

## **APPENDIX A**

### **Information Collection for Case Service Report (RSA-911)**

### **Summary of Public Comments and Responses**

U.S. Department of Education  
Office of Special Education and Rehabilitative Services  
Rehabilitation Services Administration

## **I. Introduction**

The U.S. Department of Education (Department) appreciates each stakeholder's suggestions and comments on this Information Collection Request (ICR) for the Rehabilitation Services Administration (RSA) Case Service Report (RSA-911), published in the *Federal Register* on April 20, 2023 (88 FR 24395). RSA received approximately 20 comments from four State Vocational Rehabilitation (VR) agencies related to the proposed revisions to the RSA-911. On July 6, 2023, RSA published a 30-day notice in the *Federal Register* (88 FR 43106) and received one comment related to the proposed revisions. Below, the comments are categorized into two topics: General Comments and Specific Data Elements. The Department's "response" follows each comment summary.

## **II. Comments and Responses**

### **A. General Comments**

Comments: Two commenters agreed that the data elements RSA proposed to delete were appropriate to eliminate from RSA-911 and one commenter stated that they anticipated that the modified code values, revised definitions, and reporting instructions will result in more clarity and more accurate RSA-911 data collection and reporting.

Department Response: We appreciate this support as we continue to streamline the RSA-911 to collect only those data necessary for administration of the State VR Services and State Supported Employment Services programs.

Comment: One commenter indicated that the burden associated with the RSA-911 data collection and reporting requirements has contributed largely to VR counselor burnout and turnover which has negatively affected the outcomes individuals with disabilities achieve through the VR program. As a result, this commenter stated they hoped RSA would have eliminated even more data elements from the RSA-911 to reduce more burden.

Department Response: All of the data required by the RSA-911 are mandated by either the Rehabilitation Act of 1973 (Rehabilitation Act), the Workforce Innovation and Opportunity Act (WIOA), or the Build America, Buy America Act (BABAA). RSA is committed to collecting only the data it needs to administer the State VR Services and State Supported Employment Services programs and carry out the WIOA performance accountability provisions at the Federal level. We understand that State VR agencies may impose additional data collection and reporting requirements for these programs and we regularly provide technical assistance to assist State VR agencies in balancing Federal requirements and with those that are State-imposed. Finally, it is important to note that RSA does not expect VR counselors to be the sole staff persons responsible for RSA-911 data collection and reporting. In order for RSA-911 data to be accurate and usable in program evaluation and data-driven decision making, State VR agencies must develop

internal controls, consistent with requirements in the Uniform Guidance, incorporating a variety of staff and processes, that lead to a high-quality dataset.

Comment: One commenter asked RSA to differentiate between the terms “correctable,” as RSA used in this proposed revision and “updateable,” as RSA used in Policy Directive 19-03. The commenter indicated that it would be permissible, for example, to correct a birthdate if the State VR agency found an error in the same program year. The commenter also indicated that a Data Element, such as Data Element 78, is updateable when the individual’s enrollment status changes.

Department Response: RSA uses the term “updateable” to pertain to Data Elements wherein code values may change over time. We use the term “correctable” to pertain to fixing a reporting mistake. In other words, “correctable” means, under normal conditions, the data would not change unless the original data are incorrect whereas “updateable” means the data may be changed to reflect new information. In the proposed revision, RSA listed several data elements as not correctable. For example, Data Element 6 is not correctable in subsequent quarterly reports; State VR agencies must request RSA correct an error in Data Element 6. However, State VR agencies may update code values in Data Element 22 (Student with a Disability) when new information is available.

Comment: One commenter indicated that State VR agencies should be permitted to use “filler fields” to enter whatever data they determine necessary in fields RSA is no longer collecting on the RSA-911 (e.g., Data Element 3). The commenter indicated that it would be helpful, for example, if State VR agencies were permitted to enter data such as region, office, or caseload number in these “filler fields.”

Department Response: State VR agencies must only report the required RSA-911 data to RSA each quarter. If a State VR agency reports data in a field we do not collect (e.g., Data Element 3), this will cause an error and the State VR agency will need to remove the data in order to make a successful submission. However, State VR agencies may maintain a separate RSA-911 file inclusive of any additional data they deem necessary.

Comment: One commenter suggested that RSA amend the RSA-911 so that State VR agencies may identify and remove from post-exit reporting any participant whose reason for exit is one that is not factored into the calculation of performance measures on the WIOA Annual Statewide Performance Report (ETA-9169). For example, the commenter suggested that if a State VR agency is aware that a participant died, the State VR agency should not be required to conduct post-exit reporting on this participant.

Department Response: RSA clarifies that State VR agencies are not required to conduct post-exit reporting for those participants who are excluded from the performance measure calculations (e.g., participants who died during program participation). The RSA-911 Edit Checks only require post-exit reporting for participants where Data Element 355 (Reason for Program Exit) is coded 13, 14, 16, 17, 18, or 19.

