



# **Vocational Rehabilitation Manual**

*Effective August 15, 2017*

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## **Introduction**

This manual is intended for use by the Idaho Commission for the Blind and Visually Impaired Vocational Rehabilitation staff.

This manual is also available for reference on the ICVBI public website for the citizens of Idaho.

### **Special note to VR staff:**

This manual should also be used in conjunction with the following ICVBI manual:

*WIOA Data Points in ORION: Technical Assistance Guide (Publication date June 28, 2017)*

## **ICBVI Mission Statement**

The mission of ICBVI is to empower persons who are blind or visually impaired by providing vocational rehabilitation training, skills training and educational opportunities to achieve self-fulfillment through quality employment and independent living.

Our mission is fulfilled through the provision of the following programs and services:

- 1) A continuum of services from youth transition to older blind services.
- 2) Skills training that enables people to remain independent in their homes and be engaged in their communities.
- 3) Employment counseling, training, and job placement.
- 4) Individual and group counseling addressing adjustment issues to vision loss and blindness.
- 5) Resources for employers who hire or retain employees who are blind or visually impaired.
- 6) Training in adaptive skills for reading, computer use, traveling, job seeking and other skills that promote independence and increase work readiness.
- 7) Supported employment programs for individuals with the most significant disabilities.
- 8) A registry of Idahoans who are legally blind.
- 9) Education intended to expand the public's awareness regarding the abilities and potential of people who are blind or visually impaired.

## **Purpose of the Vocational Rehabilitation Program**

The purpose of ICBVI's Vocational Rehabilitation program is to assist eligible clients with the primary disability of blindness or visual impairment to prepare for, secure, retain, regain, or advance in employment.

The Idaho Commission for the Blind and Visually Impaired (ICBVI) Vocational Rehabilitation program assists eligible persons with blindness or visual impairments to prepare for and achieve an employment outcome. "Employment outcome" means entering or retaining full-time, or if appropriate, part-time competitive integrated employment in the labor market. It can also be defined as supported employment; or other types of employment, including self-employment and the Business Enterprise Program. All employment outcomes are consistent with self-sustaining activity for wages or compensation consistent with the client's strengths, resources, abilities, interests, and informed choice.

The ICBVI Vocational Rehabilitation is a statewide program that develops and utilizes partnerships for effective service delivery. Partnerships vary, but include those programs authorized under the Rehabilitation Act, as amended, such as Independent Living Centers, school districts, and Tribal Vocational Rehabilitation Programs. Programs authorized under the Workforce Innovation and Opportunity Act (WIOA) are utilized to the maximum extent possible as allowed in Section 188 of the Act. It is understood that each program is unique and offers unique cultural and professional expertise.

Vocational Rehabilitation Counselors (VRCs) determine eligibility and develop an IPE for eligible individuals who are legally blind or visually impaired. The program is based on informed client choice, defined as a decision-making process of choosing from options based on accurate information and knowledge through a partnership consisting of the client and the rehabilitation counselor. Through informed choice, the client participates fully in considering and choosing options for training and services to obtain an agreed upon employment objective.

## **Legal Citations**

The ICBVI Vocational Rehabilitation program is operated in compliance with the Federal Rehabilitation Act of 1973, as amended by the Workforce Innovation and Opportunity Act (WIOA) enacted on July 22, 2014. The legal authorities for the policies contained in this Vocational Rehabilitation Manual are: Title 34 CFR Parts 361, 363, and 397 issued August 19, 2016 in the Federal Register implementing the Rehabilitation Act Amendments.

## **Protection, Use and Release of Personal Information**

### ***1) Confidentiality***

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

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

For purposes of this policy, informed written consent will:

- a) Be explained in language that the client or their representative understands;
- b) Be dated, and specify the length of effect;
- c) Be specific in designating ICBVI as the agency authorized to use, disclose or receive information;
- d) Be specifically designated to the parties to whom the information may be released;
- e) Specifically designate the parties whom the information may be released; and
- f) Be specific as to the purpose(s) for which the information may be used.

### ***2) Storage of Confidential Client Information***

Confidential client information will be stored in such a manner so that it is not casually available for public scrutiny during official work hours. Client information is to be stored under lock and key when not being directly used or during non-working hours.

Client information the computer screen: If staff are not using the computer, the program should be closed in which the information is displayed (e.g., the case management system, a medical document in PDF or MS Word). Staff should also log out of their computers before they leave their offices.

### **3) Release of Confidential Client Information**

Any information in the client's file may be released to the client, in a timely manner, if requested in writing by the client. (Use Release of Information form).

*There are three exceptions to the above:*

- a) Medical, psychological, or other information that ICBVI determines may be harmful to the individual may not be released directly to the individual, but must be provided through a third party, such as a representative, physician or licensed psychologist. Also, personal information obtained from another agency or organization may be released only by, or under the conditions established by the other agency or organization.
- b) Information obtained from the Social Security Administration, including Disability Determination Services may not be released.
- c) Information obtained from the Veterans Administration may not be released.

### **4) Release to other programs or agencies**

Personal information will only be released to other programs or agencies with the client's written consent, and only for the purpose of the client's vocational rehabilitation. Information from Social Security Administration, including Disability Determination Services, or Veterans Administration may not be released.

### **5) Exceptions to Release of Information Requirements**

Prior written approval will not be required for the release of personal data in the following circumstances:

- a) Release for audit, evaluation or research.*

Information will only be released for purposes directly connected with the administration of the ICBVI vocational rehabilitation program or for purposes that would significantly improve the quality of life for people with disabilities. Confidentiality would be safe guarded.

- b) Release required by law:*

- i. ICBVI may release personal information in response to investigations in connection with law enforcement, fraud, or abuse, unless expressly prohibited

by Federal or State laws or regulations, and in response to a court subpoena or judicial order.

- ii. ICBVI may also release personal information in order to protect the client or others when the client poses a threat to the safety of self or others.
- iii. A subpoena issued to ICBVI for information relating to a client of VR program must immediately be referred to the Rehabilitation Services Chief who will subsequently refer the document to the Deputy Attorney General assigned to the agency to determine how the agency will respond to the subpoena.

#### **6) *Amending Information in the case record***

If a client believes that information in the file is inaccurate or misleading, the client may request that ICBVI amend the information. If the information is not amended, the request for an amendment must be documented in the file.

#### **7) *Retention and Destruction of files***

Files will be maintained for five years at the end of the fiscal year following case closure. All data with personal identifying client information will be destroyed by shredding, burning or other disposal methods to ensure confidentiality.

## **Ethics**

All ICBVI employees must adhere to the Idaho Ethics in Government Manual:

<http://www.ag.idaho.gov/publications/manuals.html>

ICBVI ascribes to, and requires all Counselors and field services staff to follow the Code of Professional Ethics for Rehabilitation Counselors accepted by the Commission of Rehabilitation Counselor Certification (CRCC).

<http://www.crc certification.com>

VR counselors should not take applications or work in the rehabilitation process with associates, friends, relatives, or where other conflicts of interest exist. When this situation arises, the Rehabilitation Services Chief should be notified and arrangements will be made to have another VR counselor work with the client.

## Appeals Process

Clients have the right to seek a remedy for any dissatisfaction with decisions made by ICBVI personnel that affect the provision of vocational rehabilitation services. Clients may request a review of any determinations made by ICBVI within 21 calendar days of the notice regarding ICBVI's decision to provide or deny services that are in question. The request must be in writing to the Chief of Rehabilitation Services.

Clients must be notified in writing and / or other forms of communication (based on the needs of the individual) of these rights:

- 1) At application;
- 2) When assigned to a priority category (if Order of Selection (OOS) is implemented);
- 3) At development of Individualized Plan for Employment (IPE);
- 4) At closure or;
- 5) If services are reduced or suspended.

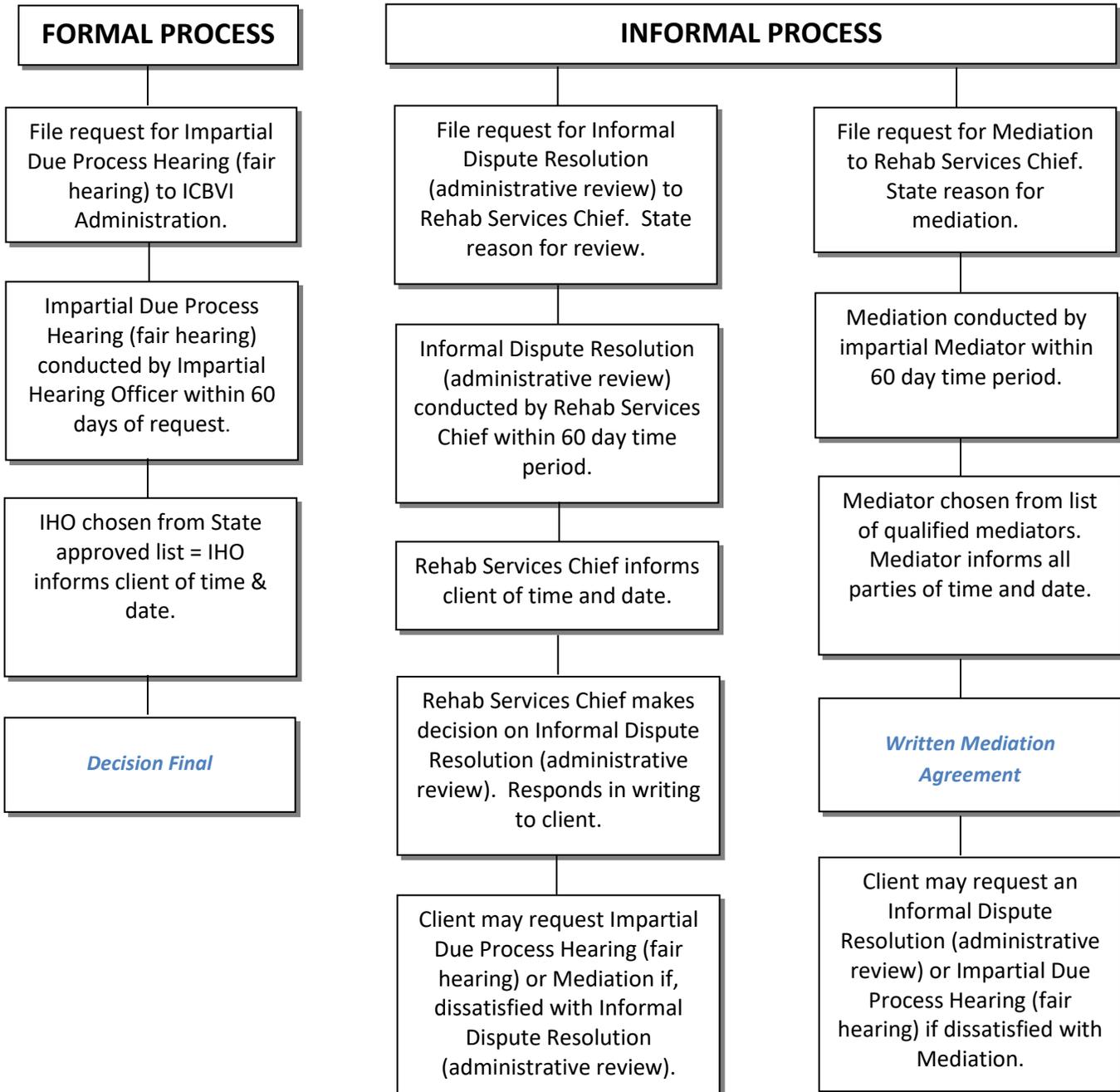
### ***Clients must be notified that their rights include:***

- 1) Informal Dispute Resolution (administrative review) conducted by the Rehabilitation Services Chief. (Must be conducted within the 60 day time frame allowed for the Impartial Hearing.)
- 2) Impartial Due Process Hearing (fair hearing) by an Impartial Hearing Officer (IHO) to be held within 60 days of client's appeal request, and to result in a written decision to client and agency.
- 3) Voluntary mediation, conducted by qualified and impartial mediators, and not used to delay or deny client's right to an Impartial Due Process Hearing. Agreements reached during mediation must be put in writing and discussion occurring during the mediation process will be kept confidential.
- 4) Availability of assistance from the Client Assistance Program (CAP). CAP brochure must be given to client.

During the appeal process ICBVI will not suspend, reduce or terminate services being provided for evaluation, plan development or under an IPE.

VR Counselor may be involved in any meetings for client appeals.

## Appeals Process Flow Chart



## **Client Assistance Program**

The Client Assistance Program (CAP) is administered by Disability Rights Idaho (DRI)

The purpose of the Client Assistance Program is:

- 1) To inform and advise clients of available services and benefits under the Rehabilitation Act and Amendments. The CAP staff can explain how the vocational rehabilitation system works and help clients understand their rights and responsibilities in the vocational rehabilitation process.
- 2) To assist and to advocate for the client in the relationship with ICBVI. The CAP can also suggest ways for the client and VR Counselor to work more successfully together throughout the vocational rehabilitation process, and assist clients to learn to advocate for themselves. Advocacy may also include pursuing any legal, administrative or other appropriate remedies to ensure the protection of the client's rights and to facilitate access to services funded under the Rehabilitation Act that are directly related to facilitating the employment of the client.
- 3) To use, to the maximum extent possible, alternative forms of dispute resolution, which will include negotiation, facilitation, mediation and fact finding, prior to resorting to litigation or formal adjudication to resolve a dispute.

## **Information, Referral and Application for VR Services**

Any agency, organization, individual (including self-referral) or the One-Stop delivery system may refer an individual to ICBVI for services. The referring agent should provide the local ICBVI office with the following information on the referred individual, when available:

- 1) Full name -required
- 2) Address/e-mail address, if available
- 3) Telephone number where referred individual may be reached-required
- 4) Social security number, if available
- 5) Date of birth, required
- 6) Contact person's name, phone number and referral source, if available
- 7) Guardian name, telephone number, address, when required.
- 8) Name of school or GED program, if the client is a student. Or if appropriate, indicate if the student is being home schooled.

