



*Idaho Division of
Vocational Rehabilitation*

Field Services Policy Manual

Effective February 1, 2021

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Purpose and General Requirements

The purpose of the Idaho Division of Vocational Rehabilitation (IDVR) program is to assist eligible persons with disabilities in preparing for and achieving an employment outcome. An *employment outcome* in a competitive integrated setting means entering and/or retaining full-time or, if appropriate, part-time employment. *Employment outcome* also refers to supported employment and other types of employment, such as self-employment. Employment outcomes should be consistent with the customer's strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice.

Legal Citations

The IDVR program is operated in compliance with the 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 this policy manual are:

Final regulations to Title 34 CFR Parts 361, 363, and 397 became effective September 19, 2016 in the Federal Register implementing the Rehabilitation Act Amendments; Title 67, Chapter 53 of the Idaho code, related to provisional appointments in state government for those with severe disabilities.

General Provisions

IDVR is a statewide program that develops and utilizes partnerships for effective service delivery. Partnerships vary, but each include those programs authorized under the Rehabilitation Act, and the Workforce Innovation and Opportunity Act (WIOA). Each program is unique and offers distinct cultural and professional expertise.

All decisions on cases are determined on an individual basis. Services provided to persons with disabilities must be documented in an Individualized Plan for Employment (IPE). Such services must be considered necessary to overcome related barriers to employment and will be provided as cost effectively as possible.

Vocational Rehabilitation Counselors (VRCs) are delegated substantial

decision-making and purchasing authority to meet individual needs within agency guidelines. Exceptions to policy are required to have the appropriate manager approval. Goods and services will be provided subject to resource limitations of IDVR, with highest priority given to individuals with the most severe disabilities.

When appropriate, counselors shall refer customers with disabilities to receive services from other agencies and organizations. Providers are selected through a combination of the customer's informed choice and through state procurement rules. VRCs will assist the customer in acquiring information necessary to make an informed choice regarding the selection of a service provider.

Eligibility is determined without regard to sex, race, creed, age, color, national origin, or type of disability. Additionally, there is no duration of residency requirement to apply for services. Applicants 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 of vocational rehabilitation services, which will include data necessary to comply with IDVR agency and Rehabilitation Service Administration (RSA) requirements.

If a customer notifies IDVR that an interpreter is necessary, IDVR will offer interpreting services prior to engaging further in the VR process.

Qualified Personnel

Under the Rehabilitation Act, the assessment for determining eligibility must be made by qualified personnel including, if appropriate, personnel skilled in rehabilitation technology. IDVR has established a policy for qualified personnel for the purpose of eligibility determination. 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 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)

For more information regarding occupations that have been licensed in Idaho to provide specific medical diagnoses within the specialized areas of competency, you may access www.ibol.idaho.gov and connect to "The Individual Board Pages."

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-licensed providers such as: educational tutoring, foreign language interpreters, or other services to support the rehabilitation needs of a customer.

Medical Consultation

Medical consultants are retained by IDVR and are often utilized during eligibility determinations, plan development, prior to medical restoration services, and/or whenever a VR staff member has a question regarding a customer's treatment, medications, or condition. Medical consultants can also be used to review a customer's diagnostic information to:

- Determine if it is complete, or if updated and/or additional medical reports are necessary;
- To assist in case management direction.

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.

Customer Reasonable Accommodation Request

IDVR strives to provide all individuals, regardless of disability, with equal access to its program. If during the course of VR services, a customer needs an accommodation in relation to access to VR services, the customer should submit a request for accommodation to their VRC. This accommodation is separate from any accommodation a customer may need related to their employment or vocational goal. Following a request for accommodation:

- The VRC will inform the RM regarding the customer's accommodation request.
- A meeting with the VRC, customer, and RM may be necessary to discuss the parameters of the request.
- The customer will be notified whether his/her request is granted.
- If customers wish to report an issue related to the accessibility of the IDVR program, they 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 RM. Complaints may also be sent to the Office of Civil Rights. Contact information is available at www.ed.gov/ocr.

I. Appeals Process (34 CFR 361.57)

Customers may appeal any service delivery decision made by IDVR personnel.

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

- Their right to appeal determinations made by IDVR personnel, which affect the provision of rehabilitation services;
- Their right to request mediation;
- The names and addresses IDVR personnel to whom requests for mediation or appeals may be filed;
- The manner in which a mediator or hearing officer may be selected;
- Availability of assistance from the Client Assistance Program (CAP).
- 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:

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

Whenever possible, IDVR will attempt to resolve conflicts informally or through the Informal Review 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.

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.

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.

Informal Review Process

An informal review process is an option available to the customer as a method to resolve disagreements or dissatisfaction with the provision of services. An individual may request an informal review. The request must be in writing to the regional manager, describe the complaint, and be made within twenty-one (21) calendar days of the agency notice regarding the provision or denial of services that are in question. The regional manager will function as the administrative review officer in the informal review process. At the customer's request another regional manager may be substituted. The reviewer will be responsible for:

- *Advising the Customer.* Advising the customer of his right to have a representative present and encouraging the customer to use the services of the Client Assistance Program (CAP).
- *Conducting the Review.* Conducting the review within twenty-one (21) calendar days following receipt of a written request for such a review, unless both parties agree upon an extension.
- *Documenting Effort.* Extending the time allowed for conducting an information review accordingly, when the customer makes a documented effort to utilize CAP or another advocate to resolve the dissatisfaction.
- *Reviewing Location.* Holding the review at a time and place convenient to the customer, generally at the local Division regional

office.

- *Communication Method.* Provide communication using appropriate methods for those customers who have a sensory impairment. Providing an interpreter for those customers who cannot communicate in English.
- *Transportation.* Provide transportation to and from the review site, if needed.
- *Informal Review Decision.* The regional manager will provide a written decision after conducting the informal review. The customer may request mediation or fair hearing within twenty-one (21) calendar days of the informal review written decision.

Mediation

Mediation is an alternate dispute resolution method available to applicants and eligible customers who have initiated the formal appeals process or when the informal review did not resolve the customer's concern.

