



THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK / ALBANY, NY 12234

TO: The Honorable the Members of the Board of Regents

FROM: Lawrence C. Gloeckler *Lawrence C. Gloeckler*

COMMITTEE: Vocational and Educational Services for Individuals with Disabilities

TITLE OF ITEM: Amendment to the State Plan for Vocational Rehabilitation and Supported Employment Services

DATE OF SUBMISSION: January 13, 2003

PROPOSED HANDLING: Approval

RATIONALE FOR ITEM: Required under the Rehabilitation Act of 1998, as amended

STRATEGIC GOAL: Goals 3-6

AUTHORIZATION(S): *Thomas J. Blane*

SUMMARY:

In accordance with the Rehabilitation Act of 1998, as amended, the Amendment to the State Plan for Vocational Rehabilitation and Supported Employment Services, effective July 1, 2003, is presented for your approval. The attached report summarizes the content of the Amendment. The complete Amendment is available in the Regents Office for your review. The draft Amendment was shared with you for your information in October 2002, prior to release for public comment.

This document also serves to amend the current State Plan by adding provisions for an order of selection, if our fiscal situation were to necessitate such action.

Attachment

**AMENDMENT TO THE STATE PLAN
FOR VOCATIONAL REHABILITATION AND
SUPPORTED
EMPLOYMENT SERVICES**

EFFECTIVE JULY 1, 2003

Including Order of Selection:

Attachment 4.12(c)(2)(A)

Effective March 1, 2003

**NEW YORK STATE EDUCATION DEPARTMENT
OFFICE OF VOCATIONAL AND EDUCATIONAL SERVICES FOR
INDIVIDUALS WITH DISABILITIES**

SUMMARY OF THE AMENDMENT TO THE STATE PLAN FOR VOCATIONAL REHABILITATION AND SUPPORTED EMPLOYMENT SERVICES, EFFECTIVE JULY 1, 2003

State Plan Process

The Rehabilitation Act, as amended, requires that New York State prepare a State Plan on the same cycle as the Workforce Investment Act (WIA). This document informs the public of the Office of Vocational and Educational Services for Individuals with Disabilities (VESID) goals, priorities and objectives in providing vocational rehabilitation and supported employment services to individuals with disabilities in New York State. This five-year document, entitled State Plan for Vocational Rehabilitation and Supported Employment Services, Effective July 1, 2001, was submitted and approved by the Rehabilitation Services Administration (RSA). The Rehabilitation Act further requires that each state annually amend its approved State Plan in specific areas as requested. The Amendment to the State Plan consists of specific attachments that must be updated annually and that are required by RSA. The content and format of the Amendment to the State Plan are based on the most recent guidance provided by RSA.

VESID, in conjunction with the State Rehabilitation Council (SRC), developed the proposed Amendment to the State Plan for Vocational Rehabilitation and Supported Employment Services, Effective July 1, 2003. The proposed Amendment to the State Plan was used to solicit input and recommendations from the public on planned activities related to vocational rehabilitation of persons with disabilities for the next year. A public comment period extended from November 20, 2002 through December 20, 2002.

VESID also informed the public of three policies that required changes as a result of a new attachment to the State Plan. The attachment, Order of Selection, informs the public when the State agency makes the determination that it cannot provide the full range of rehabilitation services to all eligible individuals. The Order of Selection attachment must contain:

- The order to be followed in selecting eligible individuals to be provided vocational rehabilitation services;
- A justification of that order of selection; and
- The service and outcome goals and the time within which these goals may be achieved for individuals in each priority category within the order.

This attachment was the primary focus of discussion for both the proposed Amendment and the required policy revision. The policies that must be revised are Order of Selection, Significance of Disability, and Due Process.

Public Meetings

To notify and inform the public about the town meetings on the state plan, VESID sent out 800 "Hold the Date "postcards in October advertising these meetings. This was followed in November with a mailing of 2000 flyers that gave more specific details on both the Amendment and town meeting locations. The flyers were sent to consumers, community agencies, schools, independent living centers, and support groups. VESID also used the newsletters, Friday faxes, and internal communication process of several community rehabilitation providers to advertise the proposed Amendment and town meetings.

VESID further advertised the proposed Amendment and the town meetings through two VESID websites- the VESID website as well as the Policy and Partnership Unit website. Through the Internet access, VESID also created a Virtual Town Meeting site that was accessible to the public seven days per week, 24 hours per day. The Virtual Town Meeting allowed individuals to review both the proposed Amendment and the policies that require revision as a result of the proposed Amendment and to electronically post their comments.

At each meeting, VESID provided a PowerPoint presentation on the proposed Amendment and three required policies. The State Rehabilitation Council (SRC) provided an overview of the Council's initiatives to address increasing access of VESID consumers to the workforce development system and asked the public for recommendations on how VESID can become an even more integral part of the Workforce Investment Act system. The presentation was followed by an open discussion with the public.

VESID further posed questions to the public related to the Order of Selection attachment. The questions related to managing VESID's resources more efficiently, enhancing access of individuals with disabilities to the workforce development system, and assisting VESID in becoming an even more integral part of the workforce development system. Recommendations to consider in the development of related policy were also sought. VESID staff facilitated the discussion, and public participants remained free to offer comments or recommendations on any part of the State Plan and its process. A total of 112 people attended the six meetings.

