



*Idaho Division of  
Vocational Rehabilitation*

# Field Services Policy Manual

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## **Section 1.0 - Purpose and General Requirements of the Idaho Vocational Rehabilitation Participant Services Program**

The Idaho Division of Vocational Rehabilitation (IDVR) program assists eligible persons with disabilities to prepare for and achieve an employment outcome. "Employment outcome" means entering or retaining full-time, or if appropriate, part-time competitive employment in the integrated labor market to the greatest extent possible. It also means supported employment; or other types of employment, including self-employment, consistent with self-sustaining activity for wages or compensation consistent with the customer's strengths, resources, priorities, concerns, abilities, capabilities, interest, and informed choice.

Competitive employment is work performed in the integrated labor market in which the customer is compensated at or above minimum wage, but not less than the customary wage and benefits paid for the same or similar work performed by customers who do not have a disability.

The IDVR is a statewide program that develops and utilizes partnerships for effective service delivery. Partnerships vary, but include those programs authorized under the Rehabilitation Act, as amended, such as Independent Living Centers and Tribal Vocational Rehabilitation Programs. Programs authorized under the Workforce Innovation and Opportunity Act (WIOA) are utilized to the maximum extent possible as allowed in Section 188 of the Act. It is understood that each program is unique and offers unique cultural and professional expertise. Cooperative Agreements with respective programs are encouraged and should be referred to for local understanding. Staff is encouraged to understand these agreements and provide information, referral and services as appropriate to the needs of the customers they serve. Consult with the RM for access to pertinent cooperative agreements.

Vocational Rehabilitation is based upon an Individualized Plan for Employment (IPE) that is oriented to the achievement of an employment outcome. Services provided to persons with disabilities must be documented as necessary to overcome related barriers to employment and must be provided as cost effectively as possible.

The Division strives to maintain a highly accountable program to all customers.

IDVR provides, as appropriate to the vocational rehabilitation needs of each eligible customer, goods or services necessary to enable the customer to achieve an employment outcome.

## **Exception to Policy**

VRCs are delegated substantial decision and purchasing authority based upon the maximum agency contributions outlined in the Payment Policy. Exceptions to policy require the approval of a RM and the notification and consultation of the Chief of Field Services. Documentation of the RM's approval must be noted in the case file.

Purchases in excess of delegated authority are reviewed by the RM and approved by the Chief of Field Services or designee. Documentation of the approval of purchases in excess must be noted in case file.

### ***1.1 Legal Citations***

The IDVR program is operated in compliance with the Federal Rehabilitation Act of 1973, as amended by the Workforce Innovation and Opportunity Act (WIOA) enacted on July 22, 2014. The legal authorities for the policies contained in the Vocational Rehabilitation Services Policy Manual are: Proposed Rules to Title 34 CFR Parts 361, 363, and 397 issued April 16, 2015 in the Federal Register implementing the Rehabilitation Act Amendments; and Title 67, Chapter 53 of the Idaho code related to provisional appointments in state government for those with severe disabilities.

### ***1.2 Program Requirements***

Eligibility is determined without regard to sex, race, creed, age, color, national origin or type of disability.

There is no duration of residency requirement. The customer must be living in the State of Idaho and legally able to work in the United States.

IDVR will establish and maintain a record of services for each customer for, and recipient of, vocational rehabilitation services, which includes data necessary to comply with IDVR agency and Federal Rehabilitation Service Administration (RSA) requirements.

In the purchase of goods or services for persons with disabilities, IDVR complies with its procurement policy, Purchase of Services and Supplies for customer use in the Vocational Rehabilitation Program.

Goods and services will be provided subject to the guidelines of Order of Selection (Section 14.0).

When appropriate, counselors shall refer customers with disabilities to receive

services from other agencies and organizations.

Each applicant or eligible customer being provided vocational rehabilitation services shall be informed of the procedure for requesting a review and a determination of agency action concerning the furnishing or denial of services, including the names and addresses of individuals with whom appeals may be filed and the availability of the Client Assistance Program (CAP).

### **1.3 Provider Standards**

IDVR requires service providers:

To be licensed by the Division of Occupational Licensing, the U.S. Department of Education Office of Post-Secondary Education, or a professional certifying body.

OR

IDVR requires service providers that offer vocational rehabilitation services to apply to be an approved service provider with the Division. CRPs must be accredited based on IDAPA rules.

OR

VRCs may occasionally approve the purchase of services from non-license providers such as, educational tutoring, foreign language interpreters, or other services to support the rehabilitation needs of a customer.

### **1.4 Selection of Service Providers**

Providers are selected by a combination of the customer's informed choice and State procurement rules. VRCs will assist the customer in acquiring information necessary to make an informed choice regarding the selection of service provider.

### **1.5 Definitions:**

- a. **Applicant** means, customer who submits an application for vocational rehabilitation services in accordance with Sec. 361.41(b) (2). (Authority: Section 12(c) of the Act; 29 U.S.C 709 (c))
- b. **Assessment for determining eligibility and vocational rehabilitation needs** means, as appropriate in each case, (i)(A) A review of existing data—(1) To determine if a customer is eligible for vocational rehabilitation services; and (2) To assign priority for an Order of Selection described in Sec. 361.36 in the States that use an Order of Selection; and (B) To the extent necessary, the provision of appropriate assessment activities to obtain necessary additional data to make the eligibility determination and

assignment; (ii) To the extent additional data are necessary to make a determination of the employment outcomes and the nature and scope of vocational rehabilitation services to be included in the individualized plan for employment for an eligible customer, a comprehensive assessment to determine the unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice, including the need for support employment, of the eligible customer. This comprehensive assessment – (A) is limited to information that is necessary to identify the rehabilitation needs of the customer and to develop the individualized plan of employment of the eligible customer; (B) Uses as a primary source of information, to the maximum extent possible and appropriate and in accordance with confidentiality requirements –

- 1) Existing information obtained for the purposes of determining the eligibility of the customer and assigning priority for an Order of Selection described in Sec. 361.36 for the customer; and
- 2) Information that can be provided by the customer and, if appropriate, by the family of the customer; (c) May include, to the degree needed to make such a determination, an assessment of the personality, interests, interpersonal skills, intelligence and related functional capacities, educational achievements, work experience, vocational aptitudes, personal and social adjustments, and employment opportunities of the customer and the medical, psychiatric, psychological, and other pertinent vocational, educational, cultural, social, recreational, and environmental factors that affect the employment and rehabilitation needs of the customer; and (D) May include, to the degree needed an appraisal of the patterns of work behavior of the customer and services needed for the customer to acquire occupational skills and to develop work attitudes, work habits, work tolerance, and social and behavior patterns necessary for successful job performance, including the use of work in real job situations to assess and develop the capacities of the customer to perform adequately in a work environment; (iii) Referral, for the provision of rehabilitation technology services to the customer, to assess and develop the capacities of the customer to perform in a work environment; and (iv) An exploration of the customer's abilities, capabilities, and capacity to perform in work situations, which must be assessed periodically during trial work experience, including

experiences in which the customer is provided appropriate supports of training.

(Authority: Section 7(2) and 12 (c) of the Act; 29 U.S.C. 705(2) and 709 (c))

- c. *Assistive technology device*** means any item, piece of equipment, or product system, whether acquired commercially off the shelf, modified, or customized, that is used to increase, maintain, or improve the functional capabilities of a customer with a disability. (Authority: Sections 7(3) of the Act; 29 U.S.C. 705(3))
- d. *Assistive technology service*** means any service that directly assists a customer with a disability in the selection, acquisition, or use of an assistive technology device, including; (i) The evaluation of needs of a customer with a disability, including a functional evaluation of the customer in his or her customary environment; (ii) Purchasing, leasing, or otherwise providing for the acquisition, by a customer with a disability, of an assistive technology device; (iii) Selecting, designing, fitting, customizing, adapting, applying, maintaining, repairing, or replacing assistive technology devices; (iv) Coordinating and using other therapies, interventions, or services with assistive technology devices, such as those associated with existing education and rehabilitation plans and programs; (v) Training or technical assistance for a customer with a disability or, if appropriate, the family members, guardians, advocates, or authorized representatives of the customer; and (vi) Training or technical assistance for professionals (including customers providing education and rehabilitation services), employers, or others who provide services to, employ, or are otherwise substantially involved in the major life functions of customers with disabilities, to the extent that training or technical assistance is necessary to the achievement of an employment outcome by a customer with a disability. (Authority: Sections 7(4) and 12(c) of the Act; 29 U.S.C. 705(4) and 709 (c))
- e. *Community rehabilitation program***. (i) Community rehabilitation program means a program that provides directly or facilitates the provision of one or more of the following vocational rehabilitation services to customers with disabilities to enable those customers to maximize their opportunities for employment, including career advancement: (A) Medical, psychiatric, psychological, social, and vocational services that are provided under one management; (B) Testing, fitting, or training in the use of prosthetic and

orthotic devices; (C) Recreational therapy; (D) Physical and occupational therapy; (E) Speech, language, and hearing therapy (F) Psychiatric, psychological, and social services, including positive behavior management;. (G) Assessment for determining eligibility and vocational rehabilitation needs; (H) Rehabilitation Evaluation or control of specific disabilities; (K) Orientation and mobility services for customers who are blind; (L) Extended employment; (M) Psychosocial rehabilitation services; (N) Supported employment services and extended services; (O) Services to family members if necessary to enable the applicant or eligible customer to achieve an employment outcome; (P) Personal assistance services; (Q) Services similar to the services described in paragraphs (A) through (P) of this definition. (ii) For the purposes of this definition, the word program means an agency, organization, or institution, or unit of an agency, organization, or institution, that provides directly or facilitates the provision of vocational rehabilitation services as one of its major functions.

- f. **Comparable services and benefits** means, (i) Services and benefits that are (A) Provided or paid for, in whole or in part, by other Federal, State, or local public agencies, by health insurance, or by employee benefits; (B) Available to the customer at the time needed to ensure the progress of the customer toward achieving the employment outcome in the customer's individualized plan for employment in accordance with Sec. 361.53; and (C) Commensurate to the services that the customer would otherwise receive from the designated State vocational rehabilitation agency. (ii) For the purposes of this definition, comparable benefits do not include awards and scholarships based on merit. (Authority: Sections 12 (c) and 101 (a)(8) of the Act; 29 U.S.C. 709 (c) and 721 (a)(8))
- g. **Competitive integrated employment** means work that (i) Is performed on a full-time or part-time basis (including self-employment) and for which an individual is compensated at a rate that (A) Is not less than the higher of the rate specified in Fair Labor Standards Act or the rate required under Idaho's minimum wage law; (B) Is not less than the customary rate paid by the employer for similar work performed by other employees and who have similar training, experience, and skills; and (C) For individuals who are self-employed, earns a comparable income to other individuals who are self-employed in similar occupations and who have similar training, experience, and skills; and (D) Is eligible for the same benefits provided to other employees; and (ii) Is at a location (A) Typically found in the community, (B) Where the employee with a disability interacts for the purpose of

performing the duties of the position, with other employees in the particular work unit and the entire work site, and as appropriate to the work performed, other persons (e.g., customers and vendors), who are not individuals with disabilities (not including supervisory personnel or individuals who are providing services to such employee) to the same extent that employees who are not individuals with disabilities and who are in comparable positions interact with these persons; and (iii) Presents, as appropriate, opportunities for advancement that are similar to those for other employees who are not individuals with disabilities and who have similar positions. (Authority: Sections 7(5) and 12(c) of the Act; 29 U.S.C. 705(5) and 709(c))

- h. *Customized employment*** means, competitive integrated employment, for an individual with a significant disability, that is (i) Based on an individualized determination of the unique strengths, needs, and interests of the individual with a significant disability; (ii) Designed to meet the specific abilities of the individual with a significant disability and the business needs of the employer; and (iii) Carried out through flexible strategies, such as (A) Job exploration by the individual; and (B) Working with an employer to facilitate placement, including (1) customizing a job description based on current employer needs or on previously unidentified and unmet employer needs; (2) Developing a set of job duties, a work schedule and job arrangement, and specifics of supervision (including performance evaluation and review), and determining a job location; (3) Using a professional representative chose by the individual, or if elected self-representation, to work with an employer to facilitate placement; and (4) Providing services and supports at the job location. (Authority: Sections 7(7) and 12(c) of the Act; 29 U.S.C. 705(7) and 709(c))
- i. *Employment outcome*** means, with respect to a customer, entering or retaining full-time or, if appropriate, part-time competitive employment, as defined in Sec. 361.5 (b)(11), in the integrated labor market, supported employment, or any other type of employment in an integrated setting, including a customer’s strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice. (Authority: Sections 7(11), 12(c), 100(a), and 102 (b)(4)(A) of the Act; 29 U.S.C. 705 (11), 709(c), 720 (a), and 722 (b)(4)(A))
- j. *Employment outcome maintained*** means the customer has maintained the employment outcome for an appropriate period of time, but not less

than 90 days, necessary to ensure the stability of the employment outcome and the customer no longer needs vocational rehabilitation services.

- k. **Satisfactory outcome** means at the end of the appropriate period, not less than 90 days, the customer and the vocational counselor consider the employment outcome to be satisfactory and agree that the customer is performing well in the employment.
- l. **Extended Employment** means work in a non-integrated or sheltered setting for a public or private nonprofit agency or organization that provides compensation in accordance with the Fair Labor Standards Act. (Authority: Section 12 (c) of the Act; 29 U.S.C. 709 (c))
- m. **Extended services** means ongoing support services and other appropriate services that are needed to support and maintain a customer with a most significant disability including a youth with a most significant disability, in supported employment and that are provided by a State agency, a private nonprofit organization, employer, or any other appropriate resource, from funds other than funds received under this part and 34 CFR part 363 after a customer with a most significant disability has made the transition from support provided by the designated State unit. (Authority: Sections 7 (13), 12 (c)), and 604(b) of the Act; 29 U.S.C. 705 (13), 709 (c) and 795i)
- n. **Family member**, for purposes of receiving vocational rehabilitation services in accordance with Sec 361.48(i), means a customer; (i) Who either, (A) Is a relative or guardian of an applicant or eligible customer; or (B) Lives in the same household as an applicant or eligible customer; (ii) Who has a substantial interest in the well-being of that customer; and (iii) Whose receipt of vocational rehabilitation services is necessary to enable the applicant or eligible customer to achieve an employment outcome. (Authority; Sections 12 (c) and 103 (a)(19) of the Act; 29 U.S.C. 709 (c) and 723 (a)(19))
- o. **Indian tribe** means any Federal or State Indian tribe, band, Rancheria, pueblo, colony, or community, including any Idaho native village or regional village corporation. (Authority: Section 7 (19) of the Act; 29 U.S.C. 705 (19))
- p. **Customer with a disability**, except as provided in Sec. 361.5(b) (29), means a customer (i) Who has a physical or mental impairment; (ii) Whose impairment constitutes or results in a substantial impediment to

employment; and (iii) Who can benefit in terms of an employment outcome from the provision of vocational rehabilitation services. (Authority; Sections 7(20)(A) of the Act; 29 U.S.C. 705(20)(A))

**q. *Customer's representative*** means any representation chosen by a customer or eligible customer, as appropriate, including a parent, guardian, other family member, or advocate, unless a representative has been appointed by a court to represent the customer, in which case the court-appointed representative is the customer's representative. (Authority: Sections 7 (22) and 12 (c) of the Act; 29 U.S.C. 705(22) and 709 (c))

**r. *Informed choice*** means the process by which customers in the public rehabilitation program make decisions about their vocational goals, the services and service providers necessary to reach those goals, and how those services will be procured. The decision-making process takes into account the customer's values, lifestyle, and characteristics, the availability of resources and alternatives, and general economic conditions. Informed choice is a collaborative process involving the customer and IDVR staff in coordination with other resources as necessary.

### **Informed Choice Guidelines:**

Informed choice does not mean unlimited choice. A customer's choices are limited by several factors.

- The choice must relate to and be necessary to achieving an employment outcome
- The choice must be consistent with the customer's strengths, resources, priorities, abilities, capabilities, needs and interests.
- The choice must be made pursuant to all Federal, State, and IDVR rules related to purchasing and providing services.
- When deciding what goods and services will be provided, the following will be part of the informed choice decision:
  - Cost, accessibility, and duration of potential services;
  - Customer satisfaction with those services to the extent that information relating to customer satisfaction is available;
  - Qualifications of potential service providers;
  - Types of services offered by the potential providers;
  - Degree to which services are provided in integrated settings; and

- Outcomes achieved by individuals working with service providers, to the extent that such information is available.

**s. *Integrated setting***, (i) With respect to the provision of services, a setting typically found in the community in which applicants or eligible customers interact with non-disabled individuals other than non-disabled individuals who are providing services to those applicants or eligible customers; (ii) With respect to an employment outcome, means a setting typically found in the community where the employee with a disability interacts, for the purpose of performing the duties of the position, with other employees within the particular work unit and the entire work site, and, as appropriate to the work performed, other persons who are not individuals with disabilities (not including supervisory personnel or individuals who are providing services to such employee) to the same extent that employees who are not individuals with disabilities and who are in comparable position interact with these customers. (Authority: Sections 12 (c) of the Act; 29 U.S.C. 709 (c))

**t. *Maintenance*** means monetary support provided to a customer for expenses, such as food, shelter, and clothing, that are in excess of the normal expenses of the customer and that are necessitated by the customer's participation in an assessment for determining eligibility and vocational rehabilitation needs or the customer's receipt of vocational rehabilitation services under an individualized plan for employment. (Authority: Sections 12 (c) and 103 (a)(7) of the Act; 29 U.S.C. 709 (c) and 723 (a)(7))

**u. *Ongoing support services***, as used in the definition of "Supported Employment", means

services that (i) Are needed to support and maintain a customer with a most significant disability, including a youth with a most significant disability, in supported employment; (ii) Are identified based on a determination by the designated State unit of the customer's need as specified in an individualized plan for employment; and (iii) Are furnished by the designated State unit from the time of job placement until transition to extended service, unless post-employment services are provided following transition, and thereafter by one or more extended services providers throughout the customer's term of employment in a particular job placement or multiple placements if those placements are being provided under a program of transitional employment; (iv) Include an assessment of employment stability and provision of specific services or the

coordination of services at or away from the worksite that are needed to maintain stability bases on; (A) At a minimum, twice-monthly monitoring at the worksite of each customer in supported employment; or (B) If under specific circumstances, especially at the request of the customer, the individualized plan for employment provides for off-site monitoring, twice monthly meetings with the customer; (v) Consist of; (A) Any particularized assessment supplementary to the comprehensive assessment of rehabilitation needs described in paragraph (c)(5)(ii) of this section; (B) The provision of skilled job trainers who accompany the customer for intensive job skill training at the work site; (C) Job development and training; (D) Social skills training; (E) Regular observation or supervision of the customer; (F) Follow-up services including: regular contact with the employers, the customers, the parents, family members, guardians, advocates, or authorized representatives of the customers, and other suitable professional and informed advisors, in order to reinforce and stabilize the job placement; (G) Facilitation of natural supports at the worksite; (H) Any other service identified in the scope of vocational rehabilitation services for customers, described in SEC. 361.48(b); or (I) Any service similar to the foregoing services. (Authority: Sections 7 (27) and 12 (c) of the Act; 29 U.S.C. 705 (27) and 709 (c))

**v. *Personal assistance services*** means a range of services provided by one or more persons designed to assist a customer with a disability to perform daily living activities on or off the job that the customer would typically perform without assistance if the customer did not have a disability. The services must be designed to increase the customer's control in life and ability to perform everyday activities on or off the job. The services must be necessary to the achievement of an employment outcome and may be provided only while the customer is receiving other vocational rehabilitation services. The services may include training in managing, supervising, and directing personal assistance services. (Authority: Sections 7(28), 102(b)(4)(B)(i)(I), and 103(a)(9) of the Act; 29 U.S.C. 705(28), 722(b)(4)(B)(i)(I), and 723(a)(9)) [[Page 272]]

**w. *Physical and mental restoration services*** means; (i) Corrective surgery or therapeutic treatment that is likely, within a reasonable period of time, to correct or substantially modify a stable or slowly progressive physical or mental impairment that constitutes a substantial impediment to employment; (ii) Diagnosis of and treatment for mental or emotional disorders by qualified personnel in accordance with State licensure laws; (iii) Dentistry; (iv) Nursing services; (v) Necessary hospitalization (either inpatient or outpatient care) in connection with surgery or treatment and

clinic services; (vi) Drugs and supplies; (vii) Prosthetic and orthotic devices; (viii) Eyeglasses and visual services, including visual training, and the examination and services necessary for the prescription and provision of eyeglasses, contact lenses, microscopic lenses, telescopic lenses, and other special visual aids prescribed by personnel that are qualified in accordance with State licensure laws; (ix) Podiatry; (x) Physical therapy; (xi) Occupational therapy; (xii) Speech or hearing therapy; (xiii) Mental health services; (xiv) Treatment of either acute or chronic medical complications and emergencies that are associated with or arise out of the provision of physical treatment; (xv) Special services for the treatment of customers with supplies; and (xvi) Other medical or medically related rehabilitation services. (Authority: Sections 12 (c) and 103 (a)(6) of the Act; 29 U.S.C. 709 (c) and 723 (a)(6))

**x. *Physical or mental impairment*** means; (i) Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological, musculoskeletal, special sense organs, respiratory (including speech organs), cardiovascular, reproductive, digestive, genitourinary, hemic and lymphatic, skin, and endocrine; or (ii) Any mental or psychological disorder such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities. (Authority: Sections 7(20)(A) and 12 (c) of the Act; 29 U.S.C. 705(20)(A) and 709 (c))

**y. *Post-employment services*** means one or more of the services identified in Section 361.48 that are provided subsequent to the achievement of an employment outcome and that are necessary for a customer to maintain, regain, or advance in employment, consistent with the customer's strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice. (Authority: Sections 12 (c) and 103 (a)(18) of the Act; 29 U.S.C. 709 (c) and 723 (a)(18)) Note to paragraph (b) (42): Post-employment services are intended to ensure that the employment outcome remains consistent with the customer's strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice. These services are available to meet rehabilitation needs that do not require a complex and comprehensive provision of services and, thus, should be limited in scope and duration. If more comprehensive services are required, then a new rehabilitation effort should be considered. Post-employment services are to be provided under an amended individualized plan for employment; thus, a re-determination of eligibility is not required. The

provision of post-employment services is subject to the same requirements in this part as the provision of any other vocational rehabilitation service. Post-employment services are available to assist a customer to maintain employment, e.g., the customer's employment is jeopardized because of conflicts with supervisors or co-workers, and the customer needs mental health services and counseling to maintain the employment; to regain employment, e.g., the customer's job is eliminated through re-organization and new placement services are needed; and to advance in employment, e.g., the employment is no longer consistent with the customer's strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice.

The customer is informed through appropriate modes of communication of the availability of post-employment services.

**z. *Pre-employment transition services*** are those services/activities for students with disabilities (see page 10 for definition of student with disability). Required activities include job exploration counseling; work-based learning experiences, which may include in-school or after school opportunities, or experience outside the traditional school setting (including internships), that is provided in an integrated environment in the community to the maximum extent possible; counseling on opportunities for enrollment in comprehensive transition or postsecondary educational programs at institutions of higher education; workplace readiness training to develop social skills and independent living; and instruction in self-advocacy. Authorized activities may also be provided. (Authority: Section 7(30), and 113 of the Act; 29 U.S.C. 7(30) and 733)

**aa. *Rehabilitation engineering*** means the systematic application of engineering sciences to design, develop, adapt, test, evaluate, apply, and distribute technological solutions to problems confronted by customers with disabilities in functional areas, such as mobility, communications, hearing, vision, and cognition, and in activities associated with employment, independent living, education, and integration into the community. (Authority: Section 7(32) and 12 (c) of the Act; 29 U.S.C. 705 (32) and 709 (c))

**bb. *Rehabilitation technology*** means the systematic application of technologies, engineering methodologies, or scientific principles to meet the needs of, and address the barriers confronted by, customers with

disabilities in areas that include: education, rehabilitation, employment, transportation, independent living, and recreation. The term includes rehabilitation engineering, assistive technology devices, and assistive technology services. (Authority: Section 7(32) of the Act; 29 U.S.C. 705(32))

**cc. *Student with a disability*** is an individual with a disability in a secondary, postsecondary, or other recognized education program who is under the age of 22 at the time of service delivery and is eligible for and receiving special education services or is an individual with a disability, for the purposes of Section 504. (Authority: Section 7(37) of the Act; 29 U.S.C. 705(37))

**dd. *Substantial impediment to employment*** means that a physical or mental impairment (in light of attendant medical, psychological, vocational, educational, communication, and other related factors) hinders a customer from preparing for, entering into, engaging in, or retaining employment consistent with the customer's abilities and capabilities. (Authority: Sections 7(20)(A) and 12 (c) of the Act; 29 U.S.C. 705(20)(A) and 709 (c))

**ee. *Supported employment means*** (i) competitive integrated employment, including customized employment, or employment in an integrated work setting in which an individual with a most significant disability, including a youth with a most significant disability, is working on a short-term basis (earning less than a competitive wage) toward competitive integrated employment that is individualized, and customized, consistent with the unique strengths, abilities, interests, and informed choice of the individual, including ongoing support services for individuals with the most significant disabilities, (A) For whom competitive integrated employment has not historically occurred, or for whom competitive integrated employment has been interrupted or intermittent as a result of a significant disability; and (B) Who, because of the nature and severity of their disabilities, need intensive supported employment services and extended services after the transition from support provided by the designated State unit, in order to perform this work. (ii) An individual with a most significant disability, whose supported employment in an integrated setting does not satisfy the criteria of competitive integrated employment (earning less than a competitive wage), is considered to be working on a short-term basis toward competitive integrated employment so long as the individual can reasonable anticipate achieving competitive integrated employment (A) Within six months of

achieving a supported employment outcome; or (B) In limited circumstances, within a period not to exceed 12 months from the achievement of the supported employment outcome, if a longer period is necessary based on the needs of the individual, and the individual has demonstrated progress toward competitive earning based on information contained in the service record. (Authority: Section 7(38), 12 (c), and 602 of the Act, as amended; 29 U.S.C. 705(38), 709 (c), and 795g)

**ff. *Supported employment services*** means ongoing support services, including customized employment, and other appropriate services needed to support and maintain a customer with a most significant disability, including a youth with a most significant disability, in supported employment that are (i) organized and made available, singly or in combination, in such a way as to assist an eligible individual to achieve competitive integrated employment; (ii) Based on a determination of the needs of an eligible individual, as specified in an individualized plan for employment; (iii) Provided by the designated State unit for a period of time not to exceed 24 months, unless under special circumstances the eligible customer and the rehabilitation counselor jointly agree to extend the time to achieve the employment outcome identified in the individualized plan for employment; and (iv) Following transition, as post-employment services that are unavailable from an extended services provider and that are necessary to maintain or regain the job placement or advance in employment. (Authority: Sections 7(39), 12 (c), and 103 (a) (16) of the Act, as amended; 29 U.S.C. 705(39), 709 (c), and 723 (a) (16))

**gg. *Transition services*** means a coordinated set of activities for a student designed within an outcome-oriented process that promotes movement from school to post-school activities, including: post-secondary education, vocational training, integrated employment (including supported employment), continuing and adult education, adult services, independent living, or community participation. The coordinated set of activities must be based upon the student's needs, taking into account the student's preferences and interests, and must include instruction, community experiences, the development of employment and other post-school adult living objectives, and, if appropriate, acquisition of daily living skills and functional vocational evaluation. Transition services must promote or facilitate the achievement of the employment outcome identified in the student's individualized plan for employment. (Authority: Sections 12 (c)

and 103 (a)(15) and (b) (7) of the Act; 29 U.S.C. 709 (c) and 723 (a)(15) and (b) (7)).

