

100-630, title II, §207(d), Nov. 7, 1988, 102 Stat. 3313; Pub. L. 102-52, §7(b), June 6, 1991, 105 Stat. 262; renumbered §622 and amended Pub. L. 102-569, title VI, §613(a), Oct. 29, 1992, 106 Stat. 4439, authorized appropriations, prior to the general amendment of this subchapter by Pub. L. 105-220.

### § 795j. Eligibility

An individual, including a youth with a disability, shall be eligible under this subchapter to receive supported employment services authorized under this chapter if—

(1) the individual is eligible for vocational rehabilitation services under subchapter I;

(2) the individual is determined to be an individual with a most significant disability;

(3) for purposes of activities carried out with funds described in section 795h(d) of this title, the individual is a youth with a disability, as defined in section 705(42) of this title;<sup>1</sup> and

(4) a comprehensive assessment of the rehabilitation needs of the individual described in section 705(2)(B) of this title, including an evaluation of rehabilitation, career, and job needs, identifies supported employment as the appropriate employment outcome for the individual.

(Pub. L. 93-112, title VI, §605, formerly §624, as added Pub. L. 105-220, title IV, §409, Aug. 7, 1998, 112 Stat. 1215; amended Pub. L. 105-277, div. A, §101(f) [title VIII, §402(b)(15)], Oct. 21, 1998, 112 Stat. 2681-337, 2681-414; renumbered §605 and amended Pub. L. 113-128, title IV, §461(3), (7), July 22, 2014, 128 Stat. 1679, 1680.)

#### REFERENCES IN TEXT

Section 705(42) of this title, referred to in par. (3), was in the original “section (7)(42)”, and was translated as meaning section 7(42) of the Rehabilitation Act of 1973, which is classified to section 705(42) of this title, to reflect the probable intent of Congress.

#### PRIOR PROVISIONS

Provisions similar to this section were contained in section 795m of this title prior to the general amendment of this subchapter by Pub. L. 105-220.

A prior section 795j, Pub. L. 93-112, title VI, §631, as added Pub. L. 102-569, title VI, §621(a), Oct. 29, 1992, 106 Stat. 4439, stated purpose of program for supported employment services for individuals with severe disabilities, prior to the general amendment of this subchapter by Pub. L. 105-220. See section 795g of this title.

Another prior section 795j, Pub. L. 93-112, title VI, §631, as added Pub. L. 99-506, title VII, §704(a)(1), Oct. 21, 1986, 100 Stat. 1834, outlined the purpose of former part C of this subchapter, prior to repeal by Pub. L. 102-569, §621(a).

#### AMENDMENTS

2014—Pub. L. 113-128, §461(7)(A), in introductory provisions, inserted “, including a youth with a disability,” after “An individual” and substituted “this subchapter” for “this part”.

Par. (1). Pub. L. 113-128, §461(7)(B), inserted “under subchapter I” after “rehabilitation services”.

Pars. (3), (4). Pub. L. 113-128, §461(7)(C)–(F), added par. (3), redesignated former par. (3) as (4), and, in par. (4), substituted “assessment of the rehabilitation needs” for “assessment of rehabilitation needs”.

1998—Pub. L. 105-277 made technical amendment to section designation and catchline in original.

<sup>1</sup> See References in Text note below.

### § 795k. State plan

#### (a) State plan supplements

To be eligible for an allotment under this subchapter, a State shall submit to the Commissioner, as part of the State plan under section 721 of this title, a State plan supplement for providing supported employment services authorized under this chapter to individuals, including youth with the most significant disabilities, who are eligible under this chapter to receive the services. Each State shall make such annual revisions in the plan supplement as may be necessary.