The town meetings were designed to provide ample opportunities for participants to review and discuss their ideas about VESID's plans, policies and directives, including order of selection, supported employment, the comprehensive system of personnel development, VESID's annual estimates of individuals to be served, and evaluation and report of progress. However, the major change in the Amendment was the inclusion of the attachment entitled, Order of Selection. By introducing this attachment, VESID is alerting the public that, given the fiscal climate, VESID may not have either the necessary funds or staff to serve all eligible individuals and so may need to prioritize by category who will be served and the process that will be used.

The comments and recommendations were reviewed for incorporation into VESID's Amendment to the State Plan and implementation strategies. Comments that were received, but did not directly alter the Amendment, are being shared with VESID leadership for consideration.

Amendment of the State Plan: Summary of Public Comments and Required Attachments

The following attachments describe VESID's plans, policies and activities in a number of required areas. Highlights of the Amendment to the State Plan for Vocational Rehabilitation and Supported Employment Services, Effective July 1, 2003 include:

- **Summary of Input and Recommendations of the State Rehabilitation Council; Response of the Designated State Unit; and Explanation for Rejection of Input or Recommendations: Attachment 4.2(C)**- Summarizes the advice of the State Rehabilitation Council (SRC) on the State Plan, policy development and general comments. VESID's responses to SRC are also included. As these are the Council's recommendations to VESID, it does not go to the public for comment.
- **Comprehensive System of Personnel Development (CSPD): Attachment 4.11(b)**- This attachment describes VESID's activities to ensure an adequate supply of qualified rehabilitation professionals in conformance with its CSPD. The CSPD calls for VESID to use the highest national standard, Certified Rehabilitation Counselor (CRC), as the goal in recruitment/retention of counselors.

Comment: None

Response: No change to attachment

- **Annual Estimates of Individuals to be Served and Costs of Service: Attachment 4.12(b)**- VESID estimates that during Federal Fiscal Year 2003-2004, 36,900 individuals with significant or most significant disabilities will be eligible for VESID services.

Comment: None

Response: No change to attachment

- **Order of Selection: Attachment 4.12(c)(2)(A)**- Describes how VESID will provide services if it makes the determination that it cannot provide the full range of rehabilitation services to all eligible individuals who apply for services. It includes the order to be followed in selecting eligible individuals to be provided vocational rehabilitation services; a justification of that order of selection; and the service and outcome goals and the time within which these goals may be achieved for individuals in each priority category within the order.

Comment: VESID received a wide variety of comments and recommendations on the implementation of order of selection (OOS). Many legitimate concerns were raised by the public during the discussion. Concerns focused on how particular disability groups, such as those with chemical dependency or mental illness, will be affected. More in-depth information was sought in determining how an individual's significance of disability would be measured and by whom it would be measured. There was concern about the responsibility and/or the critical judgment that will be placed on counselors who must make the determination of significance of disability. Will individuals who have adapted to their disability be affected? What effect will OOS have on services to minority groups? People recommended increasing the use of the workforce development system and advocated training for all One-Stops to more effectively work with consumers with all types of impairments, and mental illness in particular. VESID also received recommendations to consider providing training on the OOS priority categories and functional capacities to schools, Social Security Administration and other agencies that prepare assessment reports for VESID.

Response: The comments and recommendations have been forwarded to the VESID policy unit and to leadership for specific consideration in the development of policies, procedures and training on order of selection. Two changes were made to this attachment as a result of federal comment. The Rehabilitation Services Administration (RSA) determined that "cognition" as a functional capacity is already covered under the existing functional capacity entitled "self-direction." RSA expressed concerns that by adding cognition to the list of functional limitations, more weight might be given to those individuals seeking services under an OOS with non-physical disabilities than those with primary physical disabilities. By removing cognition from the functional capacity list, the State would not expand upon the federal definition but mirror it. VESID has removed the word "cognition" from its list of functional capacities and will include those elements under the area of self-direction. The second change relates to the definition of Priority Category II. In Priority Category II the wording has been changed from "one or two or more functional capacities" to "one or two functional capacities." Limitations in more than two functional capacities place the individual in Priority Category I.

- **Goals and Plans for Distribution of Title VI, Part B Funds: Attachment 4.12(c)(3)**
- This attachment indicates that VESID plans to continue to fund supported employment services utilizing Federal VIB and other funds.

Comment: None

Response: No change to attachment

- **Evaluation and Report of Progress in Achieving Identified Goals and Priorities and Use of Title I Funds for Innovation and Expansion Activities: Attachment 4.12(e)**-
Describes VESID's progress in achieving the goals and priorities agreed to with the State Rehabilitation Council.

Comment: None

Response: No change to attachment

Summary of Input and Recommendations of the State Rehabilitation Council; Response of the Designated State Unit; and Explanation for Rejection of Input or Recommendations: Attachment 4.2(C)

Over the last several years, VESID and the State Rehabilitation Council (SRC) have sought to work even more closely and cooperatively in setting the policy direction and the delivery of vocational rehabilitation services for eligible New York State VESID consumers. VESID and SRC developed a process that reflects a team approach to new policy development in which the appropriate VESID units (policy, training, operations and technology) work together with SRC members to assure full communication on policy issues while adhering to an efficient policy development and implementation process. This process has allowed SRC and VESID to jointly develop the State Plan and VESID policy.

The table below provides SRC recommendations and VESID's response to these recommendations.

