

**(b) Required activities**

Funds available under subsection (a) shall be used to make available to students with disabilities described in subsection (a)—

- (1) job exploration counseling;
- (2) work-based learning experiences, which may include in-school or after school opportunities, or experience outside the traditional school setting (including internships), that is provided in an integrated environment to the maximum extent possible;
- (3) counseling on opportunities for enrollment in comprehensive transition or postsecondary educational programs at institutions of higher education;
- (4) workplace readiness training to develop social skills and independent living; and
- (5) instruction in self-advocacy, which may include peer mentoring.

**(c) Authorized activities**

Funds available under subsection (a) and remaining after the provision of the required activities described in subsection (b) may be used to improve the transition of students with disabilities described in subsection (a) from school to postsecondary education or an employment outcome by—

- (1) implementing effective strategies to increase the likelihood of independent living and inclusion in communities and competitive integrated workplaces;
- (2) developing and improving strategies for individuals with intellectual disabilities and individuals with significant disabilities to live independently, participate in postsecondary education experiences, and obtain and retain competitive integrated employment;
- (3) providing instruction to vocational rehabilitation counselors, school transition personnel, and other persons supporting students with disabilities;
- (4) disseminating information about innovative, effective, and efficient approaches to achieve the goals of this section;
- (5) coordinating activities with transition services provided by local educational agencies under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.);
- (6) applying evidence-based findings to improve policy, procedure, practice, and the preparation of personnel, in order to better achieve the goals of this section;
- (7) developing model transition demonstration projects;
- (8) establishing or supporting multistate or regional partnerships involving States, local educational agencies, designated State units, developmental disability agencies, private businesses, or other participants to achieve the goals of this section; and
- (9) disseminating information and strategies to improve the transition to postsecondary activities of individuals who are members of traditionally unserved populations.

**(d) Pre-employment transition coordination**

Each local office of a designated State unit shall carry out responsibilities consisting of—

- (1) attending individualized education program meetings for students with disabilities, when invited;

(2) working with the local workforce development boards, one-stop centers, and employers to develop work opportunities for students with disabilities, including internships, summer employment and other employment opportunities available throughout the school year, and apprenticeships;

(3) work with schools, including those carrying out activities under section 614(d)(1)(A)(i)(VIII) of the Individuals with Disabilities Education Act (20 U.S.C. 1414(d)(1)(A)(i)(VIII)), to coordinate and ensure the provision of pre-employment transition services under this section; and

(4) when invited, attend person-centered planning meetings for individuals receiving services under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.).

**(e) National pre-employment transition coordination**

The Secretary shall support designated State agencies providing services under this section, highlight best State practices, and consult with other Federal agencies to advance the goals of this section.

**(f) Support**

In carrying out this section, States shall address the transition needs of all students with disabilities, including such students with physical, sensory, intellectual, and mental health disabilities.

(Pub. L. 93-112, title I, §113, as added Pub. L. 113-128, title IV, §422, July 22, 2014, 128 Stat. 1657.)

**Editorial Notes**

## REFERENCES IN TEXT

The Individuals with Disabilities Education Act, referred to in subsec. (c)(5), is title VI of Pub. L. 91-230, Apr. 13, 1970, 84 Stat. 175, which is classified generally to chapter 33 (§1400 et seq.) of Title 20, Education. For complete classification of this Act to the Code, see section 1400 of Title 20 and Tables.

The Social Security Act, referred to in subsec. (d)(4), is act Aug. 14, 1935, ch. 531, 49 Stat. 620. Title XIX of the Act is classified generally to subchapter XIX (§1396 et seq.) of chapter 7 of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see section 1305 of Title 42 and Tables.

**Statutory Notes and Related Subsidiaries**

## DEFINITIONS OF TERMS IN PUB. L. 113-128

Except as otherwise provided, definitions in section 3 of Pub. L. 113-128, which is classified to section 3102 of this title, apply to this section.

