

FAQs Pre-employment transition services

Administrative

1. Can guidance be provided for the legislative auditors while conducting the Single Audit as it relates to the 15% reserve? Specifically, auditors want to know where it is documented that a state does not have to spend the minimum 15% reserve in the first year of allotment if they successfully meet the carry forward requirements.

RSA evaluates a State's compliance with the requirements of sections 110(d)(1) and 113(a) of the Rehabilitation Act by determining, based on a State's matched funds, whether a State reserved and expended at least 15 percent of the State's 4th quarter grant award amount or at least 15 percent of the amount of Federal funds that it had matched by the end of the Federal fiscal year of appropriation, whichever is less.

[Excerpt from the VR Grant Award Attachment RSA-VR-1, Pre-employment Transition Services] Section 19(a)(1) of the Rehabilitation Act permits a State to carry over into the subsequent Federal fiscal year (FFY) any grant funds that remain available at the end of the FFY in which the funds were awarded so long as the State provided the requisite match for those funds by the end of the FFY in which the funds were awarded (year of appropriation). Funds reserved for the provision of pre-employment transition services merely represent a percentage of the State's VR allotment and, therefore, these funds must comply with all requirements governing the allotment, including requirements related to carry over of funds. This means that unobligated funds reserved for the provision of pre-employment transition services that have been matched by the end of the fourth quarter (9/30) of the year of appropriation may be carried over for obligation and expenditure during the subsequent FFY. Here is a link to the aforementioned GAN attachment: [RSA-VR-1 — Pre-employment transition services](#)

2. Can VR impose a minimum age requirement to apply for VR services since students with disabilities may receive pre-employment transition services without applying for VR?

There is nothing in the statute or regulations that permit the VR agency to deny a VR application based upon a minimum age. The VR agency should take all applications regardless of age and regardless if the student has participated in or is currently receiving pre-ETS. 34 CFR 361.42 (2)(A) list the prohibiting factors in the assessment for determining eligibility and priority of services which include age.

3. May a VR program that has expended its minimum 15% reserve requirement, regardless of whether or not they are under an order of selection, restrict access to pre-employment transition services by potentially eligible students with disabilities as a result of a lack of resources (e.g. money, staff time)?

While an order of selection acts as a mechanism for the VR program to regulate the flow of individuals that can be served with the agency's resources, there is no such mechanism in the statute or regulations for pre-employment transition services. VR programs are encouraged to examine the ways that they are providing pre-employment transition services to see if they can utilize strategies or delivery methods that are more cost effective to meet the needs of students with disabilities in their service area.

4. Do states need to conduct the needs assessment and do the fiscal forecasting and activities outlined in the final rule prior to using reserve funds on pre-employment transition coordination activities outlined in section 113(d) and 361.48(a)(4) like they are required to do

prior to using the authorized services?

Pursuant to section 113(b) and (d) of the Rehabilitation Act and 34 CFR 361.48(a)(2) and (4), the State must use funds reserved in accordance with section 110(d)(1) of the Rehabilitation Act and 34 CFR 361.65(a)(3) to provide "required" pre-employment transition services and coordination activities related to those pre-employment transition services. If funds remain after the provision of these services, the State may expend remaining reserved funds on those "authorized" pre-employment transition services described in section 113(c) of the Rehabilitation Act and 34 CFR 361.48(a)(3). During the RSA regional trainings, it was clarified that required, authorized and pre-employment transition coordination activities may be provided or arranged for concurrently, so long as an agency can demonstrate that it identified the number of potential individuals eligible for pre-employment transition services, and the funds necessary to provide the required activities. Pre-employment transition coordination activities are necessary for the implementation of such services and are not optional. Pre-employment transition coordination activities are very closely aligned with the coordination and provision of the actual "required" activities. Please see page 55695 of the preamble to the final regulations (pdf format) for a discussion of transition coordination activities.