- *Timeline.* A customer may request mediation. The request must be made within twenty-one (21) calendar days of the original decision or twenty-one (21) calendar days following the written decision from the informal review.
- *Written Request.* 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 the Division or assign a management level staff member who has not participated in the agency action that created the customer's dissatisfaction.
- *Participation.* Participation in the mediation process is voluntary for the customer and for the Division. Either party may reject mediation as an alternate dispute resolution method. Once mediation has been accepted as an alternate dispute resolution method, either party may terminate the mediation process.

- *Right to Fair Hearing.* Mediation may not be used to deny or delay the customer's right to pursue a fair hearing. Should the customer and/or designated representative select mediation in lieu of a fair hearing, the option for a fair hearing will be extended to allow the results of the mediation to be established. Once the final results of the mediation are determined, the customer retains the right to request a fair hearing.
- *Mediator.* All mediation is conducted by a qualified and impartial mediator who is selected randomly from a list maintained by the Division.
- *Confidentiality.* Mediation discussions are confidential and may not be used as evidence in a fair hearing. Both parties will sign a confidentiality agreement.
- *Mediation Agreement.* The mediator will develop a written mediation agreement, if an agreement between the parties is reached. The agreement must be signed by all parties involved in the mediation.
- *Cost.* Cost of mediation is paid by the Division, except for customer representation.

Fair Hearing Process

Is an option available to any customer who is dissatisfied with any determination made by Division personnel that affects the provision of vocational rehabilitation services. A customer may request a fair hearing immediately without going through any other appeal steps. A customer or if appropriate their representative may request a timely review of the determination. Such requests must be made within twenty-one (21) calendar days of the Division's decision resulting in the initial disagreement, or within twenty-one (21) calendar days of the conclusion of the informal review or mediation process, whichever is later. The fair hearing will be conducted by a fair hearing officer.

- *Procedure.* A fair hearing is a procedure whereby a customer who is dissatisfied with any determination concerning the provision or denial of Division services or the findings of the informal review or mediation may seek a determination of agency action before a fair hearing

officer.

- *Written Request.* Requests 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.
- *Timeline.* The hearing will be conducted within sixty (60) calendar days of receipt of the individual's request for review, unless informal resolution is achieved prior to the 60th day, or both parties agree to a specific extension of time.
- *Fair Hearing Officers.* The Division Administrator, or designee, and the State Rehabilitation Council will jointly identify a list of fair hearing officers. The Administrator, or designee, and the customer will select the fair hearing officer from the list.
- *Written Report.* The fair hearing officer will issue a written report of the findings and decision of the hearing within thirty (30) calendar days of the completion of the hearing.
- *Decision.* The decision of the fair hearing officer will be considered final by the Division.
- *Dispute.* Any party who disagrees with the findings and decisions of a fair hearing officer will 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.

II. Protection, Use, and Release of Personal Information (34 CFR 361.38)

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 personal information by IDVR shall conform to applicable Idaho 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.

Informed Written Consent

For purposes of this policy, informed written consent shall:

- Be explained in language that the customer or their representative understands;
- Be dated, if end date is not specified, release shall be in effect until case closure or until customer provides written documentation that the release is no longer in effect;
- Be specific in designating IDVR as the agency authorized to use, disclose, or receive information;
- Specifically designate the parties whom the information may be released;
- Be specific as to the purpose(s) for which the information may be used.

Release of Personal Information

A customer case record contains information from a variety of sources. Customers can request this information in writing, and it will be provided, except in the following cases:

- 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.

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

Other instances wherein the release of personal information by IDVR is warranted include the following:

- 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.
- Personal information and data may be released for audit, performance evaluation, or research purposes. The goal of sharing this information is to improve the quality of life for customers with disabilities, and all information will be managed in a manner to safeguard confidentiality.

If an applicant or eligible customer believes that information in the customer's record of services is inaccurate or misleading, he or she 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.

IDVR will respond to a case records request made under this section within ten (10) business 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.

Social Security Information

Confidentiality of SSA information is covered under Section 1106 of the Social Security Act and may be disclosed only as prescribed by regulations. The Act permits disclosure of all information about a Social Security Disability beneficiary 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 to other state agencies), or testify concerning its contents 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.

III. Applying for IDVR Services (34 CFR 361.41)

People with disabilities can achieve competitive, high-quality employment in an integrated setting and can live full productive lives. However, they often encounter major barriers related to misunderstanding and low expectations by society, within themselves, and sometimes, within our own rehabilitation system.

Those with disabilities should have responsibility and accountability to make their own choices about their lives, the type of employment they want to pursue, choice of service providers, as well as the kind of services they need. Accordingly, the primary purpose and role of the public vocational rehabilitation system is to empower individuals with disabilities. By providing appropriate information, education, training, and confidence, those with disabilities can better make effective employment choices. It is also the purpose of the public vocational rehabilitation system to support those choices when they are based upon reasonable and verifiable premises.

The most effective rehabilitation occurs when there are true partnerships between the customer, Federal and State programs, community providers and employers, the disability community, and all other partners. The goal is to provide eligible customers with the skills, tools, and information necessary to aid in their vocational discovery process, and to initiate informed choices when creating their Individualized Plan for Employment (IPE) with the VRC.

Inquiries and Referrals

IDVR will respond to all general inquiries and referrals for VR services received via telephone, mail, or electronic format within seven (7) business days. IDVR staff will make a minimum of three (3) attempts to contact the customer before a referral is closed.

Applying for IDVR Services

As part of the application process, IDVR must inform applicants that the goal of VR services is to assist eligible customers to obtain or maintain employment, and that all services provided are aimed toward this goal.

Customers must also be informed of their rights and responsibilities. IDVR is also obligated to provide all customers with information regarding the following:

- The Client Assistance Program (CAP);
- Confidentiality;
- VR services;
- Informed choice;
- The rehabilitation process;
- The VR appeals process.

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

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

Intake interviews are also part of the application process and mark 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 will identify the next steps to be taken by both IDVR and the customer.

IV. Eligibility Determination & Determining Significance of Disability (34 CFR 361.42)

Determining Eligibility

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

- A determination by qualified personnel that the customer has a physical or mental impairment;
- A determination by qualified personnel that the customer's physical or mental impairment constitutes or results in a substantial impediment to employment;
- A determination by a qualified rehabilitation professional 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.

