

REFERENCES IN TEXT

Part B of this subchapter (as in effect on September 30, 1992), referred to in subsec. (a)(1)(B), consisted of sections 795g to 795i and related to projects with industry and business opportunities for individuals with handicaps.

PRIOR PROVISIONS

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

A prior section 795h, Pub. L. 93-112, title VI, §622, as added Pub. L. 95-602, title II, §201, Nov. 6, 1978, 92 Stat. 2994, and amended, which related to business opportunities for individuals with disabilities and promulgation of regulations, was renumbered section 641 of Pub. L. 93-112, by Pub. L. 102-569, title VI, §612(a)(2), (3), Oct. 29, 1992, 106 Stat. 4438, and transferred to section 795r of this title, prior to the general amendment of this subchapter by Pub. L. 105-220.

AMENDMENTS

2014—Subsec. (a)(1). Pub. L. 113-128, §461(5)(A)(i)(I), substituted “subchapter” for “part” in introductory provisions.

Subsec. (a)(1)(A). Pub. L. 113-128, §461(5)(A)(i)(II), inserted “amount” after “whichever”.

Subsec. (a)(1)(B). Pub. L. 113-128, §461(5)(A)(i)(III), substituted “subchapter for the fiscal year” for “part for the fiscal year” and “part B of this subchapter (as in effect on September 30, 1992) in fiscal year 1992” for “this part in fiscal year 1992” and inserted “amount” after “whichever”.

Subsec. (a)(2)(B). Pub. L. 113-128, §461(5)(A)(ii), substituted “ $\frac{3}{8}$ of 1 percent” for “one-eighth of one percent”.

Subsec. (b). Pub. L. 113-128, §461(5)(B), inserted “under subsection (a)” after “allotment to a State”, substituted “subchapter” for “part” in two places, and substituted “1 or more” for “one or more”.

Subsecs. (c), (d). Pub. L. 113-128, §461(5)(C), added subsecs. (c) and (d).

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

§ 795i. Availability of services**(a) Supported employment services**

Funds provided under this subchapter may be used to provide supported employment services to individuals who are eligible under this subchapter.

(b) Extended services**(1) In general**

Except as provided in paragraph (2), funds provided under this subchapter, or subchapter I, may not be used to provide extended services to individuals under this subchapter or subchapter I.

(2) Extended services for youth with the most significant disabilities

Funds allotted under this subchapter, or subchapter I, and used for the provision of services under this subchapter to youth with the most significant disabilities pursuant to section 795h(d) of this title, may be used to provide extended services to youth with the most significant disabilities. Such extended services shall be available for a period not to exceed 4 years.

(Pub. L. 93-112, title VI, §604, as added Pub. L. 113-128, title IV, §461(6), July 22, 2014, 128 Stat. 1680.)

PRIOR PROVISIONS

A prior section 795i, Pub. L. 93-112, title VI, §604, formerly §623, 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)(14)], Oct. 21, 1998, 112 Stat. 2681-337, 2681-414; renumbered §604, Pub. L. 113-128, title IV, §461(3), July 22, 2014, 128 Stat. 1679, related to availability of services, prior to repeal by Pub. L. 113-128, title IV, §461(6), July 22, 2014, 128 Stat. 1680. Provisions similar to prior section 795i were contained in section 795l of this title prior to the general amendment of this subchapter by Pub. L. 105-220.

Another prior section 795i, Pub. L. 93-112, title VI, §622, formerly §623, as added Pub. L. 95-602, title II, §201, Nov. 6, 1978, 92 Stat. 2994; amended Pub. L. 98-221, title I, §164, Feb. 22, 1984, 98 Stat. 30; Pub. L. 99-506, title VII, §704, Oct. 21, 1986, 100 Stat. 1834; Pub. L. 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;¹ 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

¹ See References in Text note below.

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.

§ 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