Allowable Costs

Guidance for charging costs toward the minimum 15% reservation of funds for pre-employment transition services is provided in accordance with the Notice of Interpretation (Federal Register / Vol. 85, No. 40 / Friday, February 28, 2020 / Rules and Regulations) from RSA on additional flexibilities. The following FAQs, when appropriate, will identify when the use of funds reserved under section 110(d)(1) of the Rehabilitation Act and 34 CFR 361.65(a)(3)(i) may be used to pay for those pre-employment transition services needed by eligible students with disabilities, plus any other VR service needed by those eligible students to benefit from pre-employment transition services in accordance with an approved IPE; and when funds may be used to pay for pre-employment transition services needed by those students with disabilities who have not yet been determined eligible for the VR program (i.e., potentially eligible students with disabilities).

1. Can the cost of "travel training" for a student with a disability be considered an allowable charge to the funds reserved as a service under Workplace Readiness Training?

Yes, "travel training" would be appropriate under the required activity of workplace readiness training. Travel training is similar to Orientation & Mobility (O&M) training in that O&M is a service provided to individuals who are blind or visually impaired, while travel training is provided as a similar service to other individuals with disabilities who may need this type of training. Examples of travel training may include the preparation of a student with a disability to travel independently in their home, community, college, work based learning site, etc.

2. Can Drivers Education be considered part of a workplace readiness curriculum and the costs charged to the funds reserved for pre-employment transition services?

This would not be an appropriate cost to be charged to the reserve as drivers education is an individualized VR service that must be provided under an IPE. Agencies are encouraged to reach out to RSA if they feel they have an exception that should be considered. Agencies should note that while drivers' education would be considered a VR service and not an allowable pre-employment transition service, workplace readiness training could include curriculum that covered a general or broad discussion of the types of things students need to consider if they

would look to obtain a license, versus other methods of transportation.

3. When VR pays a student a stipend, what must that stipend be based upon in order for the VR agency to allocate those funds toward the reserve?

The stipend should be that of the prevailing wage. If it is in a non-paid experience, the use of a stipend would be allowable and should be equivalent to that of what wage a person without a disability would make for the same type of work. A stipend for pre-employment transition services may only include those allowable costs under section 113 and 361.48(a)(2) and may not include unallowable costs for the reserve such as maintenance and transportation expenses.

4. Can clarification be provided regarding Project Search and allowable costs for the reserve funds? Particularly, can funds reserved be used to pay for the site licensing fee?

As states are looking at the services provided in a Project Search program, they must analyze each activity and cost to see if it fits within the scope of the five required pre-employment transition services and whether or not each service within the Project Search site aligns, and the service is solely provided to students with disabilities meeting the definition. If a service within the Project Search site aligns with one of the five required services and is provided solely to students with disabilities, then the cost of that service may be charged to the funds reserved.

The site licensing fee would not be an allowable cost to charge to the funds reserved for pre-employment transition services because that would be considered an administrative cost, which cannot be charged to the funds reserved.

One example of a cost that may be allowable would be for an onsite worksite trainer who would be providing general workplace instruction.

As noted in the Notice of Interpretation (Federal Register / Vol. 85, No. 40 / Friday, February 28, 2020 / Rules and Regulations page 11855), with respect to those services in section 103(a) of the Rehabilitation Act that fall within the nature, scope, and purpose of pre-employment transition services described in section 113(b) and 34 CFR 361.48(a)(2), the Secretary notes that section 103(a) is not an exhaustive list of services (34 CFR 361.48(b)(21)). DSUs may provide any service that an eligible individual needs to achieve an employment outcome in accordance with an approved IPE. In the context of pre-employment transition services, one such service is coaching services for eligible students with disabilities participating in work-based learning experiences under section 113(b)(2) and 34 CFR 361.48(a)(2)(ii). These coaches perform similar functions as job coaches do in supported employment settings by assisting the eligible student with a disability to perform the tasks assigned during the work-based learning experiences. While these particular coaching services are not specifically listed in section 103(a), they would be considered allowable VR services under section 103(a) and 34 CFR 361.48(b)(21) if needed by an eligible student with a disability, in accordance with an approved IPE, to participate in pre-employment transition services. Given that pre-employment transition services are among the earliest sets of services available to students with disabilities, it is reasonable to expect that these eligible students may need extra assistance through coaching services to participate in these activities. In such circumstances, these coaching services clearly fall within the nature, scope, and purpose of pre-employment transition services, particularly work-based learning experiences under section 113(b)(2) and 34 CFR 361.48(a)(2)(ii), and, thus, would be allocable to those services

Please reference this [FAQ – Project Search: Measurable Skill Gains \(MSG\)](#) for additional guidance regarding how Project Search activities may count as Measurable Skill Gains for RSA 911 reporting.