## **B. Specific Data Elements**

### **Data Element 7 (Date of Application)**

Comment: One commenter indicated that the reporting instructions for Data Element 7 state: “report the date (year, month, and day) that the agency received a completed and signed application form for VR services from the applicant. The date must be verifiable through supporting documentation.” The commenter explained that in RSA’s recent monitoring visit and corresponding corrective action plan, RSA informed the State VR agency that a “signed form could not be used as a requirement to be considered an applicant for VR services.” The commenter said these RSA-911 reporting instructions conflict with RSA’s guidance and asked for clarification of whether supporting documentation must include a “completed and signed application or simply a request for services.”

Department Response: In this proposed revision, we did not make any changes to Data Element 7. State VR agencies must continue to report the date an individual with a disability applies for VR services. Individuals with disabilities are not required to submit a signed application for VR services and they may simply request VR services. For purposes of Data Element 7, State VR agencies should report the date this application or request occurs.

### **Data Element 9 (Gender)**

Comment: One commenter indicated their support for the additional code value option of “Non-binary or another gender” in Data Element 9.

Department Response: We appreciate this commenter’s support for the proposed revision to Data Element 9.

### **Data Element 22 (Student with Disability)**

Comment: One commenter asked if a potentially eligible student with a disability drops out of school and moves out of state, can State VR agencies designate that individual as having exited school and report that the individual is no longer a student with a disability in Data Element 22. The commenter also asked if the State VR agency could “reopen” the case if the individual moves back to the state and begins school again.

Department Response: When an individual with a disability no longer meets the definition of a student with a disability, State VR agencies must update the code value in Data Element 22. This includes a scenario where the individual with a disability relocates from the state and is no longer available to receive pre-employment transition services from the State VR agency. If the student with a disability is later available to receive pre-employment transition services, the State VR agency would provide these services and begin reporting the individual, as a student with a disability, and the specific services the individual received each quarter.

For additional context related to the provision of pre-employment transition services to potentially eligible students with disabilities and those who have applied for VR services, please review the preamble to final VR program regulations published August 19, 2016: [State Vocational Rehabilitation Services Program; State Supported Employment Services Program; Limitations on Use of Subminimum Wage](#) (81 FR 55629).

#### **Data Element 45 (Significance of Disability)**

Comment: One commenter indicated that RSA’s proposed revisions to the code values in Data Element 45 introduce confusion and suggested RSA word code value 0 as “Individual has a disability.”

Department Response: We agree with the comment and have deleted the proposed code value 3 and redefined code value 0 as, “Individual has a disability that is not a most significant or significant disability.” The code values for Data Element 45 are now proposed to be:

- 1 = Individual has a significant disability
- 2 = Individual has a most significant disability
- 0 = Individual has a disability that is not a most significant or significant disability

#### **Data Elements 50-53 (Employment at Initial Individualized Plan for Employment (IPE))**

Comments: One commenter agreed with our proposed revisions to the code values for Data Element 50 and one commenter suggested we include a code value for “individuals who seek services to maintain employment but who are not immediately at risk of losing employment.” For Data Elements 51-53, one commenter suggested that code values 2 and 3 are also indicative of employment at initial IPE.

Department Response: We appreciate the commenter’s support for the proposed revisions to the code values in Data Element 50. We disagree with the other commenter’s suggestion to add a code value for “individuals who seek services to maintain employment but who are not immediately at risk of losing employment.” RSA has updated the code values, for clarification purposes, as follows:

- 1 = Individual is employed and requires VR services to maintain employment.
- 2 = Individual is employed and seeking career advancement.
- 3 = Individual is employed in non-CIE and seeking CIE.
- 0 = Individual is not employed.

For an individual, who is employed and requires VR services to maintain employment, and regardless of when the individual’s employment is in jeopardy, State VR agencies should use code value 1. In addition, we agree with the commenter’s suggestions for Data Elements 51, 52, and 53 and we have made updates in the proposed revision.

### **Data Element 58 (Vocational Rehabilitation)**

Comment: One commenter agreed with our proposal to delete code values 2, 0, and 9 for Data Element 58 because all VR program participants would be either receiving VR services from the State VR Services program or receiving VR services from both the State's VR program and the U.S. Department of Veterans Affairs.

Department Response: We appreciate this commenter's support.

### **Data Element 61 (YouthBuild)**

Comment: One commenter agreed with our proposal to simplify the code values for Data Element 61 by permitting State VR agencies to report if the participant was or was not enrolled in the YouthBuild program at the time of IPE development.

Department Response: We appreciate this commenter's support.

### **Data Element 94 (Date Attained Vocational/Technical License)**

Comment: One commenter identified a typo in the reporting instructions for Data Element 94 in that the word 'prior' should be deleted: "Report the date the eligible individual attained the Vocational/Training Certificate or Certification prior during program participation or within one year of exit."

Department Response: We appreciate this commenter identifying the typo in the reporting instructions and we have updated Data Element 94 in this proposed revision.

