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OFFICE OF SPECIAL EDUCATION AND REHABILITATIVE SERVICES  
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FAQ 22-03

Frequently Asked Questions

Post-Employment Services

The Rehabilitation Services Administration (RSA) continues to receive many questions from State vocational rehabilitation (VR) agencies regarding how to provide post-employment services to individuals with disabilities who have achieved employment outcomes and how to report these services on the Case Service Report (RSA-911), particularly because of the reporting requirements in Section 116 of the Workforce Innovation and Opportunity Act (WIOA) and its regulations. Specifically, VR agencies have asked how to report post-employment services since, as explained below, agencies cannot reopen the service records of “participants” whose “exits” from the VR program have been reported through the RSA-911 under WIOA’s performance accountability system. The purpose of these Frequently Asked Questions (FAQs) is to clarify these issues.

This FAQs document does not impose any additional requirements beyond those included in applicable law and regulations. It does not create or confer any rights for or on any person. The responses presented in this document constitute informal guidance representing the interpretation of the Department of the applicable statutory or regulatory requirements in the context of the specific facts presented here and are not legally binding and do not establish a policy or rule that would apply in all circumstances. The questions and answers in this document are not intended to be a replacement for careful study of the Rehabilitation Act of 1973 (Rehabilitation Act), as amended by Title IV of WIOA, and its implementing regulations. The Rehabilitation Act, its implementing regulations, and other important documents related to the Rehabilitation Act and the regulations are found at: <http://rsa.ed.gov>.

RSA is committed to supporting States and providing allowable flexibilities in VR program requirements that ensure individuals with disabilities have every opportunity to achieve, maintain, and maximize high-quality employment outcomes through access to needed services, including post-employment services. The key sections of the statute discussed below include Sections 101(a)(5)(D) and 103(a)(20) of the Rehabilitation Act (29 U.S.C. §§ 721(a)(5)(D) and 723(a)(20)) and Section 116 of WIOA (29 U.S.C. § 3141).

**Q1: What are post-employment services?**

Post-employment services are defined in 34 C.F.R. § 361.5(c)(41) as one or more of the VR services identified in 34 C.F.R. § 361.48(b) that are provided *subsequent to* the achievement of an employment outcome and that are necessary for an individual with a disability to maintain, regain, or advance in employment, consistent with the individual’s unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice. As described in the

Note following the regulatory definition of “post-employment services” at 34 C.F.R. § 361.5(c)(41), post-employment services are:

- Provided under an amended individualized plan for employment (IPE); thus, a re-determination of eligibility is not required;
- Limited in scope and duration; and
- Available to meet rehabilitation needs that do not require a complex and comprehensive provision of services.

Thus, after the employment outcome has been achieved but before the individual is reported as having exited the VR program is the period of time that the individual is most likely to need discrete short-term services (i.e., post-employment services) to ensure that the employment outcome can be maintained.

**Q2: Can a VR program participant receive post-employment services if they are not identified on the participant’s IPE?**

No. Section 103(a)(20) of the Rehabilitation Act identifies post-employment services as one of many VR services that may be provided to eligible individuals with disabilities included in the terms of their signed IPEs. The Note following the definition of “post-employment services” at 34 C.F.R. § 361.5(c)(41) makes clear that post-employment services are provided under an amended IPE after the individual with a disability has achieved an employment outcome and, therefore, before exiting the VR program. At this point in time, the VR agency is best able to work with the participant to identify those short-term services the participant needs to maintain that employment outcome prior to exiting the VR program.

**Q3: How did WIOA’s amendments to the Rehabilitation Act change the way VR agencies operationalize the provision and reporting of post-employment services?**

Prior to WIOA’s amendments to the Rehabilitation Act, VR agencies typically provided post-employment services after an individual’s VR service record was closed following the 90-day minimum period of employment permitted under 34 C.F.R. § 361.56. If it were determined that an eligible individual with a disability required post-employment services to maintain that employment outcome, the VR agency would reopen the individual’s most recent VR service record, amend the IPE, and provide the necessary post-employment services. After providing the post-employment services, the VR agency would close the VR service record again. VR agencies operationalized the provision of post-employment services in this way (i.e., re-opening and re-closing the same service record) because the Rehabilitation Act was silent about the provision and reporting of these services after an individual with a disability’s VR case was closed. In reporting these services at that time, the same individual’s case would continue to be reported as a single record on the RSA-911 regardless of the number of times it was opened and closed.

However, WIOA and its amendments to the Rehabilitation Act have placed heightened emphasis on the performance accountability system applicable across all six core programs of the workforce development system, not just the VR program. For this reason, the joint WIOA regulations at 34 C.F.R. § 361.150 define “participant” and “exit,” both critical terms for the

performance accountability system under Section 116 of WIOA, in a consistent manner applicable to all six core programs. These terms, as defined in regulations, and the performance indicators set forth in Section 116 of WIOA, have changed how VR agencies operationalize the provision and reporting of post-employment services. Specifically, once a VR service record is closed and the participant has “exited” the VR program for purposes of the performance accountability system in Section 116 of WIOA (34 C.F.R. § 361.150(c)(2)), there is no mechanism under the performance accountability system for this individual to become a VR “participant” again, as defined at 34 C.F.R. § 361.150(a)(1), unless the individual with a disability again satisfies “participant” requirements. Therefore, VR agencies cannot provide post-employment services after closing the individual’s service record and reporting the individual as exiting the VR program, as they previously had done prior to WIOA’s amendments to the Rehabilitation Act.