State Rehabilitation Council (SRC) Recommendations	VESID Response
STATE PLAN	
VESID should provide the (State Plan) audience with a brief update on the actual status of any policies and procedures under development that might be discussed during the course of the meeting.	VESID agrees that it will include a brief status report to accompany the three policies under development that may be discussed during the State Plan meetings.
Return to the focus group format for the State Plan meeting. This forum allowed for more input and more discussion.	VESID agrees that the focus group format is effective for allowing more input and discussion. However, this year it was important that VESID inform the public about the potential for an Order of Selection, which changed the town meeting format slightly. VESID will return to the focus group format.
This year VESID brought a short list of key priorities and/or hot and timely topics about which it sought input, regardless as to whether that information fit into the State Plan section under official review or not. This practice should continue and should be more clearly emphasized.	VESID will continue development of a supplemental list of timely issues and priorities.

Virtual posting of comments would be improved if the web site were staffed for specified times to allow direct interaction.	VESID will explore the feasibility of having staff available at specific times to interact with those who may choose to provide input via the web site.
Need to improve access/make it easier to find the virtual posting link from VESID's main web page.	Postings were improved this year by creating a direct link to the virtual web site. VESID will look for additional ways to make it more user-friendly.
ADDITIONAL ADVICE PROVIDED THROUGHOUT LAST YEAR	
SRC requests clarification regarding a comment in the recruitment and preparation section of the plan where it is indicated that VESID Counselor salaries are not competitive with the private sector. Since the State rate is higher than the non-profit rate SRC seeks additional information about the comment or deletion of the comment from the final version.	For several years it has been difficult for VESID to recruit new counseling staff who meet the CSPD requirements, particularly in the downstate area. Private insurance companies in particular aggressively recruit new graduates at higher salaries than VESID can pay. This is affecting VESID's ability to both recruit and retain staff.

PRIORITY POINTS	
The Council believes that it is important for the national VR program, as well as VESID, to self-market. It is recommended that money be sought on both the federal and State levels that is targeted specifically to raising awareness about the VR program.	VESID agrees. As part of its activities with the National Organization of Rehabilitation Partners, VESID will be exploring opportunities, including seeking funding, for raising public awareness about the value of the vocational rehabilitation program.
VESID should avail itself more thoroughly of the full resources of the University of the State of New York. For example, make improved use of libraries for distributing public information.	VESID agrees. The Board of Regents and Commissioner Mills have committed to strengthening the linkages and support among the resources of the University of the State of New York. VESID will work closely with SRC in the coming year to identify opportunities.

<p>The Education Department should explore bringing a "disability awareness" curriculum to high schools, colleges, and human resource training programs.</p>	<p>The New York State learning standards in Health and Social Studies ensure that disability awareness is taught throughout the elementary, intermediate and commencement level curricula. The Report of the Taskforce on Postsecondary Education and Disabilities calls for a facility education effort. VESID is working with SUNY on web-based information and will continue similar efforts with other higher education sectors.</p>
<p>VESID should ensure that the employment outcome policy supports seasonal, temporary and paid internships as successful outcomes. Also it is important to look at retention and quality of placement and consider those issues in any evaluation of employment success.</p>	<p>The employment outcome policy will reflect retention and quality of placement as important quality indicators. The current definition of employment outcome is "full-time or, if appropriate, part-time competitive employment... in the integrated labor market, supported employment, telecommuting, or business ownership." To move beyond this will require changing the federal definition. VESID is recommending changes to the Rehabilitation Act that will support outcomes particularly related to youth, such as paid internships.</p>
<p>The Council recommends that VESID include with the Comprehensive System of Personnel Development (CSPD) requirements under the State Plan for 2003, that all VESID and/or vendor staff hired to provide job development or job placement services must successfully complete a VESID approved comprehensive course focused on job development and placement.</p>	<p>The CSPD requirements for the State Plan for 2003 refer to the designated state unit (VESID). According to the Rehabilitation Services Administration (RSA), the focus is on vocational rehabilitation counselors. Until the public agency staff are addressed, RSA does not intend to include those who work for not-for profit agencies. There are insufficient resources to do this. It is VESID's understanding that the current Master's level programs certifying vocational rehabilitation counselors require courses that focus on job development and placement.</p>

<p>The State Plan should provide opportunities for training paraprofessionals; and should encourage cross-training for staff development with community agencies (community centers, neighborhood outreach staff, college recruitment staff, etc.) as well as State VR agency staff. SRC believes this type of interaction with community representatives will assist with improving outreach to unserved and underserved populations.</p>	<p>VESID agrees that cross-training is a highly effective mechanism for sharing information and resources. It is also an activity that can assist with outreach to underserved and unserved populations. These activities continue to increase, particularly through collaborative relationships developed under the workforce development system.</p>
--	--

Comprehensive System of Personnel Development: Attachment 4.11(b)

VESID's Comprehensive System of Personnel Development (CSPD) was jointly developed by a work group that included VESID management and professional staff, a representative of the State Rehabilitation Council (SRC), and professional staff from the Commission for the Blind and Visually Handicapped (CBVH).

Adequate Supply of Qualified Rehabilitation Professionals

VESID will ensure an adequate supply of qualified rehabilitation professionals by tracking all staff and working to meet the needs of consumers by providing the most qualified rehabilitation professionals. Using a software package that VESID constructed with the ORACLE Training Administration (OTA), VESID will track all training opportunities for VESID staff, including CSPD. Microsoft ACCESS will be used as a backup for CSPD monitoring. VESID also tracks all its personnel through two data systems. The first is the New York State Education Department's mainframe computer based personnel system, which generates a monthly report describing the status of staff items, grade level, item numbers, position classification and pay scale. The other system is the Operations Database, a VESID-maintained system that includes Central Office and District Office personnel information by appointment type, date of appointment, grade level, pay level, and personnel movement such as time worked and resignations. The Operations Database allows immediate access to personnel data that are VESID specific.

