

## Overview of Federal Guidance Regarding the Organizational Structure and Administration of the Public Vocational Rehabilitation Program

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### References

- ✚ Section 101(a)(2) of the *Rehabilitation Act of 1973*, as amended
- ✚ Vocational Rehabilitation Program Regulations, 34 CFR 361.13
- ✚ Rehabilitation Services Administration (RSA) Technical Assistance Circular (TAC) 12-03, *Organizational Structure and Non-Delegable Responsibilities of the Designated State Unit for the Vocational Rehabilitation Program*

### Designated State Agency (DSA)

The state agency designated to administer the VR State Plan must be either:

- 1) a state agency primarily concerned with VR, or VR and other rehabilitation, of individuals with disabilities; or
- 2) a state agency that includes a VR bureau, division or other organizational unit.

### Designated State Unit (DSU)

If the state agency contains a VR bureau, division or other organizational unit, that unit must:

- be primarily concerned with VR, or VR and other rehabilitation, of individuals with disabilities, and be responsible for the VR program of the DSA;
- be administered by a full-time director who is responsible for the day-to-day operation of the vocational rehabilitation program<sup>1</sup>;
- employ staff on the rehabilitation work of the organizational unit all or substantially all of whom devote their full time to such work;
- be located at an organizational level and have an organizational status within the DSA comparable to that of other major organizational units of the DSA, and
- have the sole authority and responsibility described within the DSA to expend funds made available under the Act in a manner that is consistent with the purpose of the Act.<sup>2</sup>

### Responsibility for Administration (Non-Delegable Responsibilities)

Certain functions must be reserved solely to the staff of the DSU and these functions may not be delegated to any other agency or individual.

At a minimum, these “non-delegable” responsibilities relate to decisions affecting:

- eligibility, the nature and scope of services, and the provision of those services;
- the determination that individuals have achieved employment outcomes;
- policy formulation and implementation;
- the allocation and expenditure of VR funds; and
- the participation of the DSU in the one-stop service delivery system in accordance with Title I of the Workforce Investment Act (WIA) and the regulatory requirements specified in 20 CFR Part 662.

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<sup>1</sup> Includes new statutory language in WIOA

<sup>2</sup> New statutory language in WIOA