Eligibility determinations must be based on the basic eligibility requirements and shall also include a review and assessment of existing data. Any customer who applies for services shall undergo an assessment to determine eligibility and the severity of disability, 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. Assessments include:

- Counselor observations;
- Education records;
- Information provided by the customer or family, particularly information used by education officials and determinations made by

officials or other agencies;

- Current medical records, 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 assess additional data, resulting from the provision of VR services including:

- Trial work experiences;
- Assistive technology devices and services;
- Personal assistance services;
- Any other support services that are necessary to determine whether a customer is eligible.

Eligibility for IDVR services shall be determined within 60 days after the application process is complete unless the following occurs:

- The customer is notified that exceptional and unforeseen circumstances beyond the control of IDVR preclude the counselor from completing the determination within the prescribed timeframe and the customer agrees that an extension of time is warranted;
- OR**
- A Trial Work Experience, including an exploration of the customer's abilities, capabilities, and capacity to perform in realistic work situations, is carried out.

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.

An ineligibility notification must include the reason for the determination, rights and responsibilities of the customer, Client Assistance Program (CAP) information, and information about and/or referral to other appropriate agencies. A customer may be referred to a long-term support program if the ineligibility reason is “Disability Too Significant to Benefit from VR Services.”

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.

Trial Work Experiences (TWE) for Customers with Significant Disabilities

Trial Work Experience may be necessary to demonstrate whether a customer is capable of benefiting from VR services. In such cases, a written Trial Work Experience (TWE) plan must be developed.

Trial Work Experiences include:

- Supported employment;
- On-the-job training;
- Community Based Work Evaluation (CBWE);
- Other experiences using realistic work settings.

Trial Work Experiences must be of sufficient variety and conducted over a sufficient period of time to determine that the customer cannot benefit from VR services in terms of a competitive integrated employment outcome. Other appropriate supports, including personal assistant services and assistive technology devices and services, must be provided to accommodate the rehabilitation needs of the customer, as needed.

The TWE Plan must be reviewed at least every ninety (90) days to determine if there is sufficient evidence 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. This determination will occur within 18 months.

Presumptive Eligibility for Social Security Beneficiaries

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. If a customer receives disability benefits under Title II or Title XVI of the Social Security Act and intends to work, IDVR also presumes eligibility for services, unless there is a question regarding the individual's ability to benefit from services.

IDVR verifies an individual's SSA benefits through the State Verification and Exchange System (SVES).

Determining Significance of Disability

At the time a customer is determined eligible for Vocational Rehabilitation services, a Vocational Rehabilitation Counselor (VRC) will determine the significance of the disability and, based upon the determination, will then assign the customer to a priority category.

Priority Categories

- **Priority 1: Most Significant Disability (MSD)**
The customer meets the criteria established for a significant disability; and:
 1. 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
 2. Requires multiple primary Individualized Plan for Employment (IPE) services over an extended period of time.

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

The customer meets the criteria established for a disability; and:

1. Experiences a severe physical and/or mental impairment that seriously limits one 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
2. Requires multiple primary Individualized Plan for Employment (IPE) services over an extended period of time.

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

The customer has a physical or mental impairment; and:

1. His/her impairment constitutes or results in a substantial impediment to employment; and
2. Who can benefit in terms of an employment outcome from the provision of vocational rehabilitation services.

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

Determining Significance 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 unavailable to describe or document a customer's current functioning, a VRC may purchase diagnostics from a qualified service provider.

Non-disability factors such as age, sex, race, cultural, geographic location, poor public transportation, legal history, or lack of training are not considered when determining the severity of disability.

Determinations 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.

V. Comprehensive Assessment (34 CFR 361.45)

The assessment of vocational rehabilitation needs begins with a comprehensive assessment, which is to be completed prior to the development of the Individualized Plan for Employment (IPE). To the maximum extent possible, this comprehensive assessment should utilize existing information, including information provided by the customer, and /or by the family, as appropriate. The comprehensive assessment may also include new information acquired by IDVR, including a formal vocational evaluation, Community Based Work Evaluation (CBWE), aptitude and/or interest tests, job shadowing, or any other pertinent assessment required to identify the objectives and scope of VR services that the customer may need in order to substantiate the customer's vocational selection.

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

A new comprehensive assessment is required when a new vocational goal is selected and identified on an amended IPE.

Several essential elements need to be documented as part of the comprehensive assessment:

- Employment Goal
- Transferrable skills assessment
- Compatibility of disability with employment goal
- Skills, interests, aptitudes, and abilities
- Local labor market information
- Economic expectations and potential for career growth
- Vocational strengths and capacities
- Customer financial resources

- Customer's informed choice
- Social support system
- Review of rehabilitation technology needs
- Legal barriers and industry specific requirements for employment

VI. Developing the Individualized Plan for Employment (IPE) (34 CFR 361.45 & 361.46)

The Individualized Plan for Employment (IPE) is the primary document that determines the scope, duration and provider of services. The customer must agree to the terms and conditions of the IPE prior to services being provided.

Research shows that customers involved in every phase of vocational planning enjoy a higher rate of success. Therefore, customer participation in developing an IPE is essential. The goal of an IPE is competitive, integrated employment.

Eligible customers or, as appropriate, a customer's representative, have the right to develop all or part of the IPE, with or without assistance from IDVR. However, IDVR will not pay for IPE development services from other providers, and all IPE development must be completed on IDVR forms. An IPE must be developed within 90 days from eligibility determination, or customer agreement to extend the timeframe. An IPE must be agreed to and signed by the customer or 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.

The record of services must support the selection of the specific vocational goal, 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 an IPE.

IPE Essentials

All IPEs must include and/or address the following:

- A specific vocational goal determined by the VRC and customer using the information from the comprehensive assessment. In concert with the customer, the VRC must conduct a thorough labor market analysis that considers job outlook and the customer's economic expectations and needs.
- Specific rehabilitation services needed to achieve the vocational goal,

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.