5. Are assessments an allowable pre-employment transition services expenditure?

Please reference the [Notice of Interpretation](#) (page 11852)

A. Eligible students with disabilities in accordance with an approved IPE:

- Yes, given that the purpose of assessment services under section 103(a)(1) and 34 CFR 361.48(b)(2) is to determine the VR needs of individuals with disabilities, it is reasonable that an eligible student with a disability would need further assessment services while engaging in any of the pre-employment transition services set forth at section 113(b) and 34 CFR 361.48(a)(2) to fully benefit from those activities.

B. Potentially eligible students with disabilities:

- No, DSUs may only provide interest inventories as a pre-employment transition service under job exploration counseling. Assessments other than interest inventories would not be allowable expenditures as a required, authorized or coordination activity under pre-employment transition services for potentially eligible students with disabilities.
- An assessment to determine whether or not a potentially eligible student with a disability meets the definition of a "student with a disability" is beyond the scope of pre-employment transition services described in section 113 of the Rehabilitation Act and 34 CFR 361.48(a) of its implementing regulations. Therefore, costs for such assessments could not be paid with funds reserved for the provision of pre-employment transition services. However, the DSU could perform these assessments, if the student were to apply for VR services, pursuant to section 103(a) of the Rehabilitation Act and 34 CFR 361.48(b) with other VR funds.

6. Can a VR agency use reserve funds to pay for costs of interpreters of foreign language for students with disabilities participating in pre-employment transition services required activities?

A. Eligible students with disabilities in accordance with an approved IPE:

As noted in the Notice of Interpretation (Federal Register / Vol. 85, No. 40 / Friday, February 28, 2020 / Rules and Regulations page 11854)....Given that pre-employment transition services represent the earliest set of services available to students with disabilities under the VR program, it is reasonable that a family member could need services to enable the eligible student with a disability to benefit from pre-employment transition services. For example, the parent or guardian may need transportation services to accompany the eligible student with a disability to his or her pre-employment transition services activities or the parent or guardian may need language interpreter services in order to understand consent forms that he or she might need to sign on behalf of the underage eligible student with a disability participating in pre employment transition services. In such circumstances, the services to family members clearly fall within the nature, scope, and purpose of the pre employment transition services provided under section 113(b) of the Rehabilitation Act and 34 CFR 361.48(a)(2), thereby making the costs incurred for such services allocable to pre-employment transition services.

B. Potentially eligible students with disabilities:

Foreign language interpreters are not an auxiliary aid or service that is required due to the individual's disability in order for a student with a disability to access or

participate in pre-employment transition services and therefore would not be a cost that would be able to be charged toward the reserve.

7. Regarding the use of funds reserved for the provision of pre-employment transition services for staff travel costs: specifically, can VR include lodging and meals to the reserve funds for those staff who are traveling to directly provide the required activities under pre-employment transition services to students with disabilities.

As clarified in the preamble to the final regulations, travel costs incurred directly as a result of providing VR services constitute service-related costs, not administrative costs for the purposes of the VR program. As such, VR agencies may use funds reserved for the provision of pre-employment transition services to pay for those travel costs incurred as a direct result of providing pre-employment transition services, including lodging and meals if necessary to directly provide pre-employment transition services to students with disabilities that are proportional to the time spent directly providing or arranging for the provision of pre-employment transition services. However, to the extent the VR counselor or partner is performing other duties as well, the VR agency is not permitted to charge the portion of travel costs, etc., for those other activities, to the funds reserved for the provision of pre-employment transition services. Therefore, when considering whether the VR counselor or partner is only providing pre-employment transition services to students with disabilities, it is important to consider that a student receiving pre-employment transition services may also be receiving other VR services (other than pre-employment transition services) and as such, would be under a different cost objective and such costs would not be permissible with the funds reserved for the provision of pre-employment transition services.