**hh. *Transportation*** means travel and related expenses that are necessary to enable an applicant or eligible customer to participate in a vocational rehabilitation service, including expenses for training in the use of public transportation vehicles and systems. (Authority: Section 12 (c) and 103 (a)(8) of the Act; 29 U.S.C. 709 (c) and 723 (a)(8))

**ii. *Vocational Rehabilitation Counselor*** (VRC) is the designated employee position in charge of managing the customer's case. For the purposes of this manual a Vocational Rehabilitation Specialist is considered a VRC.

**jj. *Youth with a disability*** is an individual with a disability who is under the age of 25. (Authority: Section 7(42) of the Act; 29 U.S.C. 705(42))

### ***1.6 Use of Audio and Video Recordings***

IDVR reserves the right to prohibit customer use of video and audio recording without prior approval by the Chief of Field Services.

### ***1.7 Customer Reasonable Accommodation Request and Grievance Process***

If during the course of VR services a customer needs an accommodation in relation to access to VR services, when possible, the customer should submit a request for accommodation in writing to their VRC. Reasonable accommodations will be evaluated and, if reasonable, provided to allow customers with disabilities access to VR services. This accommodation is separate and apart from any accommodation a customer may need related to their employment or vocational goals

The VRC will inform the Regional Manager regarding the customer's accommodation request. The customer will be notified in writing whether his/her request is granted. A meeting with the VRC, customer, and Regional Manager may be necessary to discuss the request and understand the parameters of the request.

IDVR strives to provide all individuals, regardless of disability, with equal access to its program. If you wish to report an issue related to the accessibility of the IDVR program, you may do so by submitting a complaint to the Division's Section 504 Coordinator via e-mail or written correspondence. Contact information is posted on the Division's website. Include a detailed description of your request and any follow-up from IDVR staff, including the VRC and Regional Manager.

Complaints may also be sent to the Office of Civil Rights. Contact information is available at [www.ed.gov/ocr](http://www.ed.gov/ocr).

## **Section 2.0 - Ethics**

- A. All IDVR employees must adhere to the Idaho Ethics in Government Manual:  
<http://www.ag.idaho.gov/publications/manuals.html>
- B. IDVR ascribes to, and requires all Vocational Rehabilitation Counselors (VRCs) and field services staff to follow the Code of Professional Ethics for Rehabilitation Counselors accepted by the Commission of Rehabilitation Counselor Certification (CRCC).  
<http://www.crc certification.com>
- C. Provision of Services to Potential and Current IDVR Employees/Interns/Volunteers
- If an IDVR employee becomes a customer, their VR case will be served by a region other than where they work.
  - If an IDVR customer accepts employment with IDVR their case will be served by a region different than where they accepted employment.
- D. Internships, participants in training programs, or trial work experiences of customers served by IDVR will not be served from a counselor in the same office where the trial work, internship, or participation in training program is located.
- E. If a family member of an employee or a family member of anyone who resides in the employee's residence applies for services they will be served by a counselor from a different region from the employee.
- F. An employee shall not financially benefit from decisions made under the authority of IDVR.
- G. An employee will not make IDVR purchases (case services or other purchases) from a family member or a family member of anyone who resides in the employee's residence, or from a business owned or controlled by such an individual. This includes customer reimbursements.

## **Section 3.0 - Protection, Use, and Release of Personal Information**

### ***3.1 Confidentiality***

All information acquired by IDVR must be used only for purposes directly connected with the administration of the vocational rehabilitation program. As a general rule, information containing personal information may not be shared with advisory or other bodies that do not have official responsibility for administration of the program, except as provided in this policy. Use, release, and obtaining of personal information by IDVR shall conform to applicable State law and rules, and applicable Federal law and regulations.

Requests for information under the Idaho public records laws should be referred to the deputy attorney general assigned to the Agency.

For purposes of this policy, informed written consent shall:

- A. Be explained in language that the customer or their representative understands;
- B. Be dated, and specify the length of effect;
- C. Be specific in designating IDVR as the agency authorized to use, disclose or receive information;
- D. Be specifically designated to the parties to whom the information may be released;
- E. Specifically designate the parties whom the information may be released; and
- F. Be specific as to the purpose(s) for which the information may be used.

### ***3.2 Release of Personal Information to Customers with Disabilities, their Representative or Attorney***

If requested in writing by a customer of IDVR, and upon informed written consent by the customer and/or his or her representative, all information in such customer's case record that pertains to such customer shall be made available in a timely manner to that customer, except:

- 3.2.1** Medical, psychological or other information that IDVR believes may be harmful to the customer. This information may not be released directly to the customer but may be provided to the customer through a third party chosen

by the customer, which may include, among others, an advocate, a family member, or a qualified medical or mental health professional, unless a representative has been appointed by a court to represent the customer, in which case the information must be released to the court appointed representative.

**3.2.2** Information obtained from outside IDVR may be released only under the conditions established by the outside agency, organization or provider or mandated for them by Federal or State law.

**3.2.3** An applicant or eligible customer who believes that information in the customer's record of services is inaccurate or misleading may request that IDVR amend the information. If the information is not amended, the request for an amendment must be documented in the record of service.

**3.2.4** IDVR will respond to a case records request made under this section within ten (10) working days after receipt of a written request. One current copy of the case record will be made for the customer at no charge. Additional copies will be provided at the flat fee of \$25 each.

### ***3.3 Release of Personal Information to Other Agencies or Organizations***

If information requested has been obtained from another agency, organization or professional, it will be released only under conditions established by that agency, organization or professional.

- IDVR may release personal information without informed written consent of the customer in order to protect the customer or others when the customer poses a threat to his/her safety or the safety of others.

### ***3.4 Release of Personal Information in Response to Investigations in Connection with Law Enforcement***

IDVR shall release personal information in response to investigations in connections with law enforcement, fraud, or abuse, unless expressly prohibited by Federal or State laws or regulations, and in response to a court order.

### ***3.5 Release of Personal Information for Audit, Evaluation or Research***

At the discretion of the Administrator, personal information may be released to an organization, agency, or customer engaged in audit, evaluation or research only for purposes directly connected with the administration of the vocational rehabilitation program, or for purposes which would significantly improve the

quality of life for customers with disabilities, and only if the organization, agency or customer assures that:

- A. The information will be used only for the purposes for which it is being provided;
- B. The information will be released only to customers officially connected with the audit, evaluation or research;
- C. The information will not be released to the involved customer;
- D. The information will be managed in a manner to safeguard confidentiality and,
- E. The final product will not reveal any personal identifying information without the informed written consent of the involved customer, and/or his/her representative.

### ***3.6 Subpoena for Release of Information to the Courts, Other Judicial Bodies, Worker's Compensation and Law Enforcement Agencies***

A subpoena issued to IDVR for information relating to a customer of IDVR must immediately be referred to the Chief of Field Services who will subsequently refer the document to the Deputy Attorney General assigned to the Agency to determine how the agency will respond to the subpoena.

### ***3.7 Social Security Information***

Confidentiality of SSA information is covered under Section 11.06 of the Social Security Act and may be disclosed only as prescribed by regulations. The Act permits disclosure of all information about a claimant to State VR agencies. State VR agencies routinely obtain information, including entitlement and medical information, from SSA records. Medical information may be obtained without the claimant's consent; however, State VR agencies may not permit access to such information, release it further (this includes other state agencies), or testify concerning it for any other purpose than the rehabilitation of the Social Security Disability beneficiary claimant. To obtain information from Disability Determination Services, a release form must be used.

## **Section 4.0 - Appeals Process**

The VRC shall notify and provide written information to all applicants and eligible customers regarding:

- A. Their right to appeal determinations made by IDVR personnel, which affect the provision of rehabilitation services;
- B. Their right to request mediation;
- C. The names and addresses IDVR personnel to whom requests for mediation or appeals may be filed;
- D. The manner in which a mediator or hearing officer may be selected;
- E. Availability of assistance from the Client Assistance Program (CAP).
- F. If the Agency is following an Order of Selection, it shall inform all eligible customers of the priority they are in.

Timing of such notification shall be provided by the VRC:

- A. At the time a customer applies for rehabilitation services;
- B. At the time of the Individualized Plan for Employment (IPE) is developed;
- C. At the time the customer is assigned to a category in the State's Order of Selection, if applicable; and
- D. Upon reduction, suspension, or cessation of approved rehabilitation services for the customer.

*Whenever possible, IDVR will attempt to resolve conflicts informally or through the Dispute Resolution process. IDVR will not pay for a customer's legal services.*

IDVR shall make disability related accommodations to assist customers in the conduct of the appeals process.

### ***4.1 Continuation of Services Pending Completion of the Appeal Process***

Pending a final determination of an Informal Review or Fair Hearing or participation in Mediation, IDVR may not suspend, reduce, or terminate approved

services being provided under an IPE, unless the services were obtained through misrepresentation, fraud or collusion or the customer or authorized representative, requests suspension, reduction, or termination of services.

#### **4.2 Client Assistance Program (CAP) and Supervisory Review**

The CAP and supervisory review are encouraged as a means to resolve dissatisfaction. These options are in keeping with the IDVR policy to resolve a customer's dissatisfaction at the earliest possible time.

#### **4.3 Dispute Resolution Process**

**4.3.1** The Informal Review process is an option available to the customer as a proven means likely to result in a timely resolution of disagreements. A customer must request an Informal Review within twenty-one (21) calendar days of the agency notice regarding IDVR's decision to provide or deny services that are in question. The request must be in writing to the RM. The request must describe the complaint.

In holding an Informal Review, the RM will function as the Review Officer. At the customer's request another RM may be substituted. The reviewer will be responsible for:

- A. Advising the customer of his/her right to have a representative present and encouraging the customer to use the services of CAP.
- B. Conducting the review within fifteen (15) calendar days following written receipt of a request for such a hearing. Unless an extension is agreed to by both parties.
- C. When the customer makes a documented effort to utilize CAP or another selected advocate to resolve his/her dissatisfaction, the time allowed for conducting an Informal Review will be extended accordingly.
- D. Holding the review at a time and place convenient to the customer, generally at the local IDVR branch office.
- E. Providing communication methods for those customers who have a sensory impairment. An interpreter will be provided for those customers who cannot communicate in English.

- F. If needed, assure that the customer is provided transportation to and from the review site.
- G. The Informal Review Officer (RM) will attempt to resolve the matter to the satisfaction of the customer, developing a written proposal with the customer at the conclusion of the appeal process. The results are binding for the agency unless the proposal is not permitted by law. The customer may reject the proposal and request a Fair-Hearing within ten (10) calendar days of the Informal Review proposal or sixty (60) calendar days of the original IDVR decision, whichever one comes later.

#### **4.4 Mediation**

**4.4.1** Mediation is an alternate dispute resolution method available to applicants and eligible customers who have initiated the Formal Appeals Process.

- A. A customer must request Mediation within twenty (20) calendar days of the original decision or ten (10) calendar days following the written proposal from the Informal Review. Mediation is available to a customer when an Informal Review has not resolved the dispute to the satisfaction of the customer.
- B. Requests for mediation must be made in writing to the Chief of Field Services and clearly state the reason for dissatisfaction with the decision or results of the Informal Review. The Chief of Field Services will represent IDVR or assign a member of the administrative or supervisory staff who has not participated in the Agency action that created the customer's dissatisfaction.
- C. Participation in the mediation process is voluntary on the part of the customer and on the part of IDVR. Either party may reject mediation as an alternate dispute resolution method. Either party, once accepting mediation as an alternate dispute resolution method, may terminate the mediation process.
- D. Mediation is not used to deny or delay the customer's right to pursue a Fair Hearing. Should the customer and/or designated representatives select mediation in lieu of a Fair Hearing the option for the Fair Hearing will be extended to allow the results of the mediation to be established. After the final results of the mediation are determined, the customer retains the right to request a Fair Hearing.

- E. Mediation is conducted by qualified and impartial mediators, who are selected randomly from a list of mediators maintained by the IDVR.
- F. Mediation discussions are confidential and may not be used as evidence in a subsequent Fair Hearing. A confidentiality agreement will be signed by both parties at the beginning of the mediation process.
- G. The mediator will develop a written Mediation Agreement, if an agreement between the parties is reached, it must be signed by the customer, the mediator, and IDVR.
- H. Cost of mediation is paid by IDVR. IDVR is not required to pay for any cost related to the representation of a customer.

#### **4.5 Fair Hearing Process**

The Fair Hearing Process is an option available to any customer who is dissatisfied with any determination made by personnel of IDVR that affects the provisions of vocational rehabilitation services. A customer may request a Fair Hearing immediately without having to go through the other appeal steps.

A customer may request, or if appropriate, may request through the customer's representative, a timely review of the determination. Such a request must be made within sixty (60) days of the IDVR decision resulting in the initial disagreement or within ten (10) calendar days of the conclusion of the Informal Review or ten (10) calendar days of the conclusion of the Mediation Process whichever is later. The Fair Hearing Process shall include a Fair Hearing by a Fair Hearing Officer (FHO).

**4.5.1** A Formal Hearing is a procedure whereby a customer who is dissatisfied with any determination concerning the provision or denial of IDVR services or the findings of the Informal Review or Mediation may seek a determination of the agency action before a Fair Hearing Officer.

**4.5.2** A request for a Fair Hearing must be sent in writing to the Chief of Field Services and clearly state the customer's dissatisfaction with the Agency's decision.

**4.5.3** The hearing shall be conducted within sixty (60) calendar days of receipt of the customer's request for review, unless informal resolution is achieved prior to the 60<sup>th</sup> day, or both parties agree to a specific extension of time.

- 4.5.4** A list of Fair Hearing Officers shall be identified jointly by the Administrator of IDVR and the State Rehabilitation Council.
- 4.5.5** The Fair Hearing Officer will be selected from the list by the Administrator of IDVR and the customer.
- 4.5.6** The Fair Hearing Officer shall issue a written report of the findings and decision of the hearing within thirty (30) calendar days of the completion of the hearing.
- 4.5.7** The decision of the Fair Hearing Officer shall be considered final by the agency.
- 4.5.8** Any party who disagrees with the findings and decisions of a Fair Hearing Officer shall have the right to bring a civil action with respect to the matter in dispute. The action may be brought in any State court of competent jurisdiction or in a district court of the United States of competent jurisdiction without regard to the amount in controversy.

## **Section 5.0 – Application and Eligibility Determination**

- A. People with disabilities can achieve competitive, high quality employment in an integrated setting and can live full productive lives.
- B. People with disabilities often experience major barriers related to the low expectations of and misunderstandings toward, people with disabilities that exists within society, within the persons with disabilities themselves, and sometimes, within our own rehabilitation system.
- C. People with disabilities should have responsibility and accountability to make their own choices about their lives; the kind of employment they want to pursue, who they want to provide services for them, as well as the kind of services they need.
- D. The primary purpose and role of the public vocational rehabilitation system is to empower individuals with disabilities by providing them with information, education, training, and confidence, in order for them to make effective employment choices when appropriately informed. It is also the purpose of the public vocational rehabilitation system to support those choices when they are based upon reasonable and verifiable premises.
- E. The most effective rehabilitation occurs when there are true partnerships between the customer, Federal and State programs, community providers and employers, the disability community, all other partners.

The goal is to provide eligible customers with the skills, tools and information to aid in their vocational discovery process and to initiate informed choices when creating their Individualized Plan for Employment (IPE) with the VRC.

### ***5.1 Inquiry***

IDVR will respond to all general inquiries for VR services received via telephone, mail or electronic format within seven (7) business days.

### ***5.2 Referral***

A completed referral form for VR services from customers available to participate in services that are made via mail or electronic format will be entered into the case management system as an open referral within three (3) business days. IDVR staff will make a minimum of three (3) attempts to contact the customer before the referral is closed. The first attempt will include a phone call or e-mail. If staff are unable to make contact, a letter will be sent to confirm IDVR has

received the inquiry and will include the IDVR office phone number. If the customer does not respond to the first letter, a second letter will be sent stating that IDVR has been unable to contact the customer and that the referral for services will be closed. Attempts to reach the customer will be documented in the case management system.

### **5.3 Application for Idaho Division of Vocational Rehabilitation (IDVR) Services**

An application process is complete when the following three criteria are met:

1. IDVR receives a signed and dated Application Signature Sheet from a customer or his/her representative, or an alternate request for application is made to an IDVR office;
- AND
2. The customer provides the information needed to begin an assessment of eligibility. Information gathered in the intake interview meets this criterion;
- AND
3. The customer is available and free of restrictions to complete the assessment process for determining eligibility for VR services.

There is no duration of residency requirement. The customer must be living in the State of Idaho and legally able to work in the United States.

Applicants must be available and participate in the eligibility determination process.

IDVR must, as part of the application process, inform applicants that the goal of VR services is to assist eligible customers to obtain or maintain employment and that services provided are toward this goal. Customers must also be informed of their rights and responsibilities.

The 60-day eligibility determination period begins when the application process is complete.

#### **5.3.1 Orientation to Vocational Rehabilitation**

IDVR is obligated to provide all customers with information regarding the following:

1. The Client Assistance Program (CAP);
2. Confidentiality;
3. VR services;

4. Informed choice;
5. The rehabilitation process;
6. That customers who receive VR services must intend to achieve an employment outcome;
7. The rights and responsibilities of the customer; and
8. The VR appeals process.

This information may be conveyed to customers through group orientations, in a one-on-one interview setting or over the telephone by IDVR staff.

### **5.3.2 Intake Interview**

The intake interview is part of the application process and is the beginning of the assessment process to determine eligibility and potential services to be included on the Individualized Plan for Employment (IPE). Medical, psychological, social, vocational, educational, cultural and economic information is gathered to determine the unique strengths, abilities, and interests of the customer.

Prior to the end of the intake interview, the IDVR staff member should identify the actions needed to be taken by both IDVR and the customer. This may include:

1. Scheduling appointments
2. Obtaining releases of information
3. Issuing authorizations
4. Sending referral letters
5. The scheduling of a follow up meeting
6. Obtaining existing information the customer agrees to provide IDVR staff

### **5.4 Assessment for Determining Eligibility**

Any customer who applies for services shall undergo an assessment to determine eligibility and the priority for services, the results of which shall be shared with the customer.

The assessment will be conducted in the most integrated setting possible and consistent with the needs and informed choice of the customer.

Eligibility for IDVR services shall be determined within a reasonable period of time, not to exceed sixty (60) days after the application for services (all three components of the application process must be complete) unless the following occurs:

A. The customer is notified that exceptional and unforeseen circumstances beyond the control of IDVR preclude the counselor from completing the determination within the prescribed time frame and the customer agrees that an extension of time is warranted;

OR

B. A Trial Work Experience including an exploration of the customer's abilities, capabilities, and capacity to perform in realistic work situations is carried out.

### **5.5 Eligibility Criteria**

A customer is eligible for Vocational Rehabilitation if the following criteria are met:

A. A determination by qualified personnel that the customer has a physical or mental impairment;

B. A determination by a qualified VRC that the customer's physical or mental impairment constitutes or results in a substantial impediment to employment;

C. A determination by a qualified VRC employed by IDVR that the customer requires vocational rehabilitation services to prepare for, secure, retain, advance in, or regain employment consistent with the applicant's unique strengths, resources, priorities, concerns, abilities, capabilities, interest, and informed choice.

IDVR presumes that an applicant who meets the eligibility requirements above can benefit in terms of an employment outcome from the provision of vocational rehabilitation services.

**NOTE:** *Prior to any determination that an applicant is unable to benefit from vocational rehabilitation services due to the severity of their disability, IDVR must assess the individual's abilities, capabilities and capacity to perform in competitive integrated employment settings to the maximum extent possible, consistent with the informed choice and rehabilitation needs of the customer, through Trial Work Experiences.*

#### **5.5.1 Qualified Personnel**

IDVR has established a policy for "qualified personnel" for the purpose of disability determination. Under the Rehabilitation Act, the assessment for determining eligibility must be made by "qualified personnel" including, if

appropriate, personnel skilled in rehabilitation technology. In addition, diagnosis and treatment for mental and emotional disorders must be provided by “qualified personnel who meet State licensure laws”.

Qualified personnel are those who meet existing licensure, certification, or registration requirements applicable to the profession, this includes VRCs who meet IDVR’s Comprehensive System of Personnel Development (CSPD) policy.

The determination of the existence of impairment should be supported by medical and/or psychological documentation. Medical/psychological disabilities shall be diagnosed by qualified personnel who meet State licensure, certification, or registration requirements applicable to the practice of their profession within the state of Idaho.

The following occupations have been licensed in Idaho to provide general medical diagnoses. *The VRC can utilize general medical diagnoses established by these medical professionals:*

- Medical Physician or Doctor of Osteopathy
- Nurse Practitioner (works under own licensure)
- Physician’s Assistant (works under a “Delegation of Services Agreement” with a physician providing oversight)

The following occupations have been licensed in Idaho to provide specific medical diagnoses within the specialized areas of competency for which the specific licensure has been determined. *It is critical that the VRC take special precaution to ensure that when utilizing medical diagnoses from one of the medical professions listed below that only those areas of expertise for which the particular professional has been credentialed are documented within the eligibility determination module.*

- Licensed Psychologist
- Chiropractor
- Naturopath
- Podiatrist
- Optometrist
- Physical Therapist
- Dentist/Orthodontist

- Advanced Certified Alcohol and Drug Counselor (ACADC) / Certified Alcohol and Drug Counselor (CADC) (restricted to identifying alcohol and drug impairment related to specific testing outcome)
- School Psychologist (limited to diagnosing eligibility for school related special education services)
- Licensed Clinical Social Worker (LCSW)
- Licensed Clinical Professional Counselor (LCPC)
- Licensed Audiologist (restricted to diagnosing hearing impairments specifically related to audiological testing results when medical conditions have been ruled out)

For further clarification, you may access [www.ibol.idaho.gov](http://www.ibol.idaho.gov) and connect to “The Individual Board Pages” to determine the full extent of the professional latitude allocated to the medical occupations that are licensed to provide specialized services within narrowly defined parameters of competency. The State Board of Medicine maintains jurisdiction over the authority and conduct of medical doctors.

Private licensing/certifying boards outside the federal/state purview cannot be used for VR diagnostic purposes.

### **5.5.2 Social Security Presumption**

Any applicant, who has been determined eligible for Social Security benefits under Title II or Title XVI of the Social Security Act, based upon their disability, is presumed to meet the eligibility requirements for vocational rehabilitation services and is considered a customer with a significant disability.

Following an application and initial interview where a customer reports receiving SSI or SSDI, the counselor will obtain verification of receipt of SSI/SSDI through the Social Security Entry and Verification System (SVES). Upon verification, the customer is made eligible for vocational rehabilitation with a Presumption of Eligibility statement in the record of services.

**NOTE:** If the applicant presents sufficient medical documentation to determine eligibility at the first meeting, verification will still be procured but eligibility can be determined immediately without designating presumptive status.

The assessment for determining rehabilitation services will continue, as needed, to obtain information necessary to determine the Individualized Plan for Employment. This assessment will include: gathering existing records to determine the customer’s impairment, impediment and nature and scope of VR

services necessary to obtain an employment outcome consistent with the customer's unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice.