- A description of the chosen entity or entities that will provide the vocational rehabilitation services, as well as the methods used to procure those services;
- A description of the criteria that will be used to evaluate progress toward achievement of the vocational goal;
- The terms and conditions of the IPE, including information describing the responsibilities of IDVR and the customer to achieve the vocational goal;
- The extent of the customer's participation in paying for the costs of services;
- Customer requirements to apply for and secure comparable services and benefits when available. The responsibilities of other comparable service and benefit entities will also be listed on the IPE;
- As necessary, the expected need for post-employment services prior to the point of successful closure, along with a description of the terms, conditions, and duration of the provision of post-employment service. If appropriate, there should also be a statement of how post-employment services will be provided through comparable services or benefits;
- For customers with the most severe disabilities for whom a vocational objective of Supported Employment has been determined appropriate, see Section XII for more details.
- In developing an IPE for a transition student with a disability, the IPE must be developed as early as possible in the transition process, within 90 days from eligibility and no later than the time the student leaves the school setting, whichever is earlier. The IPE shall be prepared in coordination with the appropriate educational agency and will consider the student's Individualized Education Program (IEP), if

applicable;

- Customers shall promptly receive a copy of their initial IPE and any subsequent IPEs. There will only be one active IPE at any given time with all current services reflected upon it. When the current plan is signed and approved by the customer and appropriate authority, all previous plans will become void.
- Cases may be closed if the customer does not engage in the development of the IPE.
- An IPE extension may be made but must be agreed to by the customer and the VRC. The extension must be specific to both timeframes and steps necessary to complete the IPE process.
- The IPE must be reviewed and documented annually by a Counselor and the customer to assess the eligible customer's progress toward achieving the identified employment outcome.

Ticket to Work Assignment

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.

At closure, the ticket is automatically unassigned from IDVR and eligible for ticket reassignment to an EN. At successful closure and when appropriate, a VRC will provide a list of ENs to the customer.

VII. Customer Financial Participation (34 CFR 361.54)

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 VR services is based on their income, and other factors. The Financial Participation Assessment (FPA) is an effective tool for identifying customer resources as they relate to VR planning and implementation, regardless of the amount contributed by the customer. Financial participation consideration is not a factor in eligibility determination.

Once eligibility is determined, an FPA will be conducted in conjunction with plan development and the exploration of comparable benefits. An FPA will be reevaluated every twelve months, if the IPE is amended, or if financial circumstances reducing family income changes significantly—whichever occurs sooner.

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. 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.

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.

Determining Applicable Income

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 his/her plan costs, not to exceed 25% of his/her 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.

The customer, parents, or legal guardian completing the Financial Participation Assessment Form will be required to provide financial documentation for verification. Before the financial participation process can be applied, IDVR must first adjust for maximum agency contribution(s) to each service and then further adjust this amount through the application of comparable benefits.

Exceptions to the FPA policy may be considered by the Regional Manager (RM) and Chief of Field Services.

Services Not Subject to Customer Financial Participation

The following services are not subject to customer financial participation:

- Assessment for determining eligibility and vocational rehabilitation needs.
- Vocational rehabilitation counseling and guidance and referral services.
- 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. Note: Auxiliary aids and services do not include personally prescribed devices such as eyeglasses, hearing aids, or wheelchairs.
- Personal assistance services.
- Job related services, including; job readiness training, job

search assistance and placement assistance, Supported Employment job coaching, job supports – short term and youth extended services.

- Pre-employment Transition Services.

SSI/SSDI Exemption

Customers who receive SSI and/or SSDI are exempt from financial contribution for services within the agency's maximum contribution thresholds. However, to ensure a customer qualifies for this exemption, proof of SSI or SSDI qualification must be received. 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.

Social security disability benefit recipients are responsible for costs which are in excess of agency allowances.

VIII. Comparable Services & Benefits (34 CFR 361.53)

Comparable services and benefits refer to any appropriate service, financial benefit or assistance available to a customer from a program other than VR to meet, in whole or in part, the cost of vocational rehabilitation services.

If comparable services or benefits exist under any other program and are available to the customer at the time needed to achieve the employment outcome, IDVR must use those comparable services or benefits to meet, in whole or part, the costs of the vocational rehabilitation services.

In conjunction with a VRC, an eligible customer will be required to identify 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, e.g., hearing aids, eyeglasses, or wheelchairs, and auxiliary aids and services (interpreter and reader services), they are required to be utilized, in order to meet, in whole or in part, the cost of vocational rehabilitation services. Comparable benefits and services should be utilized before IDVR funds are expended.

If comparable services or benefits exist under any other program but are not available to the customer at the time necessary to achieve the employment outcome, IDVR must provide vocational rehabilitation services until those comparable services and benefits become available.

The utilization of comparable services and benefits does not apply if an immediate job placement would be lost due to a delay in the provision of comparable benefits, or 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.

Exempt Services

The following categories of service are exempt to the requirement that

comparable services and benefits be utilized:

- Medical, psychological or other examination to determine eligibility;
- IDVR counseling, guidance, information, and referral;
- IDVR job related services including job search and placement assistance, job retention services, follow-up services, and follow along services;
- Evaluation of vocational rehabilitation potential;
- Rehabilitation technology, including telecommunications, sensory, and other technological aids and devices. However, exemption of rehabilitation technology services does not extend to personally prescribed devices, such as eyeglasses, hearing aids, or wheelchairs.

IX. Pre-Employment Transition and Transition Services for Students and Youth (34 CFR 361 (34 CFR 361.48)

The Rehabilitation Act of 1973, as amended by the Workforce Innovation and Opportunity Act (WIOA) emphasizes the provision of services to students and youth with disabilities to ensure they have meaningful opportunities to prepare for and achieve employment outcomes in a competitive integrated setting.

Pre-Employment Transition Services (Pre-ETS)

Pre-employment transition services may be provided to students eligible for VR services or to potentially eligible students. Pre-ETS 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.

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 Individualized Education Program (IEP) meetings or other school related meetings in person, by video conference or teleconferencing.

The SDE and IDVR 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, include the purpose of the service, which entity customarily provides the service, and program eligibility.

Potentially Eligible Students

Students with disabilities, regardless of whether they have applied for or been determined eligible for the VR program, may receive Pre-Employment Transition Services (Pre-ETS). Any student with a disability may receive Pre-ETS by making a request, completed by the student/family and a VRC, using the Request for Pre-Employment Transition Services form.

Pre-Employment Transition Services for Students

There are five pre-employment transition services which are delivered directly to students with disabilities and can be provided in a group or on an individual basis. These services are described in more detail in Section X IDVR Services.

Transition Services

Transition services are 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. These include post-secondary and vocational training, and competitive integrated employment. Transition services are based upon the student or youth's needs, including preferences and interests that promote the achievement of the employment outcome, as identified in the IPE. Transition services also include outreach and engagement of parents or representatives, as appropriate.