It is also important to note that VR agencies are not permitted to pay any administrative costs, as defined in section 7(1) of the Rehabilitation Act and §361.5(c)(2)), such as the salaries for the VR counselor's clerical assistant or supervisor, with the funds reserved for the provision of pre-employment transition services. Any administrative costs that are associated with a contracted partner or trainer, who does not directly provide pre-employment transition service required activities, but arranges for the provision of those services, may not be paid with funds reserved for the provision of pre-employment transition services.

If the partner providing the training is not a VR counselor, but is a contracted position, it will be important for VR agencies to require the partner or trainer, as part of the contract, to maintain proper internal controls to ensure the proper accounting of the individual's time in order to ensure accurate cost allocation and accounting of funds.

Finally, while section 110(d)(2) of the Act and §361.65(a)(3)(ii)(B) restrict pre-employment transition services reserve funds from being used to pay for administrative costs associated with the provision of such services or any VR service, this provision is not applicable to contracts for the direct provision of purchased pre-employment transition services. Therefore, administrative costs associated with the direct provision of required pre-employment transition services purchased through a contract, which are reasonable, necessary and allocable to the provision of the required activities, may be paid with reserve funds.

8. When an employer requires a potentially eligible student to come prepared for a WBLE with steel toed shoes or other such items, can VR use reserve funds and pay for these expenses necessary for the student to participate.

As noted in the Notice of Interpretation (Federal Register / Vol. 85, No. 40 / Friday, February 28, 2020 / Rules and Regulations page 11853), It is reasonable that an eligible student with a disability who is participating in pre-employment transition services could incur additional costs to participate in pre-employment transition services (e.g., purchase of required clothing for a work-based learning experience under section 113(b)(2) and 34 CFR 361.48(a)(2)(ii)

Additionally, it is permissible for VR agencies to reimburse an employer for costs incurred to provide a work-based learning experience, or to pay a fee charged by the employer that might include the cost for the purchase of additional uniforms for a student, or other costs incurred that are not individualized in nature but are necessary for the participation in the work-based learning experience (RSA regional training slide 23). Furthermore, clarification was provided during the RSA regional trainings that should a student with a disability need more individualized transition services, VR services or supportive services under section 103(a) of the Rehabilitation Act and §361.48(b), he or she would need to apply for and be determined eligible for VR services, and have an approved IPE to receive those services funded with non-reserved title I funds. As such, an individual would need to apply for and be eligible for VR services in order to receive these items because such costs would constitute "maintenance," which is an individualized service that must be provided in accordance with an IPE pursuant to section 103(a) of the Rehabilitation Act and 34 CFR 361.48(b). "Maintenance," as a VR service, goes beyond the scope of the provision of the work-based learning opportunity as a pre-employment transition service.

9. Is a transition coordinator considered an allowable pre-employment transition service expenditure?

The portion of a transition coordinator's time that is spent on directly providing or arranging for the provision of pre-employment transition services, is an allowable expenditure from the funds reserved for the provision of pre-employment transition services. However, no administrative costs (as defined in section 7(1) of the Rehabilitation Act and 34 CFR 361.5(c)(2)) or other services could be paid with the funds reserved for the provision of pre-employment transition services. Transition coordinators performing other duties will not be able to charge time and costs for those other activities to the funds reserved for the provision of pre-employment transition services. It will be important for the DSU to maintain proper internal controls to ensure the proper accounting of the individual's time in order to ensure accurate cost allocation and accounting of funds.

10. If a state has a student with a disability in a post-secondary program under an IPE and are receiving other VR services to achieve their employment goal and they are participating in a pre-employment transition service such as a workplace readiness training to address soft skills, can they still charge the provision of that workplace readiness skills training to the reserve requirement?

A student participating in a postsecondary education program under an IPE, may continue to receive any of the five required pre-employment transition services for which the allowable costs may be charged to the 15 percent reserve and expend requirement, so long as the student satisfies the definition of a "student with a disability." As such, pre-employment transition services can be provided while a student is receiving VR services under an approved IPE paid for with non-reserved funds or comparable benefits.

11. Can you clarify whether or not interpreter or reader services, or accessible information materials necessary to ensure equal access could be provided not only during work-based learning experiences, but also during any of the required pre-employment transition services?