Each referred individual must be seen or contacted by ICBVI staff within three (3) working days of the referral's receipt by scheduling an initial appointment, or documentation in a case note of telephone contact or e-mail contact. ICBVI staff will inform the referred individual of application requirements and information necessary to initiate an assessment for determining eligibility.

All individuals have the right to apply for ICBVI VR services and to have a decision made regarding their eligibility for such services.

Individuals must have legal status in the United States, and be available and legally permitted to join the labor market prior to eligibility determination. There is not duration of state residence requirement. ICBVI will not require the applicant to demonstrate a presence in the State through the production of any documentation (CFR 361.42(c) (1)). ICBVI may serve individuals in other states under the following situations (Federal Register Vol. 81 No. 161 - VR Final Regulations, August 19, 2016):

- 1) Services for the individual in his/her home state (applies to states bordering Idaho) are restricted due to location; where the individual can be best served by a ICBVI regional office;
- 2) The individual lives in a neighboring state, and works in Idaho;
- 3) The client is a shared case between the state units.

In any of these 3 situations, the client will sign a release of information to the blind agency in the state where the individual has legal residence.

Documents that establish work status (employment eligibility) and identity must be consistent with Form I-9, Immigration and Naturalization Services. (Form I-9, Employment Eligibility Verification).

A referral/application is not required for an appointment with a VR counselor. An application form will be supplied upon request from any ICBVI office. Application forms will be available through referral and outreach programs throughout the state, including the One-Stop Centers.

An individual is considered to have applied for ICBVI VR services when the following conditions have been met (*see also Supporting Documentation for Case Service Report (RSA-911)*):

The individual or individual's representative, as appropriate,

- 1) Has completed and signed an ICBVI VR application; or
  - a) has signed and dated a request for ICBVI VR services; or
  - b) has completed a common intake form in a One-Stop center requesting ICBVI VR services; or
  - c) has otherwise requested ICBVI VR services;
- and
- 2) Provides ICBVI the information necessary to initiate an assessment to determine eligibility;
- and
- 3) Is available to complete any of the required assessment processes.

At application, the VR Counselor must:

- 1) Establish rapport with clients.
- 2) Provide vocational guidance and counseling to client starting at application and continuing until case closure.
- 3) Explain the purpose and goal of vocational rehabilitation. Ensure clients know the goal of vocational rehabilitation is competitive integrated employment from the very beginning of the vocational rehabilitation-client relationship.
- 4) Discuss with clients, the responsibilities they have in the vocational rehabilitation process and the expectation that full participation will be required of them. Clients need to understand that they must keep appointments, work hard on their own behalf as much as they are able to, complete all tasks assigned by the VR Counselor, be partners in the planning process, maintain regular contact with VR Counselor and discuss any issues that may affect their progress. A positive and mutually respectful ICBVI-client relationship is essential for the client to progress with ICBVI assistance to successful employment.

- 5) Explain and complete application forms:
  - a) Application Signature Page
  - b) Client Rights & Responsibilities
  - c) Release of Information
  - d) Provide a Client Assistance Program (CAP) brochure, and explain the purpose of CAP.
- 6) Request verification of Social Security Administration (SSA) benefits.
- 7) If SSA beneficiary, discuss the SSA Work Incentives Program, Ticket to Work and ICBVI's goal to return clients to employment and get them off SSA benefits, when possible. Refer clients to benefits counseling, as appropriate.
- 8) Inform each client about their rights and responsibilities to exercise informed choice in decisions related to the provision of assessment services.
- 9) Use existing and current medical and/or psychological data, including information from other programs and providers, particularly information used by education officials and the Social Security Administration and information provided by the client and the client's family. Medical and/or psychological reports from closed files can be used if data is still current. If existing data does not describe the client's current functioning or if no medical and/or psychological reports are available, then ICBVI can purchase any evaluations necessary to determine eligibility.
- 10) Assess the need for Rehabilitation Technology Services, if and when necessary.
- 11) If the applicant is a student with a disability, the VRC should inform the client and parent/guardian(s)/representatives the availability of pre-employment transition services, and that the student will be required to participate in the agreed upon activities.

## Documentation required for eligibility

Medical reports on vision impairments can be used for eligibility from optometrists or ophthalmologists.

A medical consultant contracted by the State of Idaho can be used to confirm disabilities and functional limitations.

See also *Supporting Documentation for Case Service Report (RSA-911)*

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

- 1) Medical Physician or Doctor of Osteopathy
- 2) Nurse Practitioner (works under own licensure)
- 3) Physician's Assistant (works under a "Delegation of Service Agreement" with a physician providing oversight).

The following occupations have been licensed in Idaho to provide specific medical diagnoses within the specialized areas of competency for which the specific licensure has been issued.

- 1) Licensed Psychologist
- 2) Chiropractor
- 3) Naturopath
- 4) Podiatrist
- 5) Optometrist
- 6) Physical Therapist
- 7) Dentist / Orthodontist
- 8) Advanced Certified Alcohol and Drug Counselor (ACADC) / Certified Alcohol and Drug Counselor (CADC) (restricted to drug and alcohol related diagnoses only)
- 9) School Psychologist (limited to diagnosing eligibility for school related special education services)
- 10) Licensed Audiologist (hearing impairments only when medical conditions have been ruled out).

## **Trial Work Experience (TWE)**

Trial Work Experience (TWE) explores the individual's abilities, capabilities, and capacity to perform in work situations, consistent with their informed choice and includes experiences where appropriate supports and training are provided. When considering the eligibility of an applicant, the counselor must presume that the individual will benefit from VR services in terms of an employment outcome.

However, there are occasions when the counselor may question if the individual's disability is too significant for them to benefit. This is when trial work experiences would be considered. TWE is provided to insure that individuals are afforded a fair and equitable determination of eligibility and for participation in VR services. Counselors must have clear and convincing evidence that the individual cannot benefit due to the severity of the disability in order to determine if someone is too severe for services.

While a TWE is typically done prior to eligibility determination, a TWE can be conducted at any time during the rehabilitation process, even after receiving services.

The VR Counselor must provide the client with individual Trial Work Experiences (TWE) of sufficient variety and over a sufficient period of time before making a determination that the client is ineligible for vocational rehabilitation services and clear and/or convincing evidence exists that the client is incapable of benefiting in terms of an employment outcome from vocational rehabilitation services.

The Trial Work Experience must explore the client's abilities, capabilities and capacity to perform in realistic work situations with support and training. TWEs may include supported employment, on-the-job-training (OJT) or other experiences in realistic work settings.

To place client in Trial Work Experience, VR Counselor must:

- 1) Determine that client has a significant physical or mental impairment (disability) that is a substantial impediment (barrier) to employment.
- 2) Have questions about whether the client is capable or incapable of benefiting in terms of an employment outcome from vocational rehabilitation services due to severity of disability.
- 3) With the client, or his or her representative, develop a Trial Work Experiences plan to assess the client's ability, capabilities and capacity to perform in realistic work situations. The TWE's must be provided in the most competitive integrated setting

possible, consistent with the informed choice and rehabilitation needs of the client. Work experiences must be of sufficient variety and over a sufficient period of time

- 4) Review Client Rights and Responsibilities.
- 5) Assess need for Rehabilitation Technology Services, if and when necessary.
- 6) Ensure that client is an active partner, making meaningful and informed choices in the provision of Trial Work Experiences.
- 7) Review the TWE plan at least every 90 days to determine if there is sufficient evidence to conclude that the client can benefit from vocational rehabilitation services in terms of an employment outcome or there is clear and convincing evidence that the client is incapable of benefiting from vocational rehabilitation services in terms of an employment outcome due to the severity of the disability.
- 8) Clear and convincing evidence means that the counselor must have a high degree of certainty before it can conclude that an individual is incapable of benefiting from services in terms of an employment outcome; following a sufficient variety of work experiences over a sufficient period of time. Clear and convincing evidence might include a description and review of assessments, including assistive technology, and/or situational assessments and supported employment assessments.

There is no maximum time limit for a TWE.

## Eligibility Determination

To be eligible for ICBVI Vocational Rehabilitation Services, a client must satisfy the following 4 criteria:

- 1) Have a physical or mental impairment (disability) including blindness or visual impairment.
- 2) Which constitutes or results in a substantial impediment (barrier) to employment
- 3) Requires Vocational Rehabilitation Services to prepare for, secure, retain, regain or advance in employment, and
- 4) Can benefit in terms of an employment outcome (presumed under WIOA).

### Or the client must

- 5) Be an SSI or SSDI beneficiary who intends to achieve a competitive integrated employment outcome (and meets the criteria of 1 and 2 above).

*(Completion of the vocational rehabilitation application process is sufficient evidence of the beneficiary's intent to achieve an employment outcome.)*

## Definitions

Blindness or visual impairment: According to Idaho Code Section 67-5402(2), blindness or visual impairment means a person whose visual acuity with correcting lenses is not better than 20/200 in the better eye; or a person whose vision in the better eye is restricted to a field which subtends an angle of not greater than 20 degrees; or a person who is functionally blind; or a person who is without any sight.

Functionally blind means a person with a visual impairment which constitutes or results in a substantial impediment to employment or substantially limits one or more major life activities such as mobility, communication, self-care, self-direction, interpersonal skills, work tolerance or work skills. (This is determined by the VR counselor, not the physician).

A substantial impediment means that “a physical or mental impairment (in light of attendant medical, psychological, vocational, educational, communication, and other related factors) hinders an individual from preparing for, entering into, engaging in, or retaining employment consistent with the individual's abilities and capabilities.” (34 CFR 361.5 (b) (52) [Title 34 – Education; Subtitle B, Part 361])

## Eligibility Process

The counselor must:

- 1) Work with the client to gather all the information necessary for the eligibility determination. (e.g. medical reports, psychological reports, educational records (including Individualized Education Plans (IEP)), functional limitations, past work history);
- 2) Obtain all medical documentation on the visual impairment and all the other disabilities;
- 3) Review and analyze the client’s pertinent medical and psychological information and then synthesizes the information to justify the eligibility decision;
- 4) Document the following in the case record:
  - a) *Impairment:*
    - i. Identify all physical and/or mental disabilities diagnosed or determined by medical, psychological or other qualified personnel. Identify all specific functional limitations cause by each disabling condition.
  - b) *Substantial Impediment to Employment:*

Certain medical, psychological, vocational, educational, cultural and social factors combine with legal blindness to create an impediment to employment. Examples of such factors include: lack of marketable skills; limited educational level; community attitudes concerning legal blindness; long-term unemployment or limited work experience; socio-economic circumstances; lack of independent living skills; and the individual's attitudes toward work, family and community.

c) *Need for substantial VR services:*

- i. Discussion of potential services required to prepare for, secure, retain, regain, or advance in employment that is consistent with the client's unique strengths, resources, priorities, concerns, abilities, capabilities, interests and informed choice.

d) *Presumption of Benefit:*

- i. If the client meets the above criteria, the Rehabilitation Act presumes that the client can benefit in terms of an employment outcome, unless ICBVI can demonstrate by clear and convincing evidence that the client is too severely disabled to benefit in terms of an employment outcome from vocational rehabilitation services.

- 5) Make eligibility decision within a reasonable period of time, not to exceed 60 days after application, unless the client agrees to an eligibility extension and is documented in the case record.

Examples for an eligibility extension include:

- a) The client had additional medical or psychological issues that required time to stabilize, or
- b) The client was unable to complete an evaluation due to physician's office schedule, or
- c) The client was unavailable or out of state for long period of time, or
- d) The client missed appointment for evaluation and had to wait for rescheduling.

*Time frame: a reasonable amount of time for the extension is 30-60 days unless there are extenuating circumstances.*

- 6) Complete Presumptive Eligibility for any client who is currently receiving SSI or SSDI benefits, who intends to achieve an employment outcome.

- a) VR Counselor must verify that the client is receiving SSA benefits and then complete Presumptive Eligibility within five days of receiving verification.
- b) SSA beneficiaries are presumed eligible for Vocational Rehabilitation; the same analysis of disability and barriers to employment needs to be done prior to developing and approving an IPE.

The VR counselor can utilize the Medical Consultant when there are any questions about medical issues or reports.

- 7) Make the determination of Disability Priority, which includes:
  - a) Most Significant Disability (MSD)
  - b) Significant Disability (SD)
  - c) Disability (D)

*Current SSI and/or SSDI beneficiaries are presumed MSD or SD.*

## **Determination of Significance of Disability**

As a part of the eligibility determination process, the VRC will assign the client to a priority category. If the Commission is not under an Order of Selection, the prioritization will be used for planning purposes and to provide a structure for an easy transition to an Order of Selection if implemented. If the Commission is under an Order of Selection, the priority categories will be used to determine the order in which clients receive services if one or more priority categories must be closed.

Priority Categories:

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

Priority 2 – Eligible individuals with Significant Disabilities (SD)

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

### ***Most Significant Disability (MSD)***

- 1) Meets the criteria of an individual with a significant disability;
- 2) An individual who has a severe physical or mental impairment which seriously limits three or more functional capacities (such as mobility, communication, self-care, self-direction, interpersonal skills, work tolerance, or work skills) in terms of an employment outcome;

and

- 3) Whose vocational rehabilitation can be expected to require multiple vocational rehabilitation services over an extended period of time of 6 months or more.

### ***Significant Disability (SD)***

- 1) Meets the criteria of an individual with a disability
- 2) An individual who has a severe physical or mental impairment which seriously limits one or more functional capacities (such as mobility, communication, self-care, self-direction, interpersonal skills, work tolerance, or work skills) in terms of an employment outcome;

and

- 3) Whose vocational rehabilitation can be expected to require multiple vocational rehabilitation services over an extended period of time 6 months or more.

### ***Disability (D)***

- 1) An individual who has a physical or mental impairment;
- 2) Whose impairment results in a substantial impediment to employment;

and

- 3) Who require one or more substantial services (not necessarily provided over an extended period of time).

## **Individualized Plan for Employment**

### **Informed Client Choice**

Clients, or as appropriate, the client's representatives will have informed choice with regard to the development and implementation of the IPE in selecting:

- 1) Employment outcome;
- 2) Specific vocational rehabilitation services needed to achieve the employment outcome;
- 3) Entity that will provide the services;
- 4) Employment setting and the settings in which the services will be provided; and
- 5) Methods available for procuring the services.