### **Data Elements 97-124 (Pre-Employment Transition Services)**

Comment: One commenter explained that the revision to TAC 17-01, issued September 15, 2022, lists various pre-employment transition services as either Career or Training Services in Attachment VII, Table D while all the other services are categorized as Career, Training, or Other. The commenter asked if the pre-employment transition services should be designated as Career or Training Services on the RSA-911 itself.

Department Response: For RSA-911 data collection and reporting purposes, Data Elements 97-124 are pre-employment transition services. The crosswalk provided in TAC 17-01 allows State VR agencies to crosswalk VR program specific services provided to participants into categories that are consistent with other core programs. TAC 17-01 provides clarification on how to sort pre-employment transition services into career or training services for purposes of the WIOA Annual Statewide Performance Report (ETA-9169).

### **Data Elements 184-189 (Disability Related Skills Training)**

Comment: One commenter explained the reporting instructions for these Data Elements state: “This Training Service may only be provided to an eligible individual under an IPE.” The commenter indicated that Disability Related Skills Training is allowed prior to development of an IPE when it is necessary for an individual to participate in trial work experiences or assessments to determine an individual’s eligibility for VR services, to assign an individual to a priority category, and/or to determine the nature and scope of VR services to be included in the IPE.

Department Response: We agree with this comment and have made updates to this proposed revision to make clear State VR agencies may provide Disability Related Skills Training (e.g., orientation and mobility training) to individuals with disabilities prior to the IPE.

### **Data Element 379 (Employment – First Quarter After Exit Quarter) and Data Element 386 (Employment – Third Quarter After Exit Quarter)**

Comment: One commenter asked RSA to clarify why RSA added the following statement to Data Elements 379 and 386: “Credential Attainment Special Rule: This DE only applies to participants who exited secondary education and obtained a secondary school diploma or its equivalent.” The commenter asked if State VR agencies should leave this field blank if the participant does not have a secondary credential and how to report these Data Elements if the participant earned the secondary credential prior to the IPE date.

Department Response: As required in WIOA section 116(b)(2)(A)(iii), participants who obtain a secondary school diploma or its recognized equivalent must also meet an additional condition before they are counted as a successful outcome and included in the numerator of the Credential Attainment Rate performance indicator. These participants must be employed or enrolled in an education or training program leading to a recognized postsecondary credential within one year following exit. Therefore, Data Elements 379 and 386 only pertain to participants that had the attainment of a secondary school diploma or its equivalent identified on their IPE at some point during their period of participation. For all other participants, State VR agencies do not need to report Data Elements 379 and 386.

### **Data Elements 301-306 (Rehabilitation Technology)**

Comment: One commenter explained the reporting instructions for these Data Elements state: “This Other Service may only be provided to an eligible individual under an IPE.” The commenter indicated that Rehabilitation Technology is allowed prior to development of an IPE when it is necessary for an individual to participate in trial work experiences or assessments to determine an individual’s eligibility for VR services, to assign an individual to a priority category, and/or to determine the nature and scope of VR services to be included in the IPE.

**Department Response:** We agree with this comment and have made updates to this proposed revision to make clear State VR agencies may provide Rehabilitation Technology to individuals with disabilities prior to the IPE under certain circumstances, as permitted under the Rehabilitation Act.

**Data Element 392 (Retention with the Same Employer in the Second Quarter and the Fourth Quarter – Fourth Quarter After Exit Quarter)**

**Comment:** One commenter asked why RSA added the requirement to have Unemployment Insurance (UI) wage records to Data Element 392 and asked if State VR agencies may use other documented types of wage records in addition to UI wage records.

**Department Response:** We have updated this proposed revision to permit State VR agencies to use supplemental wage information, in addition to wage records, in reporting Data Element 392.

**Data Element 399 (Date of IPE Development Extension)**

**Comment:** One commenter suggested that we revise the reporting instructions for Data Element 399 to require State VR agencies to report the date the eligible individual and counselor mutually agreed upon an extension of time for the development of the IPE within 90 days of the individual's exit from the order of selection waiting list rather than the individual's eligibility determination.

**Department Response:** We disagree with this comment. If a State VR agency is operating under an order of selection, eligible individuals do not require an extension to the 90-day timeframe for IPE development at the time they are placed in a closed priority category. When an eligible individual exits the closed priority category, the 90-day timeframe begins. During this period, the State VR agency and eligible individual may agree to extend this timeframe if more time is needed to develop the IPE.

**New Data Element 408 (Eligibility Status)**

**Comments:** One commenter indicated the new Data Element 408 is unnecessary because this information may be determined by Data Element 38 for eligibility and Data Element 355 for ineligibility (e.g., code values 06, 08, 21, and 22). One commenter indicated support for RSA's proposal to add this new Data Element.

**Department Response:** We appreciate the commenter's support for the new Data Element 408 and we disagree with the other commenter's statement that the new Data Element is not necessary. We believe it provides important clarification to Data Element 38. Further, new Data Element 408 will reinforce eligibility status and reduce reporting errors that occur at the time of exit.