

# The State Rehabilitation Council Fact Sheet

**BACKGROUND:** The State Rehabilitation Council (SRC) is established in Section 105 of the Rehabilitation Act of 1973, as amended (Act), and 34 CFR 361.16-361.17 of its implementing regulations. The SRC *gives advice* to and *works in partnership* with the Vocational Rehabilitation (VR) agency/unit.

Although most State VR agencies have an SRC, there are a few which do not. Section 101(a)(21)(A) requires the State VR agency to meet one of the following requirements:

1. the designated State VR agency is an independent commission that:
  - a. is responsible under State law for operating or overseeing the operation of the State VR program;
  - b. is a consumer-controlled entity by persons who are:
    - i. individuals with physical or mental impairments that substantially limit major life functions; and
    - ii. represent individuals with a broad range of disabilities, unless the designated State unit under the commission's direction is the State VR agency for individuals who are blind;
  - c. includes family members, advocates or other representatives of individuals with mental impairments; and
  - d. performs the functions of the SRC, set forth in section 105(c)(4) of the Act; OR
2. the State VR agency has established an SRC according to the requirements of section 105 of the Act.

In some States, there are two State VR agencies: one provides VR services to individuals who are blind; the other provides services to all other individuals with disabilities. Section 101(a)(21)(B) of the Act grants those States with two VR agencies the option of establishing one SRC for *both* VR agencies *or* one SRC for *each* of the VR agencies.

## **MEMBERSHIP OF THE SRC:**

- ☐ Governor appoints SRC members, unless State law grants appointing authority to another entity.
- ☐ In making appointments to the SRC, the appointing authority should consider the extent to which minority populations are represented on the SRC.
- ☐ SRC members serve for three-year terms.
- ☐ Members cannot serve more than two consecutive terms.

***MEMBERSHIP OF THE SRC (continued):***

- ☐ The two-term limit does ***not*** apply to the Client Assistance Program (CAP) or the American Indian VR program representatives.
- ☐ The SRC must have at least ***15 members*** representing:
  - 1. Statewide Independent Living Council (SILC);
  - 2. Parent Training & Information Center established under the Individuals with Disabilities Education Act (IDEA);
  - 3. CAP;
  - 4. VR counselor, who, if employed by the VR agency, is an ex-officio, non-voting member;
  - 5. community rehabilitation program;
  - 6. business, industry and labor (4 representatives);
  - 7. disability advocacy groups representing:
    - a. individuals with physical, cognitive, sensory, and mental disabilities; and
    - b. individuals' representatives of individuals with disabilities who have difficulty representing themselves or are unable due to their disabilities to represent themselves;
  - 8. current or former VR applicants or recipients;
  - 9. American Indian VR program (if the State has one);
  - 10. State educational agency responsible for the public education of students with disabilities;
  - 11. State Workforce Investment Board; and
  - 12. Director of the designated State VR unit (ex-officio, non-voting member).
- ☐ The SRC may have more members, provided the above minimum composition is met.
- ☐ The majority of SRC members must be:
  - ∞ individuals with disabilities, AND
  - ∞ not employed by the designated State VR unit.
- ☐ For purposes of SRC membership, an "individual with a disability" is anyone who:
  - ∞ has a physical or mental impairment that substantially limits one or more major life activities;
  - ∞ has a record of having such an impairment; OR
  - ∞ is regarded as having such an impairment.

## ***SRC FUNCTIONS:***

The SRC must perform the following functions, *after consulting with the State Workforce Investment Board*. This requirement can be met, at a minimum, through the exchange of ideas between the SRC representative of the State Workforce Investment Board and other members of the SRC.