Documentation in the case record will describe the extent to which the client exercised informed choice in making these decisions for the assessment and the development of the IPE (*See Supporting Documentation for Case Service Report (RSA-911)*).

In developing a client's IPE, the counselor will provide the client, or assist the client in acquiring, information necessary to make an informed choice about the specific services, including the providers of those services, that are needed to achieve the individual's vocational goal. Information will be presented in a mode of communication appropriate to the individual client, using qualified interpreters whenever needed.

### **Comprehensive Assessment**

Before an IPE is written, a Comprehensive Assessment is required:

- 1) To determine the employment outcome that is selected by the client, with input from the VR counselor, that is consistent with the client's unique strengths, resources, priorities, concerns, abilities, capabilities, interests and informed choice.
- 2) To identify the nature and scope of the vocational rehabilitation services that the client needs to obtain, maintain or advance in employment.
- 3) To determine how the planned services will assist the client in overcoming the barriers to employment that were identified in the eligibility determination.

This information will be the foundation of the Individualized Plan for Employment (IPE)

The comprehensive assessment can include the VR Counselor's assessment with the client of existing information, independent living skills assessment, vocational exploration, review of transferable skills, interest testing, aptitude testing, analysis of information from reliable data base (such as O\*NET, The Career Index Plus) vocational evaluations, paper and pencil tests, informational interviews with employers, work experience, high school assessments and family input.

The assessment should utilize, to the maximum extent possible, information available from other programs and providers, particularly from SSA and education officials, information provided by the client and the client's family as well as any information on client's use of the alternative skills of blindness available from ICBVI's Home Instructors Assessments, and Assistive Technology assessments.

The VR Counselor and the client must conduct a thorough market analysis to include job outlook and client's economic expectations and needs. The goal is for the client to become as self-sufficient and self-supporting as possible. Informed client choice is an important part of

vocational rehabilitation assessment and planning, and requires that the client and the VR Counselor work together to decide on the employment goal and required vocational rehabilitation services.

The following issues need to be addressed in the Comprehensive Assessment and documented in the case record:

- 1) Compatibility of disability with employment goal: discuss how the functional limitations of the client's vision loss and any other disabilities impact the client's ability to perform the requirements of the proposed employment.
- 2) Ability to utilize the alternative skills of blindness and independent living skills which are the precursor for employment. This assessment can be done by the Home Instructor, Assessment and Training Center (ATC) or by the VR Counselor.
- 3) Skills, interests, aptitudes and abilities, including any transferable skills
- 4) Labor market information (LMI) is required, and must include, at minimum:
  - a) Labor market outlook
  - b) Wages and benefit
  - c) Opportunities for upward mobility and advancement

*Labor market information must come from a reliable and valid database, such as \*ONET or Career Index Plus, and this source must be document as part of the LMI.*

- 5) Informed client choice, including how VR Counselor assisted the client to gather information on possible employment goals and rehabilitation needs and how the decision was made
- 6) Social and family support
- 7) Training and academic test results (e.g. Compass test, TABE)
- 8) Reasonable accommodations

## Content of the Individualized Plan for Employment

### Mandatory Components

- 1) Include a description of the specific employment outcome, that is chosen by the eligible individual and is consistent with the individual's unique strengths, resources, priorities, concerns, abilities, capabilities, career interests, and informed choice consistent with the general goal of competitive integrated employment (except that in the case of an eligible individual who is a student or a youth with a disability, the description may be a description of the individual's projected post-school employment outcome).
- 2) Include a description of the specific rehabilitation services needed to achieve the employment outcome, including, as appropriate, the provision of assistive technology devices, assistive technology services, and personal assistance services, including training in the management of those services.
- 3) In the case of a plan for an eligible individual that is a student or youth with a disability, the specific transition services and supports needed to achieve the individual's employment outcome or projected post-school employment outcome.
- 4) Provide for services in the most integrated setting that is appropriate for the services involved and is consistent with the informed choice of the eligible individual.
- 5) Include timelines for the achievement of the employment outcome and for the initiation of services.
- 6) Include a description of the entity or entities chosen by the eligible individual or, as appropriate, the individual's representative that will provide the vocational rehabilitation services and the methods used to procure those services.
- 7) Include a description of the criteria that will be used to evaluate progress toward achievement of the employment outcome.
- 8) Include the terms and conditions of the individualized plan for employment, including, as appropriate, information describing:

- a) The responsibilities of ICBVI;
  - b) The responsibilities of the eligible individual, including
    - i) The responsibilities the individual will assume in relation to achieving the employment outcome;
    - ii) If applicable, the extent of the individual's participation in paying for the cost of services; and
    - iii) The responsibility of the individual with regard to applying for and securing comparable services and benefits.
- 9) Document the responsibilities of other entities as the result of arrangements made pursuant to the comparable services or benefits.

### **Supported employment requirements**

An individualized plan for employment for an individual with a most significant disability for whom an employment outcome in a supported employment setting has been determined to be appropriate must -

- 1) Specify the supported employment services to be provided by ICBVI.
- 2) Specify the expected extended services needed, which may include natural supports
- 3) Identify the source of extended services or, to the extent that it is not possible to identify the source of extended services at the time the individualized plan for employment is developed, include a description of the basis for concluding that there is a reasonable expectation that those sources will become available.
- 4) Provide for periodic monitoring to ensure that the individual is making satisfactory progress toward meeting the weekly work requirement established in the individualized plan for employment by the time of transition to extended services;
- 5) Provide for the coordination of services provided under an individualized plan for employment with services provided under other individualized plans established under other Federal or State programs;
- 6) To the extent that job skills training is provided, identify that the training will be provided on site, and include placement in an integrated setting for the maximum number of hours possible based on the unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice of individuals with the most significant disabilities.

## **Post-employment services**

The individualized plan for employment for each individual must contain, as determined to be necessary, statements concerning-

- 1) The expected need for post-employment services prior to closing the record of services of an individual who has achieved an employment outcome;
- 2) A description of the terms and conditions for the provision of any post-employment services;
- 3) If appropriate, a statement of how post-employment services will be provided or arranged through other entities as the result of arrangements made pursuant to the comparable services or benefits requirements.

## **Coordination of services for students with disabilities**

The individualized plan for employment for a student with a disability must be coordinated with the individualized education program or 504 services, as applicable, for that individual in terms of the goals, objectives, and services identified in the education program.

## **Developing the Individualized Plan for Employment (IPE)**

When planning and writing the IPE, the client must:

- 1) Be an active and full partner in the vocational rehabilitation process
- 2) Apply for and secure any comparable benefits available (see Comparable benefits under the Fiscal and Payment Policy section of this manual). ICBVI clients must apply for and use any comparable services or benefits that are available to them except for the exempt services identified under the comparable benefit section or if the availability of the comparable benefit would interrupt or delay the individual's progress toward achieving an employment outcome, as identified under the comparable benefits section of this manual.
- 3) Participate in paying for the costs of the plan, if appropriate and possible.
- 4) Make a commitment to co-operate and follow-through with the IPE and achieve an employment outcome.

The VR Counselor must:

- 1) Reinforce that the goal of vocational rehabilitation is employment and that the purpose of the IPE is to assist the client to prepare for, secure, retain, advance in or regain employment.
- 2) Ensure that client understands that employment means:
  - a) Entering, retaining, or advancing in full-time, or if appropriate, part-time competitive integrated employment, including self-employment, customized employment, or small business ownership, or
  - b) Supported Employment, or
  - c) The Business Enterprise Program (BEP).
- 3) Ensure that client is a full and active partner in the development and implementation of the IPE.
- 4) Inform the client about the four options for writing the IPE:
  - a) By client and VR Counselor together;
  - b) By client independently;
  - c) By client and representative including the Client Assistance Program (CAP)
  - d) With technical assistance (ICBVI will not pay for technical assistance).
- 5) Assist the client in gathering information, looking at vocational options and making decisions so that the client can make informed choices (see section entitled Informed Client Choice) in the selection of:
  - a) an employment outcome
  - b) specific vocational rehabilitation services required to become employed.
  - c) service providers and methods to procure services
- 6) The counselor will document the extent to which the applicant or eligible individual exercised informed choice regarding:
  - a) the provision of assessment services and the extent to which the eligible individual exercised informed choice in the development of the individualized plan for employment with respect to the selection of the specific employment outcome;
  - b) the specific vocational rehabilitation services needed to achieve the employment outcome, and
  - c) the entity to provide the services, the employment setting, the settings in which the services will be provided, and the methods to procure the services.

- 7) Staff with the medical professional (if necessary) when there is any medical or surgical treatment recommended in determining the need and best options for treatment. The medical consultation should be documented in the case record.
- 8) Work with the client to insure that the employment outcome is consistent with the client's unique strengths, resources, priorities, concerns, abilities, capabilities, interests, economic needs, informed choice and current labor market. This may require review of existing information previously gathered and noted in case file or in the comprehensive assessment.
- 9) Ensure that all comparable benefits are utilized before ICBVI funds are expended. Comparable benefits should be noted on the IPE as well as the client's financial participation in the cost of the plan.
  - a) The VRC must ensure that clients apply for Federal Financial Aid (Pell Grants, Supplemental Educational Opportunity Grants (SEOGs) State Student Incentive Grants (SSIGs) and other grants) to pay for training costs (i.e. tuition, fees, books and supplies, tools, etc.) at any institution of higher education. ICBVI cannot pay for such training costs unless maximum effort has been made to secure grant assistance. *A copy of the Financial Aid Award or Denial letter should be placed in client's file before any authorizations are issued.*
- 10) If SSA beneficiary, refer client to Benefits Counseling.
- 11) Assess the need for Rehabilitation Technology Services, if and when needed.
- 12) Complete Financial Needs Assessment (FNA) with client. Regardless of whether client has a surplus or deficit, ask the client what they are financially able to contribute to the rehabilitation plan. The client needs to be vested in and committed to the success of his/her rehabilitation plan.
- 13) Ensure that the IPE is developed and implemented within 90 days from the date of the eligibility determination.
  - a) An exception may be made, and must be documented in the case record, if this timeframe will be exceeded due to the needs of the individual client and the client agrees to the extension. The documentation should include the timeframe for the extension and the reasons for the extension.
- 14) Complete the IPE for all School Work Transition clients before they exit the school system.

VR counselors should include in the IPE all transition services including pre-employment transition services, that are being provided by the school before the client leaves school as well as any services ICBVI is or will be providing to the client.

- 15) Complete any additional forms, as needed, e.g. OJT Agreement, Tool Agreement.
- 16) Review Client Rights and Responsibilities with client at completion of IPE.
- 17) Ensure IPE is fully completed, agreed to and signed by the client or by the parent/guardian if client is under age 18.
- 18) The approval of the IPE is the responsibility of the qualified ICBVI VR Counselor. Plan approval and/or consultation with the Rehabilitation Services Chief may be a necessary step, depending on the VR Counselor's knowledge of vocational rehabilitation and credentials.
- 19) Provide client with a copy of the signed and approved IPE.
- 20) Review client's progress towards the employment outcome on an ongoing basis and complete an annual review of the IPE at least once a year. If the duration of the IPE does not exceed 12 months, then an annual review is not required.
- 21) Complete IPE Amendments, as needed.

An IPE Amendment is required:

- 1) When there are substantive changes to the employment outcome, vocational rehabilitation services to be provided, or to the providers of the services. Amendments need to be approved and signed by the client and the VR Counselor and documented in the case record.

An IPE Amendment is not required:

- 1) When the cost of a service changes, as this will be shown on the authorization.
- 2) For a no-cost service or one paid by comparable benefits or by the client (unless the service provider is changed).
- 3) When more time is needed to complete the services.

## **Vocational Rehabilitation Services**

Vocational rehabilitation services are any services described in the Individualized Plan for Employment (IPE) which are necessary to assist an eligible client in preparing for, securing, retaining, advancing or regaining an employment outcome that is consistent with the strengths, resources, priorities, concerns, abilities, capabilities, interests and informed choice of the client, including:

- 1) Assessment for determining vocational rehabilitation needs by qualified personnel, including, if appropriate, an assessment by personnel skilled in rehabilitation technology.
- 2) Counseling and guidance, including information and support services to assist the client in exercising informed choice.
- 3) Interpreter services provided by qualified personnel for clients who are deaf or hard of hearing, and reader services for clients who are blind or visually impaired.
- 4) Job-related services, including job search and placement assistance, job retention services, follow-up services, and follow-along services.
- 5) Maintenance for additional costs incurred while participating in an assessment for determining eligibility and vocational rehabilitation needs, or while receiving services under an Individualized Plan for Employment.
- 6) Occupational licenses, tools, equipment, and initial stocks and supplies. A Tool Agreement is required when purchasing an item that costs over \$500.
- 7) Other goods and services determined necessary for the client to achieve an employment outcome.
- 8) Personal assistance services on the job provided while the client is receiving other vocational rehabilitation services.

- 9) Physical and psychological services, including:
- a) Corrective surgery or therapeutic treatment that is likely, within a reasonable length of time, to correct or modify substantially a stable or slowly progressive physical or mental impairment that constitutes a substantial impediment to employment
  - b) Diagnosis of and treatment for mental and emotional disorders by qualified personnel who meet State licensure laws
  - c) Dentistry
  - d) Nursing services
  - e) Necessary hospitalization (either inpatient or outpatient care) in connection with surgery or treatment and clinic services
  - f) Medication and medical supplies
  - g) Prosthetic and orthotic devices
  - h) Eyeglasses and visual services, including visual training, the examination and services necessary for the prescription of eyeglasses, contact lenses, microscopic lenses, telescopic lenses or bioptics, aids and appliances and any other special visual aids prescribed by qualified personnel
  - i) Podiatry
  - j) Physical therapy
  - k) Occupational therapy
  - l) Speech or hearing therapy
  - m) Mental health services
  - n) Treatment of either acute or chronic medical complications that are associated with or arise out of the provision of physical or mental restoration services, or are inherent in the condition under treatment
  - o) Special services for the treatment of clients with end-stage renal disease
  - p) Other medical or medically related rehabilitation services
- 10) Post-employment services necessary to assist the successfully rehabilitated client to retain, regain, or advance in employment.
- 11) Referral and other services to assist clients to secure needed services from other agencies if such services are not available under the Rehabilitation Act, as amended, including the Statewide Workforce Investment System, the State Independent Living Council and Independent Living Centers, American Indian programs, general Vocational Rehabilitation program, Social Security Administration or any other local, state or federal program.
- 12) Rehabilitation instruction in independent living skills and the alternative skills of blindness to include: orientation and mobility, activities of daily living, braille, computer

skills and use of adaptive technology and pre-vocational work readiness for clients who are blind or visually impaired.