Rather, within the construct of the performance accountability system of WIOA, a VR agency now provides the post-employment services under an amended IPE after an individual achieves an employment outcome, but *while* the individual still meets the definition of a “participant” and *before* the individual is reported as “exiting” from the VR program. For example, if a VR program participant achieves an employment outcome as a salesclerk according to the terms of her approved IPE, but for example within 30 days of getting the job, the participant realizes she needs a specialized piece of equipment to do her job from her wheelchair, the VR counselor would amend her IPE to add the equipment as a “post-employment service.” In this case, the individual is still a program “participant” because she has not yet “exited” the VR program since at least 90 days have not passed since she obtained her job. Conversely, if this same individual did not realize that she needed the specialized equipment until six months after obtaining the job (which would be three months after the VR agency had closed her case as “exiting” the program), the individual would need to reapply to the VR program in order to receive services of any kind, including this specialized equipment. There is no provision for an individual to continue receiving VR services, including post-employment services, after being reported as exiting the VR program because those who “exit” the VR program are no longer considered to be participants.

**Q4: If a VR program participant achieves an employment outcome, must a VR agency close the VR service record at the end of 90 days?**

No. The 90-day timeframe for keeping a VR service record open after the achievement of an employment outcome is only a minimum time period (34 C.F.R. § 361.56(b)). Although an individual may have achieved an employment outcome, there is no legal requirement that the agency close an individual’s service record after 90 days if the individual and VR counselor anticipate the need for post-employment services beyond that point. If such services are determined necessary, the VR agency and individual would amend the IPE to specify the needed post-employment services (Section 102(b) of the Rehabilitation Act). The VR agency would provide the services until the service record could be closed in accordance with 34 C.F.R. § 361.56. At that point, the participant would be reported as “exited” from the VR program.

**Q5: What should a VR agency do if a participant’s VR service record has been closed but the agency has not yet reported the participant as exited from the VR program?**

If a VR agency has not reported an exit for a participant whose service record has been closed within the quarterly reporting period (RSA-911 reports are due 45 days after the end of the quarter), the agency could provide post-employment services after amending the IPE to include the necessary services because the exit had not yet been reported as such on the RSA-911. For example, if a VR agency closed a participant's service record after the individual achieved an employment outcome on July 15, during the first quarter (July 1 – September 30) of the Program Year, the VR agency would not have yet reported the participant as exiting the VR program in accordance with the performance accountability system of Section 116 of WIOA. If the individual and the VR agency identify the need for post-employment services on July 16 or at any point during the first quarter and before the report is submitted to RSA (no later than November 15), the agency may amend the IPE and provide these services because the first quarter reporting period has not ended, and the agency has not yet submitted its RSA-911 quarterly report. The agency would not yet have reported an "exit" for that participant. Therefore, for performance accountability system purposes, the individual would still meet the definition of a "participant" for this purpose because the individual's "exit" had not been reported.

**Q6: What steps must be taken if an individual with a disability needs post-employment services, but a VR agency has already reported the individual as having exited the VR program?**

To receive VR services, including post-employment services, an individual reported on the RSA-911 as having exited the VR program would need to again become a "participant," as defined at 34 C.F.R. § 361.150(a)(1). This means the individual would need to apply and be determined eligible for the VR program, work with the VR agency to develop and sign a new IPE, and begin receiving services under that IPE.

If a VR agency has implemented an order of selection and has closed categories, individuals at risk of losing employment may be served outside the order of selection with those VR services needed to maintain employment if the VR agency has elected to serve such individuals in the VR services portion of its Unified or Combined State Plan, pursuant to Section 101(a)(5)(D) of the Rehabilitation Act. In such a circumstance, if an individual needed to re-apply and be determined eligible for the VR program, the VR agency could provide those VR services needed to maintain employment to that individual even though he or she otherwise would be assigned to a waiting list.

**Q7: When should a VR agency report post-employment services and expenditures?**

VR agencies are to report post-employment services in the appropriate category in the RSA-911 at the time the services are provided. The corresponding expenditure is to be reported at the time the agency expends the funds. As noted above, in all instances, the VR agency reports the provision of the post-employment services and the cost of those services while the individual's VR service record is open (i.e., after the participant achieves an employment outcome *but* before the participant exits the VR program).

We hope this information has been helpful in clarifying the ways in which individuals with disabilities who have achieved an employment outcome may receive VR services that are needed following employment and how such services should be reported. If you have additional questions, please contact your [RSA State Liaison](#).