When the assessment adequately documents the impairment(s), employment impediment(s) and required service(s) needed, the qualified VRC completes an Eligibility Determination in the Agency's computerized data system.

If a customer receives disability benefits under Title II or Title XVI of the Social Security Act and intends to work, IDVR presumes eligibility for services.

Where questions pertaining to the individual's ability to benefit from services exist, the customer will be given the opportunity to engage in a series of Trial Work Experiences in order for the counselor to determine whether or not a customer can benefit from VR services.

A VRC cannot close a case 'Disability too Significant to Benefit from Services' without clear and convincing evidence documented through TWEs in multiple settings, or other evidence which meets the 'clear and convincing' standard required by the Rehabilitation Act of 1973 (as amended).

A VRC cannot presume that VR services will not enable the customer to work without clear and convincing evidence. See Section 5.6.1 for explanation of clear and convincing evidence.

### ***5.6 Review and Assessment of Data for Eligibility Determination***

The eligibility determination must be based on the basic eligibility requirements and shall also include a review and assessment of existing data, including: counselor observations, education records, and information provided by the customer or family, particularly information used by education officials and determinations made by officials or other agencies. Current medical records will be utilized to determine the nature and extent of the disability as well as for justification for the procurement of additional medical data when required to identify/verify alleged medical restrictions.

To the extent that existing data does not describe the current functioning of the customer, IDVR will conduct an assessment of additional data resulting from the provision of VR services including: trial work experiences, assistive technology devices and services, personal assistance services, and any other support services that are necessary to determine whether a customer is eligible.

**5.6.1 Eligibility/Ineligibility:** For each customer determined eligible or ineligible for vocational rehabilitation services, the record of services must include a dated Eligibility Determination completed by a qualified VRC. Written notification of an ineligibility determination will be provided to the customer.

An ineligibility notification must include the reason for the determination, rights and responsibilities, Client Assistance Program (CAP) information and information and referral to other appropriate agencies, which may include referral to the other Workforce Development System partners. A customer should be referred to the Extended Employment Services Program for work services if the ineligibility reason is “Disability Too Significant to Benefit from VR Services.”

Ineligibility decisions based upon the severity of disability must outline clear and convincing evidence and require a period of Trial Work Experiences prior to closure. (See Closure, Section 13)

**NOTE:** Clear and convincing evidence is a high degree of certainty a VR counselor has before concluding that an individual cannot benefit from VR services in terms of an employment outcome. The clear and convincing standard constitutes the highest standard used in the civil system of law. The standard is to be applied on a case-by-case basis.

The term *clear* means unequivocal. For example, the use of an intelligence test result alone would not constitute clear and convincing evidence. However, clear and convincing evidence might include a description of assessments, including situational assessments and supported employment assessments, from service providers who have concluded that they would be unable to meet the individual’s needs due to the severity of the individual’s disability. The demonstration of “clear and convincing evidence” must include, if appropriate, a functional assessment of skill development activities, with any necessary supports (including assistive technology), in real life settings.

It is a federal requirement that IDVR review the closure outcomes for those who are “Disability too Significant to Benefit from VR Services” within 12 months of closure and annually thereafter, if requested. (See Section 13)

**5.6.2 Trial Work Experiences (TWE) for Customers with Significant Disabilities:** Prior to any determination that an applicant with a disability is

unable to benefit from VR services in terms of an employment outcome because of the severity of disability, IDVR must assess the customer's abilities, capabilities, and the capacity to perform in competitive integrated work situations, to the maximum extent possible, consistent with informed choice and rehabilitation needs of the individual.

In such cases a written Trial Work Experience (TWE) plan must be developed to assess and determine the above. Trial Work Experiences includes supported employment, on-the-job training, Community Based Work Evaluation (CBWE), and other experiences using realistic work settings and must be of sufficient variety and over a sufficient period of time to determine that there is sufficient evidence to conclude that the individual cannot benefit from Vocational Rehabilitation services in terms of a competitive integrated employment outcome. Appropriate supports, including assistive technology devices and services and personal assistance services to accommodate the rehabilitation needs of the customer must be provided, if needed.

Trial Work Experience is used to demonstrate whether the customer is capable of benefiting from VR services. Trial Work Experience will be conducted before Presumptive Eligibility is completed if there is a question regarding the customer's ability to benefit from services.

Review the TWE Plan at least every 90 days to determine if there is sufficient evidence to conclude that the customer can benefit from VR services in terms of an employment outcome or there is clear and convincing evidence that the customer is incapable of benefiting from VR services in terms of an employment outcome due to the severity of the disability.

Make the determination for eligibility or case closure within the 18-month time frame.

## **Section 6.0 - The Determination of Significance of Disability**

### **6.1 Policy**

At the time a customer is determined eligible for VR services, a VRC will determine the significance of the disability and, based upon the determination, will assign the customer to a priority category. If the Agency is not under an Order of Selection, the prioritization will be used (1) for planning purposes to ascertain services that can continue to be provided to all who are eligible and (2) to provide a structure for an easy transition to an Order of Selection, when required. If the Agency is under an Order of Selection (see Field Services Policy Manual Section 14.0), the priority categories are used to determine the order in which customers receive services.

### **6.2 Definitions**

#### **Priority Categories:**

Priority 1 – Eligible individuals with the Most Significant Disabilities (MSD)

Priority 2 – Eligible individuals with Significant Disabilities (SD)

Priority 3 – All other eligible individuals with Disabilities (D)

#### **Priority 1 - Most Significant Disability (MSD)**

- a. Meets the criteria established for a customer with a significant disability;
- b. Experiences a severe physical and/or mental impairment that seriously limits three or more functional categories (such as mobility, work skills, self-care, interpersonal skills, communication, self-direction or work tolerance) in terms of an employment outcome; and
- c. Requires multiple primary Individualized Plan for Employment (IPE) services over an extended period of time (at least 6 months).

#### **Priority 2 - Significant Disability (SD)**

- a. Meets the criteria for a customer with no significant disability;
- b. Experiences a severe physical and/or mental impairment that seriously limits two or more functional categories (such as mobility, work skills, self-care, interpersonal skills, communication, self-direction or work tolerance) in terms of an employment outcome; and

- c. Requires multiple primary Individualized Plan for Employment (IPE) services over an extended period of time (at least 6 months).

### **Priority 3 - Disability (D)**

- a. Has a physical or mental impairment;
- b. Impairment constitutes or results in a substantial impediment to employment; and
- c. Can benefit in terms of an employment outcome from the provision of vocational rehabilitation services.

**NOTE:** Customers who are beneficiaries of Social Security Disability Insurance (SSDI) or recipients of Supplemental Security Income (SSI) for disability reasons are categorized as SD or MSD, depending upon the extent of their functional capacity limitations.

**Order of Selection (OOS):** When VR services cannot be provided to all eligible customers because of fiscal or personnel capacity constraints, the Agency will enter an Order of Selection process that will ensure that first priority is given to customers with the Most Significant Disabilities. *Please review Section 14.0 for details regarding Order of Selection.*

### **6.3 Procedures**

#### **Determination of Severity of Disability**

A VRC determines and documents the level of severity of a customer's disability based on a review of the information gathered for eligibility determination. If additional information is necessary to make the determination, a VRC may obtain the information from the customer, customer's family, an outside professional, and/or another public agency.

If adequate information is not available to describe or document current functioning, a VRC may purchase diagnostics from a qualified service provider.

A VRC reviews the data to determine:

- A. The number of functional capacity categories in terms of an employment outcome that are seriously impacted as a result of a disability;

AND

B. Whether a customer is likely to need multiple primary IPE services to prepare for, obtain, or retain a job;

AND

C. The anticipated duration of IPE services are needed for an extended period of time (at least 6 months).

### **Identifying a Serious Loss of Functional Capacity**

Functional capacity categories include: mobility, work tolerance, communication, self-care, interpersonal skills, self-direction, and work skills. To identify a loss of functional capacity, a VRC reviews and assesses data provided by the customer or customer's family, observed by the VRC, or reported by another qualified professional to determine whether:

A. A loss of functional capacity resulting from a disability is present;

AND

B. The loss of functional capacity represents an impediment to employment;

AND

C. The loss of functional capacity meets the definition of "serious loss of functional capacity."

A serious loss of functional capacity means a reduction in capacity of the customer to the degree that the person requires services or accommodations not typically provided to other individuals in order to prepare for, secure, or retain a job.

A specific disability diagnosis does not automatically infer a serious loss of functional capacity. Although certain functional losses are commonly associated with specific disability diagnoses, the presence and seriousness of the loss is unique for each person. Therefore, a VRC must complete a thorough evaluation of loss of functional capacity for each customer.

Non-disability factors such as age, sex, race, cultural, geographic location, poor public transportation, legal history, or lack of training should not be considered when determining loss of functional capacity. It is within the VRC's judgment to determine whether limitations are disability related or not.

### **Self-Reported or Observed Loss of Functional Capacity**

A review and assessment of existing data, including counselor observations,

information provided by the customer or the customer's family, particularly information used by education officials or school representatives or others may be used to identify loss of functional capacity.

Counselor observations alone are not adequate to support the determination of a serious functional loss, but should be used in conjunction with supporting medical information provided by a qualified professional. If an individual reports a functional loss that is not consistent with or not supported by disability related documentation, the VRC and the individual need to discuss and reach an agreement as to how to obtain the information necessary to verify the functional loss.

For example, while interviewing an applicant who is hard of hearing, a VRC observes that the applicant is not able to effectively communicate verbally. Medical records clearly establish a hearing impairment, but do not address verbal limitations. Because a loss of functional capacity in verbal communication is consistent with and commonly associated with hearing loss, the VRC may determine, based on his or her observations, that a serious loss of functional capacity is present. To ensure the case service record explains and supports the determination, the VRC enters case narrative explaining that a loss in the area of communication was observed, a summary of the observations, and how the loss of functional capacity affects the customer.

### **SD/MSD Checklist**

Once the VRC determines a disability-related loss of functional capacity, the VRC considers whether the loss of functional capacity meets the definition of a "serious loss of functional capacity" contained in the SD/MSD Checklist loss of functional capacity definitions. If the loss of functional capacity meets the definitions of a "serious loss of functional capacity" the VRC checks the appropriate indicator on the Checklist.

The VRC completes the SD/MSD Checklist for each customer as soon as sufficient information is available, but no later than sixty (60) days from the date of application (unless an extension has been agreed upon). The same information gathered during the assessment process for eligibility may be used in the significance of disability determination.

An individual is classified in the highest priority category he/she meets. The determination may be re-evaluated at any time during the VR process if either the individual or the VRC believes there is a significant change in the individual's

disabling condition which could result in a change of priority categories. Under an Order of Selection, a re-evaluation would never result in an individual being moved from an open service category to a closed service category.

## **Section 7.0 – Assessment of Vocational Rehabilitation Needs**

### ***7.1 Primary Source of Information***

To the extent possible, the vocational goal, intermediate objectives, and the nature and scope of services to be included in the Individualized Plan for Employment (IPE) must be determined based on the data used for the assessment of eligibility and priority for services.

The Comprehensive Assessment to be completed prior to the development of the IPE will use, as a primary source of information, to the maximum extent possible, the following:

- A. Existing information
- B. Information provided by the customer and, where appropriate, by the family of the customer.
- C. The Assessment may also include new information acquired by IDVR including an in-house vocational evaluation; Community Based Work Evaluation (CBWE), aptitude tests, interest tests, job shadowing or any pertinent assessment required to identify the objectives, nature and scope of VR services that the customer may need in order to substantiate the choice of employment outcome.

### ***7.2 Comprehensive Assessment of Rehabilitation Needs***

A comprehensive assessment of rehabilitation needs is a process utilized to identify the customer's strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice as it relates to any potential vocational goal. The assessment shall be conducted in the most integrated setting possible, consistent with the informed choice of the customer.

#### **7.2.1 Assessment of the Customer's Current Realities**

The VRC and customer will evaluate the following relevant factors.

##### **Work History:**

The VRC is required to obtain a thorough work history of the customer at the time of the intake interview. The gathering of this information requires the identification of job titles, job duties/responsibilities, and length of time in each position, hiring/educational requirements, and the reasons for leaving. Some attempt should be made to assess the customer's satisfaction with the job, the employer,

and co-workers.

**Functional Limitations:**

Functional limitations need to be clearly outlined before the customer begins the development of a vocational goal. The establishment of an appropriate vocational goal requires that both the VRC and customer are aware of and address the true barriers to employment including the customer’s perception of their limitations. This involves addressing the following areas:

- A. Physical limitations (lifting, walking, carrying, driving, stooping, reaching, handling, and bending)
- B. Mental limitations (coping with stress, working with other people, working alone)
- C. Current work tolerance
- D. Acceptance of disability
- E. Cognitive functioning

**Personal Social & Economic Factors:**

It is important for the VRC and customer to gather, document, and understand personal social and economic considerations. These considerations include:

- A. Values (personal and work)
- B. Family
- C. Service or support agencies
- D. Legal
- E. Financial (current realities and future expectations)
- F. Substance Use
  
- G. Non-financial resources/supports available

It is critical to understand the personal, social and economic factors as it relates to the development of the employment goal and the IPE.

**Aptitudes/Transferable Skills:**

To determine an appropriate employment goal the VRC and customer must identify the aptitudes, skills, and ability that the customer possesses. The following skill areas are to be addressed:

- A. Personal skills – In the areas of self-management, self-care, and/or personality characteristics.

- B. Functional skills – A person’s level of skill working with data, people, and things.
- C. Specific work skills – competencies in specific work task areas. Many tools exist to assist the customer and the VRC to identify aptitudes and transferable skills.

### **7.2.2 Identification of potential employment goal, rehabilitation needs, and IPE services**

The VRC and customer will evaluate a potential employment goal and identify rehabilitation needs and services required to achieve that employment goal.

#### **Vocational Assessment:**

Vocational assessment is a comprehensive process involving the VRC and the customer that focuses on functional abilities and will incorporate medical, psychological, social, vocational, educational, cultural, economic data, and real or simulated work. This is done to identify the employment goal, its overall feasibility, and the VR services that are needed to achieve that goal. Examples of vocational assessment include:

- A. Formal Vocational Evaluation
- B. Community Based Assessment
- C. Guidance & Counseling – Facilitated Self-Discovery
- D. Labor Market Research
- E. Assistive Technology Review

#### **7.3 IPE Development:**

Through the comprehensive assessment the customer has made an informed choice of his/her vocational goal. For the vocational goal to be implemented, the VRC must concur that the vocational goal is feasible. The VRC will then assist in identifying the IPE services needed to remove barriers to employment. The VRC is required to address all previously identified disability related barriers to employment. These services include but are not limited to:

- A. Counseling and Guidance
- B. Training
- C. Medical and mental restoration
- D. Disability adjustment training
- E. Information and referral services
- F. Interpreter services

- G. Job placement assistance
- H. Job readiness training
- I. Job search assistance
- J. Maintenance
- K. On-the-job supports
- L. On-the-job training
- M. Other services
- N. Personal attendant services
- O. Reader services
- P. Rehabilitation technology
- Q. Technical assistance services
- R. Transportation services

Vocational rehabilitation services are any services described in an IPE necessary to assist a customer with a disability in preparing for, securing, retaining, or regaining an employment outcome that is consistent with the strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice of the customer.

The following are essential components that need to be addressed and documented as part of the comprehensive assessment:

- Compatibility of Disability with Employment
- Skills, Interests, Aptitudes, and Abilities
- Market Analysis
- Economic Expectations and Potential for Career Growth
- Vocational Strengths and Capacities
- Customer Financial Issues
- Informed Customer Choice
- Social Support
- Training and Academic Test Results
- Rehabilitation Technology needs
- Legal barriers and industry specific requirement (criminal issues, drug and alcohol screenings, tobacco use, etc.)

#### ***7.4 Medical Consultation Policy***

Medical consultants are retained by IDVR. Medical consultants can be used to review a customer's diagnostic information 1) to determine if it is complete or if updated and/or additional medical reports are necessary; 2) to train the counselor about medical conditions; and 3) to assist in case management

direction.

Examples of times to use a medical consultant are:

- A. Eligibility determination
- B. Plan development
- C. Prior to medical restoration services
- D. Whenever a VR staff member has a question about a customer's treatment, medications, or condition including such issues as the natural course of the disease or treatment options.

When presenting a case file to the medical consultant, be prepared to:

- 1. Present specific questions to the medical consultant; and
- 2. Speak knowledgeably about the customer.

Some examples of things a VR staff member may consider prior to medical consultation:

- A. File medical information in chronological order with most recent on top
- B. Highlight or tab important information
- C. Eliminate duplicate data
- D. List questions for the medical consultant

## **Section 8.0 – Customer Financial Participation**

In order to further IDVR's mission to help customers move towards independence and self-sufficiency, IDVR encourages customers to be personally invested in and contribute financially towards the cost of their VR plan services, when possible. The extent of the customer's participation in the cost of Vocational Rehabilitation services is based on their income and other factors. The Financial Participation Assessment is an effective tool for identifying customer resources as they relate to VR planning and implementation, regardless of the amount contributed by the customer.

Reminder: Financial need and/or participation status are not factors in the eligibility determination.

### **Financial Participation is assessed using IDVR's Financial Participation Assessment (FPA) Form.**

1. After eligibility, during plan development, while exploring comparable benefits, AND
2. Every twelve (12) months or if financial circumstances change significantly, whichever occurs sooner.

### **Services Exempt from Financial Participation:**

A Financial Participation Assessment will be applied as a condition for providing vocational rehabilitation services, EXCEPT for the following: (34 CFR 361.54(b) (3))

1. Assessment for determining eligibility and vocational rehabilitation needs. NOTE: Assessment services for determining eligibility and vocational rehabilitation needs, which are not diagnostic in nature and are provided in the trial work period (i.e., transportation), are subject to financial participation.
2. Vocational rehabilitation counseling and guidance and referral services;
3. Any auxiliary aid or services (e.g., interpreter services or reader services) that an individual with a disability requires in order for the individual to participate in the vocational rehabilitation program.

Auxiliary aids and services do not include personally prescribed devices such as eye glasses, hearing aids, or wheelchairs;

4. Personal assistance services;
5. Job related services, including job search and placement assistance, job retention services, follow-up services, and follow-along services, i.e., Community Based Work Adjustment, Job Site Development (CBWAJSD), Community Based Work Adjustment (CBWA), Placement and Follow Along Job Site Development (P&FJSD), and Placement and Follow Along (P&F).

Upon completion of the FPA and the determination of services to be included on the IPE the counselor and customer will identify the specific IPE services that will be paid for by each party.

It should be emphasized to the customer and vendor that IDVR will not be responsible for the customer's debts, under any circumstances. If the customer's debts to a vendor inhibit the provision of services necessary to achieve the employment goal, IDVR will work with the customer to explore options for the continuation of services.

### **Exemption from Required Participation**

Customers who receive SSI and/or SSDI are exempt from financial contribution. However, to ensure a customer qualifies for this exemption, written proof of SSI or SSDI qualification must be received. *It should be noted that customers who receive Social Security benefits from retirement, spouse of retired worker, child of a retired worker, child of deceased worker, widow, parent of deceased worker, spouse of disabled worker, or child of a disabled worker would not be eligible for this exemption.*

### **Factors for Determining Customer Financial Participation**

Several factors are considered to determine a customer's level of financial participation, including the customer's and/or spouse's income, estimated annual plan costs, exclusions such as impairment related work expenses, and available financial resources which exceed the Department of Health and Human Services (HHS) Federal Poverty Guidelines.

The following steps are taken to identify the level of participation:

The applicable income is subject to two calculations. The first calculation will determine the required participation by comparing income category and expected plan costs.

The second calculation identifies an annual maximum percentage of the applicable income that the customer will be required to contribute toward their plan costs and will not exceed 25% of the applicable income.

The lower amount of the two calculations above will determine the customer's expected annual contribution. All service costs anticipated or purchased during the twelve (12) month period covered by the FPA are to be considered in aggregate rather than individually calculated.

In exceptional cases, circumstances may occur where rigid adherence to the Financial Participation Policy could seriously jeopardize the customer's opportunity to achieve rehabilitation objectives and an employment outcome. In such cases, exceptions to the policy may be considered by the RM and Chief of Field Services.

The customer, parents or legal guardian completing the Financial Participation Assessment Form will be required to provide financial documentation for verification. If the customer has a financial participation requirement, it will be applied to purchases prior to assessing any maximum agency contributions from the Agency Payment Policy (Section 12.2).

## **Section 9.0 – Purchase of Services and Supplies for Participant Use in the Vocational Rehabilitation Program**

All purchases must follow federal, state, and IDVR purchasing guidelines.

Purchases require written authorization (Authorization for Purchase (AFP)), prior to initiation of the service or the purchase of any equipment.

The responsibility for authorizing services and approving payment of those services must be assigned to separate employees.

Purchases will be made consistent with the prevention of discrimination due to race, religion, color, national origin, sex, age, and disability.

The Rehabilitation Act of 1973, as amended, and its implementing regulations mandate procedures in the provision of services and methods of procurement. Customers with a disability served through the vocational rehabilitation program must be actively involved in choosing the vocational rehabilitation services they receive and the entities providing those services.

Consistent with procurement guidelines, a VRC cannot obligate IDVR to services that exceed his/her procurement authority. An Individualized Plan for Employment (IPE) that will include a service over \$9,999 will require the RM's written approval of the IPE prior to the plan being approved. The VRC will inform the customer that the plan is pending approval during this process. An AFP cannot be fragmented into multiple AFP's as a way to circumvent this approval.

In accordance with the Agency payment policy, all individual services with an authorization (AFP) in excess of \$9,999 shall be approved by the RM or designee.

**NOTE:** *Case service expenditures require written authorization prior to the initiation of the service or the purchase of any equipment. Verbal authorizations are permitted in emergency situations by the RM or designee, but must be confirmed promptly in writing and forwarded to the provider. These authorizations are to be issued within three (3) business days of the beginning of the service.*

**The following principles shall guide customer purchases:**

- A. The IPE is the primary document that determines the scope, duration and provider of services. The customer with a disability must agree to the terms and conditions of the IPE prior to services being provided.
- B. VRCs are required to determine the rehabilitation needs of the customer first, and then determine the provider and the procurement method. Costs, availability, success, experience providing the service and customer research are characteristics that guide the choice of the provider.
- C. The method of procurement is also determined in partnership with the customer. The Agency prefers that a state AFP be provided to the selected vendor, with an invoice from the vendor documenting the service provision. Other methods are available, given the informed choice of the customer, including reimbursement.
- D. The provision of services must be consistent with the unique strengths, resources, priorities, concerns, abilities, capabilities, and informed choice of the customer.
- E. All purchased services that are evaluative and restorative shall be authorized prior to the provision of services. The Agency will pay providers of medical services (both medical and psychological) based upon usual and customary fees for their area of specialization or based upon maximum agency contributions that have been imposed for specific services (review the Payment Policy – Section 12.2 for more guidance). Customers are responsible for the cost of no-show or missed appointments. Regional Managers may approve exceptions on a case-by-case basis. Documentation of the exception is required in the case record.
- F. Staff will ensure fair and equitable treatment of all persons doing business with the Division.
- G. Purchases will be made consistent with the elimination and prevention of discrimination due to race, religion, color, national origin, sex, age, and disability.
- H. The responsibility for authorizing services and approving payment of these services must be assigned to separate employees.

- I. The customer's record of service shall contain necessary evidence and documentation of adherence to these principles.
- J. RMs are the Division's field service procurement liaisons and are responsible to ensure that staff have necessary training.

## **Section 10.0 - Individualized Plan for Employment (IPE)**

### ***10.1 Options for Developing the IPE***

The eligible customer or, as appropriate, the customer's representative may develop all or part of the IPE:

- A. Without the assistance from IDVR or any other entity
- OR
- B. With assistance from:
  - a. A qualified VRC employed by IDVR.
  - b. A qualified VRC who is not employed by IDVR.
  - c. Other resources.

IDVR will not pay for IPE development services from other providers. IPE development must be completed on IDVR forms.

The IPE must be agreed to and signed by the customer or, as appropriate, the customer's representative, the VRC, and when required, the RM or designee. An IPE is considered approved and services initiated only after all required signatures have been obtained.

A comprehensive assessment must be completed in developing the IPE as described in section 7.2.

Customers must receive the supports that will assist them in making informed choices.

Customers shall promptly receive a copy of their initial IPE and any subsequent IPEs. Copies shall be provided in the native language of the customer or through appropriate modes of communication if appropriate.

There will be only one active IPE at any given time, which is the current plan with all current services reflected on it. When the current plan is signed and approved by the customer and approving authority (counselor or supervisor) all previous plans will become void.

The record of services must support the selection of the specific employment outcome, the objectives of the IPE and the selection of providers of services. All goods and services, except assessment services, may only be provided in accordance with IPE.

An IPE can support one of the three following employment outcomes:

1. Competitive integrated employment typically found in the labor market;
2. Self-employment;
3. Integrated employment with supports/

IDVR must:

1. Reinforce the ultimate purpose of the IPE: To assist the customer to prepare for, secure, retain, or regain employment.
2. Insure that the customer fully understands that she/he must participate as an active and cooperative partner in the identification and selection, through informed choice, of a vocational goal, having a reasonable expectation for marketable success.
3. Insure that the customer fully commits to participate in the implementation and completion of the IPE.