As noted in the Notice of Interpretation (Federal Register / Vol. 85, No. 40 / Friday, February 28, 2020 / Rules and Regulations page 11850), Because auxiliary aids and services necessary for students with disabilities to access or participate in pre-employment transition services are an allowable cost, DSUs may use funds reserved for providing pre-employment transition services to pay for those auxiliary aids and services for any student with a disability who needs them, regardless of whether they have applied and been determined eligible for VR services. For example, for a

student who is deaf, DSUs could purchase interpreter services or video based telecommunication products to ensure access to information and activities related to job exploration counseling or other pre-employment transition services.

For information regarding how to report these services in the RSA 911 please refer to the RSA issued guidance on April 13, 2020 entitled: [Pre-ETS FAQs related to RSA-911 Data Collection and Reporting](#)

12. If a VR Agency uses peer mentors to provide any of the five required pre-employment transition services, can they charge the cost of the peer mentor delivering the required pre-ets service to the minimum reserve requirement for pre-ets?

Yes. The peer mentor in this scenario is treated in the same way as any other contracted service provider and the cost incurred providing direct pre-ets services that fall under any of the five required pre-ets activities, could be charged to the funds reserved for pre-employment transition services.

Contracting for the provision of pre-employment transition services

Please note that contracts for the provision of State vocational rehabilitation (VR) services must be consistent with both Federal and State requirements. There are no Federal requirements that would prohibit a State from contracting for the provision of pre-employment transition services; however, there are specific considerations that should be kept in mind.

1. What pre-employment transition services are to be provided through the contract?

Before providing “authorized” pre-employment transition services, the State VR agency must determine whether it has reserved enough funds to provide “required” services and “coordination” activities to **all** students with disabilities needing pre-employment transition services. Furthermore, there are certain “coordination” activities (e.g., participation in IEP meetings) that fall under the non-delegable functions of the designated State unit and cannot be delegated to vendors to perform through contracting.

2. How will the pre-employment services to each individual be tracked through the contract?

State VR agencies that reimburse vendors for actual costs through contracts must be able to account for the contract expenditures in a manner that permits them to report per-student expenditures on the RSA-911. For example, if a State VR agency’s contract includes reimbursement of actual vendor expenses and includes the provision of “required,” “coordination,” and “authorized” pre-employment transition service activities, the State VR agency must ensure there is sufficient information from the vendor to permit allocation of the contract costs to the appropriate service categories (i.e., “required,” “authorized,” or “coordination” pre-employment transition services) for reporting purposes. Since only the actual contract expenditures associated with the direct provision of “required” pre-employment transition services are reported on a per-student basis on the RSA-911, the State VR agency must be able to differentiate those costs from the costs associated with the provision of pre-employment transition “coordination” and “authorized” activities. Therefore, the VR agency must receive data from the vendor regarding each of the categories of pre-employment transition services provided during the billing period, as well as a breakdown of the students who received such services, in order to report the requisite data.

Continuing with the example above, if the State VR agency has contract expenditures in one month of \$10,000, and 75 percent of the services provided under the contract were for “required” pre-employment transition services and 25 percent were for pre-employment transition “coordination” and “authorized” activities, the VR agency could assign \$7,500 to “required” pre-employment transition service expenditures.

For RSA-911 reporting purposes, the \$7,500 in contract “required” pre-employment transition service activity expenditures must be further disaggregated to permit reporting of the costs on a per-student basis for each “required” activity received. In order to accomplish this, the VR agency must receive data from the vendor regarding each of the “required” pre-employment transition services activities provided to the individual during the billing period. This is necessary to ensure the pre-employment transition services reported as provided on the RSA-911 are the same services that were provided by the vendor and, therefore, the costs are assigned to the correct service. Similarly, State VR agencies that use fee-for-service processes must ensure the pre-employment transition service expenditures reported on the RSA-911 are only for “required” pre-employment transition services and are reported on a per-student basis.

