



## ***THE REHABILITATION ACT OF 1973, AS AMENDED***

THIS VERSION OF THE REHABILITATION ACT WAS DEVELOPED BY STAFF OF THE REHABILITATION SERVICES ADMINISTRATION. WHILE UNDER DEVELOPMENT IT IS JUDGED TO ACCURATELY REFLECT THE STATUTORY PROVISIONS OF THE ACT AS AMENDED THROUGH AUGUST 1998. IT INCORPORATES THE 1992 AND 1993 AMENDMENTS TO THE ACT (P.L. 102-569 AND P.L. 103-73) AND THE CHANGES REQUIRED BY THE TECHNOLOGY-RELATED ASSISTANCE FOR INDIVIDUALS WITH DISABILITIES ACT AMENDMENTS OF 1994, THE IMPROVING AMERICA'S SCHOOLS ACT, THE FEDERAL REPORTS ELIMINATION AND SUNSET ACT, AND THE REHABILITATION ACT AMENDMENTS OF 1998.

***REHABILITATION SERVICES ADMINISTRATION  
UNITED STATES DEPARTMENT OF EDUCATION  
WASHINGTON, DC***

08/07/98 VERSION

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## **Sec. 106. Evaluation Standards and Performance Indicators**

### **(a) Establishment**

#### **(1) In general**

##### **(A) Establishment of standards and indicators**

The Commissioner shall, not later than July 1, 1999, establish and publish evaluation standards and performance indicators for the vocational rehabilitation program carried out under this title.

##### **(B) Review and revision**

Effective July 1, 1999, the Commissioner shall review and, if necessary, revise the evaluation standards and performance indicators every 3 years. Any revisions of the standards and indicators shall be developed with input from State vocational rehabilitation agencies, related professional and consumer organizations, recipients of vocational rehabilitation services, and other interested parties. Any revisions of the standards and indicators shall be subject to the publication, review, and comment provisions of paragraph (3).

##### **(C) Bases**

Effective July 1, 1999, to the maximum extent practicable, the standards and indicators shall be consistent with the core indicators of performance established under section 136(b) of the Workforce Investment Act of 1998.

#### **(2) Measures**

The standards and indicators shall include outcome and related measures of program performance that facilitate the accomplishment of the purpose and policy of this title.

#### **(3) Comment**

The standards and indicators shall be developed with input from State vocational rehabilitation agencies, related professional and consumer organizations, recipients of vocational rehabilitation services, and other interested parties. The Commissioner shall publish in the Federal Register a notice of intent to regulate regarding the development of proposed standards and indicators. Proposed standards and indicators shall be published in the Federal Register for review and comment. Final standards and indicators shall be published in the Federal Register.

**(b) Compliance**

**(1) State reports**

In accordance with regulations established by the Secretary, each State shall report to the Commissioner after the end of each fiscal year the extent to which the State is in compliance with the standards and indicators.

**(2) Program improvement**

**(A) Plan**

If the Commissioner determines that the performance of any State is below established standards, the Commissioner shall provide technical assistance to the State, and the State and the Commissioner shall jointly develop a program improvement plan outlining the specific actions to be taken by the State to improve program performance.

**(B) Review**

The Commissioner shall--

(i) review the program improvement efforts of the State on a biannual basis and, if necessary, request the State to make further revisions to the plan to improve performance; and

(ii) continue to conduct such reviews and request such revisions until the State sustains satisfactory performance over a period of more than 1 year.

**(c) Withholding**

If the Commissioner determines that a State whose performance falls below the established standards has failed to enter into a program improvement plan, or is not complying substantially with the terms and conditions of such a program improvement plan, the Commissioner shall, consistent with subsections (c) and (d) of section 107, reduce or make no further payments to the State under this program, until the State has entered into an approved program improvement plan, or satisfies the Commissioner that the State is complying substantially with the terms and conditions of such a program improvement plan, as appropriate.

**(d) Report to Congress**

Beginning in fiscal year 1999, the Commissioner shall include in each annual report to the Congress under section 13 an analysis of program performance, including relative State performance, based on the standards and indicators.