As of August 2002, VESID's figures in regard to adequate supply of qualified rehabilitation professionals are as follows:

Full Time Equivalent Vocational Rehabilitation Counselors (VRCs)	375
VRCs not meeting CSPD standards	77
VESID Active Caseload	59,854
Ratio of counselors to consumers	1 counselor to every 160 consumers
Anticipated VRCs that VESID will need over the next two years due to loss of current VRCs	66

Coordination of CSPD with the Individuals with Disabilities Education Act (IDEA)

VESID administers both special education and vocational rehabilitation programs. The CSPD functions for both areas are carried out by VESID's Program Development and Support Services unit, in collaboration with all other VESID organizational units. The advantage of this structure is that the needs of both the

vocational rehabilitation professional and the special education professional are accounted for in all planning and development activities. VESID recognizes the need to address cross system concerns that affect all staff. For example, the coordination of meaningful transition services from school age to postsecondary settings remains one of the most challenging aspects of program delivery and is a high priority area for vocational rehabilitation and special education collaboration. Several years ago, a joint memorandum of agreement was developed that outlined roles and responsibilities between vocational rehabilitation and special education. The State Education Department and CVBH also share a memorandum of understanding regarding the transition of young adults with visual impairments to employment. VESID and CBVH plan to continue their relationship within the CSPD context and other matters related to IDEA. In addition, VESID continues to partner with other agencies to serve consumers, without overlapping our services.

In response to the continued need to assist more young people to successfully transition from school to careers or further education, VESID has hired 29 counselors and counselor assistants, with IDEA funds, to work specifically with schools and students with disabilities who are transitioning to adult roles. These staff received specialized training in transition and working with students with disabilities. VESID will be monitoring the results of this effort to assure that students with disabilities are able to more successfully attain high-quality employment and postsecondary educational programs leading to career opportunities.

Description of and information on institutions of higher education within the State that are preparing rehabilitation professionals

There are seven institutions of higher education in New York State accredited by the Council on Rehabilitation Education (CORE) that prepare vocational rehabilitation professionals. VESID is working with these institutions to develop a process for the recruitment of students from diverse populations, and to establish a curriculum based on best practices, research, and development trends.

VESID has collected the following data regarding the CORE accredited institutions:

Number of students enrolled in seven CORE accredited institutions (2000-2001)	297
Number of students identified with disability	44
Number of students identified as non-white	151
Number of students who graduated in 2001	76

Plan for recruitment, preparation, and retention of qualified personnel

As a function of VESID's CSPD plan to recruit, prepare, and retain qualified personnel, VESID has made significant progress in many areas. While some of these innovations will not be fully implemented while the current budget restrictions remain in place, they have been developed and approved, and will be operationalized as soon as possible.

- SED has implemented an agency-wide Diversity Plan that specifies a process for the recruitment and selection of qualified candidates and is designed to support appropriate outreach to underrepresented populations as a required component of all recruitment efforts. The need to address diversity issues is a critical consideration of VESID's CSPD. Recruitment visits to colleges with significant enrollment of students from minority populations, however, will be suspended until the current hiring freeze and travel restrictions are lifted. All VESID staff participate in diversity training to enhance awareness to issues of diversity in its broadest sense (ethnic, racial, cultural, gender, etc.).
- Approval is in place to offer up to 15 paid internship positions for individuals in their second year of a master's degree program. This program will begin as soon as budget considerations allow. In the interim, unpaid internships are available.
- A proposal to increase the salaries of all vocational rehabilitation counselors (VRCs) and counselor assistants to keep salaries competitive with the private sector has been forwarded to the NYS Department of Civil Service for review and approval.
- Approval is in place to retain a pool of VRC positions to be used for a two-month overlap of new staff and retiring counselors, providing for training and caseload transition. This initiative will be operational when the current NYS "freeze" on hiring of new staff is lifted.
- All applications to the Long Term Training Grant for college tuition support have been approved, so there has been no need to implement the approved strategy for prioritizing applications. Nearly all applicants are completing their school work on their own time, necessitating few requests for reduced work time.
- VESID has implemented the Long Term Training Grant for CSPD, which covers the cost of college courses required for VESID VRCs to meet the Certified Rehabilitation Counselor (CRC) and CSPD standards. In the 2001-2002 academic year, 21 VRC staff attended four New York State CORE institutions and one out-of-State distance learning CORE institution. In the 2002-2003 academic year, 30 staff will attend four New York State CORE institutions and two out-of-State distance learning CORE institutions. During this year, the first staff will meet their

CRC requirements as a result of this program. The VESID Personnel Development Team provides mentoring to Long Term Training Grant awardees.

- A distance learning cooperative to provide ongoing educational opportunities for those who do not meet the highest standards has begun with one school, and programs are being developed with two additional schools. Our intent is to develop such plans with all seven CORE institutions in New York State.
- Continued to provide ongoing updated training opportunities to all VRC staff. VESID personnel will continue to receive appropriate and adequate training through a system of staff development. VESID's Program Development and Support Services unit has primary responsibility to ensure that all personnel employed by VESID are appropriately and adequately trained and prepared to provide quality services to internal and external customers.
- Continued to partner with CBVH and maintain relationships with New York State-based federally sponsored initiatives.
- Maintained relationships with New York State-based federally sponsored initiatives, such as the Regional Rehabilitation Training Center (RRTC) on Brain Injury at Mt. Sinai; RRTC on Disability and Employment Policy at Cornell University; National Independent Living Center Management Training Program at Cornell University; the two Parent Training and Outreach Centers; and the long term training grant program at Hunter College.
- Provided access to training in sign language for interested counselors.