- 13) Rehabilitation technology, including telecommunications, sensory, and other technological aids and devices.
- 14) Supported employment services.
- 15) Technical assistance and other consultation services to conduct market analyses, develop business plans, and otherwise provide resources to eligible clients who are pursuing self-employment, or telecommuting or establishing a small business operation or Business Enterprise Program as an employment outcome.
- 16) Transition services for youth and students with disabilities. Transition services may include pre-employment transition services for students with disabilities, as identified under section 113(c) of WIOA:
  - a) Job exploration counseling;
  - b) Work-based learning experiences, which may include in-school or after school opportunities, or experience outside the traditional school setting (including internships), that is provided in an integrated environment to the maximum extent possible;
  - c) Counseling on opportunities for enrollment in comprehensive transition or postsecondary educational programs at institutions of higher education;
  - d) Workplace readiness training to develop social skills and independent living; and
  - e) Instruction in self-advocacy, which may include peer mentoring.
- 17) Transportation, including adequate training in the use of public transportation vehicles and systems that is provided in connection with the provision of any other vocational rehabilitation service and needed by the client to achieve an employment outcome.
- 18) Vocational and other training services, including the provision of personal and vocational adjustment services, on-the-job training, books, tools, and other training materials. No training services provided at an institution of higher education shall be paid for with ICBVI funds unless maximum efforts have been made by the agency and the client to secure grant assistance from other sources to pay for such training.

19) Customized employment services.

Training can include the following:

- 1) Academic – post- high school education in a university or college setting leading to an Associate, Baccalaureate or higher degree
- 2) Technical Associate Degree - post- high school education, consisting of a combination of basic academic and technical courses leading to an associate degree
- 3) Trades and Vocational – specific job skills training in area of trades or vocational field, usually leading to licensure or certificate

Clients enrolled in academic and associate degree programs will be expected to carry a full time course load of 12 – 16 credits per semester, except for the first semester where some remediation may be necessary. As well, an exception can be made for disability related issues or courses that may pose special difficulties to blind or visually impaired clients.

- 4) Other Academic (Elementary or High School) – academic training on a secondary level or lower to include GED or high school equivalency.
- 5) Business – specific job skills training in business courses, usually leading to a certificate
- 6) On-the-Job-Training (OJT) – provided by the employer, the client works and is paid while learning technical skills on the job:
  - a) The VR Counselor must negotiate the OJT fees based solely on the cost paid by the employer to train the client and the level of technical skills required for the job. Negotiations should include the cost of training and the length of training time and required number of months.
  - b) VR Counselors are encouraged to negotiate a decreasing payment schedule with the employer as the client learns the job skills, and also so that the employer does not rely on a regular monthly training fee.
- 7) Personal and Vocational Adjustment or Job Coaching – skills training or behavioral adjustment to assist client to learn job skills, social skills and work habits. Services can be provided by a Community Rehabilitation Program (CRP), the VR Counselor, or other

trainer/mentor agreed upon by the client and the VRC. To the greatest extent possible, these services should be provided in a competitive integrated setting.

- 8) Miscellaneous - any other training, including self-employment, telecommuting, small business ownership or the Business Enterprise Program.

# Fiscal and Payment Policy

## Purchasing of Goods and Services

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

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

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

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

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

### **The following principles will guide client purchases:**

- 1) The IPE is the document that determines the scope, duration and provider of services. The client with a disability must agree to the terms and conditions of the IPE prior to services being provided.
- 2) Together the VRC and the client determine the provider. Costs, availability, success, experience providing the service and client research are characteristics that guide the choice of the provider.
- 3) The method of procurement is also determined in partnership with the client. The Commission prefers that a state AFP be provided to the selected vendor, with an invoice from the vendor documenting the service provision. Other methods are available, given the informed choice of the client, including reimbursement.
- 4) The provision of services must be consistent with the unique strengths, resources, priorities, concerns, abilities, capabilities, and informed choice of the client.
- 5) Staff will ensure fair and equitable treatment of all persons doing business with the Commission.

- 6) Purchases will be made consistent with the elimination and prevention of discrimination due to race, religion, color, national origin, sex, age, and disability.
- 7) The responsibility for authorizing services and approving payment of these services must be assigned to separate employees to ensure separation of duties:
  - a) The VRC is responsible for the authorization of the service;
  - b) The Rehabilitation Services Chief (or authorized designee) is responsible for approving the payment.
- 8) The case records will contain necessary evidence and documentation of adherence to these principles.

### **Maintenance for students attending the ICBVI Training Center**

Counselors are required to issue those authorizations *3 weeks prior* to the arrival date of the client at the ATC in Boise. This will allow sufficient time required by fiscal for the processing of these payments.

### **Financial Needs Assessment (FNA)**

Purpose of the FNA:

ICBVI performs a FNA for all eligible VR clients\*. This assessment determines the amount of financial contribution, if any, that can be expected by the client toward meeting his/her vocational goal.

The assessment is designed to evaluate whether the client has a deficit or surplus income. Financial contribution, if any, by the client towards their vocational goal will be a mutual agreement between the VRC and the client.

The following are income reportable on the client's FNA form:

Monthly Income: Wages or other sources of income, including savings, and spouse income if applicable.

The following are expense reportable on the client's FNA form:

Monthly Expenses: Housing, Utilities (subtract energy assistance), Disability Related Expenses, Food (subtract food stamps), Car and Insurance Expenses (include gasoline and car payment, Medical Expenses (include insurance premiums and medications),

Other Transportation Expenses (cab fare or bus pass), Child Support, Credit Cards (minimum monthly payment), Communication and Entertainment Devices / Services (cell phone/internet service/television), other expenses

Expenses are deducted from income to establish a surplus / deficit monthly income. Client self-report is acceptable for the purposes of the FNA.

A review of the FNA should occur when it becomes known that financial circumstances have changed.

*\*Individuals determined eligible for Social Security benefits under Titles II or XVI of the Social Security Act are exempt from an FNA and any financial participation in the provision of vocational rehabilitation services.*

Additionally, the FNA can be used as a counseling tool for all clients:

- 1) For counseling related to the client's level of debt and money management skills;
- 2) For career planning to determine the client's current financial status, and ability to participate in their Individualized Plan for Employment;
- 3) For career planning to determine client's economic needs for their employment goal;
- 4) To determine amount of client's ability to participate financially toward the costs of the rehabilitation plan.

NOTE: If client is a minor child (under age 18 or claimed as dependent on income tax), or is under legal guardianship, then the family income is required to be included on FNA. If client is married, the spouse's income is required to be included on FNA. If extended family (members living in household) expenses are included on FNA, their income also is required to be included.

It is the policy of ICBVI that the FNA of the individual will be applied uniformly to all clients across every region of the state of Idaho, and will be based on the individual's financial need, and not so high as to effectively deny an individual necessary services.

The FNA will be completed as a condition for the provision of all vocational rehabilitation services except the following:

- 1) Diagnostics and Evaluations
- 2) Vocational Guidance and Counseling
- 3) Referral and other services to assist applicants and eligible individuals to secure needed services from other agencies, including any component of the statewide workforce development system
- 4) On the Job Training (OJT) (fee only)

- 5) Rehabilitation Technology
- 6) Job Placement Services including Job Site Development (JSD), Work Adjustment or Job Coaching, Placement and Follow along (P&F), Supported Employment
- 7) Personal Assistance Services
- 8) Interpreter or Reader Services
- 9) Mobility training
- 10) Pre-employment transition services

**Client financial participation:** The level of the client's participation (if any) in the cost of rehabilitation services must be: 1) Reasonable, and 2) based on client's individual need and not so high as to effectively deny a necessary service.

The VR Counselor and client should complete the FNA as part of the IPE planning process. The VRC should review the FNA annually with the client. If there are any major changes, the VRC should revise the FNA with the client.

### Comparable Benefits

Comparable services and benefits are:

- 1) Services and benefits that are
  - a) Provided or paid for, in whole or in part, by other Federal, State, or local public agencies, by health insurance, or by employee benefits;
  - b) Available to the individual at the time needed to ensure the progress of the individual toward achieving the employment outcome in the individual's individualized plan for employment; and
  - c) Commensurate to the services that the individual would otherwise receive from ICBVI.

Commonly encountered comparable benefits:

- 1) Medicaid
- 2) Medicare
- 3) Pell Grant
- 4) Any non-merit based scholarship
- 5) Private medical insurance
- 6) Any other medical insurance
- 7) Veteran's Administration (for health care and rehabilitation center programming)

- 8) Worker's Compensation (when a person has been injured on the job)

***ICBVI will not require consideration of comparable services or benefits if to do so would result in:***

- 1) interrupting or creating a significant delay in the progress of the client toward achieving the employment outcome identified in the IPE;
- 2) jeopardizing an immediate job placement, or
- 3) delaying the provision of service to any individual at extreme medical risk.

***Student Loans:***

ICBVI cannot require a client to obtain a student loan as a comparable benefit for participating in a training program. However, the client may choose to take a student loan to assist with living or other costs.

***Scholarships:***

Comparable benefits do not include awards and scholarships based on merit, however some scholarships stipulate that they must be used for tuition and school-related expenses. VR Counselors will require clients to use any awards or scholarships to assist in their educational endeavors. This should be applied to the cost of the service(s), and the counselor must deduct this from any amount the agency would be required to pay towards the individuals VR program.

***Other exemptions to comparable benefits:***

The following vocational rehabilitation services are exempt from a determination of the availability of comparable services and benefits:

- 1) Assessments required for the determination of eligibility and vocational rehabilitation needs;
- 2) Vocational guidance and counseling;
- 3) Referral and other services to secure needed services from other agencies, including other components of the statewide workforce development system;
- 4) Rehabilitation technology;
- 5) Post-employment services.

The IPE will include all comparable benefits that contribute to the employment outcome of the client.

## **Rates of Payment**

ICBVI rates of payment are designed to ensure reasonable costs to the program for VR services. These guidelines will recommend the maximum that ICBVI will contribute to the purchase. The services that will meet the client's need, at the least cost to ICBVI, should be the service purchased. All fees for services, are uniformly determined, however may vary in geographical areas across the state. The client may choose his or her preferred vendor, however the cost of the service should be reasonable and comparable to other vendors.

ICBVI policies are based on 34 CFR 361.50(c). Rates of payment for the fee schedule and for contracted services are established to ensure a reasonable cost to the program for each service, not so low as to deny an individual a necessary service, not absolute, and permitting exceptions so that individual needs can be addressed.

ICBVI rates of payment are determined based upon a competitive pricing analysis and an analysis of ICBVI costs for these services over a period of time of not less than one year, but no more than two years. As appropriate, ICBVI will set rates based upon approved State, County, or Federal rates for the same purchased services, and these rates will be applied uniformly across the state.

## **Payment Guidelines**

When required in these guidelines, a competitive process will be used to achieve a reasonable price. These rates of payment will be utilized as a guideline to determine the maximum that ICBVI will contribute to the purchase. For items not included in these guidelines, the usual, customary and reasonable rate will be used for the service. The service that will meet the client's need at the least possible cost to ICBVI should be the service purchased.

### Exceptions to Usual, Customary and Reasonable Charges:

- 1) **Idaho In-State Colleges, Vocational Technical Schools, Universities, and Other Education and Training Institutions education expenses.**

Public in-state institutions, Education expenses, including fees, tuition, and health insurance costs, for enrollment including summer school: Ninety percent (90%) of the actual costs for two (2) semesters per federal fiscal year at the institution of enrollment.

If the client receives any grant or scholarship, (except Merit Based Scholarships) it shall be applied first for tuition or fees and books and supplies in that order before any expenditure of funds by the Commission.

Private in-state institutions, including fees, tuition, and health insurance costs, for enrollment at Idaho private in-state colleges, private in-state vocational technical schools, private in-state universities, and other private in-state education and training institutions and including enrollment in summer school: Ninety percent (90%) of actual costs for two (2) semesters per federal fiscal year up to an amount not to exceed actual costs per federal fiscal year at public Idaho Colleges or Universities. If the training program or institution operates on a schedule other than a semester system, the same 90% of actual program costs incurred at Idaho institution would apply. If the client receives any grant or scholarship, it shall be applied first for tuition or fees before any expenditure of funds by the Commission.

**2) Out-of-State Colleges, Universities, Vocational Technical Schools and Other Education and Training Institutions.**

Out-of-state institutions, including fees and tuition, for enrollment at out-of-state colleges, universities, vocational technical schools, and other education and training institutions, and including enrollment in summer school: Ninety percent (90%) of actual costs for two (2) semesters per federal fiscal year up to an amount not to exceed actual costs per federal fiscal year that would be incurred at a public Idaho college or university (Boise State University or University of Idaho). If the training program or institution operates on a schedule other than a semester system, the same 90% of actual program costs incurred at Idaho institution would apply (e.g. out of state blind training centers). Any grant or scholarship (except Merit Based Scholarships), must be applied first for tuition or fees before any expenditure of funds by the Commission.

**3) Books and Supplies.**

Actual costs of required books and supplies, including expenditures for books and supplies required for attendance of summer school. Any grant or scholarship (except for Merit Based Scholarships), must be applied first for books and supplies before any expenditure of funds by the Commission.

**4) Medical exams with written report**

- a) Specialist exam by M.D. \$300 maximum, plus actual cost of related procedures (e.g. x-rays).
- b) Psychological exam by Licensed Psychologist \$250 maximum plus actual cost of psychometric tests.

