

This section establishes - or authorizes - the state VR programs and their funding, and outlines the responsibilities of the agencies that administer the program in each state.

But before it does that, Title One spells out another set of policy principles specifically for the public rehabilitation system.

These are the principles the VR agencies are to follow as they assess, plan, develop, and provide VR services to help people with disabilities prepare for - and achieve - employment.

The first principle says VR agencies will presume that people with disabilities - including those with the most significant disabilities - are capable of being employed - or, as the Act puts it, of achieving employment outcomes.

The agencies will also presume that providing individualized VR services will improve each person's ability to find a job.

The second principle says that an agency has to provide opportunities for a person with a disability to find employment in integrated settings - which means the workplace is typical for the community and involves regular contact with non-disabled people.

The third principle says that people with disabilities must be active and full partners in the VR process from the moment they apply for services - even before a VR counselor determines if they are eligible or not.

This means that informed, meaningful choice starts with application, not eligibility.

The person applying for VR services must be involved in the decisions about getting assessments to find out if they are eligible.

If the counselor determines that the person is eligible for services, the person must be an active and full partner making informed decisions about selecting an employment outcome, choosing services to reach that outcome, choosing service providers, and deciding how to obtain the services.

The fourth principle says that families and other natural support systems can be important parts of the VR process.

If the person with a disability wants or needs to include them in the process, those natural supports should be used.

The fifth principle says that the VR process works better at helping people reach employment outcomes and objectives when the V-R counselors and other staff are trained and qualified for their jobs.

The sixth principle says that VR agencies must involve people with disabilities and their representatives when developing and implementing policies.

The agency must consider them full partners in the VR program and include them in a regular and meaningful way.

The seventh and final principle says VR agencies must use accountability measures that promote and support the goals and objectives of the VR program.

The principle singles out one goal for definite inclusion in the measures - providing VR services to people with the most significant disabilities.

These seven principles - presumed employability and benefit from services, integrated employment, partnership in decision-making, natural support systems, trained service staff, partnership in policy-making, and accountability - lay the foundation for how the public rehabilitation system will operate.

As described earlier, the Rehab Act establishes RSA to monitor, advise, and support the public rehabilitation system.

To guide its work, RSA has developed a set of six Policy Principles that echo and elaborate those from the Rehab Act.

The first policy says that all people with disabilities - including those with the most significant disabilities - can work in competitive, high-quality jobs in integrated settings in the community.

They can also live full and productive lives as part of their community.

The second policy says that some of the major barriers to employment for people with disabilities are people's biases and misunderstandings.

These include misunderstandings about the abilities, capacities, commitment, creativity, interests, and ingenuity of people with disabilities.

These attitudinal barriers can exist in the minds of the general public, VR service providers, or people with disabilities themselves.

Policy three says that people with disabilities can make informed choices about their own lives and take responsibility for the results.

This includes making informed choices about employment options, types of services they need to reach their employment goals, and which service providers to use.

Policy four says that the primary goal of VR agencies and the public rehabilitation system is empowering people with disabilities so they can make informed choices about their professional and personal lives.

The VR agencies support consumers' decision-making by providing information, skills training, education, confidence, and support services.

Policy five says that the VR program should be flexible enough to provide services with the least administrative burden possible while still allowing accountability.

And policy six says that, when rehabilitation service providers collaborate with community-based organizations that represent people with disabilities, the collaboration enhances the quality of VR services and improves employment outcomes.

These interlocking sets of principles and policies clearly show the commitment of the public rehabilitation system to provide a comprehensive and flexible network of supports that respects the dignity of people with disabilities.

In addition, real world experience has prompted RSA to elaborate further on several key policy issues - High-Quality Employment Outcomes, Competitive Employment Outcomes, Informed Choice, and Program Accountability.

In the past, there have been varying definitions of what type of job would represent successful employment for a VR consumer.

The Rehab Act and RSA policy say that an Employment Outcome is the career goal spelled out in the person's Individualized Plan for Employment - or IPE.

The counselor and the person with a disability choose this goal as a team, and they should make the decision based, primarily, on the person's Primary Employment Factors - the person's interests, strengths, resources, priorities, concerns, abilities, and capabilities.

This policy applies even to situations where the person with a disability already has a job but needs

VR help to advance in it as a career.

Both the Act and RSA Policy put a high priority on Competitive Employment as the best, or "optimal," employment outcome.

Competitive employment means that the salary for the job is at least minimum wage, and that the salary and benefits are equal to those the employer gives people without disabilities doing the same type of job.

And finally, competitive employment means the job is in an integrated setting - in a typical setting for jobs in that community and the person with a disability interacts regularly with people who do not have disabilities.

RSA has emphasized the issue of informed choice with a special Policy Directive on the subject.

This directive says that, in addition to providing opportunities for informed choice, State VR programs must also provide any information, support, and assistance that the person needs to make an informed choice.