Group transition services may be provided to potentially eligible students, eligible students, and youth with disabilities. Individualized transition services may only be provided to students and youth who have been determined eligible for VR services and have an IPE.

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 they participate in an education program.

Student with Disability

The definition for student with a disability has three components:

- Age Requirements: The minimum age of a student with a disability who can receive Pre-Employment Transition Services (Pre-ETS) is 14, and the maximum age is not older than 21;
- Mandatory education program attendance;
- Disability: The student must be eligible for and receiving special education or related services under IDEA (Individuals with Disabilities Education Act). However, for purposes of Section 504 of the Act, students with disabilities are NOT required to be receiving services under Section 504.

Disability Verification for Student with Disability

Prior to approving any service, the VRC or Transition Coordinator must verify and document that the participant is a student with a disability.

Verification can be done in one of three ways:

- The student has an observable disability;
- The school district signs the Request for Pre-Employment Transition Services form, verifying the student is a student with a disability;
- Through a copy of the IEP, SSA beneficiary letter, school psychological report, medical records, or 504 accommodation documentation.

After verifying the disability, the VRC or Transition Coordinator can approve requests for Pre-ETS if the service is deemed appropriate.

IPE Development

The development and approval of an Individualized Plan for Employment (IPE) for students with disabilities must be developed, agreed to and signed by the student, or the student's guardian, and the VR counselor, as early as

possible in the transition process, within 90 days from eligibility and no later than the time the student leaves the school setting, whichever is earlier. A 'projected' or preliminary IPE vocational goal may be used for a student's first IPE vocational goal prior to identifying an agreed upon specific IPE vocational goal.

Pre-ETS Exempt from FPA

Pre-employment transition services provided to students with disabilities are exempt from financial participation consideration, even when such services are provided on a plan. However, the customer will be required to complete a Financial Participation Assessment (FPA).

Auxiliary Aids or Services

If a student with a disability, including a potentially eligible student, requires an auxiliary aid or service 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 aids and services are those services necessary to ensure equal access to pre-employment transition services.

Pre-Employment Transition Services under an Order of Selection

- 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 are not receiving Pre-ETS prior to IDVR initiating an OOS may only receive general transition services if they apply for services and are placed on a waitlist, until such time that they are moved off the waitlist.
- If potentially eligible students begin receiving Pre-ETS before submitting an IDVR application, they may continue to receive necessary pre-employment transition services only; however, they may not receive general VR services.

X. IDVR Services (34 CFR 361.48)

The Idaho Division of Vocational Rehabilitation may provide, arrange for, or purchase one or more of the following services to assist customers in achieving their employment goal.

Pre-Employment Transition Services (Pre-ETS)

- **Job Exploration Counseling**
This service 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.
- **Work-based Learning Experiences**
These may include in-school, after school, summer work opportunities, or experiences 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.
- **Counseling on Enrollment Opportunities**
Pertaining to enrollment in post-secondary education, these services may include but are 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.
- **Workplace Readiness Training**
This may include developing social and independent living skills, communication and interpersonal skills, financial literacy, job-seeking skills, understanding employer expectations for punctuality and performance, and soft skills training necessary for employment.
- **Instruction in Self-Advocacy**
This 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.

Post-Secondary Education & Training Services (PST)

Post-secondary education and associated training must be necessary to achieve and vocational goal. Costs associated with training are for tuition, fees, and books only.

If an applicant for VR services expresses an interest in a vocational goal that requires post-secondary education or 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 comprehensive assessment process.

Prior to providing post-secondary training, comparable benefits will be applied. The customer is required to complete and submit 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. Merit-based scholarships may be applied to any legitimate college costs as determined by the customer.

- **Graduate College Training**
Full-time or part-time academic training leading to a degree recognized as beyond a Baccalaureate Degree, such as a Master of Science, Arts (M.S. or M.A.) or Doctor of Philosophy (Ph.D.) or Doctor of Jurisprudence (J.D.). Such training would be provided by a college or university.
- **Four-year College or University Training**
Full-time or part-time academic training leading to a Baccalaureate Degree, a certificate, or other recognized educational credential. Such training may be provided by a four-year college or university or technical college.
- **Junior or Community College Training**
Full-time or part-time academic training above the secondary school

level leading to an Associate's Degree, a certificate, or other recognized educational credential. Such training may be provided by a community college, junior college, or technical college.

- **Occupational or Vocational Training**

Occupational, vocational, or job skill training provided by a community college and/or business, vocational/trade or technical school to prepare students for gainful employment in a recognized occupation, not leading to an academic degree. This would include selected courses or programs of study at a community college, four-year college, university, technical college or proprietary school or program.

- **On-the-Job Training**

On-the-Job training is for customers who need specific training to achieve an employer's expectations. Training in specific job skills by a prospective employer. Generally, the trainee is paid during this training and will remain in the same or a similar job upon successful completion.

- **Registered Apprenticeship Training**

A work-based employment and training program that combines hands-on, on-the-job work experience in a skilled occupation with related classroom instruction. Structured apprenticeship programs generally have minimum requirements for the duration of on-the job work experience and classroom instruction, and/or could utilize competency-based elements but should have mechanisms in place to ensure quality and consistency of skills acquisition. The following elements distinguish apprenticeship programs from other work-based efforts; on-the-job training, and internships, supervision and structured mentoring, providing for wage increases as an apprentice's skills increase, based on an employer-employee relationship, and providing an industry recognized certificate of completion of the program.

- **Basic Academic Remedial or Literacy Training**

Literacy training or training provided to remediate basic academic skills that are needed to function on the job in the competitive labor market.

- **Job Readiness Training**

Job readiness activities prepare an individual for the world of work and therefore are initiated prior to employment. These activities include appropriate work behaviors, getting to work on time, appropriate dress and grooming, and activities that would assist in preparing the customer for a job, such as soft skills training.

- **Disability-Related Skills Training**

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

- **Miscellaneous Training**

Any training not recorded in one of the other categories listed, including GED or secondary school training leading to a diploma, or courses taken at four-year, junior or community colleges not leading to a certificate or diploma.