3. What methodology will be used to pay for the contracted pre-employment transition services?

- A. A fee-for-service payment structure provides a more streamlined way to track the data required pursuant to number 2 above. It also reduces the time and effort involved in monitoring the provision of services under the contract. The agency would need to document the process used to determine the rates paid for the services were reasonable and determined in accordance with the agency’s policy for setting rates for services.
- B. Reimbursement for actual contract expenses (e.g., line-item budgets) incurred in the provision of pre-employment transition services requires significantly more detailed contracts. For example, if the VR agency is paying for personnel expenditures through the contract, the contracts would need to include each position’s education and training requirements, the VR specific services being provided by position, the amount of time allocated, by position, to the provision of VR services, how the time worked, specific to the VR services, will be tracked and reported to the VR agency, the amount payable for personnel fringe benefits, etc. The agency should follow its policy for determining rates of payment to ensure that all costs are allowable, allocable and reasonable. All other costs would follow a similar process. For example, if space or utilities were included for reimbursement, how did the VR agency determine the portion of space costs to be charged to the VR program was proportional to the benefit received by the VR program and reasonable? Below are some additional considerations for using line-item budgets:
 - The way the VR agency will monitor the line-item expenditures to verify, from source documentation, that the costs are allowable and reasonable to charge to the VR program must be included in the contract and implemented by the VR agency; and
 - Contracts with line-item budgets must include performance goals to justify the overall cost of the contract is proportional to the benefit received. If the performance goal (e.g., serving X number of people) is not achieved, then provisions should be included in the contract to reduce contract expenditures to maintain proportionality. Determining the cost per individual and/or cost per service provided under the line-item contract may serve as a basis for comparison.

The considerations listed above do not include all the relevant requirements. Should a VR agency choose to proceed with contracting for the provision of pre-employment transition services, RSA highly recommends that you submit a copy of the draft contract to RSA for review and feedback. If requested, RSA is also available to provide additional technical assistance regarding the requirements through conference calls.

Data/Documentation/Reporting

1. Is it necessary for the VR program to obtain documentation of a disability at the individual level for a potentially eligible student?

Yes

Would the report of the Special Education staff be sufficient for the purposes of delivering pre-employment transition services?

Although much less documentation is required with respect to students with disabilities who are receiving pre-employment transition services prior to applying or being determined eligible for VR services, some basic documentation is necessary to ensure that: (1) these students indeed have a disability and, thus, are "potentially eligible" for VR services; and (2) the DSU has sufficient information necessary for it to complete the RSA-911 Case Service Report, and satisfy performance accountability requirements under section 116 of WIOA. To that end, the data elements required for a student with a disability who is receiving pre-employment transition services and has not applied for or been determined eligible for VR services include: a unique identifier, social security number (if available), date of birth, race (required if student is in elementary or secondary education), ethnicity (required if student is in elementary or secondary education), student's disability, start date of pre-employment transition services and the pre-employment transition services provided, including the type of provider and amount expended for the service. The requirements in 34 CFR 361.47 and 34 CFR 361.56, taken together, require VR agencies to maintain verifying documentation in an individual's case file. It is important to note that the use of an electronic case management system does not remove the requirement for an agency to maintain either hard copies or scanned copies of required supporting documentation in the individual's service record. RSA will maintain a table that lists the RSA-911 supporting documentation requirements on [RSA's website](#). Supporting documentation, relevant to the above-identified required documentation, may include:

- A. Case note documenting counselor observation, review of school records, statements of education staff; or
- B. Referral form for pre-employment transition services with the identification of a student's disability, signed by school staff and parent/guardian if the student is under the age of majority in a State (parental consent to participate in pre-employment transition services is governed by State law, as well as policies of the educational programs and the DSU); or
- C. Copy of an individualized education program (IEP) document, SSA beneficiary award letter, school psychological assessment, documentation of a diagnosis or disability determination or documentation relating to 504 accommodation(s).

2. The agency is not sure how to best report pre-ets expenditures on the RSA-2. The agency is aware of other VR agencies using code 186 (Other Services) to collect Pre-ETS services while other agencies have been using other codes that are closely related to the required Pre-ETS services. Is there guidance currently on which code to use for the RSA-2 to report these expenditures?

The correct code to use with the current RSA-2 is code 186, until new version of RSA -2 comes out.

3. Can a Work-Based Learning Experience (WBLE) through Project Search count as a Measurable Skill Gain?

WBLE through Project Search may count toward a Measurable Skill Gain. The WINTAC, in partnership with RSA, developed [this FAQ](#) which addresses topics State VR agencies should consider as they determine whether or not activities through Project Search can be reported as various types of MSGs.