The agencies must provide these opportunities and resources throughout the entire VR process.

This specifically includes decisions about the employment goal, what V-R services the person needs, which service providers to use, what settings to use for the services and the final employment, and how to procure the services.

Agencies should provide the resources both to people with disabilities whom the agency has approved for services and to people who have applied for services.

How does one measure how well an agency is doing in complying with these policies and principles?

Section 106 of the Rehab Act requires RSA to create a set of evaluation standards and performance indicators that do that.

These indicators form the official report card to judge how a state agency is performing.

The standard that measures employment outcomes has six elements, or Performance Indicators: Performance Indicator 1.1 is the number of people achieving an employment outcome - or Status 26 closures in traditional V-R terms - in the state for the current year compared to last year.

Performance Indicator 1.2 is the percent of people who reached Status 26 out of all the people who got services from the agency this year.

Performance Indicator 1.3 is the percent of people reaching Status 26 whose jobs are considered competitive employment.

It is one of three that RSA considers Primary Indicators - the ones most important for the program.

Performance Indicator 1.4 is the percent of people reaching Status 26 who had a significant disability.

It is also a Primary Indicator.

Performance Indicator One Point Five is the average hourly pay of people reaching Status 26 compared to the average for the state's general population.

It is the third Primary Indicator.

And Performance 1.6 is the number of people who were living, primarily, off their own salary when they first came to VR for services compared to the number living off their own salary when they exit VR.

In other words, how many people has the agency helped become financially self-supporting who used to depend on Social Security Disability Income or some similar source of money?

RSA requires that each agency meet or exceed expected performance levels on four of these six indicators, including at least two of the three Primary Indicators.

If an agency does not meet this standard, it must work with RSA to develop a Program Improvement Plan.

These indicators are one way that RSA helps the public VR program focus on high-quality employment outcomes instead of simply the number of services provided or the number of people who found a job.

One can think of these RSA policies as the real-life expression and implementation of the philosophies spelled out in the Rehab Act.

Both the Rehab Act and the RSA policies represent the cumulative experience of more than 80 years providing vocational rehabilitation services to Americans with disabilities.

The emphasis placed on human dignity, on individual self-determination, and on program accountability and flexibility are not just idealistic philosophies of social reformers.

They are the result of practical experience about what works to help more people with disabilities reach economic self-sufficiency in their local community.

Module 4: The Role of SRCs

So, according to the Rehab Act, what is the role of a State Rehabilitation Council?

An SRC acts as a voice of consumers and other stakeholders in the public rehabilitation system.

The council advocates for the VR program to both the State VR agency and to the public at large.

It is important to understand that an SRC doesn't act as a critic of the VR agency.

It works in partnership with the agency toward a common goal - maximizing employment and independent living for people with disabilities.

Geoff Peterson, Chair of the SRC of Colorado VR, struggles to find the ideal relationship between his SRC and State Agency.

Geoff Peterson: You know, in the Rehabilitation Act it's sort of gone from being an advisory committee to being a partner.

I'm not sure exactly what that means. I'm not sure anybody does know exactly what that means. But I think, within each state, the State Agency and the SRC is going to have to define for themselves what that partnership is.

It's something we've been working on ever since that change went into effect.

Sometimes we're pretty close to partnership; sometimes we get a little further away from that. But, you know, I think the idea of partnership is key.

Narrator: Besides requiring this partnership, the Rehabilitation Act spells out the responsibilities and structure of SRCs in Section 105. It says they must have at least 15 members - although usually there are more - and the majority must be people with disabilities.

The members must represent a cross section of people with disabilities, related service agencies, disability advocates, and community businesses people.

In states with a separate VR agency for blindness, there may also be a separate SRC for that agency.

Tina Treasure, with the SRC for Oregon VR, finds the diversity of perspectives important, especially inclusion of a business perspective:

Tina Treasure: I think that's important because I think that VR partners not only include the SRC but employers.

They actually have two groups of people that they serve.

One are the clients, people with disabilities, and the other is the employer community.

The employer community brings the reality of what clients and VR counselors face in terms of misunderstanding of disability, fear on the part of employers, and an insight into how we can change that.

Narrator: The SRC meets at least 4 times a year, but may meet more often if it needs to.

At these meetings, the members review and evaluate the activities of the state rehabilitation agency.

This includes evaluating the agency's services, outcomes, policies, reports - anything that effects how the agency supports and responds to people with disabilities.

Based on this, committee members help the agency judge how well it is carrying out its responsibilities.

If the state agency decides to change any policies or procedures about VR services, it has to consult the SRC beforehand for a response.

Although the SRC and the State VR agency work as partners, the SRC will not always agree with everything the agency proposes.

This kind of feedback can sometimes be difficult for an agency to hear.

But Frank Lloyd, the Director for Nebraska VR, has come to realize how valuable it is.