- **Customized Training**

A training program designed to meet the requirements of a specialty employer. The training may occur at the employer's site or provided by a training vendor able to meet the employer's requirements. Such training usually requires a commitment from the employer to hire a specified number of trainees who satisfactorily complete the training.

- **Work-Based Learning Experience**

This service includes apprenticeships, internships, short-term employment, and other work-based learning experiences not elsewhere classified. These opportunities are provided in an integrated environment in the community to the maximum extent possible and may be paid or unpaid.

This service does not include Registered Apprenticeships or OJTs. This service is only for adults and for youth who are not enrolled in secondary or post-secondary education. If a customer is a student with a disability (SWD), the service category should be Pre-ETS Work Based Learning Experience.

Other Post-Secondary Considerations: Out-of-State Training and Academic Progress Measures

Out-of-state training may be considered if:

- The VR customer must attend an out-of-state institution because the course of study is not offered within the State of Idaho;
- The course of study is offered in-state, but because of the additional costs caused by the accommodation for disability, it would be most cost-effective for the agency to have the customer attend the out-of-state educational institution;
- The customer chooses to attend an out-of-state institution, even when comparable training is available in the state. IDVR will only pay the equivalent of the highest public institution of higher learning, in-state rate.

In considering academic progress measures, customers must maintain a term and cumulative Grade Point Average (GPA) that meets the school's academic requirements, program entry requirements, or a minimum GPA of 2.0—whichever is highest. Customers must meet expectations outlined in the IPE. VR financial participation in education/training may be affected should the following conditions arise:

- 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 of the post-secondary institution, s/he is responsible for the costs to repeat the course(s).
- 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.

Career Services

- **Assessment**
Assessment services are performed to determine an individual's eligibility for VR services, to assign an individual to a priority category for Order of Selection, and/or to determine the nature and scope of VR services to be included in the IPE. This includes trial work experiences.
- **Treatment of Impairment(s)**
Those services related to the individual's diagnosed disability and necessary for the achievement of the vocational goal.
- **Counseling and Guidance**
Counseling and guidance include information and support services to assist an individual in exercising informed choice and is distinct from the case management relationship that exists between the counselor and the individual during the VR process.
- **Job Search Assistance**
Job search activities support and assist an individual in searching for an appropriate job. Job search assistance may include help with resume preparation, identifying appropriate job opportunities, developing interview skills, and making contacts with companies on behalf of the customer.
- **Job Placement Assistance**

Job placement assistance is a referral to a specific job resulting in an interview, regardless of whether or not the individual obtained the job.

- **Job Supports (Short-Term)**

Support services provided to an individual who has been placed in employment in order to stabilize the placement and enhance job retention

- **Supported Employment: Job Coaching**

Supported employment refers to support services (e.g. job coaching) provided after placement and before the individual reaches initial stability. Supported employment services can be provided up to 24 months, for both youth and adults.

Extended services are available for customers under the age of 25 where external extended services are unavailable.

- **Information and Referral Services**

Information and referral services are provided to individuals who need services from other agencies

- **Benefits Counseling**

Benefits counseling is assistance provided to an individual who is interested in becoming employed but is uncertain of the impact work income may have on any disability benefits and entitlements being received. This assistance is intended to provide the individual an opportunity to make an informed choice regarding the pursuit of employment.

- **Customized Employment Services**

Customized employment means competitive integrated employment designed to meet the specific abilities of an individual with a significant disability, as well as the business needs of the employer. Customized employment is often carried out through flexible strategies, which include job exploration by the individual and 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 chosen by the individual, or if elected self- representation, to work with an employer to facilitate placement;
4. Providing services and supports at the job location.

- **Extended Services**

IDVR extended services are supports provided to youth with the most significant disabilities, after initial stabilization to maintain their employment. These services are provided for up to four years, or until the customer reaches the age of twenty-five (25), whichever occurs soonest. These services are only provided when comparable benefits are not available.

Other Services

- **Transportation**

Transportation means travel and related expenses necessary to enable a customer to participate in the VR process.

- **Maintenance**

Maintenance refers to monetary support provided for expenses such as food, shelter, and clothing that are necessitated by the individual's participation in the VR program and that are in excess of the normal expenses of the individual.

- **Rehabilitation Technology**

Rehabilitation technology services (term includes 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 include, but not limited to, home and vehicular modification and other technological aides and devices, such as wheelchairs, visual aids other than eyeglasses, visual and motor prosthetics, computers and computer-

related hardware and software needed to address a disability-related limitation. These services must be documented as medically or vocationally necessary.

Rehabilitation technology services and devices includes the evaluation of the need for rehabilitation technology, purchasing of the device, selecting, fitting, adapting, maintaining, repairing or replacement of the device and the training required to teach the individual to use the device.

Rehabilitation technology services should be considered through the rehabilitation process, including the assessment for determining eligibility and vocational rehabilitation needs, trial work, and post-employment, however services are customarily purchased under an approved IPE or Trial Work Experience (TWE) plan.

Rehabilitation technology, including telecommunications, sensory, and other technological aids and devices, are exempt from a determination of the availability of comparable services or benefits existing under other programs. However, personally prescribed devices, such as eyeglasses, hearing aids, or wheelchairs are not exempt from the consideration of comparable benefits.

The customer will be informed of any purchasing limitations at the time that services are requested.

- **Technical Assistance Services**

Technical assistance includes services provided to conduct market analysis or develop business plans for individuals in the pursuit of self-employment.

- **Reader Services**

Reader services are for individuals who cannot read print because of blindness or other disabilities. Reader services include, in addition to reading aloud, transcription of printed information into Braille, or sound recordings if the individual requests such transcription.

- **Interpreter Services**

Interpreter services are sign language or oral interpretation services for individuals who are deaf or hard of hearing. They also include

tactile interpretation services for individuals who are deaf- blind. Specially trained individuals perform sign language or oral interpretation. Interpreter services also include real-time captioning services for persons who are deaf or hard of hearing.

- **Other Services**

Other goods and services not listed above determined necessary for a customer to achieve their vocational goal.

XI. Purchase of Services for IDVR Participant Use

VRCs are required to determine the rehabilitation needs of the customer first, and then determine the provider and the procurement method. Costs, availability, provider experience, and customer research are characteristics that guide the choice of the provider. All purchases must follow federal, state, and IDVR purchasing guidelines.

