

based on an assumption or belief that the individual is incapable of working in an integrated setting. Rather, State units are required to establish clear and convincing evidence that an individual is incapable of achieving an employment outcome, for purposes of the VR program, and must conduct a trial work assessment of the individual's abilities before it can refuse services to any individual who it initially believes is incapable of working in an integrated job setting.

*Are Homemaker and Unpaid Family Worker Considered Employment Outcomes for Purposes of the VR Program?*

Yes. The chief purpose of the regulations is to ensure that individuals with disabilities participating in the VR program are able to pursue the same type of employment opportunities that are available to the general public. Extended employment jobs, unlike homemakers and unpaid family workers, are primarily reserved for those with disabilities.

*Will the Regulations Serve To Close Down Sheltered Workshops?*

No. Sheltered workshops are primarily supported by other State, local, and private resources and rely very little on VR program funds. Persons who prefer to work in extended employment on a long-term basis are assured access to local extended employment programs through the referral requirements in the regulations. Also, those participants in the VR program who can best prepare for integrated employment by working in an extended employment setting as part of a training and assessment program are able to follow that path as well. Thus, extended employment programs and sheltered workshops continue to serve essentially the same role that they currently serve.

[66 FR 7253, Jan. 22, 2001]

## **PART 363—THE STATE SUPPORTED EMPLOYMENT SERVICES PROGRAM**

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AUTHORITY: 29 U.S.C. 795j–q, unless otherwise noted.

SOURCE: 59 FR 8331, Feb. 18, 1993, unless otherwise noted.

### **Subpart A—General**

#### **§363.1 What is the State Supported Employment Services Program?**

Under the State Supported Employment Services Program, the Secretary provides grants to assist States in developing and implementing collaborative programs with appropriate entities to provide programs of supported employment services for individuals with the most severe disabilities who require supported employment services to enter or retain competitive employment.

(Authority: 29 U.S.C. 795j)