- c) Ophthalmologist/Optomtrist exam \$300 maximum, plus actual cost of visual field exam or other necessary tests.
- d) Low vision exam to be paid at specialists' rate not to exceed \$200 maximum.
- e) Follow-up low vision consult \$65 maximum.
- f) Eye report \$25 maximum.
- g) Audiologist exam to be paid at specialists' rate not to exceed \$200 maximum.
- h) Physical exam (GBM) \$200 maximum, plus actual cost of additional procedures and tests.

**5) Glasses / Lenses / Contacts**

- a) Frames - \$200 maximum
- b) Lenses - usual and customary cost
- c) Contact Lenses - usual and customary cost
- d) Bioptics - \$1,200 maximum.

**6) Psychotherapy/Counseling Sessions**

Maximum: \$100 per hour, 10 sessions

**7) Medication and Medical Supplies (including diabetic supplies)**

Maximum: \$300 per month for a maximum of 3 months, while client applies for reduced cost or free medication programs provided by drug companies or other sources of comparable benefits, such as Medicaid, Medicare Part D or other insurance. We pay the state Medicaid rate.

**8) Dental Work, including but not limited to cleaning, fillings, extractions, crowns, and dentures:**

Maximum: \$1,000 per case

**9) Transportation**

- a) Public conveyance (bus, van, airfare) - actual cost.
- b) Transportation services not to exceed \$200 maximum within a 20 mile radius in-town commuting, or \$300 maximum out-of-town commuting per month. Exceptions can be approved by the Rehabilitation Services Chief.
- c) ICBVI may reimburse for state mileage rate for client services or may reimburse for cost of gasoline.
- d) Cab subsidy programs (Scrip) must be used where available.

## 10) **Maintenance**

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

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

Maximum: \$3,000 total per federal fiscal year. No single monthly amount to exceed \$500. Over \$500 a month or \$3,000 per fiscal year requires approval from the Rehabilitation Services Chief.

These maximums also apply to Room & Board for post-secondary education or training programs.

### ***Maintenance for the Assessment and Training Center (ATC):***

If a client is participating in ATC and is not commuting to ATC for training; the maximum per month is \$300 for maintenance up to the \$3,000 per federal fiscal year. Over \$300 a month or \$3,000 per fiscal year requires approval from the Rehabilitation Services Chief.

Maintenance will not be paid during the ATC breaks.

## 11) **Copy Fees**

Maximum: \$20 for copy of report.

## 12) **Tools & Equipment (including computer equipment and AT)**

Maximum: \$2,000 per case, except for disability-related reasonable accommodation. Agency inventory tools and equipment will count towards the \$2,000 maximum. ICBVI counselor must always negotiate in the best interest of the agency on cost of services

and may get three bids if tools exceed \$2,000 with Rehabilitation Services Chief approval.

Exception: If there is a change in employment outcome, client must return the original tools to ICBVI. After the tools have been returned, then ICBVI may purchase new tools up to the \$2,000 maximum for the new employment outcome.

### **13) On Job Training (OJT) Fees**

Maximum: \$3,000

- a) Counselor must negotiate OJT fees based on:
  - i. Employer's cost to train client
  - ii. Level of technical skills required for job
  
- b) IPE and OJT Agreement must include:
  - i. Cost of training
  - ii. Length of time (# of months)
  - iii. Evaluation of progress, including method (suggestion).

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

To exceed the \$3,000 maximum, Counselor must consult with Rehabilitation Services Chief.

### **14) Computers including hardware and software.**

Maximum: \$2,000 per case, except for disability-related reasonable accommodation.

If a change in computers is necessary, as appropriate, the client must return the original computer to ICBVI. Upon its return, ICBVI may purchase a new computer up to the \$2,000 maximum.

### **15) Self-Employment Plans**

Maximum: \$3,000

To exceed the \$3,000 maximum to include tools and equipment and excluding adaptive technology and computers, the counselor must consult with Rehabilitation Services Chief.

Any special circumstances on computers and tools on self-employment plans will be discussed with Rehabilitation Services Chief.

**16) Child Care**

Maximum: \$300 per child per month.

*Use the Health & Welfare Child Care Funding as a comparable benefit before expending ICBVI funds.*

**17) Advanced Degree**

ICBVI may assist with a second or advanced degree, based on the rehabilitation needs of the individual client. For example, if client is unable to achieve competitive integrated employment with an undergraduate degree, or, if the advanced degree is required in order to advance in employment.

**18) Vehicular Purchase**

ICBVI may assist to modify an already owned vehicle to make it accessible for the client's use (e.g. hand controls, van conversions, lift installation). Under the following circumstances:

- a) The cost of the modification cannot exceed the current Blue Book Fair Trade In value of the vehicle.
- b) The client must maintain insurance on the vehicle for replacement cost.
- c) ICBVI will encourage clients who require a vehicle for employment, but do not have one, to contact the Idaho Assistive Technology Project and Independent Living Center to determine if this agency can be used as a comparable benefit.
- d) ICBVI may pay for car repairs dependent on the employment goal and or Business Enterprise Program (BEP) vendor goal. VRC needs approval by the Rehabilitation Services Chief.
- e) ICBVI can purchase a used vehicle and/or utility trailer based upon the employment goal and or BEP goal. Three bids required for any purchase over \$2,000. VRC needs approval by the Rehabilitation Services Chief.

**19) Physical and Psychological Services**

Surgery may be provided if it is not the *sole vocational rehabilitation service* needed for the client to return to work or to achieve an employment outcome.

ICBVI will only cover the cost of surgery if it will substantially reduce the client's functional limitations.

ICBVI will only cover the cost of surgery or therapy necessary to correct or substantially modify a physical or mental condition that constitutes a substantial impediment to employment, if it will reduce such impediment to employment within a reasonable length of time.

**20) *Physical, Occupational, and Speech Therapy***

\$100 per session at maximum of 10 sessions per case. Exceptions can be made by Rehabilitation Services Chief.

**21) *No Shows***

If a client “no shows” to an appointment with a vendor (i.e. a medical office, counseling appointment) and doesn’t cancel or reschedule, the client will be responsible for payment of any charges, under the no show policy of the vendor, not ICBVI.

If ICBVI authorizes for an interpreter to be present and client no shows, ICBVI will cover cost of the interpreter through administrative authorization.

## **Exception Policy**

The Rehabilitation Act of 1973, as amended, requires that ICBVI have a policy that allows for exceptions to the rates of payment, unless the exception would violate State or Federal laws. All exceptions will be reviewed on an individual case basis, and require approval by the Rehabilitation Services Chief or the Administrator.

### **Exception Process:**

To be considered for an exception, the client and/or the Counselor will submit the request for the exception in writing, via email or other means, to the Rehabilitation Services Chief.

The request must include:

- 1) A description of the requested exception.
- 2) Reasons why they believe the exception is warranted.

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

**Reasons for Exception:**

The items listed below are not all inclusive, but do contain the major reasons that will be considered in determining if an exception to policy will be granted. Financial need alone is not always sufficient grounds for asking for an exception. It is sometimes the nature and scope of the reason and not the number of reasons that may justify the exception:

- 1) The need is disability related.
- 2) The client has used all sources available, including client's own financial contribution, as well as all available Federal Financial Aid in post-secondary training situations, insurance, Medicaid, Medicare and other resources typically used by persons without disabilities.
- 3) Family issues such as legal separation, divorce or loss of income make resources unavailable.
- 4) Service is not available in certain geographical locations of the state within the fee schedule guidelines.
- 5) The service (such as an out of state college) is required due to disability related accommodations unavailable at comparable institutions in Idaho.

# Competitive Integrated Employment

## Definition

Competitive Integrated Employment is considered the optimal outcome under WIOA. The definition in the Rehabilitation Act of 1973, as amended by WIOA (34 CFR 361.5(c)(9)):

Competitive integrated employment means work that-

- 1) Is performed on a full or part time basis (including self-employment) and for which an individual is compensated at a rate that-
  - a) Is not less than the higher of the rate specified in section 6(a)(1) of the Fair Labor Standards Act or the rate required under the state or local minimum wage law for the place of employment;
  - b) Is not less than the customary rate paid by the employer for the same or similar work performed by other employees who are not individuals with disabilities and who are similarly situated in similar occupations by the same employer and who have similar training, experience, and skills, and
  - c) In the case of an individual who is self-employed, yields an income that is comparable to the income received by other individuals who are not individuals with disabilities and who are self-employed in similar occupations or on similar tasks and who have similar training, experience, and skills; and
  - d) Is eligible for the level of benefits provided to other employees; and
- 2) Is at a location-
  - a) Typically found in the community; and
  - b) Where the employee with a disability interacts for the purpose of performing the duties of the position with other employees within the particular work unit and the entire work site, and, as appropriate to the work performed, other persons (e.g., customers and vendors), who are not individuals with disabilities (not including supervisory personnel or individuals who are providing services to such employee) to the same extent that employees who are not individuals with disabilities and who are in comparable positions interact with these persons; and
- 3) Presents, as appropriate, opportunities for advancement that are similar to those for other employees who are not individuals with disabilities and who have similar positions.

## Policy

### Documentation

The VRC will ensure that the client is employed (either PT or FT) in competitive integrated employment by including the following in the case record:

- 1) Verification of minimum wage or greater through UI wage data or paycheck stub;
- 2) Verification of benefits and advancement opportunities; through client self-report or other means;
- 3) Wages and benefits are within the customary range for all employees (verified through DOL/CIS);
- 4) The wages meet the economic needs of the client;
- 5) The employment is based on the unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice of the individual.

Wage documentation is required, at minimum, at job placement and closure. Additionally, this documentation should be reviewed periodically throughout job placement and program exit.

## Customized Employment

### Definition

Customized Employment, defined as “competitive integrated employment, for an individual with a significant disability, that is based on an individualized determination of the strengths, needs, and interests of the individual with a significant disability”, “designed to meet the specific abilities of the individual with a significant disability and the business needs of the employer,” and “carried out through flexible strategies.” As a result, customized employment is now among the available VR strategies from ICBVI.

### Policy

Customized employment strategies will be identified on the IPE and documented in case record.

Flexible strategies for customized employment can include the following:

- 1) Job exploration by the individual; and

- 2) Working with an employer to facilitate placement including:
  - a) Customizing a job description based on current employer needs or on previously unidentified and unmet employer needs;
  - b) 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;
  - c) Using a professional representative chosen by the individual, or if elected self-representation, to work with an employer to facilitate placement,; and
  - d) Providing vocational rehabilitation services and supports at the job location.

## **Temporary Employment**

The nature of staffing services (temporary employment agencies) has changed dramatically over the past several years. Temporary employment is a valuable pathway to career building, and excellent jobs with full benefits.

Temporary employment can be competitive, integrated employment, and result in a successful employment outcome. Individual consideration is given to each temporary position based on regional economy, individual circumstances, hiring practices specific to an industry or employer type.

It is required that the VRC review temporary employment cases with the Rehabilitation Services Chief prior to moving the participant to employed status. This review needs to be documented in the case record.

For a temporary position to be considered competitive, integrated employment, the following criteria must be met:

- 1) Work that is part or full-time.
- 2) Work that is performed in a competitive, integrated setting.
- 3) Work for which an individual is paid at or above the minimum wage.
- 4) Work for which an individual earns the same wages and benefits as other employees doing similar work who are not disabled.
- 5) The participant is satisfied with temporary employment, understands the terms of case closure, and does not want to seek employment elsewhere.
- 6) The salary and benefits meet the participant's needs, and the participant is not concerned about knowing when the position will end. The participant is gaining competitive skills in the position.
- 7) Substantial services have been provided.
- 8) Reasonable work accommodations have been carefully considered and resolved for current and/or multiple worksites.

# Self-Employment

## Introduction

The primary goal of the ICBVI is to assist the client in attaining a suitable competitive, integrated employment outcome that results in financial self-sufficiency. Self-Employment is one option that may be considered to assist the client 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. These may be accomplished through natural supports or other resources and would need to be included in the self-employment plan. It is essential that the participant is well informed of potential risks and that efforts are made to minimize those risks.

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

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

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

## Eligibility Requirements

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

- 1) The business venture is, at a minimum, 51% owned, controlled and managed by the client. For those in supported self-employment, some clients may require the assistance of a guardian or conservator in controlling or managing a business.
- 2) Businesses must be organized as Sole Proprietorships, Corporations, General and Limited Partnerships, and Limited Liability Companies, as noted in Definitions-Forms of Organization.

- 3) The business venture is considered legal in all jurisdictions in which it operates (Federal, Tribal, State and local Governments). This includes business and other necessary licenses.
- 4) The business venture is accurately reporting to appropriate government agencies, including the Internal Revenue Service and State taxing agency or other applicable State or local authorities.
- 5) The business venture is organized as a for-profit entity.

The following activities are not supported by ICBVI as self-employment ventures:

- 1) Hobbies or activities that are not competitive-income producing.
- 2) Businesses organized as “not-for-profit”, or business plans that are determined (in agency’s best judgment) likely to not produce adequate competitive income and/or business revenue.
- 3) Business ventures that are speculative in nature\* or considered high risk by the Better Business Bureau ([www.bbb.org](http://www.bbb.org)) or similar organizations.

*\*Examples of speculative ventures include multi-level marketing or investment schemes.*

### **Required Activities**

The *Vocational Rehabilitation Self-Employment Guide* is an excellent resource for using with your client’s in the exploration and development of self-employment plans:

<http://vrselfemployment.org/>

The following activities will be required for all self-employment goals, including the BEP. Each of these activities should be documented in case record:

- 1) Assessment of the client’s appropriateness for self-employment;
- 2) Training and technical assistance;
- 3) Development of a business plan.

### **Assessment of the client’s appropriateness for self-employment**

Activities may include, but are not limited to:

- 1) Evaluation of the client’s interests, skills, aptitudes, and personality traits as they relate to self-employment. This may include the use of data gathering instruments, and formal vocational assessment to the degree necessary to ensure the client has the basic skills necessary to operate and manage a small business.