### ***10.2 Developing the Vocational Goal:***

In selecting a vocational goal, it is important that the customer is actively involved in all phases of this development. Much research has been done to substantiate that the successful outcome of vocational rehabilitation increases when the customer is involved in every phase of the vocational planning. Vocational planning is built around vocational exploration, understanding the customer's medical and work history, his/her perception of disability, social habits, functional limitations, inherent aptitudes and transferable skills, vocational exploration through vocational evaluation, training options, and labor market research. The customer will explore the relationship of vocational objectives around his or her personal capabilities, interest, and situations and then attempt to understand the way these different factors impact and influence vocational potential. This information then helps the customer to develop the steps to a solid rehabilitation plan and provides tools for the customer to assess his/her current state of mind and to encourage positive self-initiated resolutions.

### ***10.3 Ticket to Work***

When a customer has a Ticket to Work through SSA and an approved VR IPE, their ticket is automatically assigned to IDVR, unless the ticket is already assigned to another employment network (EN). If the customer has a ticket assigned to another EN prior to IDVR involvement, the customer will be

requested to reassign the ticket to IDVR. If the customer does not reassign their ticket, IDVR will need a copy of the work plan from the EN that the ticket was assigned to, to ensure that no duplication of services occurs. It is the customer's responsibility to provide the ticket work plan prior to IPE implementation. IDVR needs to have an agreement with the EN for IDVR plan costs to be paid.

An Agency verification program has been implemented that informs Maximus of all SSA customers who have been placed into an initial IPE. If a customer has been assigned a ticket by SSA, Maximus will designate the ticket as "in usage" at the time of notification by the Agency.

The VRC should always inform the SSA customer that the choice to participate in an active IPE program will restrict the option to assign the ticket to other employment networks (ENs) while participating in the VR program.

At closure, the ticket is automatically unassigned from IDVR and eligible for ticket reassignment to an EN.

At successful closure, when appropriate a VRC will provide a list of ENs to the customer who provides follow-along or other relevant services, which may be needed. Referring customers whose earnings are at or above Substantial Gainful Activity (SGA) to an EN increases the probability that the customer will be able to successfully maintain their employment.

#### ***10.4 The IPE must include the following:***

- A. A specific employment outcome determined by the VRC and customer using the information from the Comprehensive Assessment (Section 7.2) and consistent with the customer's unique strengths, resources, priorities, concerns, abilities, capabilities, career interests, and informed choice. In concert with the customer, the VRC must conduct a thorough market analysis to include job outlook and the customer's economic expectations and needs. Planned services on the IPE should only entail those required to achieve the vocational goal.
  
- B. The specific rehabilitation services needed to achieve the employment outcome, along with the projected dates for initiation and anticipated duration of each service, including, as appropriate, assistive technology devices, assistive technology services and personal assistance services including training in the management of those services as provided in the

most integrated setting that is appropriate for the services and is consistent with the informed choice of the eligible customer;

- C. A description of the entity or entities chosen by the eligible customer or, as appropriate, the customer's representative that will provide the vocational rehabilitation services and the methods to procure those services;
- D. A description of the criteria ("Plan Documentation") that will be used to evaluate progress toward achievement of the employment outcome;
- E. The terms and conditions of the IPE, including information describing the responsibilities of IDVR and the customer to achieve the employment outcome;
- F. The extent of the customer's participation in paying for the costs of services;
- G. Customer requirements to apply for and secure comparable services and benefits when available. The responsibilities of other comparable service and benefit entities will be listed on the IPE;
- H. As necessary, the expected need for post-employment services prior to the point of successful closure (Review Post-Employment – Section 12.14).
  - a. A description of the terms, conditions, and duration of the provision of post-employment services;
  - b. If appropriate, a statement of how post-employment services will be provided or arranged through other entities as the result of arrangements made pursuant to comparable services or benefits;
- I. Supported Employment – for customers with the most severe disabilities for whom a vocational objective of supported employment has been determined appropriate, the following must be addressed:
  - a. A description of time-limited services to be provided by IDVR not to exceed 24 months in duration, unless under special circumstances, the eligible customer and the VRC jointly agree to extend the time to achieve the employment outcome;

- b. A description of an identified source of funding for the extended services needed (long-term support). If it is not possible to identify the source of such funding, a statement that there is a reasonable expectation that extended services will be available. Extended services for adults are provided by a State agency, a private non-profit organization, employer, or other appropriate resource, from funds other than IDVR. *See FSPM Section 12.13 Supported Employment for information on Youth Extended Services provided by IDVR.*
  
- J. In developing an IPE for a transition student with a disability, the IPE shall be prepared in coordination with the appropriate educational agency and will consider the student's Individualized Education Program (IEP) if one exists;
  
- K. Completion of the IPE for all School-Work transition customers, *within 90 days of the eligibility decision.*

#### **10.4.1 Implementation of the IPE**

VRCs who do not meet CSPD will continue to require RM approval for all plans. RMs may, at their discretion, delegate this function to an Assistant Regional Manager (ARM) or other senior counselors at a level 2 or 3.

The VRC should ensure that the IPE is developed and implemented in a timely manner, within 90 days of the eligibility decision. If, for exceptional and unforeseen circumstances, the IPE cannot be written by the 90 day deadline, an IPE extension may be made. The IPE extension must be agreed to by the customer and the VRC. Documentation should include the reason for the extension, (i.e. legal, family, medical, transportation, or housing issues), additional information required for IPE development and the specific date the IPE will be written.

#### **10.5 Annual IPE Review**

The IPE must be reviewed and documented annually by a qualified VRC and the customer to assess the eligible customer's progress toward achieving the identified employment outcome. Upon completion of annual review with customer, the VRC must complete annual review function in the Case Management System.

## **Section 11.0 - Comparable Services and Benefits**

### ***11.1 Comparable Services and Benefits***

Each eligible customer will be required to identify, with the VRC, all potential comparable benefits that may be available during the development of the Individualized Plan for Employment (IPE). If comparable benefits are available for VR services, including accommodations, personally prescribed devices (hearing aids, eyeglasses, or wheelchairs) and auxiliary aids and services (interpreter and reader services), they *are required* to be utilized, to meet, in whole or in part, the cost of vocational rehabilitation services. Comparable benefits and services should be utilized before IDVR agency funds are expended.

Provision of Services:

1. If comparable services or benefits exist under any other program and are available to the customer at the time needed to ensure the progress of the customer toward achieving the employment outcome in the customer's IPE, IDVR must use those comparable services or benefits to meet, in whole or part, the costs of the vocational rehabilitation services.
2. If comparable services or benefits exist under any other program, but are not available to the customer at the time needed to ensure the progress of the customer toward achieving the employment outcome in the customer's IPE, IDVR must provide vocational rehabilitation services until those comparable services and benefits become available.

The utilization of comparable services and benefits does not apply in the following situations:

- A. If the determination of the availability would delay the provision of vocational rehabilitation to any customer who is at extreme medical risk. A determination of extreme medical risk shall be based upon medical documentation provided by an appropriate licensed medical professional and means a risk of substantially increasing functional impairment or risk of death if medical services are not provided expeditiously. It is strongly recommended that such cases receive medical consultation review whenever possible.
- B. If an immediate job placement would be lost due to a delay in the provision of comparable benefits.

### **11.2 Exempt Services**

The following categories of service are exempt to the requirement that comparable services and benefits be utilized:

- A. Medical, psychological or other examination to determine eligibility.
  
- B. IDVR counseling, guidance, information and referral, and IDVR job related services including: job search and placement assistance, job retention services, follow-up services, and follow along services.
  
- C. Evaluation of vocational rehabilitation potential.
  
- D. Rehabilitation technology, including telecommunications, sensory, and other technological aids and devices. Exemption of rehabilitation technology services does not extend to auxiliary aids or services or personally prescribed devices, such as eye glasses, hearing aids, or wheelchairs.

### **11.3 Timeliness of Comparable Benefits**

If a comparable benefit exists, but is not available to the customer at the time needed to satisfy the rehabilitation objectives on the IPE due to no delay on the part of the eligible participant in seeking such benefits, IDVR may provide services until the comparable benefits become available.

## **Section 12.0 - Vocational Rehabilitation Services**

### **12.1 Timeliness**

The VRC and customer require adequate time to accomplish all steps in the VR process to reach a determination and approval of an agreed upon feasible vocational goal. VR services, other than assessment services, are initiated when the steps to this process have been completed and a plan is in place. Sufficient time must be allowed for the completion of a comprehensive assessment prior to implementation of IPE services.

Post-Secondary Training (PST) and other IPE services are VR services that are provided when it is required for a VR customer to become a competitive applicant for an approved IPE goal. If an applicant for VR services expresses an interest in a vocational goal that requires Post-Secondary Training and the VR applicant is either already enrolled in or desires to start a PST program within six (6) months of application, IDVR reserves the right to assert that six (6) months or less may not be adequate to complete the process described above.

### **12.2 Agency Payment Policy**

Many of the services listed below include *maximum agency contributions*. This section outlines in detail the payment policy of IDVR in regard to specific services. It is the policy of IDVR to pay usual, customary, and reasonable charges for services provided to its customers by providers, except for the list provided in this section. An exception to the payment policy is included at the end of this section, explaining that the maximum agency contributions established may, on occasion be exceeded. It is important to emphasize that IDVR is not obligated to pay the total cost of services required to ensure that a customer achieves an employment outcome. When available, customers are required to utilize Comparable Services and Benefits (Section 11.0). Personal financial participation in the payment of some portion of the costs of a vocational plan may be required based upon the particular service selected as well as the identification of personal resources that could be applied toward the cost of the targeted service.

### **Social Security Beneficiaries (SSI or SSDI)**

Social Security disability benefits recipients are exempt from participating in the FPA. However, they are responsible for costs which are in excess of the Agency payment policy. Exceptions should be sought when these costs effectively deny access to a necessary service.

## **Applying the Financial Participation Assessment Information to Making Purchases**

If the customer has a financial participation requirement (Section 8.0), it will be applied to purchases after assessing any maximum agency contributions from the purchasing section.

## **Purchasing Requirements to Procure Goods and Services**

The State of Idaho purchasing statutes require State agencies to purchase goods and services off of the statewide contract. This allows agencies to purchase items off of contracts at pre-negotiated prices. Therefore, before ordering goods or services for customers, staff must verify that those items are or are not on the statewide contract list. Goods and services purchased using the statewide contracts do not require three bids from vendors. If goods or services cannot be purchased through one of the statewide contracts, other vendors may be used in the competitive bid process. For those goods and services which are \$500 or more, staff will need to obtain three bids. Idaho is a low bid State; therefore, the lowest bid, meeting specifications, will be the maximum amount IDVR will contribute to the purchase of goods or services.

The following items are exempt from the Department of Purchasing's requirement to use the statewide contract if the items are under \$50,000, however purchasing rules still apply with regard to acquiring three bids, when available and practical.

1. Prosthetics or personally prescribed devices.
2. Tuition or training fees for individualized job-related training.
3. Vehicle modifications to meet individual mobility needs.

On a case by case basis, an exemption to using the statewide contract may be requested from the Division of Purchasing for any individualized service.

## **Rates of Payment**

Fees are established in accordance with federal guidelines that permit an agency to establish maximum agency contribution for services designed to ensure a reasonable cost to the program for each service. The Payment Policy will determine the maximum that IDVR will contribute to the purchase. For items not included in the payment policy, the usual, customary and reasonable rate will be used for the service, not to exceed the rate charged other public agencies. The services that will meet the customer's need, at the least cost to IDVR, shall be the service purchased. All decisions on cases, including fee for services, are

determined on an individual case basis. The customer may choose his or her preferred vendor, however if the cost of the services exceeds the maximum agency contribution established by the Payment Policy, the customer will be responsible for the excess amount.

### **IDVR Payment Rates:**

**1. Post-Secondary Training:** IDVR provides financial assistance for Post-Secondary Training. Listed below are maximum assistance allowances to apply toward all training and educational programs including college, university, vocational-technical, truck driving, cosmetology, business school, computer training, commercial pilot training, etc.

**a. Pell Grant/Financial Aid:** Any customer planning on attending an institution that is eligible for Pell Grant funding must complete the Free Application for Federal Student Aid (FASFA) application and receive an award or denial letter prior to any IDVR financial participation. All PELL grant proceeds must be applied first toward tuition and book expenses before IDVR assistance is provided.

Any non-merit grants or scholarships must also be applied to tuition, fees and books before IDVR assistance is applied.

A merit scholarship, based on academic standing or achievement, can be utilized at the student's discretion.

Student loans, including Federal student loans, can be utilized at the student's discretion.

In situations where a comparable and accessible Pell Grant and non-Pell Grant supported programs co-exist, IDVR requires utilization of the Pell Grant supported program.

An exception for IDVR financial support to a non-Pell Grant supported program (when a comparable Pell Grant supported program exists) can be granted after review and approval by the RM if the student can show extenuating circumstances and/or other very strong rationale for attending the non-Pell Grant supported program.

- b. Tuition:** IDVR will pay up to the total cost of tuition and fees (less any applicable grants) of any Idaho Public Post-Secondary Institution.

For customers choosing to attend out of the state or private institutions, IDVR will pay tuition and fees at the rate of the highest Idaho Public Post-Secondary Institution offering the same or similar program.

- c. Non-Idaho Public Education and Training Institutions:** Public or private post-secondary institutions including colleges, universities, vocational technical schools, and other educational and training institutions (see 12.5).

Normally, IDVR financial participation will be limited to equivalent rates established for in state education and training with the following exceptions;

- i. If a customer's vocational goal requires an educational degree that is not available at a State of Idaho public institution, IDVR will pay a maximum of 1.5 times the rate of a single semester's tuition of the University of Idaho.
- ii. If the course of study is offered in-state and because of the additional costs caused by accommodations for disability it would be more cost effective for the Agency to support the attendance of the customer at an out-of-state educational institution; VR may pay the training rates established for out-of-state programs.

- d. Summer Sessions:** Summer sessions are generally considered optional for academic programs. Therefore additional funding is typically not allotted for summer sessions.

Payment for a summer session will be considered with approval from the RM. Maximum assistance rates will be established according to the length of the term, i.e. semester, trimester, quarter. Approval or denial for summer school assistance will be considered if it meets any of the following conditions;

- i. IDVR may pay for summer session if it is a required part of a program.
- ii. IDVR may pay for summer session in exceptional cases where a disability-related reasonable accommodation is verified.

- iii. IDVR may pay for an additional summer session if by attending the session the customer will be able to complete the college or university degree program by the end of that session.
- iv. IDVR may pay for a summer session if by attending the session the customer will be able to complete the college or university degree program within the timelines identified on the IPE.

**2. Books:** Where available and feasible, customers are encouraged to use rental text books or e-books. Customers are required to adhere to the rental agreement.

If unavailable for rent or e-book format, some text books may need to be purchased. The expectation is that used books will be purchased when available.

IDVR will pay up to actual cost of the text books. If non-merit grant funds are remaining after paying tuition and fees they must be applied to books.

**3. Medical Insurance for students in post-secondary education:** IDVR may pay for medical insurance for students while attending an institution that requires medical insurance. If the student has medical insurance or can obtain medical insurance that meets the institutions requirement, IDVR will not pay for medical insurance.

**Note:** this must be issued as a separate authorization and classified as insurance.

**4. Medical exams with written report:**

- a. General Physical exam - \$90 maximum
- b. Specialist exam by M.D. or other qualified/licensed professional (e.g., Physical or Occupational Therapist, etc.) - \$350 maximum, plus actual cost of related procedures (e.g. x-rays).

**5. Psychiatric Evaluations:** \$250 maximum for the evaluation plus one medication monitoring sessions that is considered a diagnostic.

**6. Psychological Exam by Licensed Psychologist:** \$300 maximum plus actual cost of psychometric tests.

7. **Ophthalmologist:** The specialist fee (\$350) for an ophthalmologist will be authorized when diseases of the eye are present and cannot be dealt with by an Optometrist.
8. **Optometrist:** Maximum fees are established for general visual exam, accompanying test, frames and glasses. Tinted glasses require a prescription for IDVR payment.

**Procedure Fees:**

Visual Exam \$90

Frames w/ Single Vision Lenses (per pair) \$180

Frames w/ Bifocal Lenses (per pair) \$200

Frames w/ Trifocal Lenses (per pair) \$230

Contact Lenses – Contact lenses cannot be purchased for clients unless there is documentation by an Ophthalmologist or Optometrist that there is a medical or visual need. Maximum assistance - \$125

9. **Psychotherapy/Counseling Sessions:** IDVR recognizes the benefits of additional training, education, and credentialing and has established the following payment policy for customer psychotherapy and counseling.
  - a. Doctorate level licensed psychologist up to \$100.00 per session.
  - b. Masters level clinician (to include LPC, LCPC, MSW, LCSW, and ACADC) up to \$80.00 per session.
  - c. Bachelor's level counselor (CADC) up to \$60.00 per session.
  - d. Group Counseling – IDVR also recognizes the importance of group counseling as a part of mental health restoration and as a supplement to customer counseling. The following payment policy has been established for group counseling (not to include family counseling).  
Group counseling up to \$40.00 per session.

The maximum that can be spent on any psychotherapy or counseling services is \$1,000.00 for the life of the case.

10. **Medication and Medication Monitoring:**

Maximum: 3 months of medication identified on an IPE with one additional month if needed for diagnostic purposes, for a total of 4 months, while

customer applies for reduced cost or free medication programs provided by drug companies or other sources of comparable benefits.

Maximum: 5 sessions of medication monitoring identified on an IPE. This does not include the one follow-up that is part of the evaluation.

- 11. Dental Work:** including but not limited to, fillings, extractions, crowns, and dentures. Dental Work would need to eliminate an impediment to employment and must be appropriate to the identified employment goal.

Maximum: \$500 per case

- 12. Hearing Aids: Maximum: \$1,000 per hearing aid.**

**Audiologist exam:** \$100.00 maximum

- 13. Transportation:**

- a. Public conveyance (bus, van) – Actual cost of service
- b. Private vehicle not to exceed \$60 maximum per month within a 20 mile radius or up to a maximum of \$200 per month outside the 20 mile radius.
- c. Taxi Services – In areas without public conveyance, IDVR will not exceed \$60 maximum per month.

- 14. Car Repairs:** Maximum: \$300 per case (except for cost of reasonable accommodation for disability). IDVR will not pay for customary general car maintenance (i.e. oil changes, tire rotations, etc.).

- 15. Auto Insurance:** Maximum six (6) months of auto insurance. VR will only pay auto insurance required, minimum liability coverage as required by the State of Idaho, to cover the VR customer as a vehicle operator.

- 16. Vehicle Purchase:** Maximum: \$5,000  
IDVR does not purchase new vehicles (See Section 12.9).

- 17. Maintenance:** Maintenance means monetary support provided to a customer for expenses, such as food, shelter, and clothing, that are *in excess* of the normal expenses of the customer and that are necessitated by the

customer's participation in an assessment for determining eligibility and vocational rehabilitation needs or the customer's receipt of vocational rehabilitation services under an Individualized Plan for Employment (IPE). (Ref 34 CFR Part 361.5 (35)).

**NOTE: Counselors cannot pay maintenance for those existing living costs that a customer would normally incur regardless of the customer's participation in a plan of vocational rehabilitation services.**

Maximum: \$2,000 total per fiscal year.

**18. Copy Fees:**

Maximum: \$25 for a copy of records or reports.

**19. Community Rehabilitation Programs (CRPs):**

a. Maximum hourly rate for community based services - \$47.80/hour.

Services purchased from CRPs are not subject to the allowable maximum for training and educational expenses.

RMs can approve exceptions to the following limits:

- All types of Job Site Development - maximum 40 hours per strategy.
- Community Based Work Evaluation (CBWE) – maximum 40 hours.
- Community Based Work Adjustment (CBWA) – maximum 40 hours.
- Placement & Follow Along (P&F) – maximum 15 hours.
- Supported Employment (SE) Job Coaching – up to 80 initial hours, additional hours with RM approval, as needed.

Maximum daily rate for in-house work evaluation, work adjustment - \$69.55/day

## 20. Tools & Equipment:

Maximum: \$1,500 per case. The Agency's existing inventory of tools and equipment will count towards the \$1,500 maximum. *The VRC must always negotiate in the best interest of the agency on cost services and must use the statewide contract or obtain three bids (if not on the statewide contract), if vendors are available, on all durable equipment (reusable) valued at \$500 or more.*

Tools will need to be required for training or employment and must be verified by the school or employer.

Exception: If there is a change in employment outcome, the customer must return the original tools to VR. After the tools have been returned, VR may then purchase new tools up to the \$1,500 maximum for the new vocational goal.

**NOTE:** *A Property Agreement must be secured on all durable equipment or reusable supplies that are \$500 or more in value.*

## 21. On-the-Job Training (OJT) Fees:

(See section 12.5 On-The-Job Training)

Maximum: \$3,000 for a salary of \$9.00 per hour and under; \$5,000 for a salary between \$9.01 - \$15.00 per hour; \$7,500 for a salary of \$15.01 or more. There is a 20 hour a week minimum.

- a. The VRC must negotiate OJT fees based on:
  - Employer's cost to train the individual above the normal level of training
  - Level of technical skills required for job
  - Number of hours worked
- b. The Individualized Plan for Employment (IPE) and OJT Agreement must include:
  - Cost of training
  - Length of time (# of months)

VRCs are strongly encouraged to negotiate a decreasing payment schedule with the employer.

**22. Computers including hardware and software:**

Maximum: \$500 per case, except for disability related assistive technology. Standard use computers are required to use the statewide contract.

**23. Self-Employment Plans – (see Section 12.10)**

**24. Child Care:** Maximum up to \$300 per month per case.

**25. Reimbursements for Fines and/or Judgements:**

IDVR will not pay for costs associated or incurred due to illegal behavior (fines, restitution, judgements, and reinstatements due to legal related suspensions).

**26. Advanced Degree:**

IDVR may assist with an advanced degree based upon the rehabilitation needs of the customer. (See section 12.5)

**27. Typical exclusions** from VR financial participation:

- a. Securing a private pilot's license
- b. Organ transplant
- c. Surgery; Surgery may be provided if it is not the sole vocational rehabilitation service needed for the customer to return to work or to achieve an employment outcome.

IDVR will only cover the cost of surgery if it will substantially reduce functional limitations. It is highly practical and appropriate for the VRC to explore alternative employment opportunities with customers that may negate the need for the corrective surgery. Such an alternative should accommodate the customer's functional restrictions and provide a level of income that would be comparable with potential earnings following a surgery.

**NOTE:** *When physical restoration services for customers who have a temporary disability, which will be eliminated by surgical care in an acute general hospital, is the only vocational rehabilitation service to be provided, and the condition is likely to be remedied by relatively routine medical intervention with no significant lasting effects, the RSA position is that such cases should be referred to other agencies. Such services should not be paid*

*for under vocational rehabilitation auspices. – (RSA Position Paper, 3/28/80, Robert R. Humphreys, commissioner of RSA)*

## **28. No-Show or Missed Appointments:**

If a customer does not attend an appointment and does not cancel or reschedule the appointment (within the parameters of the provider) the customer will be responsible for payment of any charges – not VR. Regional Managers may approve exceptions on a case-by-case basis. Documentation of the exception is required in the case record.

Exception: if VR authorizes for an interpreter to be present and the customer does not attend, VR will cover cost of the interpreter through administrative authorization.

## **Exception to Maximum Agency Contribution Policy:**

The Rehabilitation Act of 1973, as amended, requires that IDVR have a policy that allows for exceptions to the Payment Policy, unless the exception would violate State or Federal laws. All exceptions will be reviewed on an individual case basis.

## **Exception to Maximum Agency Contribution Process:**

To be considered for an exception, the customer and VRC should first seek approval from the RM. RMs have the authority to approve an exception as long the exception is not more than 50% of the maximum agency contribution. Greater than 50% of the maximum agency contribution will require the approval of the Chief of Field Services. The RM shall submit the request for the exception in writing to the Chief of Field Services.

The request must include a description of the requested exception including detailed reasons why the customer, VRC and RM (when appropriate) believe the exception is warranted. The Chief of Field Services (or RM when appropriate) will have ten (10) days from the date of receipt of the request to make a decision. If the request is approved, written notification will be sent to the RM (when appropriate) and this will be placed in the case file.

The Chief of Field Services reserves the right to deny any request. If a request for exception is denied, the customer must be informed of the reason why and of his/her right to appeal the decision within ten (10) days of notification of the denial.

### **Reasons for Exception:**

The items listed below are not all inclusive, but do contain the major reasons that will be considered in determining if an exception to policy will be granted. Financial need alone is not always sufficient justification for requesting an exception. While a customer may present one or more of these reasons for an exception, VRCs should use discretion in requesting an exception. It is sometimes the nature and scope of the reason and not the number of reasons that may justify the exception.

1. The need is disability related.
2. The customer has used all sources available; including his/her own financial contribution, as well as all available Federal Financial Aid for post-secondary training, insurance, Medicaid, Medicare, and other resources typically used by persons without disabilities.
3. Changes in circumstances resulting in loss of income or support make previously available resources unavailable.
4. The service is not available, in certain geographical locations of the state, within the maximum agency contributions policy.

### **12.3 Counseling and Guidance**

IDVR recognizes that vocational counseling and guidance is the key element in the rehabilitation process in that it is the method for involving the customer and significant others in that process. It begins when the customer contacts the agency and does not end until closure as successfully rehabilitated or through the completion of the post-employment period.

Vocational counseling and guidance, including referral and placement, are essential VR services provided by the VRC throughout the rehabilitation process. This is the *primary service* in the VR plan.