## PART C—AMERICAN INDIAN VOCATIONAL REHABILITATION SERVICES

**§ 741. Vocational rehabilitation services grants****(a) Governing bodies of Indian tribes; amount; non-Federal share**

The Commissioner, in accordance with the provisions of this part, may make grants to the governing bodies of Indian tribes located on Federal and State reservations (and consortia of such governing bodies) to pay 90 percent of the costs of vocational rehabilitation services for

American Indians who are individuals with disabilities residing on or near such reservations (referred to in this section as “eligible individuals”), consistent with such eligible individuals’ strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice, so that such individuals may prepare for, and engage in, high-quality employment that will increase opportunities for economic self-sufficiency. The non-Federal share of such costs may be in cash or in kind, fairly valued, and the Commissioner may waive such non-Federal share requirement in order to carry out the purposes of this chapter.

**(b) Application; effective period; continuation of programs and services; separate service delivery systems**

(1) No grant may be made under this part for any fiscal year unless an application therefor has been submitted to and approved by the Commissioner. The Commissioner may not approve an application unless the application—

(A) is made at such time, in such manner, and contains such information as the Commissioner may require;

(B) contains assurances that the rehabilitation services provided under this part to American Indians who are individuals with disabilities residing on or near a reservation in a State shall be, to the maximum extent feasible, comparable to rehabilitation services provided under this subchapter to other individuals with disabilities residing in the State and that, where appropriate, may include services traditionally used by Indian tribes;

(C) contains assurances that the application was developed in consultation with the designated State unit of the State; and

(D) contains assurances that—

(i) all decisions affecting eligibility for vocational rehabilitation services, the nature and scope of available vocational rehabilitation services and the provision of such services will, consistent with this subchapter, be made by a representative of the tribal vocational rehabilitation program funded through the grant; and

(ii) such decisions will not be delegated to another agency or individual.

(2) The provisions of sections 5305, 5306, 5307, and 5321(a) of title 25 shall be applicable to any application submitted under this part. For purposes of this paragraph, any reference in any such provision to the Secretary of Education or to the Secretary of the Interior shall be considered to be a reference to the Commissioner.

(3) Any application approved under this part shall be effective for not more than 60 months, except as determined otherwise by the Commissioner pursuant to prescribed regulations. The State shall continue to provide vocational rehabilitation services under its State plan to American Indians residing on or near a reservation whenever such State includes any such American Indians in its State population under section 730(a)(1) of this title.

(4) In making grants under this part, the Secretary shall give priority consideration to applications for the continuation of programs which have been funded under this part.

(5) Nothing in this section may be construed to authorize a separate service delivery system for Indian residents of a State who reside in non-reservation areas.

**(c) Funds reserved for training and technical assistance**

(1) From the funds appropriated and made available to carry out this part for any fiscal year, beginning with fiscal year 2015, the Commissioner shall first reserve not less than 1.8 percent and not more than 2 percent of the funds to provide training and technical assistance to governing bodies described in subsection (a) for such fiscal year.

(2) From the funds reserved under paragraph (1), the Commissioner shall make grants to, or enter into contracts or other cooperative agreements with, entities that have experience in the operation of vocational rehabilitation services programs under this section to provide such training and technical assistance with respect to developing, conducting, administering, and evaluating such programs.

(3) The Commissioner shall conduct a survey of the governing bodies regarding training and technical assistance needs in order to determine funding priorities for such grants, contracts, or cooperative agreements.

(4) To be eligible to receive a grant or enter into a contract or cooperative agreement under this section, such an entity shall submit an application to the Commissioner at such time, in such manner, and containing a proposal to provide such training and technical assistance, and containing such additional information as the Commissioner may require. The Commissioner shall provide for peer review of applications by panels that include persons who are not government employees and who have experience in the operation of vocational rehabilitation services programs under this section.

**(d) “Reservation” defined**

The term “reservation” includes Indian reservations, public domain Indian allotments, former Indian reservations in Oklahoma, and land held by incorporated Native groups, regional corporations, and village corporations under the provisions of the Alaska Native Claims Settlement Act [43 U.S.C. 1601 et seq.].