State Requirements

The State of Idaho purchasing statutes require State agencies to purchase goods and services off the statewide contracts. If goods or services cannot be purchased through one of the statewide contracts, other vendors may be used in the competitive bid process. 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.

IDVR Requirements and Agency Allowances

- Customer purchases require written authorization (Authorization for Purchase (AFP) from IDVR, prior to initiation of the service or the purchase of any equipment.
- 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

The customer may choose the vendor, however, if the cost of the services exceeds agency allowances the customer agrees to be responsible for the excess amount.

Agency Approval Structure

While IDVR has established hierarchical levels of purchasing authority, the majority of service negotiation is at the counselor level. When necessary, varying levels of exceptions to purchasing authority are available by appropriate management staff.

Exceptions to Agency Allowances

All exceptions to agency allowances will be reviewed on an individual case basis. Exceptions must be justified and cannot violate state or federal laws.

Exclusions from IDVR's Financial Participation

- **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 IDVR.
- **Illegal Behavior**
IDVR will not pay for costs associated or incurred due to illegal behavior.
- **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. Comparable benefits must be applied.

XII. Self-Employment

Self-Employment is one option that may be considered to assist the customer in selecting a vocational goal.

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

There may be a need for VR assessment prior to a commitment from IDVR on a self-employment plan. These assessments will be for the purpose of determining the appropriateness and feasibility of self-employment as a viable employment outcome

Definitions

- *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.
- *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 stand-alone business.
- *Continued Self-Employment.* Employment where the VR customer is presently or recently (within the last year) engaged in a financially successful self-employed business as identified by the customer, and the feasibility of the business is recognized by IDVR.
- *Feasibility Analysis.* Provides an in-depth analysis of the business concept, the market, the financial investment and income potential. The feasibility analysis also offers the VRC and customer a

comprehensive, objective evaluation of the strength of the proposed self-employment venture.

- *Natural Supports.* Long term supports provided by individuals naturally invested in the success of the VR customer (family and friends).
- *Supported Self-Employment.* Refers to a profitable employment outcome in which a customer works in a business that she/he owns, operates, and manages with the help of natural or long term supports

Eligibility Requirements

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

- 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.
- Businesses must be organized as Sole Proprietorships, Corporations, General and Limited Partnerships, and Limited Liability Companies,
- 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.
- The business venture is accurately reporting to appropriate government agencies, including the Internal Revenue Service and State taxing agency or other applicable State or local authorities.
- The business venture is organized as a for-profit entity.

Customer Responsibilities

- 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 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. This includes providing to IDVR all state and federal tax reporting and filing
- When pursuing a business plan, the customer may also be responsible for researching the availability of financial resources.

Financial Requirements

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:

Table 1 - Financial Requirements

<u>Start-up Costs*</u>	<u>Maximum IDVR Financial Assistance</u>
Under \$2,500	100%
\$2,501 to \$5,000	80% of startup capital
\$5,001 to \$7,500	70% of startup capital
\$7,501 to \$10,000	60% of startup capital
\$10,001 and up	50% of startup capital

*Subject to FPA requirements.

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. All IPE amended services beyond the original start-up costs identified and approved must be related to disability needs not business need.

Use of IDVR Funds: Restrictions

- Funding for speculative real estate development;
- Deposits that are refundable to the customer or business;
- Cash;
- Salary or benefits for the customer, partners in ownership, or any employees of the business;
- Purchase of real estate;
- Construction or renovation of buildings;
- Inventory or business supplies that include tobacco, firearms or alcoholic beverages;
- Refinancing of existing debt – business or personal;
- Business continuation expenses subsequent to the initial start-up costs.

- 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.

Developing a Business Plan & Writing an IPE

After a positive assessment of the feasibility of the business concept, an initial IPE is written. During this process, customers may be expected to attend training and participate in technical assistance services related to self-employment. Customers may require business specific skill training to eliminate skill gaps or prepare for the operation of the business. This IPE does not denote that IDVR has agreed yet to support the self-employment goal. It denotes that we have agreed to move forward with the next steps in demonstrating the overall self-employment goal. Specific benchmarks on the current IPE have been determined critical to the success of the individual to achieve self-employment and must be met.

Business Plan Development

The Business Plan will be the document used by IDVR to determine whether or not to financially participate in the business venture. 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. A Business Plan must be written and approved to the satisfaction of the VRC. 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.

As noted above, the Business Plan will include a detailed analysis for the following:

- Business Environment and Market – Who are the potential customers? Where do they live and how can they be reached? Why would they buy what the business is offering and how will they know it is available? Who are the competitors? Why would a customer choose your business instead of your competition? What is unique about the business?

- Management and Organization Structure – How will the business keep records, bill customers or process receipt of revenue, pay bills, prepare reports, file taxes, purchase supplies and equipment, market or advertise the business, communicate with customers and suppliers? How will the business operate and who will do these tasks? What permitting or licensure is needed? What regulations must be met?
- Financial Plan – What will everything cost to get started and where will that money come from? This would include start-up costs, fixed operating costs, and money to live on while starting the business. What price should be set for the product or service? How does that compare to competitors?

The business plan must fully detail every aspect of the business so that VR, or any other investor, can reasonably determine the viability of the business venture.

Closure of Self-Employment Case

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

- Identified benchmarks have been achieved.
- 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. The customer is expected to return equipment valued at \$5,000 or more which was provided for the self-employment plan.

XIII. Supported Employment (34 CFR 363)

Supported Employment (SE) is indicated for individuals with the most significant disabilities 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. Supported employment is also indicated for individuals who, because of the nature and severity of their disabilities, need intensive ongoing support services and extended services after the transition of services provided by IDVR. IDVR can provide supported services for up to 24 months, or longer if deemed necessary.

Extended services for adults are provided by other state programs and agencies, private non-profit organizations, employers, or other appropriate resources. Customers with the most severe disabilities, for whom a vocational strategy of supported employment has been determined appropriate, need an identified source of funding for the extended services or a statement outlining the reasonable expectation of how/when funding for extended services will become available. *Natural supports may be an option for extended services, in the absence of extended services funding.*

Competitive Integrated Employment

Competitive Integrated Employment (CIE) has three primary components:

- Competitive earnings. 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.
- Integrated settings are those typically found in the community. 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 coworkers and customers at roughly the same frequency and intensity as peers in the work unit without disabilities. IDVR staff will work with employers, when

needed, to determine if the employment setting meets the criteria of competitive integrated employment.