- 2) Ensure the viability of self-employment as it relates to the client's ability to handle the physical, mental, emotional, and cognitive aspects of the business venture including their disability. Evaluate adjustment to blindness, adaptive skills, and any other disability-related barriers.
- 3) Discussion of challenges, risks and rewards of self-employment
- 4) Explore suitability of self-employment as a vocational option such as:
  - a) Informational interviews with business owners
  - b) Attend an entrepreneurial workshop or other community trainings exploring the characteristics and realities of owning and running a business.
- 5) Community trainings and workshops exploring critical skills for maintaining a business, including:
  - a) Fiscal management skills
  - b) Human resource and staff management skills
  - c) Advertising and marketing strategies
  - d) Soliciting and utilizing local market research and participant feedback
  - e) Small business legalities: organizational options, taxation, licensing
  - f) Job shadow or intern with blind business owners or at BEP sites
  - g) Counseling & guidance around areas of self-employment that will be a personal challenge for participant to identify contingency plans to accommodate.
- 6) Examination of the client's financial goals related to self-employment should include consideration of issues such as, impact on social security benefits, supplementing family income versus primary source of support, and earning sufficient funds to maintain competitive, integrated employment standards. A referral for benefits planning may be appropriate.

### **Training and Technical Assistance**

All clients will be expected to attend training, when available, and participate in technical assistance services related to self-employment. This could include options such as; training and technical assistance on subjects such as: exploring entrepreneurship, small business development, business plan development, small business management, accounting for business, or business financing. SCORE is an excellent resource, and is a no-cost service.

Applicants to the Business Enterprise Program will be expected to fulfill all of the training requirements of that program.

Clients may require business specific skill training to eliminate skill gaps or prepare for the operation of the business. This could include coursework such as accounting/bookkeeping, using computers in business, human resources in business, vending operations, or additional blind skills training.

### **Development of a business plan**

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

- 1) A basic business plan must be written and submitted to the VRC.
- 2) The client will prepare the business plan with (encouraged) or without external technical assistance from a service provider experienced in business plan development.
- 3) The business plan will be reviewed by no less than two individuals with small business start-up and management experience.
- 4) The VRC will have the client address the comments/recommendations indicated by the reviewers.
- 5) If revisions are needed the client will revise the plan with or without technical assistance.
- 6) If the client and ICBVI agree, then the VRC and customer proceed to amend the IPE to initiate the self-employment plan.
- 7) The client may decide not to proceed with the identified business goal. If so, the client and the VRC proceed with developing a new IPE goal (this may or may not be a different self-employment option).

## **Supported Employment**

### **Definition**

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

WIOA made several significant changes to the Supported Employment program. These include:

- 1) The extension of the time frame for the provision of SE services from 18 to 24 months.
- 2) The requirement that the SE outcome must be in competitive integrated employment (CIE), or if not then in an integrated setting in which the individual is working toward CIE on a short-term basis.
- 3) The requirement that SE funds and/or VR program funds be available for providing SE and extended services to youth with the most significant disabilities (MSD) for a period of time not to exceed four years, or until that youth reaches the age of 25 (whichever occurs first).
- 4) Clarification of when employment stability is achieved.

The supported employment program at ICBVI is managed by the Idaho Division of Vocational Rehabilitation (IDVR).

Supported employment may be appropriate for individuals-

- 1) For whom competitive integrated employment has not historically occurred, or for whom competitive integrated employment has been interrupted or intermittent as a result of a significant disability; and
- 2) Who, because of the nature and severity of their disabilities, need intensive supported employment services and extended services after the transition from support provided by ICBVI, in order to perform this work.

For purposes of this part, an individual with a most significant disability, whose supported employment in an integrated setting does not satisfy the criteria of competitive integrated employment, is considered to be working on a short-term basis toward competitive integrated employment so long as the individual can reasonably anticipate achieving competitive integrated employment—

- 1) Within six months of achieving a supported employment outcome; or
- 2) In limited circumstances, within a period not to exceed 12 months from the achievement of the supported employment outcome, if a longer period is necessary based on the needs of the individual, and the individual has demonstrated progress toward competitive earnings based on information contained in the service record.

## **Supported Employment Services**

Supported employment services means ongoing support services, including customized employment, and other appropriate services needed to support and maintain an individual with

a most significant disability, including a youth with a most significant disability, in supported employment that are—

- 1) Organized and made available, singly or in combination, in such a way as to assist an eligible individual to achieve competitive integrated employment;
- 2) Based on a determination of the needs of an eligible individual, as specified in an individualized plan for employment;
- 3) For adults: Provided by ICBVI for a period of time not to exceed 24 months, unless under special circumstances the eligible individual and the rehabilitation counselor jointly agree to extend the time to achieve the employment outcome identified in the individualized plan for employment; and
- 4) For youth: Following transition, as post-employment services that are unavailable from an extended services provider and that are necessary to maintain or regain the job placement or advance in employment.

## Extended Services

Extended services (ES) are those services provided to youth and adults after initial stabilization which are required for an individual to maintain employment. Extended services are based on the needs of the individual as specified in their IPE. For adults (age 25 and older), extended services can only be funded through external sources. Extended services for youth may be provided by ICBVI.

### Adults with the most significant disabilities

The availability of ES funding is not an eligibility issue, but one of resource availability: Federal regulations do not allow the VRC to find an individual ineligible for services because the source of extended services is not identified. If funding for extended services is not available for adults, the VR counselor will:

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

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

## Youth with the most significant disabilities

WIOA allows VR to provide ES for youth when comparable extended services are unavailable in the community. Where an SE strategy is indicated for youth, and where youth will not be able to immediately access external extended services, ICBVI can provide extended services once initial job stabilization is achieved. Prior to the provision of ICBVI funded ES services, the VRC will need verification provided by the client or guardian that external ES are currently not available from other sources in the community. The VR counselor will:

- 1) Document that extended support services are required;
- 2) Send referral for EES to IDVR;

Extended services provided by ICBVI for youth can continue until:

- 1) Externally funded extended services become available OR
- 2) ICBVI has provided ES services for four years, or the individual reaches the age of 25 (whichever comes first).

## Short Term Basis

### **Client's working on a "short-term basis" toward competitive integrated employment**

WIOA creates an allowance for the short-term basis of a non-competitive wage for people with an SE employment goal. This allowance may only be used in limited situations to ensure competitive integrated employment can be reasonably achieved within six months of achieving an employment outcome in supported employment, or in limited circumstances, within a period not to exceed 12 months from the achievement of the supported employment outcome.

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

Strong rationale for the six-month extension must be documented in the case record. In these exceptional circumstances, and on a short-term basis, individuals with an MSD who are working

in an integrated setting may be allowed to work for less than competitive wage, provided they are working towards CIE and are reasonably expected to be making a competitive wage within six months of achieving the supported employment outcome. Again, the short-term basis should only be used if there is progress towards a competitive integrated employment outcome. Progress towards competitive integrated employment could include, but is not limited to an increase of hours, increase of responsibilities, mastery of job skills, incremental wage increases, or added tasks.

In extraordinary circumstances, with RSC approval, this extension may be expanded up to 12 months based on the needs of the individual coupled with evidence of interim progress toward a competitive wage. In order to engage in any extension beyond six-months, progress toward competitive earnings in the prior six-months must be documented in the case record. RSC approval, along with supporting evidence, is required to proceed with any SE less than competitive wage employment: Evidence supporting the allowance of short-term non-competitive wage shall include but not be limited to monthly progress reports from the CRP and meetings with the client (which can be via phone or in person). All monthly progress reports for individuals with extensions past six months and working at less than competitive wage must include employer perspective to inform the likelihood of an increase to a competitive wage in the future.

ICBVI cannot support SE services beyond the short-term basis period: In cases where a competitive wage has not been achieved within a short-term extension period, the VRC should review other CIE options with the client, or close the case unsuccessful (non-competitive integrated employment goal). In no circumstances is Supported Employment allowable in a non-integrated environment. The six-month short-term basis period, and the additional six months that may be available in limited circumstances, begins after an individual has completed up to 24 months of supported employment services (unless a longer period of time is necessary based upon the individual's needs) and the individual has achieved a supported employment outcome, meaning that the individual is stable in the supported employment placement for a minimum period of 90 days following the transition to extended services. At this point, the individual has achieved a supported employment outcome in accordance with the criteria set forth in 34 CFR §363.54.

**NOTE:** Non-competitive, non-integrated employment (sometimes referred to as Sheltered Work, Facility Based Work, Work Services, or Workshop Services) is not part of VR services. If an applicant / client requests these services, ICBVI will provide Career Counseling, Information and Referral services (see Career Counseling Information and Referral (CCIR) Services section of this manual).

## Employment Stabilization

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

- 1) All reasonable support needs have been addressed including worksite accommodations and employer concerns.
- 2) The individual is satisfied with the type of work and number of hours worked per week.
- 3) The individual has achieved their highest expected level of independence on the job and has reached a predictable level of intervention.
- 4) Fading has occurred and the VRC has evidence that establishes the appropriate level of extended support needed by the individual.
  - a) *Note: Fading is the incremental reduction of support hours, prior to initial stabilization, to the level where the individual can still perform the job to the satisfaction of the employer. Fading helps inform the number of extended services support hours a VRC will recommend to the ES provider in order to justify the necessary level of support needed. In other words, fading allows the VRC to determine the minimum support necessary for the individual to sustain stability and job success.*

Evidence of progress could include, but is not limited to an increase of hours, increase of responsibilities, mastery of job skills, added tasks, monthly CRP progress reports, and monthly check-ins with the client which demonstrate improvement. A rationale that initial employment stability has been achieved should be articulated in a case note and should address each of these bullets above (support needs, client agreement, level of independence and fading).

## Supported Employment Process

The process for SE differs slightly for adults and youth (those under the age of 25):

- 1) Use assessment and evaluation information to determine whether or not an SE strategy is indicated. Any assessments purchased by ICBVI must be conducted in the most

integrated environment possible. A comprehensive assessment of rehabilitation needs should indicate that an SE strategy is appropriate prior to implementation.

- 2) The availability of externally funded Extended Services is crucial for the long-term success of adult and youth SE cases. At the time SE is deemed an appropriate strategy, work with the client and/or guardian to identify the availability of extended services through Medicaid waivers or IDVR's Extended Employment Services (EES) program. Self-pay and/or natural supports should also be identified.
- 3) Send the required referral documents over to the EES program manager at IDVR.
- 4) Inform client/guardian of the consequences of not securing external sources of ES funding.
  - a) Help ensure the client and/or guardian applies for external sources of extended services within 30 days of determination of required SE strategy.
  - b) If extended services *for adults* are not available and are not anticipated to be available within 90 days, close the case as 'No Long Term Source of Extended Services Available'.
  - c) If external extended services for youth are not immediately accessible, ICBVI can provide extended services after job stabilization is achieved. These extended support services for youth can continue until:
    - i. Externally funded extended services become available. The VRC should conduct an annual evaluation of the availability of external extended supports for youth cases.
    - ii. ICBVI has provided youth extended services for four years, or the individual reaches the age of 25 (whichever comes first).
      - When an individual turns 25, they become subject to the conditions of the adult process, rather than the youth process. ICBVI is not allowed to provide extended services for adults.
      - If the youth turns 25 or reaches four years of extended services provided under ICBVI, and has not yet achieved the criteria for a successful closure as defined below, the case must be closed (extended services not available). To avoid this ICBVI will conduct a team meeting, no later than 90 days before the individual turns 25 or reaches the four-year limit on extended service

provision under ICBVI to evaluate the status of the case and reevaluate the availability of external extended services.

- 5) If supports are available, document this availability and initiate SE planned services.
- 6) SE services can be provided for up to 24 months or until stabilization is achieved on the job (whichever occurs first). Stabilization is achieved when the client is ready to transition into extended services (determined on case by case basis).
  - a) If the individual requires more than 24 months of SE services and there is a reasonable expectation that the client will achieve job stabilization a one-time extension of six months can be granted with sufficient rationale to be documented in a case note. Any extension of the 24 month timeframe will require RSC approval. If there is no reasonable expectation that the individual will achieve job stability within the six month extension, all SE services shall be discontinued related to this position.
- 7) Stabilization and Transition to Extended Services
  - a) Assess Stabilization (see 'Employment Stabilization' section above)
  - b) When stable, initiate transition staffing.
  - c) The date of transition to external extended services funding should be documented in the case record.
  - d) After 90 days of sustained stability in employment, ensure the conditions for successful SE closure have been met (under "Program Exit" section of this manual).

## Extended Service Strategies

*Natural Supports:* Support from supervisors and co-workers occurring in the workplace to assist employees with disabilities to perform their jobs, including supports already provided by an employer for all employees. These natural supports may be both formal and/or informal, and include mentoring, supervision, training, and co-workers socializing with employees with disabilities at breaks or after work. Support provided by family, friends, or significant others are also included within this definition.

*Idaho Division of Vocational Rehabilitation –* IDVR administers the Extended Employment Support (EES) program for both state units.

*Medicaid Funded Employment Supports:*

Developmental Disabilities – Adult DD Home and Community Based Services (HCBS) Medicaid Waiver (IDAPA 16.03.10.703.03).

Aged or Disabled Waiver – Supported Employment is a component included in this Home and Community Based Services Medicaid Waiver (IDAPA 16.03.10.326.17).

## **Subminimum Wage**

### **Career Counseling Information and Referral (CCI&R) Services**

ICBVI must provide career counseling information and referral services, to individuals with blindness or visual impairment (IDAPA 15.02.02.110.01), regardless of age, or the individual's representative as appropriate, who are known by ICBVI to be employed by an entity, as defined in the Act (§397.5(d)), at a subminimum wage level.

The career counseling and information and referral services must be provided in a manner that–

- 1) Is understandable to the individual with a disability; and
- 2) Facilitates independent decision-making and informed choice as the individual makes decisions regarding opportunities for competitive integrated employment and career advancement, particularly with respect to supported employment, including customized employment.
- 3) The career counseling and information and referral services provided may include benefits counseling, particularly with regard to the interplay between earned income and income-based financial, medical, and other benefits.

Upon a referral by an entity, as defined in 397.5(d), that has fewer than 15 employees, of an individual with a disability who is employed at a subminimum wage by that entity, a designated State unit must also inform the individual within 30 calendar days of the referral by the entity, of self-advocacy, self-determination, and peer mentoring training opportunities available in the community.