Definitions

1. Is a student with a disability considered "enrolled in a recognized education program" if the student has exited secondary education, and was admitted or accepted into a postsecondary program but their program start date is delayed or deferred for various reasons including the rapidly growing trend of formalized "gap year" programs. How should the VR agency determine whether or not the individual meets the definition of a student with a disability?

Prior to answering this question formally, it is important to remember that students can still receive pre-employment transition services in the summer between HS and college. As far as those students who may be taking a "gap year or semester," the agency will need to demonstrate that the student with a disability is indeed enrolled in a recognized education program. The length of time or gap is not the issue. There are four pieces of documentation needed:

- A. Documentation that the individual with a disability graduated from secondary education;
- B. Documentation that the individual with a disability has been accepted into a post-secondary ed. institution/program;
- C. Documentation of the individual with a disability intention or confirmation that they had accepted the invitation to enter the post-secondary program; and
- D. Documentation that the individual with a disability has been informed by the institution that their "seat" or "spot" is being held for them.

2. Can you clarify the interpretation of "in an educational setting" and whether the inclusion of trade schools and training programs such as those at a CRP where a student may earn a certificate are allowable?

Educational programming under the definition of a "student with a disability," would include programs that provide a recognized credential of education, such as a certified nursing assistant (CNA) program. However, programs provided by a CRP or Project Search, would not be considered an educational program for the purposes of satisfying "educational programming" within the definition of a student with a disability.

Service Delivery

1. Definition of a student with a disability:

- A. **Can you clarify whether or not a student who exits high school, meets the required age range and is enrolled in postsecondary education, would continue to meet the definition of a "student with a disability" for purposes of receiving pre-employment**

transition services the summer before postsecondary education classes begin?

To clarify, a student who graduates or exits from secondary education; meets the minimum and maximum age requirements as set forth in section 7(37) of the Rehabilitation Act of 1973, as amended (the Act) by the Workforce Innovation and Opportunity Act (WIOA), and VR regulations 34 CFR 361.5(c)(51); and is enrolled in post-secondary education for whom classes will begin after summer break, would continue to be considered a student with a disability. Students with disabilities may receive pre-employment transition services until they are no longer enrolled or participating in postsecondary education and no longer meet the statutory and regulatory age requirements.

B. Would a student need to be accepted into a postsecondary education program to be considered enrolled in postsecondary education?

To address your second question, if a student with a disability has not been accepted into an educational program, including postsecondary education, upon exit from secondary education, they would not be considered to be enrolled or participating in an educational program. As such, the individual would be considered to be a youth with a disability. Although youth with disabilities cannot receive pre-employment transition services, they may receive similar services, such as transition services or other VR services after applying to and being determined eligible for VR services, and under an approved individualized plan for employment (IPE). If a youth with a disability enrolls in or begins participating in an educational program, while they still meet the statutory and regulatory age requirements of a "student with a disability", they would be permitted to begin pre-employment transition services under section 113 of the Act.

2. Can an agency deliver pre-employment transition services through a different mechanism to potentially eligible students versus VR applicants and eligible individuals?

In the Georgia Monitoring report from 2017 on page 35 RSA stated the following:
... *"The method an agency uses to provide pre-employment transition services to non-applicants and applicants may differ (e.g., direct services by a VR counselor, third-party cooperative arrangement with a LEA, or contract with a community rehabilitation program (CRP), including fee-for-service or performance-based), so long as the State makes the "required" activities available to both non-applicants and applicants statewide, even if through different agreements."*

3. If a student has started receiving pre-employment transition services, then applies for VR and is found ineligible, can that student complete the pre-employment transition services they are involved in or must those services stop immediately?

Once a student has been determined ineligible for VR services, they would no longer be able to receive pre-employment transition services because they are no longer potentially eligible.

4. Could a student with a disability who was previously determined eligible and had their case closed, later return and receive pre-employment transition services as a potentially eligible student with a disability?

A student with a disability who was previously determined eligible and their case had been closed, could return at a later date and be considered potentially eligible and receive pre-employment transition services as long as they meet the definition of a student with a disability. Nothing in the statute would prohibit them from returning as potentially eligible, unless the individual had been determined ineligible.