- Individuals 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.

Allowance for Non-Competitive Wage

On a short-term basis (6 months or less), individuals with an SE employment goal 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. In extraordinary circumstances, with RM approval, this extension may be expanded up to 12 months, based on the needs of the individual and coupled with evidence of interim progress toward a competitive wage.

Ongoing Support Services

Are serviced needed to support and maintain a customer with a most significant disability, including a youth with a most significant disability, in supported employment. These services are identified by IDVR and are based on the individual's need as specified in an IPE and are provided from the time of job placement until transition to extended services.

Ongoing support services includes: 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; monthly monitoring at the worksite, at least twice monthly, or off-site meetings under specific circumstances and at the request of the customer. Additionally, ongoing support services may consist of any of the following:

- Particular assessments supplementary to the comprehensive assessment of rehabilitation needs;
- The services of skilled job trainers who accompany the individual for intensive job skills training at the work site;

- Job development and training;
- Social skills training;
- Regular observation or supervision;
- Follow-up services to include regular contact with employers, the individual or guardian, or other suitable professional and informed advisors, in order to reinforce and stabilize the job placement;
- Facilitation of natural supports at the worksite; and
- Any other service, or similar services, identified in the scope of vocational rehabilitation services.

Natural Supports

Natural supports are extended services provided by a supervisor or co-workers on the job site or, on a limited basis, family members. The person responsible for implementing natural supports must make a commitment to provide ongoing natural supports in the absence of funded extended services.

Employment Stabilization

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.

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 VR 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, including natural supports, even if the source of funding is not known at the time the IPE is developed.

Youth Extended Services (YES)

Where an SE strategy is indicated for youth, and where youth will not be able to immediately access external extended services, IDVR can provide Youth Extended Services (YES) once initial job stabilization is achieved. 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:

- Externally-funded extended services become available;
- **OR**
- IDVR has provided YES for four years;
- **OR**
- The individual reaches the age of 25, whichever comes first.

XIV. Closure (34 CFR 361.43, 361.44, & 361.56)

IDVR may close a customer's case at any time in the VR process for various reasons, in compliance with federal regulations and reporting guidelines.

Regardless of when in the VR process the record of service is closed, the VRC must make reasonable attempts to contact the individual or as appropriate, his/her guardian prior to case closure to allow full consultation and to discuss the pending case closure. A closure letter, supplemented as necessary by other appropriate modes of communication, is also sent to all individuals/guardian whose case is being closed, including the reason for closure and the means by which the individual may express and seek remedy for any dissatisfaction.

The individual must be provided with contact information and services available from the client assistance program (CAP) and other programs that are part of the one-stop service delivery system, or other federal, state, or local programs, including independent living programs and extended employment providers, as appropriate, which are best suited to meet their rehabilitation needs, if VR was not able to provide appropriate services.

Situations occur when the VRC and/or the customer or their guardian determines that the VR case should no longer remain open. The following describes the general reasons for case closure.

Closure without an Employment Outcome

Cases may be closed when the customer:

- Is not eligible or no longer eligible (ineligible) for VR services;
- Is unavailable to participate in the VR program;
- Declines to participate in the VR program.
- If IDVR determines through clear and convincing evidence that an individual is incapable of achieving a competitive integrated employment outcome based on the severity of their disability, IDVR

will review this determination with the individual or their representative within 12 months of case closure, unless refused. IDVR will continue to review annually thereafter, if requested.

Closure with an Employment Outcome

The record of services of a customer who has achieved an employment outcome may be closed only if all of the following requirements are met:

- The employment outcome described in the customer's Individualized Plan for Employment is consistent with his/her strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice.
- The customer has provided acceptable documentation that verifies employment has maintained for an appropriate period of time, but not less than 90 days, necessary to ensure the stability of the employment outcome after closure, and the individual no longer needs vocational rehabilitation services;
- The customer and the VRC consider the employment outcome to be satisfactory and agree that the customer is performing well on the job;
- The individual has been informed through appropriate modes of communication of the availability of post-employment services.

XV. Order of Selection (OOS) (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 and to all eligible customers, the Administrator will implement the Division's Order of Selection (OOS).

Federal regulations require IDVR to 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.

Factors Prohibited from Order of Selection Consideration

Factors that will not be used as criteria for establishing an OOS priority include:

- Type of disability;
- Duration of residency, provided the customer is present in the state;
- Age, gender, race, color or national origin;
- Source of referral or cooperative agreements with other agencies;
- Type of expected employment outcome;
- The need for specific services or anticipated cost of such services;
- The income level of the customer or customer's family.

Administrative Requirements

Under OOS, 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 OOS.

- 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 Individualized Plan for Employment 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 OOS 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 OOS or renegotiate the funding arrangements to be consistent with the OOS.
- 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 waitlist.

Reassessment of Severity of Disability

A request for priority category reclassification is allowable in cases when existing records are out-of-date. Regional Manager (RM) 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 RM 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 waitlist 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 waitlist, 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 waitlist 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 waitlist.

Individuals will be released from the statewide waitlist 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 by letter of the change and the effective date. If the customer has not responded within 30 days from the date the letter was sent, IDVR staff will proceed with case closure.

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.

- **Information and Referral (I&R) Requirements**

Federal regulations establish minimum requirements under I&R as follows. IDVR must:

1. 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.
2. 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. In addition, the VRC provides the customer with the following:

1. A copy of the written referral notifying the other Federal or State program about the referral;
2. The name of the person in that organization to be contacted by the customer being referred;
3. 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.

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 OOS, nor is the customer required to wait for services.

XVI. Services for Individuals Employed or Seeking Employment at Subminimum Wage (34 CFR 397)

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 the most significant disabilities, including youth, to satisfy certain service-related requirements in order to start or maintain, as applicable, employment for less than minimum wage.

Requirements for Career Counseling (CC) and Information and Referral (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.

Additional Requirements for Youth

Youth, under the age of 25 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 provided.

Documentation

Once all individuals, youth and adults, that are seeking or working in subminimum wage employment have completed the necessary requirements, IDVR will provide the verification documentation necessary for them to work for subminimum wage.