#### (b) Contents

Each such plan supplement shall—

(1) designate each designated State agency as the agency to administer the program assisted under this subchapter;

(2) summarize the results of the comprehensive, statewide assessment conducted under section 721(a)(15)(A)(i) of this title, with respect to the rehabilitation needs of individuals, including youth, with significant disabilities and the need for supported employment services, including needs related to coordination;

(3) describe the quality, scope, and extent of supported employment services authorized under this chapter to be provided to individuals, including youth with the most significant disabilities, who are eligible under this chapter to receive the services and specify the goals and plans of the State with respect to the distribution of funds received under section 795h of this title;

(4) demonstrate evidence of the efforts of the designated State agency to identify and make arrangements (including entering into cooperative agreements) with other State agencies and other appropriate entities to assist in the provision of supported employment services;

(5) demonstrate evidence of the efforts of the designated State agency to identify and make arrangements (including entering into cooperative agreements) with other public or non-profit agencies or organizations within the State, employers, natural supports, and other entities with respect to the provision of extended services;

(6) describe the activities to be conducted pursuant to section 795h(d) of this title for youth with the most significant disabilities, including—

(A) the provision of extended services for a period not to exceed 4 years; and

(B) how the State will use the funds reserved in section 795h(d) of this title to leverage other public and private funds to increase resources for extended services and expand supported employment opportunities for youth with the most significant disabilities;

(7) provide assurances that—

(A) funds made available under this subchapter will only be used to provide supported employment services authorized under this chapter to individuals who are eligible under this subchapter to receive the services;

(B) the comprehensive assessments of individuals with significant disabilities, including youth with the most significant disabilities, conducted under section 722(b)(1) of this title and funded under subchapter I will include consideration of supported employment as an appropriate employment outcome;

(C) an individualized plan for employment, as required by section 722 of this title, will be developed and updated using funds under subchapter I in order to—

(i) specify the supported employment services to be provided, including, as appropriate, for youth with the most significant disabilities, transition services and pre-employment transition services;

(ii) specify the expected extended services needed, including the extended services that may be provided to youth with the most significant disabilities under this subchapter, in accordance with an approved individualized plan for employment, for a period not to exceed 4 years; and

(iii) identify, as appropriate, the source of extended services, which may include natural supports, or indicate that it is not possible to identify the source of extended services at the time the individualized plan for employment is developed;

(D) the State will use funds provided under this subchapter only to supplement, and not supplant, the funds provided under subchapter I, in providing supported employment services specified in the individualized plan for employment;

(E) services provided under an individualized plan for employment will be coordinated with services provided under other individualized plans established under other Federal or State programs;

(F) to the extent jobs skills training is provided, the training will be provided on site;

(G) supported employment services will include placement in an integrated setting based on the unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice of individuals with the most significant disabilities;

(H) the State agencies designated under paragraph (1) will expend not more than 2.5 percent of the allotment of the State under this subchapter for administrative costs of carrying out this subchapter; and

(I) with respect to supported employment services provided to youth with the most significant disabilities pursuant to section 795h(d) of this title, the designated State agency will provide, directly or indirectly through public or private entities, non-Federal contributions in an amount that is not less than 10 percent of the costs of carrying out such services; and

(8) contain such other information and be submitted in such manner as the Commissioner may require.

(Pub. L. 93-112, title VI, § 606, formerly § 625, as added Pub. L. 105-220, title IV, § 409, Aug. 7, 1998,

112 Stat. 1215; amended Pub. L. 105-277, div. A, § 101(f) [title VIII, § 402(b)(16)], Oct. 21, 1998, 112 Stat. 2681-337, 2681-414; renumbered § 606 and amended Pub. L. 113-128, title IV, § 461(3), (8), July 22, 2014, 128 Stat. 1679, 1681.)

#### PRIOR PROVISIONS

Provisions similar to this section were contained in section 795n of this title prior to the general amendment of this subchapter by Pub. L. 105-220.

A prior section 795k, Pub. L. 93-112, title VI, § 632, as added Pub. L. 102-569, title VI, § 621(a), Oct. 29, 1992, 106 Stat. 4439, related to allotments, prior to the general amendment of this subchapter by Pub. L. 105-220. See section 795h of this title.

Another prior section 795k, Pub. L. 93-112, title VI, § 632, as added Pub. L. 99-506, title VII, § 704(a)(1), Oct. 21, 1986, 100 Stat. 1834, related to eligibility for services under former part C of this subchapter, prior to repeal by Pub. L. 102-569, § 621(a).

#### AMENDMENTS

2014—Subsec. (a). Pub. L. 113-128, § 461(8)(A), substituted “this subchapter” for “this part” and inserted “, including youth with the most significant disabilities,” after “individuals”.

Subsec. (b)(1). Pub. L. 113-128, § 461(8)(B)(i), substituted “this subchapter” for “this part”.