Personnel Standards

Standard for VESID Vocational Rehabilitation Counselor

The New York State Education Department/VESID will hire Vocational Rehabilitation Counseling Professionals who have or are eligible to obtain certification as a Certified Rehabilitation Counselor (CRC).

If VESID is unable to recruit individuals who meet the CRC standard because the unique and specific service needs of a region limit availability of qualified applicants, VESID will hire individuals in the following priority order:

- Master's degree in Rehabilitation Counseling or a closely related field and no CRC.
- Bachelor's degree (VR related).
- Bachelor's degree with specialized skills.

Hiring preference will be given to individuals who meet national certification standards.

In addition, outreach efforts for recruitment will be made through disability groups and associations (in accordance with the SED/VESID Diversity Plan) serving minority populations. VESID will also work with institutions of higher education to expand their student recruitment efforts to reach students with diverse backgrounds. VESID will work with the New York State Department of Civil Service to review, as necessary, VESID's standard for hiring qualified VRCs based on agency and federal regulation and revise existing employment descriptions and standards to meet the above policy.

Staff development

VRCs hired prior to July 1, 2000	VRCs hired after July 1, 2000
VESID will provide training and other incentives to each VRC, as mutually agreed, to move toward the standard. Support will be provided through In Service Training funds and the Long Term Training Grant.	VESID will develop a strategy to ensure that individuals who are hired after July 1, 2000 and do not meet the national standard will obtain that standard.

While it is the intent of VESID to hire and retain employees who meet the national standard, in some instances VESID may be unable to hire vocational rehabilitation counselors who meet the standard. For example, in order to hire VRCs who meet the unique needs of regional offices (e.g., expertise in Spanish, communication skills, or expertise with persons who are severely disabled), VESID may need to recruit personnel without CRC certification. In these cases, VESID will develop a strategy to ensure that those individuals meet the national standard.

VESID will address current and projected vocational rehabilitation personnel needs by ensuring that all its personnel will be adequately trained. To accomplish this goal, the following activities have been and will continue to be supported for employees:

- VESID's Policy and Partnership Unit has developed several Technical Assistance Briefs as a resource for vocational rehabilitation counselors. The Briefs, designed as a practical guide for VESID VRCs, make available current information about a specific disability, effective practices and specialized resources. A training strategy has been developed for each Technical Assistance Brief. The Technical Assistance Briefs issued are on the topics of Acquired Brain Injury, Learning Disability and Mental Health.

- In-service training funds provide for attendance at workshops, conferences, formal course work, agency developed and conducted training sessions, and Rehabilitation Research Continuing Education Program (RRCEP) developed or sponsored training sessions. Training is offered in the fields of counseling rehabilitation, medical aspects of disabilities, job placement, rehabilitation technology, diversity, choice, Americans with Disabilities Act, the Rehabilitation Act Amendments of 1998, and other topics related to the field of vocational rehabilitation. All employees have access to these training opportunities.
- VESID will continue to support and provide training on rehabilitation technology, and will work with RRCEP to develop relevant training programs.
- VESID distributes information received from a variety of sources including the National Clearinghouse of Rehabilitation Materials, Arkansas Research and Training Center, Institute of Rehabilitation Issues, and many other professional, educational and private sources.
- VESID provides ongoing training to all VRCs regarding policy and procedural changes that have resulted from the 1998 Rehabilitation Act Amendments, 2001 Federal Vocational Rehabilitation regulations and other federal and state laws and regulations relevant to the vocational rehabilitation process. Training provided to date includes such areas as Eligibility, Individualized Plan for Employment, Driver Training and Vehicle Modification, as well as training regarding revised federal reporting requirements. VESID also provided training to staff on other federal programs, including the federal Workforce Investment Act, Ticket to Work, and Temporary Assistance to Needy Families. Training was also provided on supervisory procedures.
- The massive effort to train all staff to use the comprehensive electronic Case Management System (CaMS) was completed during 2002. All VESID offices now use this system.

Personnel to address individual communication needs

To ensure that VESID adequately provides services to consumers who are not English proficient, have a cognitive disability or are deaf, VESID has professional staff able to communicate in the native language of individuals who are non-English speaking or who use other modes of communication, such as sign language. When such staff are not available, VESID contracts with outside agencies and individuals for interpreter or communication services. VESID also ensures that VRCs are aware of how an individual's cognitive disability might affect his or her ability to participate in the vocational rehabilitation process.

VESID requires the use of Certified or State-approved interpreters for the deaf when sign language interpreter services are required in the provision of vocational rehabilitation services.

VESID also requires a specific communication skill level for vocational rehabilitation staff working with Spanish-speaking consumers. VESID will continue to use these standards and make adjustments when appropriate.

**Annual Estimates of Individuals to be Served and Costs of Service:
Attachment 4.12(b)**

VESID estimates that during Federal Fiscal Year 2003-2004, 36,900 individuals with significant or most significant disabilities will be found eligible for VESID services. This number reflects a continuation of historical trends. Based on historical data reported to the Rehabilitation Services Administration (RSA), it is estimated that 110,000 individuals will be served under Title I at a total cost of \$210 million and that 7,000 individuals will be served under supported employment.