Counseling, guidance and placement should be an integral part of every IPE regardless of other services because it is the best method of coordinating services and maintaining a good working relationship with the customer. This is also the method used by the counselor to facilitate customer input. The VRC gathers the necessary information for providing vocational counseling and guidance services from a wide variety of sources, including, but not limited to:

- A. Medical and psychological information.

- B. Vocational evaluation information including labor market information, job analysis, aptitude and interest information, situational assessments and trail work experiences.
- C. Analysis of transferable skills.
- D. Rehabilitation technology, including rehabilitation engineering.

Counseling will address vocational and personal adjustment issues that are creating barriers to the customer obtaining and maintaining employment.

Counseling will be provided in a respectful manner encompassing the core conditions of helping. These will include unconditional positive regard, genuineness and congruence. Counselors will always maintain a professional demeanor and not allow counseling issues to become personal. Counselors are to follow the canons of ethical behavior and practice outlined by the Commission on Rehabilitation Counselor Certification (CRCC) Code of Ethics.

Counseling services must be provided in every case but will vary depending on the needs and complexities of each individual customer. Frequency of guidance and counseling contacts is determined at plan development and included on the IPE. Case notes will reflect contact and content of meetings. *A monthly summary of guidance and counseling activities is the agency "best practice" norm for recording progress.*

#### **12.4 Physical and Mental Restoration Services**

These are services necessary to correct or to substantially modify a physical or mental condition that is stable or slowly progressive. *Before medical restoration is provided, there must be documentation that the clinical status of the customer is stable or slowly progressive and the service is a requirement for the customer's successful employment. The medical consultant shall review the record to insure the adequacy of medical information, advice on the service requirement, educate the counselor on the procedure and required follow-up, and provide any necessary liaison with medical community.*

Current maximum financial contributions by IDVR for specified services can be found in the "Payment Policy" section 12.2 of the manual (See also section 12.2 "Typical Exclusions" and section "Comparable Benefits"). For all other services listed below, IDVR will pay the prevailing "Usual and Customary" charges after a

comprehensive assessment of potential or available comparable benefits and resources has been conducted.

**12.4.1 Concurrent Acute or Chronic Conditions Arising from Physical or Mental Restoration:** Services necessary to assist with acute treatment or care for a condition associated with or arising from physical and mental restoration services that are on the IPE. Comparable benefits will always be explored prior to authorization of this service. *The medical consultant should be utilized to determine the medical rationale for such services whenever possible.* These services should be provided in the least intensive medical environment appropriate.

In the case of a chronic condition which does not appear to be resolving in a reasonable amount of time, consultation with the medical consultant should be used to determine whether a case should be closed.

## **12.5 Training Services**

### **12.5.1 Disability Related Training Services**

Disability related services include, but are not limited to: orientation and mobility, rehabilitation technology, speech reading, sign language, and cognitive training/retraining.

### **12.5.2 Post-Secondary Training**

Post-Secondary training is provided when necessary to become a competitive applicant for an agreed upon IPE goal that reflects the customer's interests and informed choice to the extent that those factors are consistent with a customer's strengths, resources, priorities, concerns, capabilities and abilities. IDVR may support graduate study when the customer's employment objective is otherwise unachievable.

Prior to providing post-secondary training, comparable benefits shall be determined. The customer is required to complete and submit for processing the Free Application for Federal Student Assistance (FAFSA). The resulting Student Aid Report (SAR) and Financial Aid Award Letter will determine the Federal grant awards available that are to be applied to tuition, books and fees. Proof of financial award status *is required to be placed* into the record of services for all customers sponsored in post-secondary education by IDVR for training and degrees that are eligible for grants. Examples of proof include; the SAR, Financial Aid Award Letter or Post-Secondary Institution Student Budget,

Compromise and Release documents from Worker's Compensation.

All non-merit scholarships and grants are to be applied to tuition, books and fees as a first dollar source, prior to the consideration of expenditures of IDVR funds. Merit based funding may be applied to any legitimate college costs as determined by the customer, with no comparable benefit test required.

When IDVR has a joint case with another VR agency (Veterans Administration, Tribal Vocational Rehabilitation, Idaho Commission for the Blind and Visually Impaired, or another state VR agency) the sharing of case cost shall be done in a way that multiple agencies are not paying for the same service.

The FAFSA Expected Family Contribution, Student Contribution, Work Study and other grants must be considered in meeting the financial needs of the customer's post-secondary education to the maximum extent possible.

Customers are required to submit an application for FAFSA whether or not they believe they are eligible for funding. *This process should occur along with the verification of determination of eligibility/ineligibility for financial aid prior to IDVR developing an Individualized Plan of Employment (IPE) and participating in financial assistance for a post-secondary education.*

### **12.5.2.1 Out of State Training**

#### Out-of-State Post-Secondary Education

- a. If the VR customer must attend an out-of-state institution because the course of study is not offered within the state of Idaho, please see section 12.2.
- b. If the course of study is offered in-state, but because of the additional costs caused by the accommodation for disability, it would be more cost effective for the agency to have the customer attend the out-of-state educational institute, see section 12.2.
- c. If the customer chooses to attend an out-of-state institution when comparable training is clearly available in the state, see section 12.2.

### **12.5.2.2 Progress Measures**

Customers must maintain a term and cumulative grade point average that meets

the school's academic requirements, program entry requirements, or a minimum of 2.0 GPA whichever is higher and must demonstrate timely progress towards meeting the goal of the IPE. VR financial participation for education/training may be paused if academic progress is such that the customer will not qualify for entry into the program stated on their IPE.

If the customer is placed on academic probation, or does not meet the standards stated above, s/he has one grade period in which to attain good standing. IDVR financial participation will terminate after that grade period until the customer achieves good standing.

If a customer does not pass a course(s) or withdraws following the designated drop period for the post-secondary institution, she/he is responsible to cover costs to repeat the course(s). *This understanding should be documented on the IPE that supports the training services.*

If a customer receives an incomplete, she/he is responsible to complete the course(s) as designated by the institution and may be responsible to pay for the repeat of the course(s) *based upon whether or not active participation in the original coursework was demonstrated as agreed upon in the IPE. Disability-related interruptions will serve as justification for an incomplete, but should be carefully assessed to determine the feasibility of extending a particular program.* If a customer is unable to complete a course(s) due to a disability related issue, IDVR may assist in coordinating with the institution to resolve the matter (examples: finances, withdrawals, incompletes, etc.).

IDVR post-secondary educational support will cease if the customer has an expulsion for academic dishonesty.

### **12.5.2.3 Loan Default**

VR funds may not be utilized to pay for post-secondary education if a customer has defaulted on a State or Federal student loan. If a good faith effort is being made to come out of default status, VR funding may be available. The university or college financial aid office may be able to assist in unusual circumstances. Additional information can be obtained at the U.S. Department of Education website <http://studentaid.ed.gov>, section "Repay Your Loans."

### **12.5.2.4 Loan Deferment**

Consumers may be eligible for temporary suspension of loan payments during specific conditions such as, returning to school, unemployment, disability, or

military service. Additional information may be sought through the Financial Aid Office at the school the student plans to attend.

#### **12.5.2.5 On-the-Job-Training (OJT)**

An OJT is for a customer who is hired by an employer who needs specific training to achieve the employer's expectations. On-the-job training requires the completion and signing of the IDVR OJT Agreement between the customer, counselor, and employer, which states the hourly wage, the specific training needs, responsibility for Workers' Compensation coverage and any other conditions of employment. IDVR pays a training fee for OJT, not reimbursement or wages.

#### **12.6 Benefits Counseling**

Benefits counseling includes an informed discussion of the customer's benefits, employment status, consideration of work incentives, and the impact on existing or potential benefits a change in employment may create. All social security recipients should receive benefits counseling services.

#### **12.7 On-the-Job-Supports**

On-the-job-support services are provided to a customer who has been placed in employment in order to stabilize the placement and enhance job retention. Such services include; job coaching, follow-up and follow-along, and job retention services.

#### **12.8 Job Placement Services**

All customers have the obligation to be involved in their own job search activities to the fullest extent possible. The customer and the VRC will work together to identify the supports necessary for job search and placement. Some of the job search activities could include:

- Communication and presentation skills.
- Gaining access to and using information.
- Introducing customers to specific programs such as job centers.
- Gaining networking skills.
- Use of online job search and applications.
- Community Rehabilitation Provider (CRP) services.
- Providing information around Federal and State employment opportunities.

IDVR does not pay fees to private staffing/employment agencies.

### **12.8.1 Community Rehabilitation Providers (CRPs)**

Community Rehabilitation Providers may be used to assist a customer as they prepare to obtain or maintain employment. CRP services may only be provided if they are agreed to by customer, VRC, and CRP. The CRP services should be consistent with the customer's unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and be the informed choice of the customer. Potential employers contacted by the CRP should be informed of the CRPs contractual relationship with IDVR. If workplace accommodation or assistive technology needs are identified for a customer, IDVR staff will be involved in addressing the accommodation needs with the employer (this is not referring to job coaching accommodations).

If services are contracted out to a CRP:

1. The customer and VRC will review the available list of CRP vendors and the services offered by each and will make a selection. This process should be noted as "customer choice" when documenting the choice of the CRP vendor and services to be provided. The customer will sign an information release form authorizing communication between the selected vendor and IDVR.
2. The customer and VRC will contact the CRP to discuss required services, negotiate and agree upon time frames and costs.
3. The VRC will submit referral information necessary for the CRP to provide the agreed upon services.
4. The customer, VRC, and CRP will have a staffing prior to initiating services (this staffing can be by phone or in person).
5. The VRC and customer will develop and agree to regularly scheduled contacts while receiving CRP services (minimum once a month).
6. The customer, VRC, and CRP will mutually agree upon frequency of contacts to monitor progress, quality, and duration of services provided.

Employers should be educated with regard to the fact that a person eligible for vocational rehabilitation services under ID. Title 33, Chapter 23, Idaho Code and the Administrative Rules of IDVR, who is placed with an employer through the authorized services of a CRP for community-based evaluation, community-based

work adjustment or supported employment (SE) training is covered for liability purposes through the Worker's Compensation Insurance carried by the CRP unless an actual customer has actually been hired by a targeted employer prior to the provision of authorized services.

### **12.8.2 Schedule A Appointing Authority in the Federal Government**

5 CFR 213.3102 (t) (cognitive impairment), (u) (severe physical disabilities), and (gg) (psychiatric disabilities) are combined into one streamlined authority, 5 CFR 213.3102 (u). This authority is used to appoint persons who are certified that they are at a severe disadvantage in obtaining employment because of disrupted employment due to hospitalization or outpatient treatment for the severe disabilities listed above.

#### **Appointment and Certification Process**

IDVR can assist customers with disabilities (whether IDVR customers or not) in completing the Schedule A process. Information on how to assist customers with disabilities with the Schedule A process can be found at: [www.eeoc.gov/eeoc/initiatives/lead/upload/abc\\_applicants\\_with\\_disabilities.cfm](http://www.eeoc.gov/eeoc/initiatives/lead/upload/abc_applicants_with_disabilities.cfm) or [http://www.opm.gov/disability/appointment\\_disabilities.asp](http://www.opm.gov/disability/appointment_disabilities.asp)

### **12.8.3 Alternative Hire Process for Employment with State Government**

Within the IDAPA rules (15.04.01) of the Division of Human Resources and Idaho Personnel Commission exists the provisions and protocol entitled: 097

“Alternative Examination Process for Persons with Disabilities,” under this rule:

1. The VRC determines the need for the Alternative Hire process by documenting that the customer cannot competitively compete for the job due to a disability(ies).
2. The VRC determines that the customer meets the criteria for the alternative hire program.
  - Disability limits one or more functional areas.
  - The customer meets the qualifications of the class.
  - The customer lacks competitiveness in the normal hiring process due to disability.
3. The VRC will complete the Application for the Alternative Hire Program Form. Include a letter to Idaho Division of Human Resources (DHR) explaining why the customer cannot compete through the normal

examination process due to his/her disability. The examination process includes application, testing, and interviewing.

4. The VRC will staff the case with the RM for approval. The RM will subsequently forward the application to the VR Administrator for final approval.
5. IDVR Administrator approves/disapproves. If approved, the application will be forwarded to the Administrator of the Division of Human Resources for final review.
6. Upon approval from DHR, the VRC proceeds with the Alternative Hiring Process to the hiring authority.

**NOTE:** This process requires the use of the “Alternative Hire Application.”

### ***12.9 Vehicle Purchase***

Vehicle purchase may be provided if it is not the sole vocational rehabilitation service needed for the customer to return to work or to achieve an employment outcome. The vehicle purchased will be only at a level to meet the vocational rehabilitation need of the customer. If the customer desires a vehicle above and beyond the level of vehicle needed to meet the vocational rehabilitation need they will be required to pay the cost difference between the two. This amount would not count towards the customer’s financial participation requirements and IDVR will not be party to associated financial obligations.

Purchase of vehicles for a customer is allowable only when the occupation of the customer will require a vehicle as occupational equipment. The agency may not purchase a vehicle for a routine need for transportation to and from a place of employment.

The vehicle will be purchased after all other aspects of the IPE necessary to achieve the employment goal have been completed.

Vehicle purchases require approval from the RM and Chief of Field Services prior to agreeing to the purchase for the customer. The VRC will be required to document responses to the following:

- How the purchase is essential to the achievement of a successful employment outcome.

- Whether the vehicle is required as a condition for employment or why it is needed to achieve an employment outcome.
- An explanation of the transportation alternatives explored and the reason(s) these options will not meet the customer's needs.
- A summary of other resources explored, such as insurance, a PASS Plan for customer receiving SSI/SSDI, or other sources, and how these resources will be utilized.
- The customer's disability is stable or slowly progressive and is not likely to impair his or her ability to drive in the foreseeable future.
- If the customer has a known pattern of alcohol or drug abuse within the past 5 years, whether in remission or not, a complete and current drug/alcohol evaluation included.
- An abstract of the driver's complete driving record obtained from the Department of Motor Vehicles. Citations other than parking tickets and minor traffic offenses may impact approval.
- Current Idaho driver's license of the person who will be driving the vehicle.
- Verification of customer's driving capacity as demonstrated through modified driving assessment or significant demonstrated safe driving history under current functional capacities.
- Verification of the customer's financial ability to pay for the fuel, license and registration, insurance, and vehicle maintenance. This will require an insurance quote appropriately reflecting vehicle usage. Additionally, the customer will have to develop a plan for how they will replace the vehicle in the future as part of the feasibility review. If the customer does not have a method to replace and/or repair the vehicle if an accident occurs, the customer will show the ability to provide comprehensive insurance.
- The type of vehicle being considered (estimated price range and any special considerations). IDVR does not purchase new vehicles or vehicles that require above an Idaho Class D operator's license.

**NOTE:** *IDVR does not purchase vehicles to address geographical or other barriers that are not disability related.*

### **Following the decision to purchase the vehicle:**

- All state and IDVR purchasing guidelines must be followed.
- IDVR will only authorize purchase vehicles from licensed dealerships.
- An inspection of the vehicle prior to purchase from a qualified mechanic is required. Also, obtaining a Car Fax is required.
- The vehicle title will be granted to the customer upon proof of insurance and all appropriate licensing (a tool agreement is not required).
- Every six (6) months the customer must show proof of insurance and maintenance until case closure.

IDVR has no obligation to purchase any additional vehicles due to customer negligence.

## **12.10 Self-Employment Policy**

### **Introduction**

The primary goal of the IDVR is to assist the customer in attaining a suitable competitive employment outcome that results in financial self-sufficiency. Self-Employment is one option that may be considered to assist the customer in selecting a vocational goal.

The impediment created by the customer's disability must be addressed in the overall comprehensive assessment leading up to Individualized Plan of Employment (IPE).

The successful self-employment enterprise is operated by a participant who can demonstrate an array of skills and abilities, including; organization, business and financial management, marketing and other talents, as well as, knowledge and expertise in the goods or services being produced. These may be accomplished through natural supports or other resources and would need to be included in the self-employment plan. It is essential that the participant is well informed of potential risks and that efforts are made to minimize those risks.

A vocational evaluation/career exploration may be used as a method of assisting the customer and VRC in deciding if self-employment is a possible viable option. Vocational evaluators have a variety of instruments, work samples, inventories and other strategies to use in providing feedback and information related to self-employment.

There may be a need for VR services prior to a commitment from IDVR on a self-employment plan. It could be appropriate for IDVR to assist a customer in services, such as training needed for certain skills or business knowledge before the decision is made by the customer and VRC to pursue the development of a business plan.

IDVR values appropriate self-employment as a viable vocational outcome. Self-employment is presented by the VRC within the repertoire of vocational options and may be considered by customers and VRCs as they work toward the development of an appropriate vocational goal.

IDVR supports active, not passive or speculative, self-employment goals.

### **General Self-Employment Process and Flow Chart**

The following steps will be required for all self-employment. The nature and extent of activities within each step will vary by the type and complexity of the self-employment business goal.

- 1. Assessment of Customer's Appropriateness for Self-Employment**
- 2. Writing an IPE – Developing a Business Plan**
- 3. Amending IPE - Implementing the Business Plan**
- 4. Closure of Self-Employment Case**

### **Definitions**

- a. Business Plan** – A detailed outline of the business description, objectives, organization, product or service description, summary of Customer qualifications, **analysis** of the potential business environment and market, management and organizational structure, and financial plan.

The level of detail required for the various components of the business plan will vary depending upon the type of self-employment being pursued.

- b. Contracting and Sub-Contracting** – When the VR customer works with a company under a limited or contract basis for either short or long term employment, but is not a company employee. There are some types of employment goals that would typically involve sub-contractors as opposed to a standalone business. Examples of likely contracting and sub-contracting opportunities include but are not limited to:

- Realtor
- Construction trades
- Cosmetology, nail tech, and hair stylist
- Paper delivery
- Tattoo artist

This is a type of start-up self-employment that will often be processed as a low cost, low risk, low complexity self-employment plan.

- c. Continued Self-Employment** – Employment where the VR customer is presently or recently (within the last year) engaged in a *successful* self-employed business as identified by the customer and feasibility of the business is recognized by IDVR. In this scenario, the IPE services will address *disability related barriers* to employment. The IPE will be written with the goal of maintaining employment.

Any capitalization of the business will require the use of low cost/low risk/low complexity, complex, or supported self-employment strategy.

- d. Feasibility Analysis** – Provides an in-depth analysis of the business concept, the market, the financial investment and income potential. In addition, the feasibility analysis considers:

- Financial resources, skills and history of the customer as it relates to successfully operating a small business
- The need for customer training
- The availability of strong support network for long-term business success
- The need for a comprehensive business plan
- The likelihood of sustainability in a reasonable amount of time (what is a reasonable amount of time will likely vary by the type of self-employment)

The feasibility analysis offers the VRC and customer a comprehensive, objective evaluation of the strength of the proposed self-employment venture.

- e. Forms of Organization** - refers to the way the individual legally organizes the business

- i. *Sole Proprietorship* - one person who owns the business alone, but may have employees. She/he will have unlimited liability for all debts of the business, and the income or loss from the business will be reported on his or her personal income tax return along with all other income and expense she/he normally reports (although it will be on a separate schedule).

ii. *Corporation* – requires a legal filing with the Internal Revenue Service for corporate status. Corporate organization provides limited liability for the investors. Shareholders in a corporation are obligated for the debts of the corporation; creditors can look only to the corporation's assets for payment. The corporation files its own tax return and pays taxes on its income.

- VR customers who legally organize their businesses as a corporation, and are employed by their corporation may be eligible while in the startup phase of operations.

iii. *General and Limited Partnerships* – two or more individuals, one of which is a customer of IDVR with the controlling share (see Eligibility Requirements for Self-Employment).

iv. *Limited Liability Company* - limited liability for all of its members (business partners), with the IDVR customer as the controlling member.

f. **Hobby** - customers identifying business-related goals that indicate a business activity that is:

- Operated for recreation and/or pleasure.
- Not projected to be profitable.
- Not seeking profitability.
- Neither operating nor carrying on activity in a business-like manner.
- Not depending on activity for livelihood.

g. **Low Cost / Low Risk / Low Complexity Self-Employment** – A

comprehensive business plan is not required if a feasibility analysis report indicates the business concepts represents a (1) low cost (under \$5,000) total cost of anticipated self-employment start-up, (2) low risk (strong likelihood of success) and (3) low complexity (few and clearly identifiable barriers to self-employment). Examples of self-employment ventures that may not require a comprehensive business plan include:

- A VR customer is already self-employed and has demonstrated skills and abilities to successfully manage the business, and VR services are needed to retain employment due to a disability-related condition.

- The VR customer has previous experience being self-employed in the same or similar field and start-up needs are minimal.
- The VR customer has skills and experience in a trade and needs minimal training and services for startup, such as, lawn care, pressure washing, window washing, and bookkeeping.
- A VR customer has experience or training in a trade and will lease space or sub-contract with an existing business and pay their own taxes, i.e., massage therapist, manicurist, cosmetologist, real estate agent.

**h. Complex Self-Employment** – All self-employment plans that do not meet the criteria for low cost/low risk/low complexity, continued self-employment or supported self-employment fall under this category.

**i. Multi-Level Marketing** – As a marketing strategy, in which a person is compensated not only for sales they personally generate, but also for the sales of others they recruit into a business venture, creating a “down line” of distributors and a hierarchy of multiple levels of compensation.

**j. Natural Supports** – Long term supports provided by individuals naturally invested in the success of the VR customer (family and friends).

**k. Startup Self-Employment** - refers to an employment outcome in which a customer works in a business that she/he starts, owns, operates, and manages with the intention of being profitable.

**l. Supported Self-Employment** – refers to an employment outcome in which a customer works in a business that she/he owns, operates, and manages with natural or long term supports, with the intention of being profitable.

### **Eligibility Requirements**

Participation in self-employment or supported self-employment as a vocational goal requires that:

1. The business venture is, at a minimum, 51% owned, controlled and managed by the IDVR customer. For those in supported self-employment, some IDVR customers may require the assistance of a guardian or conservator in controlling or managing a business.

2. Businesses must be organized as Sole Proprietorships, Corporations, General and Limited Partnerships, and Limited Liability Companies, as noted in Definitions-Forms of Organization.
3. The business venture is considered legal in all jurisdictions in which it operates (Federal, Tribal, State and local Governments). This includes business and other necessary licenses.
4. The business venture is accurately reporting to appropriate government agencies, including the Internal Revenue Service and State taxing agency or other applicable
5. State or local authorities.
6. The business venture is organized as a for-profit entity.

**Financial Participation Requirements**

Social Security beneficiaries are not required to financially participate towards the cost of their self-employment plan.

IDVR customers have a variety of sources to obtain their portion of the business costs. Some of these include:

- Investment of funds from microloans;
- Commercial and consumer loans;
- Loans from family;
- Forgivable loans;
- Equity grants;
- Equipment critical to the business operation;
- Inventory;
- Supplies;
- Facility (including fair value of existing facility in which the business will be operated)

- a. In consideration of the business start-up capitalization noted in the Business Plan, financial participation by IDVR and VR customer for the entirety of the self-employment plan, per case is as follows:

<u>Business Capitalization Customer Participation</u>	<u>Maximum IDVR Financial Assistance</u>	<u>Minimum</u>
Under \$2,500	100%	0%
\$2,501 to \$5,000	80% of startup capital	20%

\$5,001 to \$7,500	70% of startup capital	30%
\$7,501 to \$10,000	60% of startup capital	40%
\$10,001 and up	50% of startup capital	50%

If IDVR’s portion for business start-up and capitalization costs, for the aggregate of all IPEs, is more than \$10,000, the Chief of Field Services must provide approval.

- b. Financial participation will not be required for IDVR investment in:
  - Training and technical assistance.
  - Accommodations necessitated by the customer’s disability in order to participate in training, technical assistance or in consideration of financial assistance.

**Limitations and Restrictions**

Services provided under a Self-Employment Plan must adhere to the stipulations of the Agency’s Payment Policy (Section 12.2) and the maximum agency contributions. Financial assistance for business start-up capitalization does not include:

1. Funding for speculative real estate development.
2. Deposits that are refundable to the customer or business.
3. Cash.
4. Salary or benefits for the customer, partners in ownership, or any employees of the business.
5. Purchase of real estate.
6. Erection of buildings.
7. Inventory or business supplies that include tobacco, firearms or alcoholic beverages.
8. Refinancing of existing debt – business or personal.
9. Business continuation expenses subsequent to the initial start-up costs.

IDVR does not support a customer hobby as a self-employment goal.

Self-employment involving payment for registration, legal services, patents, trademarks, copyrights, or franchise fees require an exception to policy approved by the Chief of Field Services.

Multi-Level Marketing plans are often similar to illegal pyramid schemes; therefore, VRCs are cautioned about supporting self-employment businesses with a multi-level marketing structure. Support for multi-level marketing businesses may be appropriate when the emphasis is on sales by the VR customer versus recruitment of down line distributors.

## **Types of Self-Employment**

### **A. Start-up Business**

#### **a. Low Cost / Low Risk / Low Complexity Business Plan**

##### **I. Role of IDVR**

When working with customers expressing an interest in self-employment the primary role of IDVR is to:

- Provide relevant information regarding the availability of self-employment services supported by the agency.
- Assist the customer in information gathering and assessment in deciding whether self-employment is an appropriate option to achieve their employment goal.
- Assess the customer's disability as it relates to the self-employment goal.
- Reduce or eliminate barriers to self-employment created by the disability.
- Authorize, as appropriate, for the provision of external technical assistance including, but not limited to, business feasibility, training, business planning, and post start-up monitoring.
- Participate with the customer and external technical assistance to evaluate the feasibility of the business.
- Coordinate training and technical assistance services.