Subsec. (b)(2). Pub. L. 113-128, § 461(8)(B)(ii), inserted “, including youth,” after “rehabilitation needs of individuals”.

Subsec. (b)(3). Pub. L. 113-128, § 461(8)(B)(iii), inserted “, including youth with the most significant disabilities,” after “provided to individuals” and made technical amendment to reference in original act which appears in text as reference to section 795h of this title.

Subsec. (b)(6), (7). Pub. L. 113-128, § 461(8)(B)(iv)–(vi), added par. (6), redesignated former par. (6) as (7), and struck out former par. (7) which read as follows: “provide assurances that the State agencies designated under paragraph (1) will expend not more than 5 percent of the allotment of the State under this part for administrative costs of carrying out this part; and”.

Subsec. (b)(7)(A). Pub. L. 113-128, § 461(8)(B)(vii)(I), substituted “under this subchapter” for “under this part” in two places.

Subsec. (b)(7)(B). Pub. L. 113-128, § 461(8)(B)(vii)(II), inserted “, including youth with the most significant disabilities,” after “significant disabilities”.

Subsec. (b)(7)(C)(i). Pub. L. 113-128, § 461(8)(B)(vii)(III)(aa), inserted “, including, as appropriate, for youth with the most significant disabilities, transition services and pre-employment transition services” after “services to be provided”.

Subsec. (b)(7)(C)(ii). Pub. L. 113-128, § 461(8)(B)(vii)(III)(bb), inserted “, including the extended services that may be provided to youth with the most significant disabilities under this subchapter, in accordance with an approved individualized plan for employment, for a period not to exceed 4 years” after “services needed”.

Subsec. (b)(7)(C)(iii). Pub. L. 113-128, § 461(8)(B)(vii)(III)(cc), substituted “identify, as appropriate, the source of extended services,” for “identify the source of extended services,” “or indicate” for “or to the extent”, and “employment is developed;” for “employment is developed, a statement describing the basis for concluding that there is a reasonable expectation that such sources will become available;”.

Subsec. (b)(7)(D). Pub. L. 113-128, § 461(8)(B)(vii)(IV), substituted “under this subchapter” for “under this part”.

Subsec. (b)(7)(G). Pub. L. 113-128, § 461(8)(B)(vii)(VI), struck out “for the maximum number of hours possible” after “integrated setting”.

Subsec. (b)(7)(H), (I). Pub. L. 113-128, § 461(8)(B)(vii)(V), (VII), added subpars. (H) and (I).

1998—Pub. L. 105-277 made technical amendment in original to section designation and catchline.

**§ 795l. Restriction**

Each State agency designated under section 795k(b)(1) of this title shall collect the information required by section 721(a)(10) of this title separately for—

- (1) eligible individuals receiving supported employment services under this subchapter;
- (2) eligible individuals receiving supported employment services under subchapter I;
- (3) eligible youth receiving supported employment services under this subchapter; and
- (4) eligible youth receiving supported employment services under subchapter I.

(Pub. L. 93-112, title VI, § 607, as added Pub. L. 113-128, title IV, § 461(9), July 22, 2014, 128 Stat. 1682.)

## PRIOR PROVISIONS

A prior section 795l, Pub. L. 93-112, title VI, § 607, formerly § 626, as added Pub. L. 105-220, title IV, § 409, Aug. 7, 1998, 112 Stat. 1216; amended Pub. L. 105-277, div. A, § 101(f) [title VIII, § 402(b)(17)], Oct. 21, 1998, 112 Stat. 2681-337, 2681-414; renumbered § 607, Pub. L. 113-128, title IV, § 461(3), July 22, 2014, 128 Stat. 1679, related to restriction, prior to repeal by Pub. L. 113-128, title IV, § 461(9), July 22, 2014, 128 Stat. 1682. Provisions similar to prior section 795l were contained in section 795o of this title prior to the general amendment of this subchapter by Pub. L. 105-220.

Another prior section 795l, Pub. L. 93-112, title VI, § 633, as added Pub. L. 102-569, title VI, § 621(a), Oct. 29, 1992, 106 Stat. 4440; amended Pub. L. 103-73, title I, § 113, Aug. 11, 1993, 107 Stat. 728, related to availability of services, prior to the general amendment of this subchapter by Pub. L. 105-220. See section 795i of this title.

