

particularly important to support an individual's receipt of services from a State unit operating under an order of selection or to support the individual's placement in a supported employment setting. In addition, this requirement is consistent with the intent of the Act to expand and improve services to individuals with the most severe disabilities.

In paragraph (d) of this section, the Secretary proposes to simplify the requirements relating to extended evaluations by requiring State units to maintain documentation to support the need for an extended evaluation and to support the periodic assessments conducted during the extended evaluation. Documentation maintained under this paragraph would also include the written plan developed during the extended evaluation in accordance with § 361.42(d)(3).

In an effort to better coordinate rehabilitation services for transitioning students, the Secretary also proposes to amend paragraph (f) of this section to specify that the State unit must document the development of the individual's long-term vocational goal, intermediate rehabilitation objectives, and nature and scope of services, as identified in the transitioning student's IWRP and IEP.

Finally, the Secretary proposes to delete a number of requirements from the draft regulations on the basis that the requirements are unduly burdensome or unnecessarily duplicative of other provisions in the regulations. For example, because the IWRP is included as part of the individual's record of services that must be maintained under this section, requirements that are duplicative of IWRP content requirements in proposed § 361.46 have been deleted from the record of services. For each record of services requirement that the Secretary considers duplicative of other requirements in the regulations, specific references to those other requirements are provided.

Accordingly, the Secretary proposes to delete the following documentation requirements from this section of the draft regulations: (1) Documentation of the manner in which the individual was provided information necessary to make informed choices as to vocational goals, rehabilitation services, and service providers (addressed by § 361.46(a)(6) and § 361.52). (2) Documentation of the manner in which the individual was provided information regarding the level of integration of service provision and job placement options (addressed by § 361.46(a)(7)(iii) and § 361.52). (3) Documentation supporting the

determination that the clinical status of the individual is stable or slowly progressive if physical and mental restoration services are provided (addressed by § 361.46(a)(3)). (4) Documentation to support any decision to provide services to family members (addressed by § 361.46(a)(3)). (5) Documentation relating to the individual's participation in the cost of any vocational rehabilitation services, the eligibility of the individual for any comparable services and benefits, and the availability and use of those comparable service and benefits (addressed by § 361.46(a)(7)). (6) Documentation that the individual has been advised of the confidentiality of all information pertaining to the individual and that any information about the individual has been released with the individual's informed written consent (addressed by § 361.46(a)(7) and § 361.38). (7) Documentation of any plans to provide post-employment services after the employment outcome has been achieved (addressed by § 361.46(c)). (8) Documentation of any review of the determination that an individual is no longer capable of achieving an employment outcome after services under an IWRP have already been provided (addressed by § 361.43(d)).

The Secretary is particularly interested in public comment on whether the proposed provisions cover all key decision points in the rehabilitation process for which documentation is needed.

Section 361.48—Scope of Vocational Rehabilitation Services for Individuals With Disabilities

This proposed section revises § 361.42 of the existing regulations.

The phrase "counseling and guidance" in the current regulations has been changed in proposed § 361.48(a)(3) to "vocational counseling and guidance" in order to clarify that counseling and guidance services that are provided as discrete vocational rehabilitation services are vocational in nature and specifically designed to assist the individual in reaching an employment outcome. Vocational counseling and guidance is, therefore, distinguishable from the more generalized counseling and guidance that an individual may need at any point during the rehabilitation process in connection with the provision of services.

A number of paragraphs from the current regulatory section have been revised to remove definitional text, and definitions for those services have been added to proposed § 361.5. For example,

proposed § 361.48(a)(5), providing for physical and mental restoration services, has been revised to remove all definitional material, which is now in proposed § 361.5(b)(35). Proposed paragraph (a)(7) of this section, providing for maintenance, has been modified to remove the current regulatory provisions that describe maintenance in terms of subsistence or basic living expenses, and a proposed definition of maintenance has been included in proposed § 361.5(b)(31) to clarify that maintenance costs are those expenses that are in excess of normal living expenses and that are necessitated by participation in a vocational rehabilitation program. Similarly, proposed paragraph (a)(8) of this section provides for transportation in connection with the rendering of any vocational rehabilitation service, and a definition of transportation has been added to proposed § 361.5(b)(49), which clarifies that transportation must be necessary to enable an applicant or eligible individual to participate in a program of vocational rehabilitation services. This change was proposed in the 1991 NPRM.

Proposed paragraph (a)(9) of this section clarifies that the services available to family members are vocational rehabilitation services necessary to enable the applicant or eligible individual to achieve an employment outcome.

Some commenters on the draft regulations requested that the provision of "note-taking services" not be limited to individuals who are deaf or blind. In response, the Secretary agrees that note-taking services should be available to any eligible individual in need of those services to achieve an employment outcome. Therefore, the Secretary proposes to delete "note-taking" from proposed paragraphs (a)(10) and (a)(11) of this section and emphasizes that these services are available under proposed paragraph (a)(20) of this section as "other services" whenever necessary for an eligible individual to achieve an employment outcome.

Proposed paragraph (a)(13) of this section, which provides for job search, placement assistance, and job retention services, clarifies the scope of services currently available under existing paragraph (a)(12) of § 361.42, which provides for placement in suitable employment. Proposed paragraphs (a)(14) and (a)(15) of this section incorporate new requirements in the statute for supported employment and personal assistance services. Proposed paragraph (a)(16) of this section revises the paragraph in the existing regulations on post-employment services by