Frank Lloyd: I think the thing that state agencies and directors in particular, need to be careful of is not to be defensive about criticism because ultimately, members of that rehab council and all VR staff want to have a good program, a quality program, that's consistent with the values and the principles of the law. I mean we all want the same thing, and so the issues arise in the "how do we achieve that?"

Narrator: Each year the SRC works with the state agency to develop performance goals and priorities for the agency.

At the end of the year, the SRC helps the agency review how effectively it performed towards meeting those goals and priorities.

SRC members also help the state agency amend its official Plan for VR services from the previous year, or develop a new Plan when necessary.

The State agency has to submit that Plan, plus any review comments from the SRC, to RSA each year.

If the agency disagrees with the comments from the SRC, it must include an explanation with its submission to RSA.

Stephanie Parrish Taylor is the Director for Oregon VR, but she has also served on the other side of the relationship, as chair of the Oregon Commission for the Blind. She says sometimes disagreements come with the territory.

Stephanie Taylor: And quite frankly I would be highly suspicious of a council in an agency relationship where there WEREN'T differences of opinion. I think that if you, you know, have a really good representation of people on your SRC, you're going to have differences of perspective and differences of opinion. And I think that's healthy.

Narrator: Every three years, the SRC and the agency cooperate on a comprehensive statewide assessment to see what kinds of VR services people with disabilities in that state need.

The SRC also conducts a review of both the effectiveness of the program - its services, functions, and employment outcomes - and of consumer satisfaction with the program.

If necessary, the Rehab Act gives SRCs the power to hold special hearings or other types of meetings.

SRC members use these information sources as a reality check to help the state agency meet its goals and priorities.

Marcia Cooper is Chair of the SRC for Maine's Division of Voc Rehab.

She sees this direct public input as a vital part of the process:

Marcia Cooper: The individuals and families of people with disabilities usually have the best solutions to solve problems. Because often we presume or make assumptions on what people need and what's best - with all the good intentions in the world. But we're not necessarily addressing what people truly want and consider priorities. And considering that money is always an issue, and respect is always an issue, we really, really need... to hear people.

Narrator: And finally, each year the SRC submits its own report on the agency's operations to the State Governor and to RSA.

According to Geoff Peterson, this report helps the SRC as well RSA

Geoff Peterson: A lot of the SRC work gets done in individual committees. We have, I think, three standing committees right now. And so, sometimes, being involved in that committee, members can lose, sort of, sight over what the rest of the SRC is doing in the other committees. And so it kind of brings all these different activities together and makes a whole out of it, so that people can sit back and say, "Well we really HAVE accomplished a lot."

Narrator: All of these responsibilities can be a lot for new council members to take in.

Jan LaBelle, Chair of the Florida SRC, remembers how confusing it can be:

Jan LaBelle: Probably the thing I say most to new council members on our council is ask questions and don't be afraid to ask questions, because nobody comes on to a council and joins the council understanding the entire big picture. And it can be very intimidating and daunting, and I think that if you feel that way, it means you're taking it seriously. And that's a really good thing.

There's acronyms and all kinds of terminology that I had not had first hand experience. A lot of the terminology was inside the agency or inside the VR system and the VR world and very, very foreign to me. And you have to always raise your hand and say "Could you please not use an acronym?" Or "what is that?" But if you don't, you're really not going to be able to be an active participant.

Narrator: By promoting the creation of SRCs, the Rehab Act forces state agencies in two important directions.

First, each agency must get local, external perspectives on how it does its job.

Second, because of the diverse composition of the SRCs, each agency has to reach out to other service providers, community groups, and state agencies.

Jan LaBelle: And so I think that we sit at more tables than vocational rehabilitation does. And by our day jobs, we are exposed to far more things.

And I feel like the Rehab System needs to not have blinders on and needs to reach out anywhere and everywhere possible to employment networks and to parent organizations, to self-advocate / self-determinization groups, and, probably most importantly, to other state agencies.

Narrator: Geoff Peterson agrees, and says SRC members should take their job very seriously:

Geoff Peterson: If you're going to be on the SRC, you really need to make a commitment to be there to speak up; to disagree, to agree; to add your voice to this.

And I think if the SRC looks at that as a serious business, it's going to have much more effect on its dealings with Voc Rehab, will be a much more effective body in helping Voc Rehab do its job. It's an important thing that they do.

Narrator: The intent of the Rehabilitation Act is to create a public rehabilitation system that is both consumer oriented and consumer driven.

For practical purposes, the state must manage the day-to-day operation of the VR program.

But it is vital that consumers and advocates have an effective voice in this system at the highest levels.

The SRCs ARE that voice. They embody the essential partnership needed to make sure State VR services are truly consumer-focused.

Annual Report

One of the duties of the SRC is to generate an annual report on the status of vocational rehabilitation programs, deliverable to the governor and the U.S. Department of Education by the end of each calendar year.

The current SRC Annual Report can be viewed on the DEED website: <https://mn.gov/deed/job-seekers/disabilities/research/>