For individuals hired at subminimum wage on or after July 22, 2016, CCI&R services must be carried out once every six months for the first year of the individual's subminimum wage employment and annually thereafter for the duration of such employment.

For individuals already employed at subminimum wage prior to July 22, 2016, CCI&R services must be carried out once by July 22, 2017, and annually thereafter for the duration of such employment.

With regard to the intervals required for CC&IR services to individuals employed at subminimum wage, the applicable intervals will be calculated based upon the date the individual becomes known to ICBVI.

An individual with a disability may become “known” to ICBVI through self-identification by the individual, referral by a third-party, through the individual’s involvement with the vocational rehabilitation process, or any other method.

### **Documentation of CCI&R Services**

ICBVI must provide documentation to the individual as soon as possible, but no later than—

- 1) 45 calendar days after completion of the activities required under this section; or
- 2) 90 calendar days, if additional time is necessary due to extenuating circumstances, after the completion of the required actions in this section. Extenuating circumstances should be interpreted narrowly to include circumstances such as the unexpected lengthy absence of the designated State unit personnel, due to illness or other family emergency, who is responsible for producing or transmitting the documentation to the individual with a disability, or a natural disaster.

Documentation must be provided to the individual within 10 calendar days of the individual’s refusal to participate. Such documentation must, at a minimum, contain-

- 1) Name of the individual;
- 2) Description of the service or activity completed;
- 3) Name of the provider of the required service or activity;
- 4) Date required service or activity completed;
- 5) Signature of individual documenting completion of the required service or activity;
- 6) Date of signature;
- 7) Signature of ICBVI personnel;
- 8) Date and method (e.g., hand-delivered, faxed, mailed, e-mailed, etc.) by which document was transmitted to the individual.

In the event an individual, or as applicable, the individual’s representative, refuses, through informed choice, to participate in CCIR services, such documentation must, at a minimum, contain the –

- 1) Name of the individual;
- 2) Description of the refusal and the reason for such refusal;
- 3) Signature of the individual or, as applicable, the individual's representative;
- 4) Signature of the ICBVI personnel documenting the individual's refusal;
- 5) Date of signatures; and
- 6) Date and method (e.g., hand-delivered, faxed, mailed, e-mailed, etc.) by which documentation was transmitted to the individual.

The designated State unit must retain a copy of all documentation required by this part in a manner consistent with the ICBVI case management system and the requirements of 2 CFR 200.333.

### **Provision of CCIR services**

Nothing in this section will be construed as requiring ICBVI to provide the services required by this section directly. ICBVI may contract with other entities, i.e., other public and private service providers, as appropriate, to fulfill the requirements of this section. The contractor providing the services on behalf of the designated State unit may not be an entity holding a special wage certificate under section 14(c) of the Fair Labor Standards Act (29 U.S.C. 214(c)) as defined in 397.5(d)." (VR Final Regulations- pgs. 974-980)

### **Subminimum Wage Limitations for Youth**

Under the WIOA amendments, employers are prohibited from compensating any individual with a disability who is 24 years of age or younger at subminimum wage, unless the individual has received documentation from ICBVI upon completion of the following activities:

- 1) Pre-employment transition services or transition services under the Individuals with Disabilities Education Act.
- 2) Applied for vocational rehabilitation services, and the individual was determined:
  - a. Ineligible for vocational rehabilitation services.
  - b. Eligible for vocational rehabilitation services, has an approved Individualized Plan for Employment, and the individual was unable to achieve an employment outcome in competitive integrated employment.
- 3) Career counseling and information and referral services to federal and state programs to help the individual discover, experience, and attain competitive integrated

employment, and the counseling and information was not for employment at subminimum wage.

The employer must receive all documentation before the individual, 24 years of age or younger, may begin employment at subminimum wage. Individuals 24 years of age or younger employed at subminimum wage after July 22, 2016, are required to provide such documentation.

## **Transition Services**

### **Preamble**

The Rehabilitation Act of 1973, as amended by the Workforce Innovation and Opportunity Act (WIOA) emphasizes the provision of services, including pre-employment transition services, to students and youth with the most significant disabilities to ensure they have meaningful opportunities and experiences to achieve employment outcomes in competitive integrated employment. Additionally, Vocational Rehabilitation (VR) programs must reserve and use 15% of the federal VR grant for the provision of pre-employment transition services.

### **Definitions**

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

A student with a disability (34 CFR 361.5(c)(51) means, in general, an individual with a disability in a secondary, post-secondary, or other recognized education program\* who—

- 5) Is not younger than the earliest age for the provision of transition services under the Individuals with Disabilities Education Act (IDEA); or
  - a) If the State involved elects to use a lower minimum age for the receipt of pre-employment transition services, is not younger than that minimum age\*\*; and
- 6) Is not older than 21 years of age; or
  - a) If the State law provides for a higher maximum age for the receipt of services under IDEA, is not older than that maximum age; and
- 7) Is eligible for, and receiving, special education or related services under part B of IDEA; or
- 8) Is a student who is an individual with a disability, for the purposes of section 504.

\* Other recognized educational programs include non-traditional or alternative secondary education programs (including home schooling), postsecondary education programs; and other recognized educational programs, such as those offered through the juvenile justice system.

\*\* The minimum age range for the provision of pre-employment transition services at ICBVI is currently 14.

### **Potentially Eligible (students with disabilities only)**

Students with blindness or visual impairments, regardless of whether or not they have applied or been determined eligible for the VR program, may receive pre-employment transition services if the student is potentially eligible for VR services and meets the other requirements of a student with a disability, as defined above.

### **Youth with Disability**

A youth with a disability is an individual with a disability between the ages of 14-24. There is no requirement that they be participating in an education program.

### **Transition Services**

Transition services are available to youth with blindness and visual impairments. They are designed to assist them in identifying career interests and provide an early start to job exploration. They are a coordinated set of activities that are outcome oriented and promote movement from school to post-school activities (including postsecondary education, vocational education, competitive integrated employment, supported employment, adult services, independent living, and community participation).

Individualized transition services may only be provided to students and youth who have been determined eligible and have an approved IPE.

It is the school's responsibility to provide a free and appropriate education to all students. This includes instructional aids, devices, and necessary services to achieve educational goals.

ICBVI may assist with the costs associated with vocationally relevant summer transition activities (e.g. Summer Work Experience Program (SWEP)). ICBVI may also provide assistance with assistive technology that the client will need when he/she exits the school system and transitions into higher education or employment.

It is the responsibility of the VRC; the student/guardian and school personnel to explore shared funding options between ICBVI and the local education agency (LEA).

## Pre-employment transition services

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

These services are an early start at job exploration that:

- 1) Must be made available Statewide to all students with disabilities in need of such services, regardless of whether a student has applied for VR services;
- 2) May begin once a student requests or is recommended for one or more pre-employment transition services and documentation of a disability is provided to the VR agency;
- 3) Assist students with identifying career interests to be further explored through additional VR services, including transition services;
- 4) Must be provided or arranged in collaboration with Local Education Agency (LEAs).

There are five required pre-employment transition services:

### 1) **Job Exploration Counseling**

Activities may include providing information regarding in-demand industry sectors, non-traditional employment, career pathways, interest inventories, assessing local labor market information, or any activities associated with Idaho's Career Information System (CIS).

### 2) **Work-based Learning Experiences**

Work-based learning experiences may include in-school or after school opportunities, or experience outside the traditional school setting (including internships), that is provided in an integrated setting in the community to the maximum extent possible.

Activities may include coordinating a school-based program of job training and informational interviews to research employers, job site tours, job shadowing, mentoring, paid or unpaid work experiences, internships, apprenticeships, short-term employment, or on-the-job trainings (OJT).

### 3) **Counseling on Enrollment Opportunities**

Counseling opportunities may include counseling on opportunities for enrollment in comprehensive transition or postsecondary educational or vocational programs.

In groups, activities may include counseling on career options or postsecondary education options. Individual activities may include college advising, assistance with admission and financial aid processes, providing students information on supportive services.

#### **4) Workplace Readiness Training**

Workplace readiness traits describe a number of commonly expected skills that employers seek from most employees. Work readiness skills are a set of skills and behaviors that are necessary for any job. Work readiness skills are sometimes called soft skills, employability skills, or job readiness skills.

These abilities help employees learn how to interact with supervisors and co-workers. They help reinforce the importance of timeliness and build an understanding of how we are perceived by others. Employers value employees who can communicate effectively and act professionally. No matter what technical skills a job may require, every job requires good social skills/interpersonal skills.

Activities may include: communication and interpersonal skills, conflict resolution skills, understanding employer expectations, job seeking skills, independent living skills, and financial literacy.

#### **5) Instruction in Self-Advocacy**

Self-advocacy refers to: an individual's ability to effectively communicate, convey, negotiate or assert his/her own interests and/or desires. Self-determination means that individuals with disabilities have the freedom to plan their own lives, pursue the things that are important to them and to experience the same life opportunities as other people in their communities. It means taking the responsibility for communicating one's needs and desires in a straightforward manner to others. The development of self-advocacy skills should be started at an early age. These skills will be needed in education, workplace and community settings.

Self-determination is a concept reflecting the belief that all individuals have the right to direct their own lives. Students who have self-determination skills have a stronger chance of being successful in making the transition to adulthood, including employment and independence. To accomplish this goal, students must be prepared to participate in planning for their future.

Activities may include: students learning about their rights, learning how to request accommodations or services, mentoring opportunities, and leadership opportunities.

### **IPE Services and Authorizations**

Pre-employment transition service categories are available in the ICBVI case management system. Use the following service categories to identify services on an IPE and to issue authorizations for services when providing pre-employment transition services to clients.

Specific activities align with one of the five required pre-employment transition service categories. Include the specific activity the student will receive in the description and sections of the IPE and authorization. For students who are not a VR client, or have an approved IPE, record all of the data elements as required (see application section of this manual *Pre-Employment Transition Activities*).

<b>Service Category</b>	<b>Description</b>
<b>Job Exploration Counseling</b>	<p><b><i>Activities may include:</i></b></p> <ul style="list-style-type: none"> <li>Career Awareness</li> <li>Informational Interviews</li> <li>Career Speakers</li> <li>Career / Vocational Interest Inventories</li> <li>Job Clubs</li> <li>Job Shadowing</li> <li>Career Student Organization</li> <li>Volunteering</li> </ul>
<b>Work-Based Learning Experiences</b>	<p><b><i>Activities may include:</i></b></p> <ul style="list-style-type: none"> <li>Apprenticeships</li> <li>Career Mentorship</li> <li>Career Related Competitions</li> <li>Paid Internships</li> <li>Non-paid Internships</li> <li>Practicum</li> <li>Service Learning</li> <li>Student-led Enterprises</li> <li>Simulated Workplace Experience</li> <li>Paid Work Experience</li> <li>Non-Paid Work Experience</li> <li>Workplace Tours/Field Trips</li> </ul>
<b>Counseling on Enrollment Opportunities</b>	<p><b><i>Activities may include:</i></b></p> <ul style="list-style-type: none"> <li>Document academic accommodations</li> <li>Advocate for accommodations &amp; services</li> <li>Identify interests, abilities, talents, learning needs</li> <li>Promote use of executive function skills</li> </ul>

	<p>Assist with researching career &amp; postsecondary options  Participation in postsecondary preparation classes  Connect to postsecondary resources  Promote use of self-advocacy skills  Assist with application/ enrollment process  Identify financial aid options  Take career vocational assessments  Familiarize with education and vocational laws  Identify technology needs  Identify admission tests accommodations  Attend college fairs &amp; tours</p>
<p><b>Workplace Readiness Training</b></p>	<p><b><i>Specific social/interpersonal skills include:</i></b></p> <p>Communication  Positive attitude  Teamwork  Problem solving  Talking/writing  Cooperation  Active listening  Decision making  Conflict resolution  Understanding body language  Empathy  Professionalism  Supporting others  Being respectful</p> <p><b><i>Independent livings skills include the following:</i></b></p> <p>Proper grooming and hygiene  Time management  Maintaining a healthy lifestyle  Using a cell phone (proper etiquette)  Using public transportation  Money management skills  Nutrition/meal preparation  Using technology &amp; assistive technology</p>

	Accessing community services & supports Community participation Civic responsibility Community safety Developing friendships Appropriate dress Appropriate behavior
<b>Instruction in Self-Advocacy</b>	<b><i>Self-advocacy skills may include:</i></b>  Self-awareness Disability understanding Disability disclosure Decision making Setting goals Evaluating options Setting goals for independence Request & utilize accommodations Understanding your rights & responsibilities Self-determination Knowing how to request & accept help Intrinsic motivation Taking a leadership role Civic engagement Being assertive Listen to others opinions Attending activities of the NFB

Other types of allowable pre-employment transition service expenditures may include interpreter, reader services, or accessible materials necessary to ensure equal access to a work-based learning experience. Additionally, pre-employment transition services funds may be used to pay for uniforms, printing of additional informational materials, employer-provided staff or trainer who teaches the job tasks to the students. These supportive services may be provided using the Work-Based Learning Experiences service category.

Note: If a student with a disability requires additional services (e.g., job coaching, transportation, or assistive technology, etc.) to participate in pre-employment transition

activities, he or she will need to have an approved IPE in order to obtain these services. These types of expenses are not eligible to be allocated to the 15% reserved for pre-employment transition services.

## **Time Tracking**

ICBVI staff are required to track their time while providing pre-employment transition services related activities in the statewide I-Time system for state employees.

Examples of staff related activities to be tracked:

- 1) Attendance at IEP meetings
- 2) Coordinating with school personnel to provide a student a pre-employment transition service
- 3) Time spent at Tools for Life, SWEP, College Days
- 4) Travel time when serving students with disabilities
- 5) Time spent planning pre-employment transition services activities and programs
- 6) Direct staff time providing any pre-employment transition service to a student with a disability

*Note: Only time directly related to the student activity can be tracked in I-Time as an allowable PRE-ETS expenditure. For example, if a VRC was traveling to regional school to attend an IEP meeting, and during that trip conducted other VR business, that proportion of time could not be recorded as PRE-ETS time.*

## **Transition Services under an Order of Selection**

Neither the statute nor the regulations exempt students with disabilities from any of the order of selection requirements.