- Provide technical assistance as deemed appropriate at post start-up of the business.
- Monitor business development at post start-up.

## **II. Role of the IDVR Customer**

Customer responsibilities, as part of the informed choice process relating to self-employment, include but are not limited to:

- Determining the concept of the business.
- Participating in the assessment process.
- Exploring the feasibility of the business venture. This may include gathering information, market feasibility, and likelihood of financial sustainability. This may require collaboration with technical assistance.
- Writing the business plan with or without technical assistance and approval by the VRC.
- Contributing, as appropriate, financially to the capitalization of the business venture by utilizing all available financial resources.
- Assisting in the identification of existing and potential barriers including those created by the disability, as well as identifying possible solutions.
- Developing skills and abilities necessary to operate and sustain the business venture.
- Business implementation and management.
- Providing regular financial or other relevant documentation or information requested by the agency for post start-up monitoring.
- Participating in the business start-up as noted in the Individualized Plan of Employment (IPE).

### **III. Assessment of IDVR Customer's Appropriateness for Self-Employment**

- Evaluation of the customer's interests, skills, aptitudes, and personality traits as they relate to self-employment. This may include the use of a) data gathering instruments and b) formal vocational assessment to the degree necessary to ensure the customer has the basic skills necessary to operate and manage a small business.
- Ensure the viability of self-employment as it relates to the customer's ability to handle the physical, mental, emotional, and cognitive aspects of the business venture, including barriers or limitations related to the customer's disability. This may require consultation with medical and/or psychological service providers that have been treating the customer. If clear information is not available additional assessments may be needed.
- Examine the customer's financial goals related to self-employment should include consideration of issues such as impact on government benefits, supplementing family income versus primary source of support, and earning sufficient funds to maintain competitive employment standards. A referral for benefits planning may be appropriate.

### **IV. Writing an IPE – Developing a Business Plan**

After a positive assessment of the feasibility of the business concept, an initial IPE is written. Some of the key components of writing an IPE for business plan development include:

- The IPE goal will be the anticipated vocational outcome that is the focus of the business plan.
- The IPE must be identified as a self-employment IPE.
- Comprehensive assessment for this IPE is based on the appropriateness of self-employment as a strategy for the individual VR customer. It should be based on the feasibility analysis, the assessment of the customer's appropriateness for self-employment, and other information available.

Services provided as part of this IPE are intended to support the development, writing, and ultimate approval of the business plan. The following are key elements to the development of the business plan:

### **1. Customer Training and Technical Assistance:**

- Customers may be expected to attend training and participate in technical assistance services related to self-employment. This could include training and technical assistance on subjects such as: exploring entrepreneurship, small business development, business plan development, small business management, accounting for business, and business financing.
- Customers may require business specific skill training to eliminate skill gaps or prepare for the operation of the business. This could include coursework such as accounting/bookkeeping, using computers in business, human resources in business, etc. Skill-building courses should be noted in the IPE as necessary.

### **2. Business Plan Development:**

The Business Plan is viewed as an essential element in any business venture and will be the document used by IDVR to determine whether or not to participate in capitalizing the business venture.

- A basic Business Plan must be written and approved to the satisfaction of the VRC.
- The customer will prepare the Business Plan with or without external technical assistance from a service provider experienced in business plan development.
- Benefits counseling may be provided with a focus on the projected impact of revenues and expenses as noted in the Business Plan.

### **3. Process for Business Plan Review:**

The customer's goal toward self-sufficiency and the level of the Agency's financial participation in the start-up capitalization of the business will determine the level of review and approval required.

- The counselor will review the plan for completeness according to the components listed in the definition of a Business Plan.
- All low cost/low risk/low complexity self-employment plans will be reviewed by the customer and the VRC.
  - a. If the customer and IDVR agree that amendment of the IPE is appropriate, then the VRC and customer proceed to amend the IPE to initiate the self-employment plan.
  - b. If the customer and IDVR agree that revisions are needed, the customer proceeds to revise the plan with or without technical assistance.
  - c. The customer may decide not to proceed with the identified business goal. If so, the customer and the VRC proceed with developing a new IPE goal (this may or may not be a different self-employment option).

### **V. Amending IPE - Implementing the Business Plan**

Once the business plan has been approved by the customer and the VRC an IPE amendment will be developed that identifies necessary services and activities to implement the business plan.

1. Update the comprehensive assessment based upon the additional information acquired through the business plan development process.
2. Identify specific VR services, cost, and vendors need to implement the self-employment plan. It is important that the financial responsibility for each party is identified on the IPE.
3. Identify necessary training and technical assistance needed to implement the plan.

4. Identify post start-up support services that may be needed.
5. Identify the benchmarks for successful closure. At minimum, one benchmark must identify acceptable wage level for the customer (not less than Federal minimum wage standards). Additional benchmarks should be identified that are critical to the success of self-employment and how to proceed if the benchmarks are not met. It is important that these benchmarks be clearly written, and the consequences for not meeting the benchmarks are clearly explained to the customer and stated on the IPE. Examples of consequences for not meeting the benchmark on the IPE:
  - Evaluating the appropriateness of the benchmarks and possibly modification of the benchmarks (this would require an amendment to the IPE).
  - Withdrawal of IDVR support of the business and reassess other VR options.
  - Proceeding with case closure.

## **VI. Closure of Self-Employment Case**

### **1. Successful Closure**

Successful closure can be completed when the following has been established:

- Identified benchmarks have been achieved.
- The customer has achieved at least 90 days of stable employment and at least six (6) months of business operation.

Equipment provided for the self-employment plan may be released or returned, consistent with Section 13 of the policy.

### **2. Unsuccessful Closure**

If adequate progress towards meeting the identified benchmarks is not made, the VRC proceeds with case closure unless the customer expresses interest in developing a new IPE goal. "All other reasons" would be the reason selected for case closure.

The customer is expected to return equipment provided for the self-employment plan, consistent with Section 13 of the policy.

## **b. Complex Business Plan**

### **I. Role of IDVR**

When working with customers expressing an interest in self-employment the primary role of IDVR is to:

- Provide relevant information regarding the availability of self-employment services supported by the Agency.
- Assist the customer in information gathering and assessment in deciding whether self-employment is an appropriate option to achieve their employment goal.
- Assess the customer's disability as it relates to the self-employment goal.
- Reduce or eliminate barriers to self-employment created by the disability.
- Authorize for the provision of external technical assistance including, but not limited to, business feasibility, training, business planning, and post start-up monitoring.
- Participate with the customer and external technical assistance to evaluate the feasibility of the business.
- Assist in identifying resources for the capitalization of the business plan.
- Coordinate training and technical assistance services.
- Provide technical assistance as deemed appropriate post start-up of the business.
- Monitor business development post start-up

### **II. Role of the IDVR Customer**

Customer responsibilities, as part of the informed choice process relating to self-employment, include but are not limited to:

- Determining the concept of the business.
- Participating in the assessment process.
- Exploring the feasibility of the business venture. This includes conducting research, gathering information, market feasibility, and likelihood of financial sustainability. This may include collaboration with technical assistance.
- Writing the business plan with or without technical assistance.
- Researching the availability of financial resources.
- Contributing, as appropriate, financially to the capitalization of the business venture by utilizing all available financial resources.
- Assisting in the identification of existing and potential barriers including those created by the disability, as well as identifying possible solutions.
- Developing skills and abilities necessary to operate and sustain the business venture.
- Business implementation and management.
- Providing regular financial or other relevant documentation or information requested by the Agency for post start-up monitoring.
- Participating in the business start-up as noted in the Individualized Plan of Employment (IPE).

### **III. Assessment of IDVR Customer's Appropriateness for Self-Employment**

- Evaluation of the customer's interests, skills, aptitudes, and personality traits as they relate to self-employment. This may include the use of a) data gathering instruments and b) formal vocational assessment to the degree necessary to ensure the customer has the basic skills necessary to operate and manage a small business.
- Ensure the viability of self-employment as it relates to the customer's ability to handle the physical, mental, emotional, and cognitive aspects of the business venture including barriers or limitations related to the customer's disability. This may require consultation with medical and/or psychological service providers that have been treating the customer. If clear information is not available additional assessments may be needed.
- Confirm that the customer has attended a training session, such as the Small Business Development Center's "Exploring Entrepreneurship" or another comparable program, to evaluate the advantages and disadvantages of business ownership and explore self-employment preparedness from a personal perspective.
- Examine the customer's financial goals related to self-employment including consideration of issues such as, impact on Government benefits, supplementing family income versus primary source of support, and earning sufficient funds to maintain competitive employment standards. A referral for benefits planning may be appropriate.
- Conduct a preliminary assessment of various funding sources for business capitalization. The customer's expectations relative to the financial support she/he anticipates/expects from IDVR should be discussed at the onset. It is important that the customer understands that *IDVR will not be the sole source of startup capitalization and that any funding allocated to the start-up of the business will be consistent with IDVR policy related to financial participation.*

### **IV. Assessment of the Feasibility of the Business Concept**

Customers may be referred to outside resources for assistance in examining

the concept, market and financial feasibility of the business. If the business idea is deemed feasible, the information developed at this stage will provide some of the basic data that will be used in completing the Business Plan to be written later.

Testing the feasibility of the business idea should be formalized through a written Feasibility Assessment documenting the following:

- **Concept Feasibility:** Clear description of the business idea; customer's background related to the business concept including education, training, direct experience and transferable skill sets; a summary statement identifying issues of concern regarding the feasibility of the concept; and a recommendation as to whether the business concept is feasible.
- **Market Feasibility:** Geographic description of market area; description of competitors working in or marketing to potential customers in geographic area; definition of target markets including size and scope of each market; zoning issues/requirements for establishing a business at intended location.
- **Financial Feasibility:** Capitalization requirements (start-up funding not to exceed 6 months) consistent with the individual's business concept; identification of resources for start-up funding and ongoing capitalization. Twelve (12) months of projected sales/expenses may be included, when appropriate.

## **V. Writing an IPE – Developing a Business Plan**

After a positive assessment of the feasibility of the business concept, an initial IPE is written. Some of the key components of writing an IPE for business plan development include:

- IPE goal will be the anticipated vocational outcome that is the focus of the business plan.
- IPE must be identified as a self-employment IPE.
- Comprehensive assessment for this IPE is based on the appropriateness of self-employment as a strategy for the individual VR customer. It should be based on the feasibility analysis, the assessment

of the customer's appropriateness for self-employment, and other information available.

Services provided as part of this IPE are intended to support the development, writing, and ultimate approval of the business plan. The following are key elements to the development of the business plan:

### **1. IDVR Customer Training and Technical Assistance:**

- All customers will be expected to attend training, when available, and participate in technical assistance services related to self-employment. This could include training and technical assistance on subjects such as: exploring entrepreneurship, small business development, business plan development, small business management, accounting for business, and business financing. *Exceptions to the above requirement may be made with supervisory approval in limited circumstances.*
- Customers may require business specific skill training to eliminate skill gaps or prepare for the operation of the business. This could include coursework such as accounting/bookkeeping, using computers in business, human resources in business, etc. Skill-building courses should be noted in the IPE as necessary.

### **2. Business Plan Development:**

The Business Plan is viewed as an essential element in any business venture and will be the document used by IDVR, banks, micro lenders, and other funding organizations to determine whether or not to participate in capitalizing the business venture.

- A comprehensive Business Plan will be required for all complex self-employment goals. The content for a comprehensive Business Plan is a thorough assessment of all the components listed in the Business Plan definition.
- The customer will prepare the Business Plan with or without external technical assistance from a service provider experienced in business plan development.

- Benefits counseling may be provided with a focus on the projected impact of revenues and expenses as noted in the Business Plan.

### **3. Explore and Apply for Resources Available From Other Sources:**

IDVR customers pursuing self-employment are required to explore funding from sources other than IDVR. These may include microloans, commercial and consumer loans, loans from family, forgivable loans, equity grants, and work incentives for Social Security recipients including Plans to Achieve Self Support (PASS) and personal property (inventory and equipment) essential to the operation of the business. If the business plan is approved and the IPE is amended, the customer will apply for other resources necessary to implement the business plan.

### **4. Process for Business Plan Review:**

The customer's goal toward self-sufficiency and the level of the agency's financial participation in the start-up capitalization of the business will determine the level of review and approval required.

- The counselor will review the plan for completeness according to the components listed in the definition of a Business Plan.
- The business plan will be submitted for technical assistance and feasibility review by an outside consultant (approved by the VRC and customer) with experience in business development.
- All complex self-employment plans will be reviewed by a self-employment team. The self-employment team will include the customer, VRC, RM, at least one outside consultant, and other individuals as appropriate.
  - a. If the customer and IDVR agree, based on the feedback from the self-employment team, then the VRC and customer proceed to amend the IPE to initiate the self-employment plan.
  - b. If the customer and IDVR agree, based on the feedback from the self-employment team, that revisions are needed, the customer proceeds to revise the plan with or without technical assistance.

- c. If the customer does not agree with the recommendations from the self-employment team the customer may choose to follow the appeal process. (See Section 4.0)
- d. The customer may decide not to proceed with the identified business goal. If so, the customer and the VRC proceed with developing a new IPE goal (this may or may not be a different self-employment option).

## **VI. Amending IPE - Implementing the Business Plan**

Once the business plan has been approved by the customer and the VRC, an IPE amendment will be developed that identifies necessary services and activities to implement the business plan.

1. Update comprehensive assessment based upon the additional information acquired through the business plan development process.
2. Identify specific VR services, resources, cost, and vendors need to implement the self-employment plan. It is important that the financial responsibility for each party is identified on the IPE.
3. Identify necessary training and technical assistance needed to implement the plan.
4. Identify post start-up support services that may be needed.
5. Identify the benchmarks for successful closure. At minimum, one benchmark must identify acceptable wage level for the customer (not less than Federal minimum wage standards). Additional benchmarks should be identified that are critical to the success of self-employment and how to proceed if the benchmarks are not met. It is important that these benchmarks be clearly written, and that the consequences for not meeting the benchmarks are clearly explained to the customer and stated on the IPE. Examples of consequences for not meeting a benchmark on the IPE:
  - Evaluating the appropriateness of the benchmarks and possibly modification of the benchmarks (this would require an amendment to the IPE).

- Withdrawal of IDVR support of the business and reassess other VR options.
- Proceeding with case closure.

## **VII. Closure of Self-Employment Case**

### **1. Successful Closure**

Successful closure can be completed when the following has been established:

- Identified benchmarks have been achieved.
- The customer has achieved at least 90 days of stable employment and at least six (6) months of business operation.

Equipment provided for the self-employment plan may be released or returned, consistent with Section 13 of the policy.

### **2. Unsuccessful Closure**

If adequate progress towards meeting the identified benchmarks is not made, the VRC proceeds with case closure unless the customer expresses interest in developing a new IPE goal. “All other reasons” would be the reason selected for case closure.

The customer is expected to return equipment provided for the self-employment plan, consistent with Section 13 of the policy.

## **B. Supported Self-Employment**

### **a. Role of IDVR**

When working with customers expressing an interest in supported self-employment the primary role of IDVR is to:

- Provide relevant information regarding the availability of supported self-employment services supported by the agency.
- Assist the customer in information gathering and assessment in deciding whether supported self-employment is an appropriate option to achieve their employment goal.

- Assess the customer's disability as it relates to the self-employment goal and the nature and level of support required (Examples: guardians/family members, targeted service coordinator, psychosocial rehabilitation provider, Medicaid broker, SSA payee).
- Reduce or eliminate barriers to supported self-employment created by the disability.
- Authorize, as appropriate, for the provision of external technical assistance including, but not limited to, business feasibility, training, business planning, and post start-up monitoring.
- Participate with the customer, support team, and external technical assistance to evaluate the feasibility of the business.
- Coordinate training and technical assistance services.
- Provide technical assistance as deemed appropriate post start-up of the business.
- Monitor business development post start-up.

#### **b. Role of the IDVR Customer with their Support Team**

Customer and support team's responsibilities, as part of the informed choice process relating to self-employment, include but are not limited to:

- Determining the concept of the business.
- Participating in the assessment process.
- Exploring the feasibility of the business venture. This may include gathering information, market feasibility, and likelihood of financial sustainability. This may include collaboration with technical assistance.
- Writing the business plan with or without technical assistance and approval by the VRC.

- Contributing financially, as appropriate, to the capitalization of the business venture by utilizing all available financial resources.
- Assisting in the identification of existing and potential barriers including those created by the customer's disability, as well as identifying possible solutions.
- Identifying the areas within self-employment that need ongoing support and identifying the specific individuals or resources that will provide that support.
- Developing skills and abilities necessary to operate and sustain the business venture.
- Business implementation and management.
- Providing regular financial or other relevant documentation or information requested by the Agency for post start-up monitoring.
- Participating in the business start-up as noted in the Individualized Plan of Employment (IPE).

**c. Assessment of Customer's Appropriateness for Supported Self-Employment**

A. Evaluate the customer's interests, skills, aptitudes, and personality traits as they relate to supported self-employment. This may include the use of a) data gathering instruments and b) formal vocational assessment to the degree necessary to ensure the customer has the basic skills necessary to operate and manage a small business with adequate support systems.

B. Ensure the viability of supported self-employment as it relates to the customer's ability to handle the physical, mental, emotional, and cognitive aspects of the business venture including barriers or limitations related to the customer's disability. This may require consultation with medical and/or psychological service providers that have been treating the customer. If clear information is not available additional assessments may be needed.

- C. Examine the customer's financial goals related to supported self-employment including consideration of issues such as: impact on Government benefits, supplementing family income versus primary source of support, and earning sufficient funds to maintain competitive employment standards. A referral for benefits planning may be appropriate.

## **I. Writing an IPE – Developing a Business Plan**

After a positive assessment of the feasibility of the business concept an initial IPE is written. Some of the key components of writing an IPE for business plan development include:

- The IPE goal will be the anticipated vocational outcome that is the focus of the business plan.
- The IPE must be identified as a supported self-employment IPE.
- Comprehensive assessment for this IPE is based on the appropriateness of supported self-employment as a strategy for the individual VR customer. It should be based on the feasibility analysis, the assessment of the customer's appropriateness for supported self-employment, and other information available.

Services provided as part of this IPE are intended to support the development, writing, and ultimate approval of the business plan. The following are key elements to the development of the business plan:

### **1. IDVR Customer Training and Technical Assistance:**

- Customers may be expected to attend training and participate in technical assistance services related to supported self-employment. This could include training and technical assistance on subjects such as exploring entrepreneurship, small business development, business plan development, small business management, accounting for business, and business financing.
- Customers may require business specific skill training or support to eliminate gaps for the operation of the business.

## **2. Business Plan Development:**

The Business Plan is viewed as an essential element in any business venture and will be the document used by IDVR to determine whether or not to participate in capitalizing the business venture. If the supported self-employment plan meets the criteria for a complex self-employment plan, refer to the business plan development for complex self-employment plan. If the supported self-employment plan meets the criteria for low cost/low risk/low complexity plan, refer to the business plan development for low cost/low risk/low complexity plan.

## **3. Process for Business Plan Review:**

The customer's goal toward self-sufficiency and the level of the Agency's financial participation in the start-up capitalization of the business will determine the level of review and approval required.

If the supported self-employment plan meets the criteria for a complex self-employment plan, refer to the business plan review for complex self-employment plan. If the supported self-employment plan meets the criteria for low cost/low risk/low complexity plan, refer to the business plan review for low cost/low risk/low complexity plan.

## **II. Amending IPE - Implementing the Business Plan**

Once the business plan has been approved by the customer, support team, and the VRC, an IPE amendment will be developed that identifies necessary services and activities to implement the business plan.

1. Update the comprehensive assessment based upon the additional information acquired through the business plan development process.
2. Identify specific VR services, costs, and vendors need to implement the supported self-employment plan. It is important that the financial responsibility for each party is identified on the IPE.
3. Identify and secure resources to provide long term support (Extended Employment Services, Medicaid waiver, private pay, or natural supports).
4. Identify necessary training and technical assistance needed to implement the plan.

5. Identify post start-up support services that may be needed.
6. Identify the benchmarks for successful closure. At minimum, one benchmark must identify an acceptable wage level for the customer (not less than Federal minimum wage standards). Additional benchmarks should be identified that are critical to the success of supported self-employment and how to proceed if the benchmarks are not met. It is important that these benchmarks be clearly written, and the consequences for not meeting the benchmarks are clearly explained to the customer and stated on the IPE. Examples of consequences for not meeting the benchmarks on the IPE:
  - Evaluating the appropriateness of the benchmarks and possibly modification of the benchmarks (this would require an amendment to the IPE).
  - Withdrawal of IDVR support of the business and assess other VR options.
  - Proceeding with case closure.

### **III. Closure of Supported Self-Employment Case**

#### **1. Successful Closure**

Successful closure can be completed when the following has been established:

- Identified benchmarks have been achieved.
- The customer has achieved at least 90 days of stable employment and at least six (6) months of business operation.
- Necessary long term supports have been verified.

Equipment provided for the supported self-employment plan may be released or returned, consistent with Section 13 of the policy.

#### **2. Unsuccessful Closure**

If adequate progress towards meeting the identified benchmarks is not made, the VRC proceeds with case closure unless the customer expresses interest in developing a new IPE goal. "All other reasons" would

be the reason selected for case closure.

The customer is expected to return equipment provided for the self-employment plan, consistent with Section 13 of the policy.

## **C. Continued Self-Employment:**

### **I. Writing IPE**

1. Prior to completing the IPE, a comprehensive assessment must be completed.
2. Identify specific VR services, cost, and vendors need to implement the self-employment plan. It is important that the financial responsibility for each party is identified on the IPE.
3. Identify necessary training and technical assistance needed to implement the plan.
4. Identify post start-up support services that may be needed.
5. Identify the benchmarks for successful closure. At minimum, one benchmark must identify acceptable wage level for the customer (not less than Federal minimum wage standards). Additional benchmarks should be identified that are critical to the success of self-employment and how to proceed if the benchmarks are not met. It is important that these benchmarks be clearly written, and the consequences for not meeting the benchmarks are clearly explained to the customer and stated on the IPE. Examples of consequences for not meeting the benchmarks on the IPE:
  - Evaluating the appropriateness of the benchmarks and possibly modification of the benchmarks (this would require an amendment to the IPE).
  - Withdrawal of IDVR support of the business and assess other VR options.
  - Proceeding with case closure.

## **II. Closure of Continued Self-Employment Case**

### **1. Successful Closure**

Successful closure can be completed when the following has been established:

- Identified benchmarks have been achieved.
- The customer has achieved at least 90 days of stable employment.

Equipment provided for the continued self-employment plan may be released or returned, consistent with Section 13 of the policy.

### **2. Unsuccessful Closure**

If adequate progress towards meeting the identified benchmarks is not made, the VRC proceeds with case closure unless the customer expresses interest in developing a new IPE goal. “All other reasons” would be the reason selected for case closure.

The customer is expected to return equipment provided for the continued self-employment plan, consistent with Section 13 of the policy.

### ***12.11 Effective Communication Services for Customers with Sensory Impairments***

IDVR can provide interpreter services and note taking services for customers who are deaf, including tactile interpreting for customers who are deaf-blind; reader services, rehabilitation teaching services, note-taking services and orientation and mobility services for customers who are blind; telecommunications, sensory and other technological aids and devices.

**NOTE:** *If the customer is enrolled in an academic/technical training program at an institution that receives Federal financial support, the institution will be responsible for the provision of interpreter services within the classroom or formal training environment i.e., outside the classroom, but mandated or supported by the class curriculum. (A regional exception has been made at the Eastern Idaho Technical College – EITC as per the agreement between IDVR and EITC).*

### ***12.12 Occupational Licenses, Tools, Equipment Initial Stocks and Supplies necessary in order to enter an Occupation***

Occupational licenses, tools, equipment, initial stocks, and supplies may be purchased in order to adequately prepare the customer for a vocational outcome. *A private pilot's license will not be secured through the financial support of IDVR.*

IDVR will not purchase land or buildings for customers with disabilities. IDVR retains the right to reclaim occupational tools and equipment purchased by IDVR when:

- The customer's IPE is not completed.
- The tools and equipment are no longer necessary or appropriate for the existing or new employment goal.
- The case is closed other than rehabilitated.

### **12.13 Supported Employment Services**

**Authority: 34 CFR 363**

#### **12.13.1 Supported Employment**

Supported employment means competitive integrated employment, including customized employment, or employment in an integrated work setting in which an individual with a most significant disability, including a youth with a most significant disability, may be working on a short-term basis (earning less than a competitive wage) toward competitive integrated employment that is individualized, and customized, consistent with the unique strengths, abilities, interests, and informed choice of the individual, including ongoing support services for individuals with the most significant disabilities. SE services may be provided by VR for a period of time not to exceed 24 months, unless the VRC and customer jointly agree to extend the time to achieve the employment outcome identified in the IPE. Supported employment services will be provided on an individualized basis, with the VRC consistently evaluating the of service needs.

For the purposes of this policy, SE refers to support services (e.g. job coaching) provided after placement and before the individual reaches initial stability, and prior to utilization of extended services (long-term supports).

Key aspects of SE include:

- Can be provided up to 24 months for both youth and adults
- Must be in Competitive Integrated Employment (with rare time-limited exceptions).

- Youth Extended Services (YES) are available for customers under the age of 25 where external extended services are unavailable.