**Order of Selection:
Attachment 4.12(c)(2)(A):**

VESID's caseload and associated costs have increased steadily over the last several years. Over this same period, growth in both federal and State funding has lagged well behind caseload growth. VESID has worked diligently to identify additional sources of funding, such as Federal Temporary Assistance to Needy Families (TANF) funding, streamline services through collaboration in the Workforce Investment One Stop System, and implement internal cost saving measures that do not impact directly on service delivery. However, with anticipated continued budget shortfalls, these measures may not prove sufficient to counterbalance the basic disparity between funding and caseload expenses.

Caseload and spending over the past five years have increased annually at an average of over 4% (see Table A). Over this same period, average annual growth in combined federal and State funding was 2.84%.

TABLE A

Caseload and Costs

FFY	New Eligible	Overall Program Cost (Million)
97/98	32,522	\$162.6
98/99	34,224	\$175.3
99/00	35,719	\$178.7
00/01	36,605	\$188.9
01/02 est.	38,100	\$192.9
Average Annual Growth	4.3%	4.66%

For FFY 2002-03, federal Section 110 funding is expected to increase by only 2.1% nationally. The distribution formula, however, will further damage New York State's position by delivering only a 1.3% increase in federal funds.

At the same time, New York State faces a multi-billion dollar budget deficit in its current fiscal year which extends to March 31, 2003, the midpoint of the federal fiscal year. The State's overall budget difficulties are expected to persist well into its next fiscal year, April 1, 2003 to March 31, 2004. Obtaining an increase in State resources devoted to vocational rehabilitation will be difficult in this climate.

If no increase to VESID in State funding for SFY 2003-04 follows the 1.3% increase in federal funding beginning October 1, 2002, VESID will not be in a position to continue to provide services to all persons expected to be determined eligible during the period beginning April 1, 2003. The estimated shortfall would be \$6.3 million (See Table B).

TABLE B

FFY 2002/03 Potential Shortfall

Increase in Caseload Cost	Inflation Factor 2.5%	Total Projected Increase	Additional Funding: 1.3% Federal and/or State	Potential Shortfall
\$3 million	\$4.8 million	\$7.8 million	\$1.5 million	\$6.3 million

Staffing is also a major factor to be considered. VESID counselors now carry an average caseload of 160. Additionally, 60% of VESID counseling staff are age 50 or older and will be eligible for retirement in the next several years. Due to the serious State budget deficits, New York State has imposed a strict hiring freeze that is expected to be in place for some time. As staff leave/retire, caseloads may grow to a point where there may be an inability to serve all eligible consumers.

VESID will continue to carefully monitor service demand, expenditure levels, cost-saving measures and income maximization in order to evaluate the adequacy of resources available to meet consumer needs.

If the evaluation at any point reveals the inability to serve all projected eligible individuals, VESID will call for an order of selection. Individuals who do not meet the criteria to be served under an order of selection will be referred to appropriate components of the Statewide workforce investment system.

If an order of selection is implemented, the following order of service will be implemented on a Statewide basis.

Priority Category I - Persons with Most Significant Disabilities

An individual with a most significant disability means an individual:

- 1) who has one or more physical or mental disabilities determined by an assessment of eligibility and vocational rehabilitation needs to cause substantial functional limitations; and

- 2) who has a physical or mental impairment which seriously limits three 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; and
- 3) whose vocational rehabilitation will require multiple vocational rehabilitation services over an extended period of time.

Priority Category II - Persons with Significant Disabilities

An individual with a significant disability means an individual:

- 1) who has one or more physical or mental disabilities determined by an assessment of eligibility and vocational rehabilitation needs to cause substantial functional limitations; and
- 2) who has a physical or mental impairment which seriously limits one or two functional capacities (such as mobility, communication, self-care, self-direction, interpersonal skills, work tolerance, or work skills) in terms of an employment outcome; and
- 3) whose vocational rehabilitation will require multiple vocational rehabilitation services over an extended period of time.

Priority Category III - Persons with Less Significant Disabilities

This category includes eligible individuals with less significant disabilities who are not included in Categories I and II.

Goals and Plans for Distribution of Title VI, Part B Funds: Attachment 4.12(c)(3)

Federal Title VIB funds for supported employment services were initially used to develop model programs to determine the most effective structure for supported employment and to determine what types of services and supports work best with different populations. However, Title VIB resources do not provide sufficient funds to create additional new programs. At present, Title VIB funds represent approximately 10 percent of the total funds VESID uses for intensive supported employment services. VESID will continue the operation of the projects established under Title VIB support. Title VIB funds will continue to be used to supplement, but not supplant, Title I funds.

Supported Employment Programs

Providers for supported employment programs were originally selected through an interagency competitive Request for Proposal (RFP) issued in the fall of 1987, through processes described in earlier State Plan submissions. Final selections from among the top scoring agencies were made based on diversity of population, diversity of geographic location, and model or approach used.

VESID issued a new application for all Intensive Supported Employment services and for all VESID-funded extended services on July 30, 2002. That application was the result of extensive negotiation with providers, advocacy groups and the State's fiscal authorities, as coordinated by VESID. New 5-year contracts commence on January 1, 2003 with providers selected based on a ranking of the competitive applications.