(Pub. L. 93-112, title I, §121, as added Pub. L. 105-220, title IV, §404, Aug. 7, 1998, 112 Stat. 1166; amended Pub. L. 105-277, div. A, §101(f) [title VIII, §402(b)(10)], Oct. 21, 1998, 112 Stat. 2681-337, 2681-413; Pub. L. 113-128, title IV, §423, July 22, 2014, 128 Stat. 1659.)

**Editorial Notes**

REFERENCES IN TEXT

The Alaska Native Claims Settlement Act, referred to in subsec. (d), is Pub. L. 92-203, Dec. 18, 1971, 85 Stat. 688, which is classified generally to chapter 33 (§1601 et seq.) of Title 43, Public Lands. For complete classification of this Act to the Code, see Short Title note set out under section 1601 of Title 43 and Tables.

PRIOR PROVISIONS

Prior sections 741 to 744 and 750 were omitted in the general amendment of this subchapter by Pub. L. 105-220.

Section 741, Pub. L. 93-112, title I, §121, as added Pub. L. 102-569, title I, §134(a), Oct. 29, 1992, 106 Stat. 4392, related to contents of strategic plans.

Another prior section 741, Pub. L. 93-112, title I, §121, Sept. 26, 1973, 87 Stat. 373; Pub. L. 93-516, title I, §102(c), Dec. 7, 1974, 88 Stat. 1618; Pub. L. 93-651, title I, §102(c), Nov. 21, 1974, 89 Stat. 2-3; Pub. L. 94-230, §2(c), Mar. 15, 1976, 90 Stat. 211; Pub. L. 95-602, title I, §§101(e)(2), 122(b), Nov. 6, 1978, 92 Stat. 2957, 2987; Pub. L. 98-221, title I, §114, Feb. 22, 1984, 98 Stat. 23; Pub. L. 99-506, title I, §103(d)(2)(C), title II, §210, Oct. 21, 1986, 100 Stat. 1810, 1819; Pub. L. 100-630, title II, §202(h), Nov. 7, 1988, 102 Stat. 3306; Pub. L. 102-52, §2(b)(2), June 6, 1991, 105 Stat. 260, related to payments to States for planning, preparing, and initiating special programs under approved State plans and payments for the costs of constructing facilities to be used in providing services under such State plans, prior to the general amendment of part C of former subchapter I of this chapter by Pub. L. 102-569.

Section 742, Pub. L. 93-112, title I, §122, as added Pub. L. 102-569, title I, §134(a), Oct. 29, 1992, 106 Stat. 4393, related to process for developing strategic plans.

Section 743, Pub. L. 93-112, title I, §123, as added Pub. L. 102-569, title I, §134(a), Oct. 29, 1992, 106 Stat. 4393, related to use of funds.

Section 744, Pub. L. 93-112, title I, §124, as added Pub. L. 102-569, title I, §134(a), Oct. 29, 1992, 106 Stat. 4395; amended Pub. L. 103-73, title I, §107(h), Aug. 11, 1993, 107 Stat. 723, related to allotments among States.

Section 750, Pub. L. 93-112, title I, §130, Sept. 26, 1973, 87 Stat. 374; Pub. L. 93-516, title I, §111(g), Dec. 7, 1974, 88 Stat. 1621; Pub. L. 93-651, title I, §111(g), Nov. 21, 1974, 89 Stat. 2-6; Pub. L. 95-602, title I, §106, Nov. 6, 1978, 92 Stat. 2960; Pub. L. 99-506, title I, §103(d)(2)(C), title II, §211, title X, §1002(b)(1), Oct. 21, 1986, 100 Stat. 1810, 1819, 1844; Pub. L. 100-630, title II, §202(i), Nov. 7, 1988, 102 Stat. 3306; Pub. L. 102-569, title I, §102(p)(11), Oct. 29, 1992, 106 Stat. 4357, related to American Indian vocational rehabilitation services grants.

#### AMENDMENTS

2014—Subsec. (a). Pub. L. 113-128, §423(1), inserted “(referred to in this section as ‘eligible individuals’), consistent with such eligible individuals’ strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice, so that such individuals may prepare for, and engage in, high-quality employment that will increase opportunities for economic self-sufficiency” after “on or near such reservations”.

