

pensation to a member of the Council, if such member is not employed or must forfeit wages from other employment, for each day the member is engaged in performing the duties of the Council.

**(h) Hearings and forums**

The Council is authorized to hold such hearings and forums as the Council may determine to be necessary to carry out the duties of the Council.

(Pub. L. 93-112, title I, §105, as added Pub. L. 105-220, title IV, §404, Aug. 7, 1998, 112 Stat. 1151; amended Pub. L. 105-277, div. A, §101(f) [title VIII, §402(c)(6)], Oct. 21, 1998, 112 Stat. 2681-337, 2681-415; Pub. L. 106-402, title IV, §401(b)(3)(A), Oct. 30, 2000, 114 Stat. 1737; Pub. L. 108-446, title III, §305(h)(2), (3), Dec. 3, 2004, 118 Stat. 2805; Pub. L. 113-128, title IV, §415, July 22, 2014, 128 Stat. 1654.)

REFERENCES IN TEXT

The Individuals with Disabilities Education Act, referred to in subsec. (b)(1)(A)(x), is title VI of Pub. L. 91-230, Apr. 13, 1970, 84 Stat. 175, as amended. Part B of the Act is classified generally to subchapter II (§1411 et seq.) of chapter 33 of Title 20, Education. For complete classification of this Act to the Code, see section 1400 of Title 20 and Tables.

The Assistive Technology Act of 1998, referred to in subsec. (c)(6), is Pub. L. 105-394, Nov. 13, 1998, 112 Stat. 3627, which is classified principally to chapter 31 (§3001 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 3001 of this title and Tables.

PRIOR PROVISIONS

A prior section 725, Pub. L. 93-112, title I, §105, as added Pub. L. 102-569, title I, §126(a), Oct. 29, 1992, 106 Stat. 4381; amended Pub. L. 103-73, title I, §107(d)(1), Aug. 11, 1993, 107 Stat. 721, related to State Rehabilitation Advisory Council, prior to the general amendment of this subchapter by Pub. L. 105-220.

AMENDMENTS

2014—Subsec. (b)(1)(A)(ix). Pub. L. 113-128, §415(1)(A), added cl. (ix) and struck out former cl. (ix) which read as follows: “in a State in which one or more projects are carried out under section 741 of this title, at least one representative of the directors of the projects;”.

Subsec. (b)(1)(A)(xi). Pub. L. 113-128, §415(1)(B), substituted “State workforce development board” for “State workforce investment board”.

Subsec. (c). Pub. L. 113-128, §415(2)(A), substituted “State workforce development board” for “State workforce investment board” in introductory provisions.

Subsec. (c)(6). Pub. L. 113-128, §415(2)(B), substituted “section 300x-3(a) of title 42 and the State workforce development board, and with the activities of entities carrying out programs under the Assistive Technology Act of 1998 (29 U.S.C. 3001 et seq.);” for “section 300x-3(a) of title 42, and the State workforce investment board;”.

2004—Subsec. (b)(1)(A)(ii). Pub. L. 108-446, §305(h)(2), substituted “671 of the Individuals with Disabilities Education Act” for “682(a) of the Individuals with Disabilities Education Act (as added by section 101 of the Individuals with Disabilities Education Act Amendments of 1997; Public Law 105-17)”.

Subsec. (c)(6). Pub. L. 108-446, §305(h)(3), substituted “section 612(a)(20)” for “section 612(a)(21)” and “Individuals with” for “Individual with” and struck out “(as amended by section 101 of the Individuals with Disabilities Education Act Amendments of 1997; Public Law 105-17)” before “, the State Council”.

2000—Subsec. (c)(6). Pub. L. 106-402 substituted “the State Council on Developmental Disabilities estab-

lished under section 15025 of title 42” for “the State Developmental Disabilities Council described in section 6024 of title 42”.

1998—Subsec. (b)(3). Pub. L. 105-277, §101(f) [title VIII, §402(c)(6)(A)], substituted “Governor or, in the case of a State that, under State law, vests authority for the administration of the activities carried out under this chapter 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” for “Governor” in first sentence and “appointing authority” for “Governor” in second and third sentences.

Subsec. (b)(4)(A)(i). Pub. L. 105-277, §101(f) [title VIII, §402(c)(6)(B)], substituted “section 705(20)(B)” for “section 705(20)(A)”.

Subsec. (b)(5)(B). Pub. L. 105-277, §101(f) [title VIII, §402(c)(6)(C)], substituted “chief executive officer” for “Governor” in heading and “appointing authority described in paragraph (3) shall” for “Governor shall” in text.

Subsec. (b)(6)(A)(ii), (7)(B). Pub. L. 105-277, §101(f) [title VIII, §402(c)(6)(D)], substituted “appointing authority described in paragraph (3)” for “Governor”.

DEFINITIONS OF TERMS IN PUB. L. 113-128

Except as otherwise provided, terms defined in section 3 of Pub. L. 113-128, which is classified to section 3102 of this title, apply to this section.

**§ 726. Evaluation standards and performance indicators**

**(a) In general**

**(1) Standards and indicators**

The evaluation standards and performance indicators for the vocational rehabilitation program carried out under this subchapter shall be subject to the performance accountability provisions described in section 3141(b) of this title.