VESID combines Title VIB and Section 110 funds to provide supported employment services to individuals with the most significant disabilities. Disabilities served in supported employment services include all disabilities within those served by VESID and Commission for the Blind and Visually Handicapped (CBVH). VESID maintains agreements (Memorandums of Understanding (MOUs) and Integrated Employment Implementation Plan, Chapter 515 of the Laws of 1992) with Office of Mental Retardation and Development Disabilities (OMRDD), Office of Mental Health (OMH) and CBVH which define VESID as the sole source for intensive funding. Program evaluation includes reviews of statistical data from interagency quarterly report submissions as well as on site reviews, including consumer interviews. Successful and exemplary practices have been disseminated to staff of the State agencies involved and to other project sites. Each of VESID's Title VIB programs is designed to:

- provide services to individuals with the most significant disabilities who might not be traditionally considered appropriate for competitive employment;

- develop techniques for unserved and underserved populations, such as persons with traumatic brain injuries, deafness, multiple disabilities, autism, severe learning disabilities, and mental illness;
- develop quality programs that could be used for replication purposes; and
- establish successful supported employment programs that will provide technical assistance to future similar programs.

Providers' performance and costs are reviewed at least annually. Budget renegotiations occur based on overall performance, including performance on projected outcomes agreed to by VESID and the provider.

VESID counselors perform case management duties for each consumer supported through Title VIB, including developing the Individualized Plan for Employment and monitoring its implementation. Since the programs funded under Title VIB represent services to previously underserved individuals, every effort is made to improve the project's performance through continuing technical assistance and service delivery improvements. The following chart summarizes VESID's current level of federal expenditure in supported employment, the number of programs and individuals served, types of disabilities served in programs and types of supported employment models.

2001/2002 SUPPORTED EMPLOYMENT CONTRACT

Federal Resources for Supported Employment FFY 2001				
Funding Source	Number of Programs	Consumers to be Rehabilitated	Types of Disabilities	Models
Title VIB CBVH Contracted	3	16	blind, deaf blind, developmental disabilities with blindness	individual enclave mobile crew
Section 110 Contracted	158	3,748	developmental disabilities, severe mental illness, traumatic brain injury, severe physical disabilities, deafness, multiple disabilities, autism	individual enclave mobile crew
Title VIB models and expand service delivery	13	356		
Total Federal Resources (contracted only)	174	4,120		

**Evaluation and Report of Progress in Achieving Identified Goals and
Priorities and Use of Title I Funds for Innovation and Expansion
Activities: Attachment 4.12(e)**

Section 106 of the Rehabilitation Act, as amended in 1998, requires the Rehabilitation Services Administration (RSA) Commissioner to evaluate state vocational rehabilitation (VR) agencies based on their performance on evaluation standards and indicators. These standards were developed and published as 34 CFR 361.81 on June 5, 2000, and have been applied officially to state VR agency performance results beginning with federal fiscal year (FFY) 2000 data. Performance on these standards is being used to determine whether a state VR agency is complying substantially with the provisions of its state plan. States that do not meet the performance criteria will be required, jointly with RSA, to develop a program improvement plan.

The following results are based on the most recent data available on the federal performance indicators and the current published goals and priorities. The innovation and expansion activities undertaken with Title I funds contributed to these levels of achievement.

VESID Goal: Individuals with disabilities will participate successfully in postsecondary education.

Results: The number of self-identified students with disabilities enrolled in institutions of higher education in New York State has increased steadily over the last eight years, from fewer than 25,000 in 1993 to 34,832 in 2000. With higher standards in place in schools and more students with disabilities ready and able to access postsecondary education, there is still a continuing need for campuses to be prepared to serve increasing numbers of students with disabilities. Increasing percentages of special education graduates are planning postsecondary education. Of the 15,515 students with disabilities who completed high school in 2001, 44.2 percent had plans to pursue a four year, two year, or other postsecondary education program. Postsecondary education represents graduate, bachelor, associate, and non-degree college, as well as business trade schools.

After a decline in FFY1999, the number of Individuals with disabilities funded by VESID in postsecondary education programs continues to steadily increase each year, rising from 12,299 students in FFY 1999 to 12,460 students in FFY 2001.

In federal fiscal year 2001, the number of individuals who obtained employment after receiving funding for postsecondary education decreased by 4.9 percentage points from the previous year. However, hourly wages increased for all

VESID consumers who obtained employment. In FFY 2001, the average starting salary for consumers who attended postsecondary education programs was \$10.87 per hour as compared to the \$7.58 per hour average salary for consumers during the same time frame who did not pursue postsecondary education.

VESID Goal: Individuals with disabilities will be employed in integrated work settings.

The Rehabilitation Services Administration (RSA) has established seven national standards and indicators for state vocational rehabilitation programs. Second year data for these indicators are presented below.

Results: In Federal Fiscal Year (FFY) 2001, the number of individuals placed in jobs increased slightly from the previous year.

Performance Indicator 1.1; Increase in individuals achieving an employment outcome after receiving vocational rehabilitation services from VESID. VESID had a slight increase in the number of individuals achieving an employment outcome for FFY 2001. In FFY 2001 16,641 individuals were placed in employment which is 268 more consumers than placed in FFY 2000.

One factor for the overall increase is that the statewide transition to the fully automated Case Management System (CaMS) for individual case record files, fiscal transactions and data analysis has been completed. This sophisticated system required intensive counselor training and office by office setup, which was completed by June 2002. CaMS will greatly enhance the efficiency and timeliness of all record related activities and allow counselors to spend less time on paperwork activities and more on counseling. However, until CaMS was fully implemented statewide, the time required in each office and by each counselor to become oriented and proficient in the system had a short-term negative impact on productivity.

Even though VESID experienced a slight increase in the number of individuals achieving an employment outcome, we do not anticipate much of an increase in the upcoming federal fiscal year. This is due to the anticipated high number of retirements among the counseling and other VESID staff, as well as significant State and federal fiscal constraints.