### **12.13.2 When is a Supported Employment Strategy Indicated?**

Supported Employment (SE) is indicated for individuals for whom competitive integrated employment (CIE) has not historically occurred, or for whom competitive integrated employment has been interrupted or intermittent as a result of a significant disability; and because of the nature and severity of their disability, need intensive supported employment services and extended services after the transition from IDVR services in order to maintain their employment.

SE is identified as an appropriate employment outcome on the basis of a comprehensive assessment of rehabilitation needs including an evaluation of rehabilitation and career needs.

### **12.13.3 Ongoing Support Services**

Ongoing support services are those services needed to support and maintain a customer with a most significant disability, including a youth with a most significant disability, in supported employment; which are identified by the VRC based on the customer's need and specified in their IPE.

Ongoing support services (OSS) are provided from the time of job placement and thereafter by extended services providers throughout the customer's term of employment. Both Supported Employment under IDVR and Extended Services regardless of payer are considered forms of OSS.

These services include an assessment of employment stability and provision of specific services at the worksite that are needed to maintain stability based on; at a minimum, twice-monthly monitoring at the worksite or at the request of the customer can be conducted off-site with the customer.

Ongoing support services may consist of any of the following activities, after initial job placement:

- Any supplementary assessment (to the comprehensive assessment);
- Job skill training at the work site;
- Social skills training;
- Regular observation or supervision of the customer;

- Follow-up services including regular contact with the employers, the customers, and other individuals authorized to participate by the customer in order to reinforce and stabilize the job placement;
- Facilitation of natural supports at the worksite;
- Any other service identified in the scope of vocational rehabilitation services for customers.

#### **12.13.4 Extended Services (ES)**

Extended services (ES) are those services provided to youth and adults after initial stabilization which are required for an individual to maintain their employment. ES are based on the needs of the individual as specified in their IPE. For adults, extended services can only be funded through external sources, whereas IDVR may provide extended services for youth.

The availability of extended services funding is not an eligibility issue, but one of resource availability: Federal regulations do not allow the VRC to find an individual ineligible for services because the source of extended services is not identified. A customer should continue to receive supported employment services and be given the opportunity to obtain extended services, even if the source of funding is not known at the time the IPE is developed.

If funding for extended services is not available for adults, the VR counselor will:

- Document that extended support services are required;
- Work with the customer and/or guardian to seek out needed extended services, which may include natural supports.
- Provide necessary on-going supported employment services under an IPE until the availability of extended services are available, or until the supported employment services timeframe is exhausted.

#### **12.13.5 Youth Extended Services (YES)**

IDVR may provide extended services for youth when comparable extended services are unavailable in the community. Where an SE strategy is indicated for youth, and where youth will not be able to immediately access external extended services, VR can provide Youth Extended Services (YES) once initial job stabilization is achieved. Youth Extended Services under IDVR will be paid at the Extended Employment Services (EES) rate as these are identical services. Prior to the provision of VR funded YES, the VRC will need verification provided by the customer or guardian that external extended services are currently not available from other sources in the community.

These extended support services for youth can continue until:

1. Externally funded extended services become available OR

2. IDVR has provided YES for four years, OR
3. The individual reaches the age of 25 (whichever comes first).

### **12.13.6 Natural Supports**

Natural supports are extended services provided on the job site by a supervisor, co-workers, or, on a limited basis, family members. Natural supports should be used cautiously as they may be difficult to sustain on a long-term basis. The person responsible for implementing natural supports must make the commitment in writing to provide ongoing natural supports in the absence of funded extended services.

### **12.13.7 Competitive Integrated Employment**

Competitive Integrated Employment (CIE) has three primary components: compensation, integrated location, and opportunity for advancement.

Determinations of whether or not a particular position meets the definition of CIE can be made by the VR counselor. All three of the following conditions must be met in order for a jobsite to qualify as competitive integrated employment:

1. **Competitive earnings:** Earnings are greater than or equal to the Federal or State minimum wage (Idaho municipalities are prohibited from instituting a local minimum wage). Additionally, wages must be comparable to the customary rate paid by the employer to employees without disabilities in similar positions with comparable skills, experience, and training. The employee must also receive benefits comparable to those of employees without disabilities in similar positions.
2. **Integrated settings** are those typically found in the community, and integration is an absolute requirement for any successful closure. The primary consideration of integration is that the level of interpersonal interaction among all employees in a work unit should be similar regardless of disability status. This level of interaction applies both within the work unit and to all level of interaction at the worksite (e.g. the employee with a disability interacts with co-workers and with customers at roughly the same frequency and intensity as peers in the work unit without disabilities). Questions about whether a worksite is integrated or not should be directed to a Regional Manager.

**Note:** Employment settings that are “typically found in the community” are those in the competitive labor market. IDVR staff will work with employers, when needed, to determine if the employment setting meets the criteria of competitive

integrated employment.

3. People with disabilities must have the same opportunities for advancement on the job as people without disabilities in similar positions in order to be considered a competitive integrated worksite. These opportunities do not necessarily need to be with the current employer; rather individuals must have the opportunity to advance in general within the given industry.

### **12.13.8 Employment Stabilization**

Initial stabilization is the expected point of transition to extended services (sustained or maintained stabilization refers to stabilization that is maintained over the course of extended services provision). Day one of the 90 day requirement for a successful SE closure begins when the customer has achieved initial employment stabilization (employment outcome) and the customer begins extended services. Customers are considered stabilized in employment if:

- All reasonable support needs have been addressed including worksite accommodations and employer concerns.
- The individual is satisfied with the type of work and number of hours worked per week.
- The individual has achieved their highest expected level of independence on the job and has reached a predictable level of intervention.
- Fading has occurred and the VRC has evidence that establishes the appropriate level of extended support needed by the individual.

Progress toward initial employment stabilization should be assessed on at least a monthly basis. Evidence of progress could include any of the following, and is not limited to, an increase of hours, increase of responsibilities, mastery of job skills, or added tasks, monthly CRP progress reports and monthly check-ins with the customer which illustrate improvement. A rationale that initial employment stability has been achieved should be articulated in a case note and should address each of these bullets above (support needs, customer agreement, level of independence and fading).

### **12.13.9 Allowance for less than competitive wage on a short-term basis**

WIOA creates an allowance for the short-term basis of a non-competitive wage for people with a SE employment goal. This allowance may only be used in limited situations to ensure competitive integrated employment can be reasonably achieved within six months of achieving an employment outcome in supported employment, or in limited circumstances, within a period not to exceed

12 months from the achievement of the supported employment outcome. This allowance can include non-competitive wages which exceed minimum wage, but will always be triggered where a subminimum wage is being paid to individuals. More common cases would involve 14(c) subminimum wage certificate holders or instances where an individual is under 20 years of age and the employer is utilizing a training wage not below \$4.25 for the first 90 consecutive calendar days as allowable under Idaho Code §44-1502(3). In all SE cases, RM consultation and approval is required prior to supporting a temporary non-competitive wage allowance on a short-term basis.

Strong rationale for the six month extension must be documented in the case record. In these exceptional circumstances, and on a short-term basis, individuals with an MSD who are working in an integrated setting may be allowed to work for less than competitive wage, provided they are working towards CIE and are reasonably expected to be making a competitive wage within six months of achieving the supported employment outcome. Again, the short-term basis should only be used if there is progress towards a competitive integrated employment outcome. Progress towards competitive integrated employment could include, but is not limited to an increase of hours, increase of responsibilities, mastery of job skills, incremental wage increases, or added tasks.

In extraordinary circumstances, with RM approval, this extension may be expanded up to 12 months based on the needs of the individual coupled with evidence of interim progress toward a competitive wage. IDVR cannot support SE services beyond the short-term basis period: In cases where a competitive wage has not been achieved within a short-term extension period, the VRC should review other CIE options with the customer, or close the case. In no circumstances is Supported Employment allowable in a non-integrated environment.

- a. After 90 days of sustained stability in employment, ensure the conditions for successful SE closure have been met (under 'Successful Closure Requirements' below this section). If so, close with a successful SE outcome.

### **12.13.10 Successful Closure Requirements**

The following must be satisfied before a VRC can close a SE case successfully:

- The individual must have completed SE services and is no longer receiving VR funded services including VR extended services for youth.

- The individual has achieved employment stability for a period of 90 days after transitioning to extended services.
- The job meets the definition of competitive integrated employment.
- The job is consistent with the vocational goal specified in the IPE.
- At the end of the 90 days the customer and VRC agree that the customer is performing well in employment.
- The individual is informed, through appropriate modes of communication, about the availability of Post-Employment Services.

### **12.14 Post-Employment Services (PES)**

A customer with a disability who had been previously rehabilitated may require additional services in order to maintain, advance in, or regain suitable employment. In order to qualify for this service strategy, the need must be based upon a disability previously documented in the eligibility determination section. Post-employment services require an amendment to the IPE. *In order to qualify for these services, the customer's vocational needs must be minor in scope (\$1,000 or less) and duration (6 months or less). This means the customer only needs relatively short-term services with minimal cost associated.* Customers requiring multiple services over an extended period of time and/or a comprehensive/complex rehabilitation plan should be encouraged to reapply for the full-spectrum of VR services since their needs exceed the intent of post-employment services. PES can be initiated within three (3) years of successful closure. If Post-employment services are not appropriate, a new case must be opened.

**NOTE:** The intent of PES is to ensure that the employment outcome remains consistent with the customer's strengths, resources, priorities, concerns, abilities, capabilities, interests and informed choice.

### **12.15 Rehabilitation Technology**

Rehabilitation technology services (rehabilitation engineering, assistive technology devices and services) may be provided as compensatory strategies to increase, maintain, or improve functional capabilities of customers with disabilities. Rehabilitation technology services may be provided at any time in the rehabilitation process, including the assessment for determining eligibility and vocational rehabilitation needs, trial work, services provided under an IPE, and post-employment services. Rehabilitation technology, including telecommunications, sensory, and other technological aids and devices are exempt from a determination of the availability of comparable services or benefits

exist under any other program. IDVR may not request the use of comparable services and benefits for these services. However, personally prescribed devices, such as eye glasses, hearing aids, or wheelchairs are not exempt from the consideration of comparable benefits. (For further information, please review the series of comprehensive fact sheets provided by Idaho Assistive Technology Project located on the IDVR intranet web site. There are also direct links to the Idaho Assistive Technology Project web site at that location).

**12.15.1 “Assistive technology service”** means any service that directly assists a customer with a disability in the selection, acquisition, or use of an assistive technology device, including:

- A. The evaluation of the needs of a customer;
- B. Purchasing, leasing, or otherwise providing for the acquisition by a customer with a disability of an assistive technology device;
- C. Selecting, designing, fitting, customizing, adapting, applying, maintaining, repairing, or replacing assistive technology devices;
- D. Coordinating and using other therapies, interventions, or services with assistive technology devices, such as those associated with existing education and rehabilitation plans and programs;
- E. Training or technical assistance for a customer with a disability.

**12.15.2** An assistive technology device means any item, piece of equipment, or product system, whether acquired commercially off-the-shelf, modified, or customized that is used to increase, maintain, or improve the functional capabilities of a customer with a disability.

**12.15.3** Vehicle modification may be provided as an assistive technology device only when the applicant/customer is otherwise precluded from achieving a vocational objective.

1. In the event that a vehicle requires modification, e.g., hand controls, lift installation, or structural revision, these modifications may only be provided on vehicles with an expected life of five (5) years or longer after modification, as evaluated by a certified mechanic (paid for by IDVR). The customer must agree to maintain insurance on the vehicle for replacement costs of the modified equipment.
2. Any vehicle modification over \$3,000 must include a minimum of two bids from approved vendors.

3. Adaptive equipment items that are not documented as medically and/or vocationally necessary will be the responsibility of the customer.
4. When a customer purchases a new vehicle requiring modifications they should check with the dealership to see if the vehicle modification assistance is available. The VRC will check with the customer to see if the customer is willing to access and apply the rebate to the cost of vehicle modification.

**12.15.4** Housing modifications may be provided as a supportive service so the customer can benefit from a core vocational rehabilitation service. Typically these services are provided under an IPE.

### **12.16 Supportive Services**

- A. Maintenance is a funding provision designed to offset *identified additional costs incurred as a result of participating in a rehabilitation service*.

**NOTE:** Maintenance means monetary support provided to a customer for expenses, such as food, shelter, and clothing, that are in excess of the normal expenses of the customer and that are necessitated by the customer's participation in an assessment for determining eligibility and vocational rehabilitation needs or the customer's receipt of vocational rehabilitation services under an individualized plan for employment. (Ref: 34 CFR, Part 361.5 (35)).

Counselors cannot pay maintenance for those existing living costs that a customer would normally incur regardless of the customer's participation in a plan of vocational rehabilitation services.

Maintenance intended to cover shelter related expenses will not exceed four (4) months per case without the Chief of Field Service's approval.

Maintenance intended to cover food expenses will not exceed four (4) weeks per case without the Chief of Field Service's approval.

Maximum per diem food rates for the state of Idaho can be found at:  
<http://www.sco.idaho.gov/>.

Maximum per diem food rates for out of state can be found at: [www.gsa.gov](http://www.gsa.gov).

VRCs should be aware and make their customers aware, that any maintenance payments for food, shelter, or clothing may impact SSI benefits.

B. Transportation is a service for identified travel and related expenses for customers to participate in a vocational rehabilitation services or assessment.

1. Actual costs may be paid for taxi, buses, airplanes, etc. (See 12.2 Agency Payment Policy)
2. When using a privately owned vehicle, fuel assistance will be negotiated. This depends upon actual transportation expenses for participation in rehabilitation services. Routine vehicle maintenance is not covered by IDVR.
3. The VRC must take into account the following issues when confronted with a request from a customer to repair a privately owned vehicle:
  - a. The overall condition and value of vehicle.
  - b. The extent of the repairs.
  - c. The availability of other appropriate transportation.
  - d. The necessity that the vehicle be used for IDVR participation or work.

### ***12.17 Pre-Employment Transition and Transition Services for Students and Youth***

***Authority: 34 CFR 361.5, 361.22, and 361.48***

Idaho Division of Vocational Rehabilitation (IDVR) engages in the delivery of pre-employment transition services for students and transition services for youth with disabilities to ensure they have meaningful opportunities to receive the necessary services to achieve employment outcomes in competitive integrated employment. These services are an early start at job exploration and should be viewed as preparation for engagement in other transition services leading to competitive integrated employment.

Pre-employment transition services may be provided to students eligible for VR services or to potentially eligible students, who may have not applied for VR

services. IDVR is required to collect basic information for those potentially eligible students who receive Pre-ETS. Students are encouraged to apply for VR services at the earliest possible time if they require services beyond the five Pre-ETS activities. Pre-employment transition services will be delivered to students with disabilities on a statewide basis; however, some services may be delivered in a manner to accommodate the unique characteristics of the different areas across the state.

The development and approval of an Individualized Plan for Employment (IPE) for students with disabilities will occur as early as possible during the transition planning process, but not later than the time when the eligible student leaves the school setting or, if operating under an Order of Selection, before each eligible student with a disability able to be served under Order of Selection leaves the school setting.

#### **12.17.1 Definitions:**

##### **Student with Disability**

The definition for student with a disability has three components including age requirement; education program attendance; and the individual is eligible for and receiving special education or related services under the Individuals with Disabilities Education Act (IDEA), or is an individual with a disability for purposes of Section 504 of the Act.

- **Age Requirements:** Individuals may begin receiving Pre-ETS services when they turn 15 and can continue to receive these services until their 22<sup>nd</sup> birthday.
- **Educational Programs:** Includes secondary education (including home schooling); non-traditional or alternative education (e.g., general education equivalency (GED) preparation programs); and postsecondary education and vocational education. Other recognized educational programs include those offered through the juvenile justice system.
- **Disability:** The student must be eligible for and receiving special education or related services under IDEA. Students with disabilities for purposes of Section 504 of the Act are not required to be receiving services under Section 504 to receive Pre-ETS.

##### **Availability of Services to Students with Disabilities**

Students with disabilities, regardless of whether or not they have applied for or been determined eligible for the VR program, are eligible to receive Pre-ETS.

## **Youth with Disability**

A youth with a disability is an individual with a disability between the ages of 14 and 24. There is no requirement that youth participate in an education program. Youth must apply for, and be determined eligible and have an IPE to receive transition related and VR services. Additionally, youth with disabilities are subject to FPA requirements.

## **Transition Services**

Transition services are VR services available to both students and youth with disabilities. They are a coordinated set of activities that are outcome oriented and promote movement from school to post-school activities; including postsecondary and vocational training and competitive integrated employment. Other transition services may include job-related services, job search and placement assistance, job retention services, follow-up and follow along services. Transition services are based upon the student or youth's needs including their preferences and interests that promotes the achievement of the employment outcome identified in the student or youth's IPE and includes outreach and engagement of parents or representatives, as appropriate.

Transition services may be provided as group services or as individualized services. Group transition services may be provided to potentially eligible students; group transition services may also be provided to eligible students and youth with disabilities. Group transition services are to benefit a group of students or youth with disabilities and are not individualized services directly related to an IPE. Individualized transition services may only be provided to students and youth who have been determined eligible and have an IPE.

Transition services for youth may be the same services provided to students; however, Pre-ETS funds cannot be used for youth with disabilities, as these funds can only be applied to students.

## **Pre-Employment Transition Services (Pre-ETS)**

The five pre-employment transition services which are delivered directly to students with disabilities are those services which can be provided in a group or on an individual basis and include:

1. **Job exploration counseling** may include counseling on in-demand occupations, labor market composition, nontraditional employment or career pathways, administration of interest inventories, and discussions of local labor market information that applies to the student's areas of interest.

2. **Work-based learning experiences** may include in-school, after school, or summer work opportunities, or experience outside the traditional school setting that is provided in an integrated environment in the community to the maximum extent possible, and can also include informational interviews, job shadows, etc.
3. **Counseling on opportunities for enrollment in postsecondary education** occur at institutions of higher learning and may include but is not limited to: counseling on course offerings and career options, types of academic/occupational training needed to succeed in the workplace, and postsecondary education associated with career fields or pathways, academic curricula advisement, college admittance process assistance, help with financial aid forms, or information on scholarship opportunities.\
4. **Workplace readiness training** may include developing social and independent living skills, communication and interpersonal skills, financial literacy, job-seeking skills and understanding employer expectations for punctuality and performance, and soft skills training necessary for employment.
5. **Instruction in self-advocacy** may include teaching students about their rights and responsibilities, self-determination, how to request accommodations or services and supports, and how to communicate their thoughts, concerns, and needs.

### **12.17.2 Delivery of Pre-Employment Transition Services**

Pre-employment transition services provided to students with disabilities are exempt from financial participation consideration, even when such services are provided on an IPE. However, if receiving services under an IPE, all non-exempt services will be subject to the Division's Financial Participation Assessment (FPA). Additionally, once a student no longer meets the definition of 'student with a disability' all services become subject to financial participation consideration. (See FSPM Section 8.0, Participation of Customers in Cost of Services Based on Financial Need for more guidance).

### **12.17.3 Auxiliary Aides or Services Necessary to Support Pre-Employment Transition Services**

If a student with a disability, including potentially eligible students, requires an auxiliary aid or service, e.g., interpreter, reader services, or accessible informational materials, to access or participate in pre-employment transition

services, VR may pay for the service, if not customarily provided by another entity, including local educational agencies. Auxiliary aides and services are those services necessary to ensure equal access to pre-employment transition services, as required by the Americans with Disabilities Act of 1990 (ADA), as revised by the ADA Amendments Act of 2008, and Section 504 of the Rehabilitation Act.

If a student with a disability requires additional VR services (e.g., job coaching, transportation, or assistive technology, etc.) to participate in Pre-ETS activities he or she will need to apply for VR services and be determined eligible and have an approved IPE.

#### **12.17.4 Pre-Employment Transition Services Under an Order of Selection**

In the event IDVR enters into an OOS, certain services may or may not be provided depending upon prior service provision or order classification: Neither the statute nor the regulations exempt students with disabilities from any of the order of selection requirements:

- Students with disabilities who are receiving Pre-ETS under an IPE prior to IDVR initiating an Order of Selection (OOS) can continue to receive Pre-ETS and other necessary VR services.
- Students who receive at least one Pre-ETS prior to eligibility determination may continue to receive Pre-ETS regardless of OOS category assignment.
- Eligible individuals in closed priority OOS categories who have not received Pre-ETS prior to eligibility determination may not receive Pre-ETS until they are removed from the OOS waitlist.
- Regardless of OOS category assignment, Pre-ETS provision shall terminate once the individual no longer meets the definition of a student with a disability.

#### **12.17.5 Service Provision and Collaboration with Schools**

IDVR works collaboratively with the State Department of Education (SDE), Local Education Agencies (LEAs), and local school personnel to develop effective referral and outreach strategies to maximize opportunities for students with disabilities to participate in Pre-ETS activities, including students who are receiving accommodations under Section 504 of the Rehabilitation Act. When invited, VRCs may attend Individualize Education Program (IEP) meetings or other school related meetings in person, by video conference, or teleconferencing.

IDVR and the SDE have developed a comprehensive formal interagency agreement which addresses collaborative service provision, consultation and technical assistance, including the programmatic and fiscal responsibilities for each agency, as well as the documentation requirements with regard to students with disabilities who are seeking subminimum wage employment. Specific criteria are used to determine which agency (IDVR or LEA) has the primary responsibility for providing and paying for transition related services for students with disabilities. These criteria are based on several factors, including the purpose of the service, which entity customarily provides the service, and program eligibility.

#### **12.17.6 IPE Development**

VRC's may develop a "projected" or preliminary post-school employment outcome before agreeing on a specific vocational goal. The services in the projected IPE goal must outline the Pre-ETS activities and other VR services that will guide the student/youth's career exploration that will eventually lead to the identification of a specific vocational goal (which will require an amendment to the plan). When developing the first projected IPE vocational goal it is acceptable to use entry level positions in an occupation – such as; all other service workers, clerk, certified nursing or medical assistant, teacher's assistant, bookkeeper, etc. Additionally, the development and approval of an IPE for students with disabilities will occur as early as possible, but not later than the time when the eligible student leaves the school setting.

#### **12.18 Services to Family Members**

The definition of "Family Member" is a relative or guardian of the customer or someone who lives in the same household as the customer and has a substantial interest in the well-being of the customer.

#### **Conditions and Criteria:**

- A. Service may be provided only to individuals that meet the definition of family member.
- B. The services to be provided are those which are deemed to be necessary to the successful completion of the customer's rehabilitation plan (IPE or Trial Work Period). The customer and VRC will make the determination as to whether a service to a family member is necessary to the vocational rehabilitation of the individual customer.

- C. Comparable services and benefits are to be explored and if available, utilized prior to expenditure of agency funds.
- D. IDVR funds can only be utilized if economic need is established through the Financial Participation Assessment (FPA).
- E. Family members may not have access to the customer's record of service without a release of information. Family members may have access to information pertaining to the services they received.

**Procedures:**

- A. The category of Services to Family Members requires prior approval from the RM.
- B. The IPE must set forth the services to be provided to the family member.
- C. In developing the IPE the VRC must ensure that the customer and family member(s) understand the basis for the provision of services in order to avoid any misunderstanding as to the scope, nature, and duration of services.
- D. Services under this section must comply with all other portions of the manual relating to the provision of IDVR services.
- E. Services to family members must be terminated whenever one of the following conditions prevails:
  - 1. When a service(s) is no longer necessary to the customer's plan; or
  - 2. When the customer's plan is terminated in accordance with case closure procedures; or
  - 3. When Post-Employment Services are terminated.
- F. When services are provided to family members, the record of service must include:

1. A rationale that services are required to support the customer's success in completing objectives of the IPE;
2. Data, including medical information, to support the decision to provide services (the least amount necessary to verify the need);
3. Identification of family member(s) receiving those services;
4. The cost of such services; and
5. Documentation of the time limited nature of these services.

### **12.19 Personal Care Assistant Services**

A personal care assistant (PCA) assists a customer with a significant disability by performing personal activities of daily living requiring hands-on help, which cannot be performed by the customer because of the significance of the disability. PCA services including personal care related tasks such as:

1. Eating
2. Drinking
3. Toileting
4. Bathing
5. Transfers
6. Dressing
7. Grooming
8. Medications

PCA services do not include chore services, respite, cueing, or household tasks. In most cases, tasks performed by the PCA are customer directed. The PCA is not responsible for any tasks that the customer with a disability can perform independently.

PCA services have been developed to enhance the ability of a customer with a significant disability to live and work independently. The need for PCA services is normally identified through an independent living (IL) evaluation.

A PCA must have completed a State approved training program or have substantial knowledge and experience in providing PCA services.

It is the policy of the IDVR to provide PCA services to customers with significant

disabilities, when PCA services over and above those required for normal daily living are required to assist the customer to complete the IDVR process. IDVR does not provide PCA services in lieu of existing PCA programs and providers. If the VRC determines that PCA services are necessary for the customer to complete the objectives of the IPE, the VRC will need to conduct or obtain a personal care assistant evaluation to determine the number of hours of PCA services that are required for participation in the IPE over and above the customer's normal daily living needs.

It is the responsibility of the customer and the VRC to identify, apply for and utilize any and all similar benefits for PCA services. PCA recruitment and management is the responsibility of the customer. Payment for PCA services is made through an authorization to the customer for PCA services. The customer then pays the chosen provider. IDVR will not exceed the current rate established by Medicaid. IDVR does not pay for standby time; only for direct service time related to the VR service that the PCA service is addressing. The customer is required to submit verification of services received from the provider to IDVR on a monthly basis to continue to receive PCA funded services.