Another prior section 795l, Pub. L. 93-112, title VI, § 633, as added Pub. L. 99-506, title VII, § 704(a)(1), Oct. 21, 1986, 100 Stat. 1834; amended Pub. L. 100-630, title II, § 207(e), Nov. 7, 1988, 102 Stat. 3313, provided for allotments to States, unused funds, and planning grants, prior to repeal by Pub. L. 102-569, § 621(a).

**§ 795m. Savings provision****(a) Supported employment services**

Nothing in this chapter shall be construed to prohibit a State from providing supported employment services in accordance with the State plan submitted under section 721 of this title by using funds made available through a State allotment under section 730 of this title.

**(b) Postemployment services**

Nothing in this subchapter shall be construed to prohibit a State from providing discrete post-employment services in accordance with the State plan submitted under section 721 of this title by using funds made available through a State allotment under section 730 of this title to an individual who is eligible under this subchapter.

(Pub. L. 93-112, title VI, § 608, formerly § 627, as added Pub. L. 105-220, title IV, § 409, Aug. 7, 1998, 112 Stat. 1216; amended Pub. L. 105-277, div. A, § 101(f) [title VIII, § 402(b)(18)], Oct. 21, 1998, 112 Stat. 2681-337, 2681-414; renumbered § 608 and amended Pub. L. 113-128, title IV, § 461(3), (10), July 22, 2014, 128 Stat. 1679, 1682.)

## PRIOR PROVISIONS

Provisions similar to this section were contained in section 795p of this title prior to the general amendment of this subchapter by Pub. L. 105-220.

A prior section 795m, Pub. L. 93-112, title VI, § 634, as added Pub. L. 102-569, title VI, § 621(a), Oct. 29, 1992, 106 Stat. 4440, related to eligibility for services, prior to the general amendment of this subchapter by Pub. L. 105-220. See section 795j of this title.

Another prior section 795m, Pub. L. 93-112, title VI, § 634, as added Pub. L. 99-506, title VII, § 704(a)(1), Oct. 21, 1986, 100 Stat. 1835; amended Pub. L. 100-630, title II, § 207(f), Nov. 7, 1988, 102 Stat. 3313; Pub. L. 102-119, § 26(e), Oct. 7, 1991, 105 Stat. 607, provided for submission of State plans for assistance under former part C of this subchapter, prior to repeal by Pub. L. 102-569, § 621(a).

## AMENDMENTS

2014—Subsec. (b). Pub. L. 113-128, § 461(10), substituted “this subchapter” for “this part” in two places.

1998—Pub. L. 105-277 made technical amendment in original to section designation and catchline.

**§ 795n. Advisory Committee on Increasing Competitive Integrated Employment for Individuals with Disabilities****(a) Establishment**

Not later than 60 days after July 22, 2014, the Secretary of Labor shall establish an Advisory Committee on Increasing Competitive Integrated Employment for Individuals with Disabilities (referred to in this section as the “Committee”).

**(b) Appointment and vacancies****(1) Appointment**

The Secretary of Labor shall appoint the members of the Committee described in subsection (c)(6), in accordance with subsection (c).

**(2) Vacancies**

Any vacancy in the Committee shall not affect its powers, but shall be filled in the same manner, in accordance with the same paragraph of subsection (c), as the original appointment or designation was made.

**(c) Composition**

The Committee shall be composed of—

(1) the Assistant Secretary for Disability Employment Policy, the Assistant Secretary for Employment and Training, and the Administrator of the Wage and Hour Division, of the Department of Labor;

(2) the Commissioner of the Administration on Intellectual and Developmental Disabilities, or the Commissioner’s designee;

(3) the Director of the Centers for Medicare & Medicaid Services of the Department of Health and Human Services, or the Director’s designee;

(4) the Commissioner of Social Security, or the Commissioner’s designee;

(5) the Commissioner of the Rehabilitation Services Administration, or the Commissioner’s designee; and

(6) representatives from constituencies consisting of—

(A) self-advocates for individuals with intellectual or developmental disabilities;

(B) providers of employment services, including those that employ individuals with intellectual or developmental disabilities in competitive integrated employment;

(C) representatives of national disability advocacy organizations for adults with intellectual or developmental disabilities;