Subsec. (b)(1)(D). Pub. L. 113-128, §423(2), added subpar. (D).

Subsecs. (c), (d). Pub. L. 113-128, §423(3), (4), added subsec. (c) and redesignated former subsec. (c) as (d).

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

#### PART D—VOCATIONAL REHABILITATION SERVICES CLIENT INFORMATION

### § 751. Data sharing

#### (a) In general

##### (1) Memorandum of understanding

The Secretary of Education and the Secretary of Health and Human Services shall enter into a memorandum of understanding for the purposes of exchanging data of mutual importance—

(A) that concern clients of designated State agencies; and

(B) that are data maintained either by—

(i) the Rehabilitation Services Administration, as required by section 710 of this title; or

(ii) the Social Security Administration, from its Summary Earnings and Records and Master Beneficiary Records.

#### (2) Employment statistics

The Secretary of Labor shall provide the Commissioner with employment statistics specified in section 497-2 of this title, that facilitate evaluation by the Commissioner of the program carried out under part B, and allow the Commissioner to compare the progress of individuals with disabilities who are assisted under the program in securing, retaining, regaining, and advancing in employment with the progress made by individuals who are assisted under title I of the Workforce Innovation and Opportunity Act [29 U.S.C. 3111 et seq.].

#### (b) Treatment of information

For purposes of the exchange described in subsection (a)(1), the data described in subsection (a)(1)(B)(ii) shall not be considered return information (as defined in section 6103(b)(2) of title 26) and, as appropriate, the confidentiality of all client information shall be maintained by the Rehabilitation Services Administration and the Social Security Administration.

(Pub. L. 93-112, title I, §131, as added Pub. L. 105-220, title IV, §404, Aug. 7, 1998, 112 Stat. 1167; amended Pub. L. 113-128, title IV, §424, July 22, 2014, 128 Stat. 1660.)

#### Editorial Notes

#### REFERENCES IN TEXT

The Workforce Innovation and Opportunity Act, referred to in subsec. (a)(2), is Pub. L. 113-128, July 22, 2014, 128 Stat. 1425. Title I of the Act is classified generally to subchapter I (§3111 et seq.) of chapter 32 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 3101 of this title and Tables.

#### PRIOR PROVISIONS

A prior section 751, Pub. L. 93-112, title I, §131, as added Pub. L. 95-602, title I, §106, Nov. 6, 1978, 92 Stat. 2961, and amended Pub. L. 99-506, title I, §103(d)(2)(C), Oct. 21, 1986, 100 Stat. 1810, directed Secretary to submit to Congress, not less than thirty months after Nov. 6, 1978, an evaluation of programs conducted under part D of former subchapter I of this chapter, prior to repeal by Pub. L. 99-506, title X, §1002(b)(2)(A), Oct. 21, 1986, 100 Stat. 1844.

A prior section 752, Pub. L. 93-112, title I, §131, formerly §132, as added Pub. L. 99-506, title II, §212(a), Oct. 21, 1986, 100 Stat. 1820; renumbered §132, Pub. L. 100-630, title II, §202(j), Nov. 7, 1988, 102 Stat. 3307, provided for study on special problems and needs of Indians with handicaps both on and off the reservation, prior to repeal by Pub. L. 102-569, title I, §135(a), Oct. 29, 1992, 106 Stat. 4396.

Prior sections 753 and 753a were omitted in the general amendment of this subchapter by Pub. L. 105-220.

Section 753, Pub. L. 93-112, title I, §140, as added Pub. L. 103-73, title I, §108, Aug. 11, 1993, 107 Stat. 724, related to review of data collection and reporting system.

Section 753a, Pub. L. 93-112, title I, §141, as added Pub. L. 103-73, title I, §108, Aug. 11, 1993, 107 Stat. 725, related to exchange of data.

#### AMENDMENTS

2014—Subsec. (a)(2). Pub. L. 113-128 substituted “title I of the Workforce Innovation and Opportunity Act” for “title I of the Workforce Investment Act of 1998”.