IDVR PCA services are time limited in nature and are provided during the vocational rehabilitation process, if required, to assist in determining eligibility, for participation in vocational evaluation and assessment, and during implementation of an IPE with a goal leading to competitive employment. The provision of PCA services must be linked directly to the objective of the IPE. PCA services funded by IDVR must be for those tasks over and above PCA services normally required for tasks of daily living. No more than 40 hours per week will be authorized for PCA services.

When the IPE objectives have been successfully completed and the goal of competitive employment has been achieved, provision of PCA services required to maintain employment becomes the responsibility of the customer.

### ***12.20 Services to a Group of Individuals***

The Rehabilitation Act of 1973 as amended authorizes the provision of rehabilitation services to groups of individuals.

#### **Guidelines**

Services for a group of individuals with disabilities must be expected to substantially contribute to the vocational rehabilitation of a group of individuals, but does not relate directly to the individualized rehabilitation program of any

one individual with disability. The decision to provide services to groups will be made based on the need for the services as well as the available resources of the agency.

### **Establishment**

Under the authority of 34 CFR 361.49(a)(1), IDVR may pursue the establishment, development, or improvement of a public or non-profit community rehabilitation program that is used to provide vocational rehabilitation services that promote integration and competitive employment, including, under special circumstances, the construction of a facility for a public or non-profit community rehabilitation program. Examples of “special circumstances” include the destruction or natural disaster of the only available center serving an area or a State determination that construction is necessary in a rural area because no other public agencies or private non-profit organizations are currently able to provide vocational rehabilitation services to individuals.

Any CRP establishment activities undertaken by IDVR will be supported by the pre-planning requirements under 34 CFR 361.49(b)(1) & (2) and 34 CFR 361.29.

In order for IDVR to engage in activities to establish, develop or improve a public or non-profit CRP, pursuant to 34 CFR 361.49(a)(1), and use of non-Federal expenditures incurred by those activities to satisfy match requirement under the VR Program, IDVR must first satisfy several pre-planning requirements:

1. IDVR must have written policies that set forth the nature and scope of services that will be provided to groups of customers with disabilities, and the criteria that will be used to determine the provision of those services (34 CFR 361.49(b)(1)); and
2. Establishment activities must have been identified as a need in IDVR's most recent statewide comprehensive needs assessment and IDVR must have included in its State plan a discussion of the strategies it would use to meet that need (34 CFR 361.29).

If IDVR has satisfied the above pre-planning requirements for activities related to establishing, developing, or improving a CRP, then the following requirements must be satisfied in order for IDVR to use non-Federal

expenditures incurred for these activities towards its match requirements under the VR program pursuant to 34 CFR 361.60(b)(3)(i):

1. The activities proposed must fit within the definition of establishment, development, or improvement of a CRP at 34 CFR 361.5(b)(17);
2. The establishment, development, or improvement of a facility for a CRP at 34 CFR 361.5(b)(18), or
3. The construction of facility for a CRP at 34 CFR 361.5(b)(12); and
4. The activities must be designed to provide services to IDVR customers and applicants.

Based on 34 CFR 361.5(b)(17), IDVR may:

1. The establishment of a facility for a public or non-profit community rehabilitation program.
2. Staffing, if necessary to establish, develop, or improve a community rehabilitation program for the purpose of providing vocational rehabilitation services to applicants or eligible customers.
3. Other expenditures related to the establishment, development, or improvement of a community rehabilitation program that are necessary to make the program functional or increase its effectiveness in providing vocational rehabilitation services to applicants or eligible customers, but are not ongoing operating expenditures of the program.

### **Employment Related Services to Customers with Disabilities**

Under the authority of 34 CFR 361.49(a)(6), IDVR may pursue services that promise to contribute substantially to the rehabilitation of a group of customers but that are not related directly to the individualized plan for employment of any one customer.

The nature and scope of the services provided include:

1. Increase access to employment and educational opportunities for persons who are deaf or hard of hearing.

2. Increase awareness of the needs of persons who are deaf and hard of hearing through educational informational programs.
3. Encourage consultation and cooperation among departments, agencies, and institutions serving the deaf and hard of hearing.

## **Section 13.0 - Closure**

### **13.1 Closure During Application Status**

#### **A. No disabling condition**

The VRC is unable to verify the existence of a disabling condition. The decision requires IDVR staff to:

1. Provide an opportunity for the customer or his/her representative to receive full consultation regarding the closure decision.
2. Provide written notification, or other appropriate mode of communication of:
  - a. Ineligibility closure determination, explaining in clear and concise language the reason(s) for the ineligibility determination.
  - b. Appeal rights (Rights and Responsibilities)
  - c. Information regarding the Client Assistance Program (CAP)
3. Referral to other agency (ies), including Idaho Department of Labor.

#### **B. No impediment to employment**

The VRC cannot establish that there is a substantial barrier to employment based on disability. The decision requires IDVR staff to:

1. Provide an opportunity for the customer or his/her representative to receive full consultation regarding the closure decision.
2. Provide written notification, or other appropriate mode of communication of:
  - a. Ineligibility closure determination, explaining in clear and concise language the reason(s) for the ineligibility determination.
  - b. Appeal rights (Rights and Responsibilities)
  - c. Information regarding the Client Assistance Program (CAP)
3. Referral to other agency (ies), including Idaho Department of Labor.

### **C. Does not require VR services to achieve an employment outcome**

The VRC has been unable to identify substantial VR services necessary to secure, retain or regain employment. The decision requires IDVR staff to:

1. Provide an opportunity for the customer or his/her representative to receive full consultation regarding the closure decision.
2. Provide written notification, or other appropriate mode of communication of:
  - a. Ineligibility closure determination, explaining in clear and concise language the reason(s) for the ineligibility determination.
  - b. Appeal rights (Rights and Responsibilities).
  - c. Information regarding the Client Assistance Program (CAP).
3. Referral to other agency (ies), including Idaho Department of Labor.

### **D. Unable to benefit from VR services**

The VRC, through trial work has established that the applicant is unable to benefit in terms of an employment outcome. The decision requires IDVR staff to:

1. Provide an opportunity for the customer or his/her representative to receive full consultation regarding the closure decision.
2. Provide written notification, or other appropriate mode of communication of:
  - a. Ineligibility closure determination, explaining in clear and concise language the reason(s) for the ineligibility determination.
  - b. Appeal rights (Rights and Responsibilities).
  - c. Information regarding the Client Assistance Program (CAP).
3. Referral to other agencies as appropriate.
4. Conduct a review of the ineligibility determination following the closure of the record within 12 months and annually thereafter, up to two (2) years, or longer if requested. The customer with a disability, or, if appropriate, the customer's representative, may have input into

the review and re-evaluation. Signed documentation should be included of the review and re-evaluation if the review and re-evaluation is able to be completed.

### **E. Extended services unavailable**

The VRC has determined that extended services are required and the VRC and customer have determined that the extended services are not available at this time. The decision requires IDVR staff to:

1. Provide opportunity for the customer or his/her representative to receive full consultation regarding the closure decision.
2. Provide written notification, or other appropriate mode of communication of:
  - a. Closure determination, explaining in clear and concise language the reason(s) for the determination.
  - b. Appeal rights (Rights and Responsibilities).
  - c. Information regarding the Client Assistance Program (CAP).
3. Referral to other agencies as appropriate.

### **F. No longer interested in receiving services, unable to locate/contact or moved, death, institutionalized or incarcerated, transportation not feasible or available, transferred to another agency, and all other reasons.**

These are closures without eligibility determination. The decision requires IDVR staff to:

1. Provide an opportunity for the customer or his/her representative to receive full consultation regarding the closure decision.
2. Provide written notification, or other appropriate mode of communication of (when death is a reason for case closure do not send any written documentation):
  - a. Closure determination.
  - b. Appeal rights (Rights and Responsibilities).
  - c. Information regarding the Client Assistance Program (CAP).

## **13.2 Closure During Eligibility Status**

### **A. Unable to benefit from VR services, disability too severe for services**

The VRC, through clear and convincing evidence has established that the customer is unable to benefit in terms of an employment outcome. An ineligibility determination, based on inability to benefit from VR services or disability too severe for services, may be completed after an initial eligibility determination. The decision requires IDVR staff to:

1. Provide an opportunity for the customer or his/her representative to receive full consultation regarding the closure decision.
2. Provide written notification, or other appropriate mode of communication of:
  - a. Ineligibility closure determination, explaining in clear and concise language the reason(s) for the ineligibility determination.
  - b. Appeal rights (Rights and Responsibilities).
  - c. Information regarding the Client Assistance Program (CAP).
3. Referral to other agencies or the Extended Employment Program, as appropriate.
4. Conduct a review of the ineligibility determination following the closure of the record within 12 months and annually thereafter, up to two (2) years, or longer if requested. The customer with a disability, or, if appropriate, the customer's representative, may have input into the review and re-evaluation. Signed documentation should be included of the review and re-evaluation if the review and re-evaluation is able to be completed.

### **B. Extended services unavailable**

The VRC has determined that extended services are required and the VRC and customer have determined that the extended services are not available at this time. The decision requires IDVR staff to:

1. Provide an opportunity for the customer or his/her representative to receive full consultation regarding the closure decision.

2. Provide written notification, or other appropriate mode of communication of:
  - a. Closure determination, explaining in clear and concise language the reason(s) for the determination.
  - b. Appeal rights (Rights and Responsibilities).
  - c. Information regarding the Client Assistance Program (CAP).
3. Referral to other agencies, as appropriate.

**C. No longer interested in receiving services, unable to locate/contact or moved, death, institutionalized or incarcerated, transportation not feasible or available, transferred to another agency, and all other reasons.**

The decision requires IDVR staff to:

1. Provide an opportunity for the customer or his/her representative to receive full consultation regarding the closure decision.
2. Provide written notification, or other appropriate mode of communication of (when death is a reason for case closure do not send any written documentation):
  - a. Closure determination.
  - b. Appeal rights (Rights and Responsibilities)
  - c. Information regarding the Client Assistance Program (CAP)

**D. Closure from the Order of Selection Wait List**

When the VRC is unable to contact (the VRC uses the closure reason – unable to locate/contact or moved) or the customer has declined VR participation (the VRC uses the closure reason – **No longer interested in receiving services**).

The decision requires IDVR staff to:

1. Provide an opportunity for the customer or his/her representative to receive full consultation regarding the closure decision.
2. Provide written notification, or other appropriate mode of communication of (when death is a reason for case closure do not

send any written documentation):

- a. Closure determination.
- b. Appeal rights (Rights and Responsibilities).
- c. Information regarding the Client Assistance Program (CAP).

### **13.3 Unsuccessful Closure After Implementation of IPE**

#### **A. Unable to benefit from VR services, disability too severe for services**

The VRC, through clear and convincing evidence has established that the customer is unable to benefit in terms of an employment outcome. A closure determination, based on inability to benefit from VR services or disability too severe for services, may be completed after an initial eligibility determination. The decision requires IDVR staff to:

1. Provide an opportunity for the customer or his/her representative to receive full consultation regarding the closure decision.
2. Provide written notification, or other appropriate mode of communication of:
  - a. Closure determination, explaining in clear and concise language the reason(s) for the determination.
  - b. Appeal rights (Rights and Responsibilities).
  - c. Information regarding the Client Assistance Program (CAP)
3. Referral to other agencies or the Extended Employment Program, as appropriate.
4. Customer must return tools and equipment to the agency at the time of unsuccessful closure, in accordance to the tool agreement. Exceptions must be approved by the RM.

#### **B. Extended services unavailable**

The VRC has determined that extended services are required and the VRC and customer have determined that the extended services are not available at this time. The decision requires IDVR staff to:

1. Provide an opportunity for the customer or his/her representative to receive full consultation regarding the closure decision.
2. Provide written notification, or other appropriate mode of communication of:
  - a. Closure determination, explaining in clear and concise language the reason(s) for the determination.
  - b. Appeal rights (Rights and Responsibilities)
  - c. Information regarding the Client Assistance Program (CAP)

**C. No longer interested in receiving services, unable to locate/contact or moved, death, institutionalized or incarcerated, transportation not feasible or available, transferred to another agency, and all other reasons.**

The decision requires IDVR staff to:

1. Provide an opportunity for the customer or his/her representative to receive full consultation regarding the closure decision.
2. Provide written notification, or other appropriate mode of communication of (when death is a reason for case closure do not send any written documentation);
  - a. Closure determination.
  - b. Appeal rights (Rights and Responsibilities)
  - c. Information regarding the Client Assistance Program (CAP)

### **13.4 Successful Competitive Closure After Implementation of IPE**

#### **A. Rehabilitated with supports**

Customers in supported employment are determined rehabilitated when the objectives of the IPE for supported employment training are achieved and a plan for extended support services is verified through the activation of services related to the long-term source of support.

In order to determine that a customer has achieved an employment outcome, the case record must document:

1. That services provided under the IPE contributed to the achievement of the employment outcome.

2. That the employment outcome is consistent with the customer's strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice.
3. That the employment is in the most integrated setting possible, consistent with the customer's informed choice, that the customer is compensated at or above the minimum wage and his/her wages and benefits are not less than that customarily paid by the employer for same or similar work performed by non-disabled individual.
4. That the employment outcome has been maintained for a minimum of 90 days.
5. The customer and the VRC consider the employment outcome to be satisfactory and agree that the customer is performing well on the job. Whenever possible, confirm that the employer is satisfied with the work performance of the customer as well as IDVR services.
6. That an assessment occurred regarding whether a need exists for Post-Employment services and that the customer was informed regarding the purpose and availability of post-employment services, should the need arise.
7. Ownership of tools and equipment may be transferred to the customer at the time of closure if the tools and equipment are necessary for on-going employment purposes.

Case closure requires IDVR staff to:

1. Provide an opportunity for the customer or his/her representative to receive full consultation regarding the closure decision.
2. Provide written notification or other appropriate mode of communication.

### **B. Rehabilitated without supports**

In order to determine that a customer has achieved an employment outcome, the case record must document:

1. That services provided under the IPE contributed to the achievement of the employment outcome.
2. That the employment outcome is consistent with the customer's strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice.
3. That the employment is in the most integrated setting possible, consistent with the customer's informed choice, that the customer is compensated at or above the minimum wage and his/her wages and benefits are not less than that customarily paid by the employer for same or similar work performed by non-disabled individual.
4. That the employment outcome has been maintained for a minimum of 90 days.
5. The customer and the VRC consider the employment outcome to be satisfactory and agree that the customer is performing well on the job. Whenever possible, confirm that the employer is satisfied with the work performance of the customer as well as IDVR services.
6. That an assessment occurred regarding whether a need exists for Post-Employment Services and that the customer was informed regarding the purpose and availability of post-employment services, should the need arise.
7. Ownership of tools and equipment may be transferred to the customer at the time of closure if the tools and equipment are necessary for on-going employment purposes.

Case closure requires IDVR staff to:

1. Provide an opportunity for the customer or his/her representative to receive full consultation regarding the closure decision.
2. Provide written notification or other appropriate mode of communication.

### **13.5 Closure After Post Employment Services (PES)**

#### **A. Closed unemployed; opening a new VR case**

The VRC has made a determination that the scope of services is inappropriate for PES and the customer has agreed to apply for a new VR case.

1. PES is closed.
2. Customer applies for services.

#### **B. Employment maintained or regained**

The customer and VRC are in agreement the job is or has been maintained, regained or advanced in.

1. PES case is closed
2. Customer agreement with case closure is documented in the case record.

#### **C. Lost job; no further services at this time**

The customer's employment was not maintained, regained, or advanced in and no VR services are appropriate at this time.

1. PES case is closed
2. Customer has been informed of case closure is documented in the case record.

## **Section 14.0 – Order of Selection**

### **14.1 Authority**

Rehabilitation Act of 1973, as amended. 34 CFR §361.36.

In the event that the projected fiscal and personnel resources of IDVR become inadequate to provide the full range of VR services, as appropriate, to all eligible customers, the Administrator will implement the Division's Order of Selection (OOS). Federal regulations require the Division ensure that customers with the most significant disabilities are served first. The criteria used for determining the OOS is the severity of disability priority category defined in the Field Services Policy Manual Section 6.2.

### **14.2 Factors Prohibited in Order of Selection Consideration**

Factors that will not be used as criteria for establishing an Order of Selection priority include:

- A. Type of disability;
- B. Duration of residency, provided the customer is present in the state;
- C. Age, gender, race, color or national origin;
- D. Source of referral or cooperative agreements with other agencies;
- E. Type of expected employment outcome;
- F. The need for specific services or anticipated cost of such services; or
- G. The income level of the customer or customer's family.

### **14.3 Administrative Requirements**

Under Order of Selection the Division must:

- Continue to accept applications and make determinations of eligibility. This includes the continued provision of diagnostic services necessary to determine eligibility and the individual's priority under the Order of Selection.
- Continue to provide pre-employment transition services to students with disabilities who were receiving such services prior to determination of eligibility and assignment to a priority category.
- Continue to provide services to all individuals under an IPE who has begun to receive services prior to the effective date of the Order of Selection, regardless of the severity of the individual's disability.
- Implement the Order of Selection on a statewide basis.
- Notify all eligible individuals of the priority categories and their assignment to a particular category.
- Notify eligible individuals of their right to appeal their category assignment.

- Ensure all funding arrangements, including third-party cooperative arrangements and awards under the establishment authority, are consistent with the Order of Selection or renegotiate the funding arrangements to be consistent with the Order of Selection.
- Provide adequate referral assistance (including the documentation of a point of contact for the referral agency) to individuals with disabilities who are:
  1. not eligible for services or
  2. are eligible, but are currently on a wait list.

#### **14.4 Procedures**

##### **Determination of Severity of Disability**

When a VRC makes an eligibility determination, they also determine the severity of disability based upon the criteria established in the Field Services Policy Manual Section 6.0. The severity of the customer's disability is categorized into one of the following three priority categories:

Priority 1 – Eligible individuals with the Most Significant disabilities (MSD).

Priority 2 – Eligible individuals with Significant Disabilities (SD).

Priority 3 – All other eligible individuals with Disabilities (D).

Individuals will be released from the statewide wait list based first on priority category and second by earliest date of application. Prior to any change to priority categories being served, the field and impacted customers, will be notified of the change and the effective date.

##### **Reassessment of Severity of Disability**

A request for priority category reclassification is allowable in cases where it would be necessary and appropriate for IDVR to authorize a reassessment of the significance of a disability when existing records and/or other evidence do not accurately describe the individual's current level of functioning. Regional Manager approval is required prior to a reevaluation of severity of disability. A Customer will make a request for reclassification of severity of disability by submitting a written request to the Regional Manager within 21 calendar days of notification of their priority category.

##### **Maintenance of Statewide Order of Selection Wait List**

After priority category assignment, an individual will be served or placed on a wait list if their category is restricted.

Written notification will be provided to the customer informing them of:

- Their eligibility determination.
- The priority categories of IDVR's Order of Selection.

- Their assignment to a particular category.
- Their placement on the wait list (if applicable).
- Their right to appeal their category assignment.
- Their requirement to respond to agency contact within 30 days to avoid case closure and removal from the wait list.
- The availability of the Client Assistance Program (CAP).

Individuals on the OOS wait list will be contacted at least once in the first 90 days after an eligibility determination is made. Subsequent contact shall be made at least every 180 days while the customer is on the wait list.

The Division will conduct periodic projections of fiscal resources and its ability to serve customers in all priority categories.

### **Initiating Services for Customers on the Wait List**

Based upon current and projected fiscal resources, IDVR will determine when it is appropriate to open a priority category and begin serving eligible individuals on OOS wait list and notify field staff of this change.

Upon receipt of the case from the Order of Selection wait list, VR staff will initiate the following steps:

1. Engage the customer to determine if services are still needed and schedule an appointment.
2. If initial contact attempts (e.g., phone or e-mail) are unsuccessful, a letter will be sent to notify the customer of their change in status and their need to contact IDVR to verify their continued interest in VR services.
3. Make reasonable efforts to locate updated phone numbers and/or addresses for the customer.
4. If the customer has not responded within 30 days from the date the letter was sent, IDVR staff will proceed with case closure.

VR staff need to consider the communication needs of the customer, including the need for information in alternate formats when initiating contact by telephone or letter.

Steps to contact each customer will be documented in case notes and filed in the case service record.

### **14.5 Information and Referral (I&R)**

When operating under Order of Selection, IDVR is required to offer Information and Referral (I&R) services to customers who cannot be served and must wait for services because of the Order of Selection.

IDVR must document and retain information about referrals to other Federal and

State programs that provide employment-related services.

### **Information and Referral Requirements**

Federal regulations establish minimum requirements under I&R as follows. IDVR must:

- A. Provide customers with accurate vocational rehabilitation information and guidance (which may include counseling and referral for job placement) to prepare for, get, or keep a job.
- B. Refer customers with disabilities to other Federal or State programs that are best suited to address their specific employment needs, including partners in the workforce development system.

### **Documenting a Formal Referral**

If a customer requests a referral, the IDVR staff member prepares and sends a written referral to the organization best suited to meet the specific employment needs of the customer. The VR counselor is required to document this referral in case notes. In addition, the VRC provides the customer with the following:

- A. A copy of the written referral notifying the other Federal or State program about the referral.
- B. The name of the person in that organization to be contacted by the customer being referred.
- C. Information about the most suitable services to prepare for, secure, retain, or regain employment.

### **Informal Referrals**

VRCs routinely provide information to applicants and eligible customers about community assistance programs that may offer services or benefits to assist the customer in meeting a variety of needs. Formal documentation requirements that apply to workforce development system partners do not apply to informal referrals.

### **14.6 Post Employment Services**

Order of Selection does not impact or alter the provision of post-employment services. Post-employment services are considered an amendment of the IPE, and therefore, a customer who needs post-employment services is not required to meet the highest priority category currently being served under an Order of Selection nor is the customer required to wait for services.

If substantial services are needed, PES is not appropriate. A new application should be taken and would be subject to Order of Selection.

## **Section 15.0 – Services for Individuals Employed or Seeking Employment at Subminimum Wage**

### **15.1 Authority: 34 CFR 397.1**

The Rehabilitation Act, as amended, emphasizes that individuals with disabilities, including those with the most significant disabilities, can achieve competitive integrated employment if provided necessary supports and services. The limitations imposed by Section 511 of the Act reinforce this belief by requiring individuals with disabilities, including youth, to satisfy certain service-related requirements in order to start or maintain, as applicable, employment for less than minimum wage.

### **15.2 Definitions:**

Employer: Entity who holds a special wage certificate under section 14(c) of the Fair Labor Standards Act (29 U.S.C. 2014(c) and employs individuals with disabilities at less than minimum wage.

Employee: Individual with a disability working for less than minimum wage, or individual with a disability who is seeking to work at less than minimum wage

Youth: Individuals with disabilities age 14 to under the age of 25 who are considering subminimum wage employment.

### **15.3 Purpose**

The purpose of Section 511 seeks to ensure that individuals with disabilities have a meaningful opportunity to understand all potential employment options in their community including Competitive Integrated Employment (CIE). This process includes the requirement for Vocational Rehabilitation (VR) to arrange for the provision and documentation of career counseling and information and referral (CC/I&R) for all individuals with disabilities employed at or seeking subminimum employment, regardless of age.

Section 511 includes specific and additional service and documentation requirements for youth under the age of 25 who are seeking employment for less than minimum wage with employers who hold special wage certificates under Section 14(c) of the Fair Labor Standards Act of 1938. These requirements for youth must be satisfied, prior to beginning employment at subminimum wage, in addition to the career counseling and information and referral requirements which apply to all subminimum/potential subminimum wage employees.

These additional requirements for youth are intended to provide an increased level of engagement and information provision at a critical period for career development and to ensure youth and parents/guardians are aware that CIE is an option and that assistance is available from VR if they are interested in pursuing CIE.

#### **15.4 General Requirements for CC/I&R**

Current employees can choose to continue to work for less than minimum wage provided they engage in a recurring Career Counseling/Information and Referral (CC/I&R). This service addresses federal requirements allowing the employer to continue to employ individuals at less than minimum wage.

Those adults employed on or after July 22, 2016 must receive CC/I&R twice per year for their first year of subminimum wage employment, and once per year thereafter. Prospective adult employees may begin subminimum wage employment prior to receiving CC/I&R services from IDVR, however they must receive CC/I&R within their first six-months of employment.

#### **15.5 Additional Requirements for Youth**

Youth have additional requirements, including participation in the VR process prior to beginning work for less than minimum wage. Prior to youth entering subminimum wage employment, Career Counseling must be provided during the course of VR Counseling and Guidance. In addition, the Information and Referral packet must be given to the youth. Before providing documentation verifying the delivery of CC/I&R, the following must occur:

1. Evidence of transition services under IDEA or documentation of transition or pre-employment transition services (Pre-ETS) provided by IDVR has been collected and contains all of the elements required for sufficient documentation; and
2. Application to IDVR and eligibility determination. For those determined eligible for VR, an Individualized Plan for Employment (IPE) must be developed and the customer should engage in their IPE services unless the customer has a stated employment goal of subminimum wage employment. In these cases, the customer will be closed and notified that they may reapply to VR at any time; and/or
3. Career counseling and information and referral are provided.

### **15.6 Documentation**

Once all individuals, youth seeking and adults working in subminimum wage employment, have completed the necessary requirements, IDVR will provide the verification documentation necessary for them to work for subminimum wage. IDVR will maintain documentation of 511 related services for a period of three years from date of completion of the service as per 2 CFR 200.333.



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