1. ***Review, analyze, and advise*** the VR unit regarding VR's performance related to:
  - ∞ eligibility, including order of selection;
  - ∞ extent, scope and effectiveness of VR services;
  - ∞ functions performed by State agencies that affect the ability of individuals with disabilities to achieve an employment outcome.
2. *In partnership with the VR unit:*
  - a. ***Develop, agree to and review*** State goals and priorities.
  - b. ***Evaluate the effectiveness*** of the VR program and submit annual progress reports to the RSA Commissioner.
  - c. ***Conduct*** a statewide needs assessment of individuals with disabilities living in the State every three years.
3. ***Advise*** the VR agency/unit regarding VR activities.
4. ***Assist in the preparation of*** the State plan, amendments to the plan, applications, reports, needs assessments, and evaluations, including those necessary for the VR agency to satisfy the requirements of developing a "comprehensive system of personnel development" and establishing an "order of selection."
5. ***Review and analyze*** the effectiveness of and the consumer satisfaction with:
  - ∞ VR agency functions;
  - ∞ VR services provided by the VR agency and other entities; and
  - ∞ employment outcomes achieved by eligible individuals served by VR.
6. ***Prepare and submit*** an annual report to the Governor and RSA on the status of VR services. Report should be made available to the public.

***SRC FUNCTIONS (continued):***

7. ***Coordinate*** the activities of the SRC with the activities of other councils, such as the:
  - ∞ SILC;
  - ∞ advisory panel established under IDEA;
  - ∞ State Developmental Disabilities Council;
  - ∞ State mental health planning council; and
  - ∞ State Workforce Investment Board.
8. ***Provide for the coordination and the establishment of working relationships*** between the VR agency and the SILC and the centers for independent living.  
AND
9. ***Perform other functions*** that it determines appropriate and comparable to its other functions, provided they are consistent with the purpose of title I of the Act and its implementing regulations.

***VR UNIT'S MANDATE REGARDING SRC:***

The Act requires the designated State VR agency/unit to:

1. jointly develop, agree to and review annually State goals and priorities and jointly submit annual reports of progress with the SRC;
2. consult with the SRC regularly regarding the development, implementation and revision of State policies and procedures of general applicability pertaining to the provision of VR services;
3. include in the State plan and any revisions to the State plan, a summary of input provided by the SRC;
4. conduct a statewide needs assessment of individuals with disabilities living in the State every three years; and
5. transmit copies of the following to the SRC:
  - a. all plans, reports and other information required to be submitted to RSA;
  - b. all policies and information on practices and procedures of general applicability provided to or used by rehabilitation personnel in carrying out the VR program; and
  - c. due process hearing decisions which are to be transmitted to the SRC in such a manner as to protect the confidentiality of the individuals involved.

### ***CONFLICT OF INTEREST:***

An SRC member may not vote on any matter that would financially benefit him/herself OR give the appearance of a conflict of interest.

### ***SRC MEETINGS:***

SRC meetings must be:

- ∞ held at least four times a year;
- ∞ publicly announced;
- ∞ open and accessible to the public unless there is a valid reason for an executive session; and
- ∞ may consist of hearings and forums as deemed necessary by the SRC.

### ***COMPENSATION AND EXPENSES:***

- ☐ SRC members may be reimbursed for reasonable and necessary expenses to attend Council meetings and perform SRC functions. Reimbursed expenses can be for child care and personal assistance services.
- ☐ SRC members may be compensated if the member is not employed or if he/she must forfeit wages from other employment in order to attend meetings or perform SRC functions.

### ***RESOURCES:***

- ☐ The SRC must work with the VR agency/unit to develop a resource plan, including the staff needed for the SRC to carry out its functions.
- ☐ The resource plan must rely on existing resources, to the maximum extent possible.
- ☐ SRC members must supervise and evaluate the staff necessary for the SRC to carry out its functions.
- ☐ The Governor has the authority to resolve any disagreement between the SRC and the VR unit in terms of the resources needed by the SRC to perform its functions.

### ***KEY LEGAL CITES:***

The Rehabilitation Act of 1973, as amended (Act):

- ∞ Section 101(a)(21)
- ∞ Section 105

Federal Regulations:

- ∞ 34 CFR 361.16 and 361.17