ties 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

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

### § 795i. Availability of services

Funds provided under this part may be used to provide supported employment services to individuals who are eligible under this part. Funds provided under this part, or subchapter I of this chapter, may not be used to provide extended services to individuals who are eligible under this part or subchapter I of this chapter.

(Pub. L. 93–112, title VI, § 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.)

PRIOR PROVISIONS

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

A 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. See section 795a of this title.

AMENDMENTS

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

### § 795j. Eligibility

An individual shall be eligible under this part to receive supported employment services authorized under this chapter if—

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

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

(3) a comprehensive assessment of 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, § 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.)

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

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 part, 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 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 part;

(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 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 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 nonprofit agencies or organizations within the State, employers, natural supports, and other entities with respect to the provision of extended services;

(6) provide assurances that—

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

(B) the comprehensive assessments of individuals with significant disabilities conducted under section 722(b)(1) of this title and funded under subchapter I of this chapter 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 of this chapter in order to—

(i) specify the supported employment services to be provided;

(ii) specify the expected extended services needed; and

(iii) identify the source of extended services, which may include natural supports, or to the extent that it is not possible to identify the source of extended services at the time the individualized plan for employment is developed, a statement describing the basis for concluding that there is a reasonable expectation that such sources will become available;

(D) the State will use funds provided under this part only to supplement, and not supplant, the funds provided under subchapter I of this chapter, 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; and

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

(7) 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

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

(Pub. L. 93–112, title VI, § 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.)

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

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

### § 795*l*. 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 eligible individuals receiving supported employment services under this part and for eligible individuals receiving supported employment services under subchapter I of this chapter.

(Pub. L. 93–112, title VI, § 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.)

PRIOR PROVISIONS

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

A prior section 795*l*, 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 795*l*, 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).

AMENDMENTS

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

### § 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 part shall be construed to prohibit a State from providing discrete postemployment 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 part.

(Pub. L. 93–112, title VI, § 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.)

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,