**(2) Additional performance accountability indicators**

A State may establish and provide information on additional performance accountability indicators, which shall be identified in the State plan submitted under section 721 of this title.

**(b) Compliance**

**(1) State reports**

In accordance with regulations established by the Secretary, each State shall report to the Commissioner after the end of each fiscal year the extent to which the State is in compliance with the standards and indicators.

**(2) Program improvement**

**(A) Plan**

If the Commissioner determines that the performance of any State is below established standards, the Commissioner shall provide technical assistance to the State, and the State and the Commissioner shall jointly develop a program improvement plan outlining the specific actions to be taken by the State to improve program performance.

**(B) Review**

The Commissioner shall—

(i) on a biannual basis, review the program improvement efforts of the State and, if the State has not improved its performance to acceptable levels, as determined by the Commissioner, direct the

State to make further revisions to the plan to improve performance; and

(ii) continue to conduct such reviews and request such revisions until the State sustains satisfactory performance over a period of more than 1 year.

**(c) Withholding**

If the Commissioner determines that a State whose performance falls below the established standards has failed to enter into a program improvement plan, or is not complying substantially with the terms and conditions of such a program improvement plan, the Commissioner shall, consistent with subsections (c) and (d) of section 727 of this title, reduce or make no further payments to the State under this program, until the State has entered into an approved program improvement plan, or satisfies the Commissioner that the State is complying substantially with the terms and conditions of such a program improvement plan, as appropriate.

**(d) Report to Congress**

Beginning in fiscal year 1999, the Commissioner shall include in each annual report to the Congress under section 710 of this title an analysis of program performance, including relative State performance, based on the standards and indicators.

(Pub. L. 93-112, title I, §106, as added Pub. L. 105-220, title IV, §404, Aug. 7, 1998, 112 Stat. 1156; amended Pub. L. 113-128, title IV, §416, July 22, 2014, 128 Stat. 1654.)

PRIOR PROVISIONS

A prior section 726, Pub. L. 93-112, title I, §106, as added Pub. L. 102-569, title I, §127(a), Oct. 29, 1992, 106 Stat. 4385, related to evaluation standards and performance indicators, prior to the general amendment of this subchapter by Pub. L. 105-220.

AMENDMENTS

2014—Subsec. (a). Pub. L. 113-128, §416(1), added subsec. (a) and struck out former subsec. (a) which provided for the establishment, review, and revision of evaluation standards and performance indicators.

Subsec. (b)(2)(B)(i). Pub. L. 113-128, §416(2), substituted “on a biannual basis, review the program improvement efforts of the State and, if the State has not improved its performance to acceptable levels, as determined by the Commissioner, direct the State” for “review the program improvement efforts of the State on a biannual basis and, if necessary, request the State”.

DEFINITIONS OF TERMS IN PUB. L. 113-128

Except as otherwise provided, terms defined in section 3 of Pub. L. 113-128, which is classified to section 3102 of this title, apply to this section.

**§ 727. Monitoring and review**

**(a) In general**

**(1) Duties**

In carrying out the duties of the Commissioner under this subchapter, the Commissioner shall—

(A) provide for the annual review and periodic onsite monitoring of programs under this subchapter; and

(B) determine whether, in the administration of the State plan, a State is complying substantially with the provisions of such

plan and with evaluation standards and performance indicators established under section 726 of this title.

**(2) Procedures for reviews**

In conducting reviews under this section the Commissioner shall consider, at a minimum—

(A) State policies and procedures;

(B) guidance materials;

(C) decisions resulting from hearings conducted in accordance with due process;

(D) State goals established under section 721(a)(15) of this title and the extent to which the State has achieved such goals;

(E) plans and reports prepared under section 726(b) of this title;

(F) consumer satisfaction reviews and analyses described in section 725(c)(4) of this title;

(G) information provided by the State Rehabilitation Council established under section 725 of this title, if the State has such a Council, or by the commission described in section 721(a)(21)(A)(i) of this title, if the State has such a commission;

(H) reports; and

(I) budget and financial management data.

**(3) Procedures for monitoring**

In conducting monitoring under this section the Commissioner shall conduct—

(A) onsite visits, including onsite reviews of records to verify that the State is following requirements regarding the order of selection set forth in section 721(a)(5)(A) of this title;

(B) public hearings and other strategies for collecting information from the public;

(C) meetings with the State Rehabilitation Council, if the State has such a Council or with the commission described in section 721(a)(21)(A)(i) of this title, if the State has such a commission;

(D) reviews of individual case files, including individualized plans for employment and ineligibility determinations; and

(E) meetings with qualified vocational rehabilitation counselors and other personnel, including personnel of a client assistance program under section 732 of this title, and past or current recipients of vocational rehabilitation services.

**(4) Areas of inquiry**

In conducting the review and monitoring, the Commissioner shall examine—

(A) the eligibility process, including the process related to the determination of ineligibility under section 722(a)(5) of this title;

(B) the provision of services, including supported employment services and pre-employment transition services, and, if applicable, the order of selection;

(C) such other areas as may be identified by the public or through meetings with the State Rehabilitation Council, if the State has such a Council or with the commission described in section 721(a)(21)(A)(i) of this title, if the State has such a commission;

(D) data reported under section 721(a)(10)(C)(i) of this title; and

(E) such other areas of inquiry as the Commissioner may consider appropriate.