



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF SPECIAL EDUCATION AND REHABILITATIVE SERVICES

March 26, 2020

The Office of Special Education and Rehabilitative Services' Rehabilitation Services Administration (RSA) issues this Questions and Answers document to outline its plans for implementing performance accountability provisions under title I of the Workforce Innovation and Opportunity Act (WIOA) as State Vocational Rehabilitation (VR) agencies seek to provide continuity of operations for individuals with disabilities in the current COVID-19 environment.

In the near future, RSA plans to issue additional Questions and Answers related to the VR program and State Supported Employment Services program to respond to other questions that State VR agencies have recently asked. State VR agencies should contact their [RSA State Liaison](#) with additional questions. Additional information specific to the COVID-19 pandemic may be found online at <https://www.ed.gov/coronavirus>.

WIOA Performance Accountability

Q1. What steps will RSA take to account for a decrease in State performance in Program Year (PY) 2019 because of extended program closures during the pandemic? Will States be penalized for performance issues?

The U.S. Departments of Education and Labor (Departments) will not make any determinations of performance success or failure based on PY 2019 performance data, submitted by October 1, 2020. RSA did not establish performance levels with VR agencies for PY 2019. Therefore, without this data, we will not have the requisite data to determine whether a State has met its performance levels. The Departments will take the effect of the COVID-19 outbreak into consideration in reviewing PY 2019 data. RSA encourages State VR agencies to remain in contact with RSA related to the impact of COVID-19 on service delivery and performance outcomes.

[RSA Technical Assistance Circular 20-02](#)¹ states that the first year for which performance success or failure can be determined for some indicators applies to PY 2020; this data is reported by October 1, 2021. The Departments will continue to closely monitor the effect of the COVID-19 outbreak and its impact on services and performance outcomes.

Q2. Will RSA consider delaying performance negotiations, as State offices may be closed for an unspecified period of time?

At this time, the U.S. Department of Education (the Department) anticipates that the negotiations process will proceed, and we will conduct negotiations with States. The Department anticipates

¹ RSA TAC 20-02: *Negotiations and Sanctions Guidance for the Workforce Innovation and Opportunity Act (WIOA) Core Programs* is available at: <https://www2.ed.gov/policy/speced/guid/rsa/subregulatory/tac-20-02.pdf>

negotiated levels of performance will be included in the approved Unified or Combined State Plans for the four-year period covering PYs 2020 through 2023. The Department is aware that some State offices are closed, and some States have implemented remote work. The Department is also aware that State agency leadership and management staff may be involved with COVID-19 response efforts. As a result, the Department will be as flexible as possible in conducting negotiations, including scheduling meetings at times that meet States' needs.