

**§ 361.31 Utilization of community resources.**

The State plan must assure that, in providing vocational rehabilitation services, public or other vocational or technical training programs or other appropriate community resources are used to the maximum extent feasible.

(Authority: Section 101(a)(12)(A) of the Act; 29 U.S.C. 721(a)(12)(A))

**§ 361.32 Utilization of profitmaking organizations for on-the-job training in connection with selected projects.**

The State plan must assure that the State unit has the authority to enter into contracts with profitmaking organizations for the purpose of providing on-the-job training and related programs for individuals with disabilities under the Projects With Industry program, 34 CFR part 379, if it has been determined that they are better qualified to provide needed services than nonprofit agencies, organizations, or programs in the State.

(Authority: Section 101(a)(21) of the Act; 29 U.S.C. 721(a)(21))

**§ 361.33 Utilization of community rehabilitation programs.**

(a) The State plan must assure that the designated State unit uses community rehabilitation programs to the maximum extent feasible to provide vocational rehabilitation services in the most integrated settings possible, consistent with the informed choices of the individuals.

(b) The State plan must contain a description of—

(1) The capacity and effectiveness of community rehabilitation programs, including programs under the Javits-Wagner-O'Day Act, based on the utilization patterns of those programs; and

(2) The methods used to ensure the appropriate use of community rehabilitation programs, including methods for entering into agreements with the operators of those programs and for entering into cooperative agreements with private nonprofit vocational rehabilitation service providers.

(Authority: Sections 101(a)(5)(A), 101(a)(12)(B), 101(a)(15)(B), 101(a)(27), and 101(a)(28) of the Act; 29 U.S.C. 721(a)(5), (12), (15), (27), and (28))

**§ 361.34 Supported employment plan.**

(a) The State plan must assure that the State has an acceptable plan under 34 CFR part 363 that provides for the use of funds under that part to supplement funds under this part for the cost of services leading to supported employment.

(b) The supported employment plan, including annual revisions, must be submitted as a supplement to the State plan.

(Authority: Sections 101(a)(25) and 635(a) of the Act; 29 U.S.C. 721(a)(25))

**§ 361.35 Strategic plan.**

(a) The State plan must assure that the State—

(1) Has developed and implemented a strategic plan for expanding and improving vocational rehabilitation services for individuals with disabilities on a statewide basis in accordance with subpart D of this part; and

(2) Will use at least 1.5 percent of its allotment under this program for expansion and improvement activities in accordance with § 361.73(b).

(b) The strategic plan must be submitted as a supplement to the State plan.

(Authority: Sections 101(a)(34) and 120 of the Act; 29 U.S.C. 721(a)(34) and 740)

**§ 361.36 [Reserved]****§ 361.37 Establishment and maintenance of information and referral resources.**

(a) *General provisions.* The State plan must assure that—

(1) The designated State unit will establish and maintain information and referral programs adequate to ensure that individuals with disabilities within the State are given accurate information about State vocational rehabilitation services, independent living services, vocational rehabilitation services available from other agencies, organizations, and community rehabilitation programs, and, to the extent possible, other Federal and State services and programs that assist individuals with disabilities, including client assistance and other protection and advocacy programs;

(2) The State unit will refer individuals with disabilities to other appropriate Federal and State programs that might be of benefit to them; and

(3) The State unit will use existing information and referral systems in the State to the greatest extent possible.

(b) *Appropriate modes of communication.* The State plan further must assure that information and referral programs use appropriate modes of communication.

(c) *Special Circumstances.* If the State unit is operating under an order of selection for services, the State unit may elect to establish an expanded information and referral program that includes referral for job placements for those eligible individuals who are not in the priority category or categories to receive vocational rehabilitation

services under the State's order of selection. If a State unit elects to establish this kind of program, the State plan must include—

(1) A description of how the expanded information and referral program will be established and how it will function, including the level of commitment of State unit staff and resources;

(2) An assurance that, in carrying out this program, the State unit will not use case services funds that are needed to provide vocational rehabilitation services under individualized written rehabilitation programs for eligible individuals in the priority category or categories receiving services under the State unit's order of selection; and

(3) A description of the method to be used by the State unit to track the results of the expanded information and referral program, including the State unit's procedures for identifying those eligible individuals who achieve an employment outcome through participation in the expanded information and referral program.

(Authority: Section 101(a)(22) of the Act; 29 U.S.C. 721(a)(22))

**§ 361.38 Protection, use, and release of personal information.**

(a) *General provisions.*

(1) The State plan must assure that the State agency and the State unit will adopt and implement policies and procedures to safeguard the confidentiality of all personal information, including photographs and lists of names. These policies and procedures must assure that—

(i) Specific safeguards protect current and stored personal information;

(ii) All applicants and eligible individuals and, as appropriate, those individuals' representatives, service providers, cooperating agencies, and interested persons are informed through appropriate modes of communication of the confidentiality of personal information and the conditions for accessing and releasing this information;

(iii) All applicants or their representatives are informed about the State unit need to collect personal information and the policies governing its use, including—

(A) Identification of the authority under which information is collected;

(B) Explanation of the principal purposes for which the State unit intends to use or release the information;

(C) Explanation of whether providing requested information to the State unit is mandatory or voluntary and the