5. Once a student has been determined eligible for VR services, are the pre-employment transition services the student receives required to be included on the IPE, or do states have the option of providing pre-employment transition services without including them on the IPE so long as they document the services the student is receiving?

The pre-employment transition services would need to be included on the individual's IPE. Under 361.46, the listed required content describes that the IPE must list all of the services the individual needs in order to achieve an employment outcome. As these students with disabilities are now under a plan, this requirement will need to be satisfied. Even for those students with disabilities who may use a projected post school employment outcome and the plan includes only those services to assist in refining that employment goal, any pre-employment transition services the student would receive would still need to be included. Agencies are directed to refer to the discussion on page 55690 found in the preamble.

6. Can you please clarify whether or not a student can complete all pre-employment transition services needed or only the service they started once they apply for VR and are subject to the states Order of Selection (OOS)?

The information provided in the Sacramento RSA regional meeting is correct. If a student with a disability begins one or more of the required activities prior to being determined eligible for VR services, he or she may continue to receive any and all pre-employment transition services even if the student is assigned to a closed OOS category. Please see FR page 55692, "Continuation of Pre-Employment Transition Services", of the pdf version of the preamble to the final regulations for a discussion of this and final §361.36(e)(3). In addition to the pre-employment transition services, the student may participate in group transition services while in a closed OOS category; however, the student may not receive any individualized VR services, including individualized transition services, until his or her turn for receipt of VR services comes up under the State's order.

Staff Time Charging

1. What methodologies would RSA consider consistent with the SF 425 financial reporting requirement to ensure that VR staff time is only spent on pre-employment transition services?

In the FAQ that RSA published entitled "[Frequently Asked Fiscal Questions - Pre-Employment Transition Services](#)", it was clarified that because of the statute administrative costs may not be allowed under the reserve the amount of costs, only direct time may be charged to the reserve and thus time averaging or similar methods are unacceptable. Rather, agencies should allocate costs for the positive time reported by staff in the direct provision of Pre-Employment Transition Services.

In other words, staff need to ensure they are documenting real time, not an average, estimate, sampling, or any other methods other than the direct tracking of staff time, as any other method would not ensure that unallowable costs would not be charged to the funds reserved. This is different than most grant awards because of the administrative cost prohibition. The only way to demonstrate that administrative costs are not being charged is through the positive reporting of actual staff time.

2. Given the recent pre-employment transition flexibilities outlined in the Notice of Interpretation (NOI), can staff time may be charged to the reserve for training on new procedures and processes that reflect the NOI to ensure they understand how to track and report these additional services and costs that can be allocated to the reserve?

This could be an authorized activity or an administrative cost. An agency could provide it as an authorized activity as long as they sufficiently documented providing the required activities.

3. If VR and Education update their SEA agreement and want to conduct a training for staff on the way they are coordinating services between the two entities, is the time spent in that training allowed to be charged to the reserve as one of the four coordination activities?

Yes

4. If VR staff are participating and listening in on an RSA and/or WINTAC training or webinar on pre-employment transition services, can the time spent participating and reviewing these types of trainings be charged to the reserve?

This could either be authorized or charged to the reserve or it could be charged as an administrative cost to the 110 funds.

See WINTAC Time Allocation Guide for information related to the tracking of staff time that can be charged to the reserve funds for pre-employment transition services.

Additional FAQs

- RSA:
 - [Pre-ETS FAQs related to RSA-911 Data Collection and Reporting](#) (April 13, 2020)
 - [Frequently Asked Fiscal Questions — Pre–Employment Transition Services](#) (April 13, 2016)
 - [FAQs for the RSA911](#)(August 8, 2016)
 - [RSA: Period of Performance for Formula Grant Awards FAQs](#) (March 17, 2017)
 - [Select Questions Related to Use of Department of Education Grant Funds During the Novel Coronavirus Disease 2019](#) (April 8, 2020)
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- DOL:
 - The Department of Labor's has the following e-laws resources regarding the Fair Labor Standards act and volunteers and school to work
 - [elaws - Fair Labor Standards ActAdvisor : Volunteers](#)
 - [elaws - Fair Labor Standards ActAdvisor : School-to-Work](#)