Performance Indicator 1.2; Percentage of individuals exiting the vocational rehabilitation program who achieve an employment outcome. The percentage of individuals with disabilities who achieved employment after receiving vocational rehabilitation services from VESID in FFY 2001 decreased slightly from the

previous year, falling from 65.7 percent in FFY 2000 to 61.9 percent in FFY 2001. This rate is still above the national benchmark standard of 55.8 percent.

Performance Indicator 1.3; Percentage of individuals achieving an employment outcome who earn at least minimum wage. For FFY 2001, 79.3 percent of individuals obtaining employment through VESID earned at least minimum wage. The national benchmark standard is 72.6 percent. Compared to the previous two years, in FFY 2001, there was a 2.9 percentage increase in the number of individuals who achieved employment in competitive jobs after receiving vocational rehabilitation services.

Performance Indicator 1.4; Percentage of individuals having significant disabilities who achieved competitive employment. VESID assisted substantially greater percentages of individuals with significant disabilities to achieve competitive employment compared to the national standard. For FFY 2001, 92.8 percent of the individuals obtaining employment through VESID earning at least minimum wage had significant disabilities. The national benchmark standard is 62.4 percent. Individuals are considered to have a significant disability when they have a physical or mental impairment which seriously limits one or two functional capacities such as mobility, communication, self-care, self-direction, interpersonal skills, cognition, work tolerance, or work skills and whose vocational rehabilitation will require multiple vocational rehabilitation services over an extended period of time.

Performance Indicator 1.5; Average hourly earnings of individuals employed through VESID who earn at least minimum wage compared to the average hourly earnings of all employed individuals in the State. For FFY 2001, the ratio of hourly earnings for VESID consumers to all employed individuals in the State increased slightly to .43. VESID results for this standard remain below the national benchmark, which is set at a ratio of .52. This ratio reflects the relationship of hourly wages earned by individuals at the time of closure (typically 90 days after attaining employment) to the average hourly wage for all workers in the geographic region. The benchmark ratio of .52, which is set at just above half of the overall hourly wage, reflects that vocational rehabilitation consumers often use vocational rehabilitation services after very little prior work experience, and are at the beginning of their careers. The standard is a statewide ratio, which in New York State is significantly affected by earnings in the Borough of Manhattan. Outside the Borough of Manhattan, VESID hourly wages exceed the national benchmark standard.

Performance Indicator 1.6; Percentage increase of individuals who report their own income as largest single source of economic support from the time of application for VESID services to the time of successful closure in employment with

earnings of at least minimum wage. In FFY 2001, 67.6 percent of individuals with disabilities reported their own earnings as the largest single source of support from the time of application to successful closure. VESID is above the latest available national average (63.2 percent) reported in 1999. The national benchmark is 53 percent. These results reflect VESID's success in assisting individuals to become economically self-sufficient.

Performance Indicator 2.1; Comparison of service rate for individuals from minority backgrounds compared with that for individuals not from minority backgrounds. In FFY 2001, minority individuals with disabilities received vocational rehabilitation services at a rate of 91 for every 100 non-minority individuals. This rate was above the national standard, but slightly below the latest available national average of .95. The national standard ratio is .80.

VESID Goal: All services for which VESID has responsibility will be cost-effective.

Results: In FFY 2001, individuals with disabilities placed in jobs by VESID represent \$230 million in annualized first-year earnings and \$25.1 million in public assistance savings.

VESID Goal: All services for which VESID has responsibility will meet high standards and continuously improve.

Results: VESID has evaluated its performance against the RSA quality performance indicators as noted above.

Positive Trends and Opportunities for Improvement

VESID has set a direction to ensure the achievement of higher quality employment for individuals with disabilities and will continue to look at and develop ways to improve performance in several areas. Positive trends in this direction include:

- Of all individuals with disabilities who achieved competitive employment after receiving vocational rehabilitation services from VESID, 88.8 percent were individuals with significant disabilities. This is above the latest available national average of 84.8 percent.
- There was a positive increase in the difference between the percentages of individuals who reported their own income as their single largest source of economic support from time of application for vocational rehabilitation services to after achieving competitive employment.

- Individuals with disabilities placed in jobs by VESID in federal fiscal year (FFY) 2001 represent \$230 million in annualized first-year earnings and \$25.1 million in public assistance savings.

Opportunities for Improvement

- Even though more individuals with disabilities are attaining competitive employment after receiving vocational rehabilitation services from VESID, we are still working to realize our goal of helping 20,000 individuals achieve employment.
- The average hourly earnings of individuals employed in competitive employment, as a ratio to the average hourly earnings of all individuals employed in the State, are lower than the national standard and also lower than the national average. VESID will continue to seek strategies to raise the hourly wage for individuals placed.
- The service rate for minority individuals with disabilities receiving vocational rehabilitation services as a ratio to the service rate for all non-minority individuals with disabilities is slightly below the national average, even though it is above the national standard. VESID will continue to seek innovative strategies to reach out to diverse groups.
- Public comments received from last year's State Plan process recommended that VESID do more to promote and support consumer advocacy, assist consumers with career development beyond entry-level employment, and assist consumers to obtain employment that provides a living wage, benefits and job security. In full agreement with these recommendations, VESID has examined and is revising current program and personnel policies, procedures and practices to ensure that they support individuals with disabilities, particularly individuals with most significant disabilities, in achieving high-quality employment outcome. The employment outcomes will be consistent with the individual's strengths, resources, priorities, concerns, abilities, capabilities, interests and informed choice.