A student with a disability who needs individualized VR services, in addition to pre-employment transition services, must apply and be determined eligible for the VR program and have an approved IPE.

Should a student with a disability be determined eligible and placed in a closed priority category, he or she may not receive individualized VR services until they are moved off the waitlist, and have an approved IPE.

If a student with a disability were receiving pre-employment transition services prior to applying for VR services and being placed in a closed category, he or she may continue to receive pre-employment transition services.

For students who have not received pre-employment transition services and are determined eligible for the VR program and placed into a closed order of selection priority category, the individual can receive group transition services or other available VR services to groups, but cannot receive pre-employment transition services, individualized transition services, or other individualized VR services.

### **Required Data Elements**

Staff will need to capture the required data elements on students with disabilities who participate in pre-employment transition services, *including the potentially eligible*, regardless of whether it is for individualized or group activities.

The required data elements for a student with a disability to participate in pre-employment transition activities are:

- 1) Unique identifier
- 2) SSN (if available)
- 3) DOB
- 4) Race & Ethnicity – required if student is in secondary education
- 5) Student with Disability (documentation)
- 6) Start Date of pre-employment transition services
- 7) Pre-Employment Transition Services being provided

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

VRCs will work collaboratively with local school personnel to develop effective referral and outreach strategies to maximize opportunities for students with disabilities to participate in pre-employment transition activities. These strategies should also include opportunities for

students who are eligible to receive accommodations under Section 504 of the Rehabilitation Act. VRCs may attend IEP meetings or other school related meetings in person or by video teleconference or teleconferencing.

ICBVI / IDVR and the State Department of Education (SDE) have developed a comprehensive formal interagency agreement which addresses collaborative service provision. This agreement specifies the programmatic and fiscal responsibilities for each agency.

Specific criteria are used to determine which agency (ICBVI or school) has primary responsibility for providing and paying for transition related services for students with disabilities. These criteria are based on several factors which include:

### ***Purpose of the service***

Determine if the service is associated with an employment outcome or educational attainment. For example, if the student needs additional tutoring to graduate, this is associated with an educational outcome not a VR related outcome.

### ***Customary service***

Which agency “customarily” provides the service; for example, if the school ordinarily provides job exploration counseling to students then the school will need to continue to provide that service. Another example is if a school does not provide a work based learning experience then VR may provide the work based learning experience. VRCs need to have a general understanding of what transition services are provided by each school in their regions.

## **Program Exit**

### **Requirements for Successful Case Closure – Without Supports**

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

- 1) ***Client has achieved the requirements of competitive integrated employment.***
- 2) ***Employment outcome achieved.*** The individual has achieved the employment outcome that is described in the individual's individualized plan for employment and is consistent with the individual's unique strengths, resources, priorities, concerns, abilities,

capabilities, interests, and informed choice.

- 3) **Employment outcome maintained.** The individual has maintained the employment outcome for an appropriate period of time, but not less than 90 days, necessary to ensure the stability of the employment outcome, and the individual no longer needs vocational rehabilitation services.
- 4) **Satisfactory outcome.** At the end of the appropriate period the individual and the VRC consider the employment outcome to be satisfactory and agree that the individual is performing well in the employment.
- 5) **Post-employment services.** The individual is informed through appropriate modes of communication of the availability of post-employment services.

### Requirements for Successful Case Closure - Supported employment

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

- 1) The individual must have completed SE services and is no longer receiving VR funded services including extended services for youth under VR.
- 2) The individual has achieved employment stability for a period of 90 days after transitioning to extended services.
- 3) The job meets all of the conditions of "Requirements for Successful Case Closure – Without Supports (see above)
- 4) The job is consistent with the vocational goal specified in the IPE.
- 5) At the end of the 90 days the client and VRC agree that the client is performing well in employment.
- 6) The individual is informed, through appropriate modes of communication, about the availability of Post-Employment Services.

### Case Note Documentation for a Successful Case Closure:

- 1) That services provided under the IPE contributed to the achievement of the employment outcome.
- 2) That the employment outcome is consistent with the client's strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice.
- 3) That the employment outcome is in competitive integrated employment,

consistent with the client's informed choice, that the client is compensated at or above the minimum wage and his/her wages and benefits are not less than that customarily paid by the employer for same or similar work performed by non-disabled individual, and has opportunities for advancement (see Supporting Documentation section of this manual).

- 4) The case note must reflect the VRC's effort in the confirmation of the client's competitive integrated employment placement. This can be confirmed through:
  - a) Employer contact
  - b) Counselor or ICBVI staff observation
  - c) Self-report from the client
  - d) CRP report
- 5) That the employment outcome has been maintained (after stabilization) for a minimum of 90 days.
- 6) The client and the VRC consider the employment outcome to be satisfactory and agree that the client is performing well on the job. Whenever possible, confirm that the employer is satisfied with the work performance of the client as well as ICBVI services.
- 7) The client was informed regarding the purpose and availability of post-employment services, should the need arise.
- 8) Ownership of tools and equipment may be transferred to the client at the time of closure if the tools and equipment are necessary for on-going employment purposes.
- 9) The client was made aware of the Client Assistance Program.

## Unsuccessful Closures

The following are reasons for program exit:

- 1) ***Individual is No Longer Available for Services Due to Residence in an Institutional Setting Other Than a Prison or Jail:*** Individual entered an institution other than a prison or jail, and will be unavailable to participate in a VR program for an indefinite for considerable period of time. This category of institution includes hospitals, nursing homes, and residential treatment centers.
- 2) ***Health/Medical:*** Individuals is receiving medical treatment that is expected to last longer than 90 days and precludes entry into unsubsidized employment or continued participation in the program.

- 3) **Death of Individual**
- 4) **Reserve Forces Called to Active Duty:** Individual is a member of the National Guard or other reserve military unit of the armed forces and is called to active duty for at least 90 days.
- 5) **Foster Care:** Individual is in the foster care system, and has moved from the area as part of such a program or system (applies to youth only).
- 6) **Ineligible:** After the individual was determined to be eligible, is later determined not to have met eligibility criteria.
- 7) **Criminal Offender:** Individual entered a correctional institution (prison, jail, reformatory, work farm, detention center) or other institution designed for confinement or rehabilitation of criminal offenders.
- 8) **No Disabling Condition:** Individual is not eligible for VR services because no physical or mental impairment exists.
- 9) **No Impediment to Employment:** Individual is not eligible for VR services because their physical or mental impairment does not constitute a substantial impediment to employment.
- 10) **Does Not Require VR Service:** Individual does not require VR services to prepare for, enter into, engage in, or retain gainful employment consistent with his or her strengths, resources, priorities, concerns, abilities, capabilities, and informed choice.
- 11) **Disability Too Significant to Benefit from Services:** - Individual whose mental and/or physical disability and resulting functional limitations are so significant that the individual cannot benefit from VR services. Also use this code for eligible individuals who later acquire additional disabilities and/or functional limitations that are so significant that the individual cannot continue to benefit from VR services.
- 12) **No Long-Term Source of Extended Services Available:** Individual who would have benefited from the provision of VR and supported employment services but was determined ineligible because a long-term source of extended services is not available, AND is not anticipated to be available. This code is used at the initial eligibility determination only.
- 13) **Transferred to Another Agency:** Individual needs services that are more appropriately obtained elsewhere. Transfer to another agency indicates that appropriate referral information is forwarded to the other agency so that agency may provide services more effectively. Include individuals transferred to other VR agencies.
- 14) **Achieved Competitive Integrated Employment Outcome:** Applicable only to Type of Exit code value 6 (Individual exited after an IPE in competitive and integrated employment, or supported employment).
- 15) **Extended Employment:** Individuals who received services and were placed in a non-integrated or sheltered setting for a public or private nonprofit agency or organization that provides compensation in accordance with the Fair Labor Standards Act.
- 16) **Extended Services Not Available:** Individual has received VR services but requires long term extended services for which no long term source of funding is available. This reason is used only for individuals who have received VR services.

- 17) **Unable to Locate or Contact:** Individual has relocated or left the State without a forwarding address, or when the individual has not responded to repeated attempts to contact the individual by mail, telephone, text or e-mail.
- 18) **No Longer Interested in Receiving Services or Further Services:** Individuals who actively choose not to participate or continue in their VR program at this time. Also use this code to indicate when an individual's actions make it impossible to begin or continue a VR program. Examples would include repeated failures to keep appointments for assessment, counseling, or other services.
- 19) **All Other Reasons:** This is used for all other reasons not included in 1 through 18.

**The Case Record for an Unsuccessful Closure must include:**

If an applicant or eligible individual receiving services under an individualized plan for employment has been determined to be ineligible, documentation supporting that determination.

Documentation that describes the justification for closing an applicant's or eligible individual's record of services if that closure is based on reasons other than ineligibility, including, as appropriate, documentation indicating that ICBVI has satisfied the requirements below:

- 1) ICBVI may not close an applicant's record of services prior to making an eligibility determination unless the applicant declines to participate in, or is unavailable to complete, an assessment for determining eligibility and priority for services, and the VRC/VRA has made a reasonable number of attempts to contact the applicant or, if appropriate, the applicant's representative to encourage the applicant's participation.

Complete and sign Closure Checklist which includes:

- 1) Opportunity for full consultation with client regarding case closure and closure reason.
- 2) Client notification of case closure and closure reason, in writing.
- 3) Client informed of rights of appeal, including mediation and availability of CAP.
- 4) Certificate of Ineligibility completed if appropriate.
- 5) Referral to other sources, if needed and appropriate.
- 6) Repossession (or record of attempts) of tools and equipment, if the client has an approved IPE.

## Post-Employment Services

Post-employment services are one or more of the services that are provided subsequent to the achievement of an employment outcome and that are necessary for an individual to maintain, regain, or advance in employment, consistent with the individual's unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice.

These services are available to meet rehabilitation needs that do not require a complex and comprehensive provision of services and, thus, should be limited in scope and duration. If more comprehensive services are required, then a new rehabilitation effort should be considered.

Post-Employment Services may include any VR service or combination of services needed for the client to retain or advance in employment that are minor in scope and duration.

### Post-Employment Services (PES) Closure

- 1) *Closed unemployed; opening a new VR case* - The VRC has made a determination that the scope of services is inappropriate for PES and the client has agreed to apply for a new VR case.
- 2) *Employment maintained or regained* - The client and VRC are in agreement the job is or has been maintained, regained or the individual has achieved upward mobility.
- 3) *Lost job; no further services at this time* - The client's employment was not maintained, regained, or advanced in and no VR services are appropriate at this time.

## Order of Selection

Order of Selection (OOS) is a strategy used when vocational rehabilitation services cannot be provided to all eligible clients due to a lack of adequate funding and/or personnel. Federal regulations require that ICBVI ensures that clients with the most significant disabilities are served first.

Factors that *will not* be used as criteria for establishing an Order of Selection Priority include:

- 1) Type of disability;
- 2) Duration of residency, provided the client is present in the state;
- 3) Age, gender, race, color or national origin;
- 4) Source of referral or cooperative agreements with other agencies;
- 5) Type of expected employment outcome;
- 6) The need for specific services or anticipated cost of such services;

7) Client and/or family income.

Under an Order of Selection, ICBVI must:

- 1) Continue to accept new applications and make determinations of eligibility. This includes the provision of diagnostic services necessary to for the determination process and the individual's priority under the Order of Selection for VR services.
- 2) Continue to provide services to every individual under an IPE who has begun to receive services prior to the effective date of the Order of Selection, regardless of the severity of the individual's disability.
- 3) Implement the Order of Selection on a statewide basis.
- 4) Notify all eligible individuals of the priority categories and their assignment to a particular category.
- 5) Notify eligible individuals of their right to appeal their category assignment.
- 6) Provide adequate referral assistance to individuals with disabilities who are:
  - a) Not eligible for services; or
  - b) Are eligible, but are currently on a waitlist.

When the VR counselor makes an eligibility determination, they also determine the severity of the disability based upon the MSD/SD/D criteria. The severity of the client's disability is categories into one of the following three priority categories:

***PRIORITY #1 – Most Significant Disability (MSD)***

***PRIORITY #2 – Significant Disability (SD)***

***PRIORITY #3 – All Other individuals with Disabilities (D)***

Individuals will be released from the statewide waitlist based on priority category first and second by earliest date of application. Prior to any change in categories served, the field staff and impacted client's will notified.

After assignment to a priority category and individual will be served or placed on a waitlist if their category is restricted.

Written notification will be provided to the client informing them of:

- 1) Their eligibility determination.
- 2) The priority categories of ICBVI's Order of Selection.
- 3) Their assignment to a particular category.
- 4) Their placement on a waitlist (if applicable)
- 5) Their right to appeal the assignment.
- 6) Their requirement to respond to agency contact within 30 days to avoid case closure and removal from the waitlist.
- 7) The availability of the Client Assistance Program (CAP).

ICBVI will conduct periodic projections of fiscal resources, and its ability to serve clients in all priority categories.

Based upon current and projected fiscal resources, ICBVI will determine when it is appropriate to open a priority category and begin serving eligible individuals on the OOS waitlist and notify field staff this change in status.

Upon receipt of the case from the OOS waitlist, VR staff will do the following:

- 1) Contact the client to determine if services are still needed and schedule an appointment, if appropriate.
- 2) If initial attempts to contact are unsuccessful, a letter will be sent to notify the client of their change in status, and their need to contact ICBVI to verify their continued interest in VR services.
- 3) Make reasonable efforts to locate updated phone numbers and/or addresses.
- 4) If the client has not responded within 30 days from the date the letter was sent, the VR counselor will proceed with case closure.

### **Information and Referral (I&R)**

When operating under Order of Selection, ICBVI is required by federal regulation to offer Information and Referral services to clients who cannot be served and must wait for services due to the Order of Selection.

ICBVI must:

- 1) Provide clients with vocational guidance and counseling.
- 2) Refer clients to other State or Federal programs that are best suited to address their individual employment needs, including partners in the Workforce Development System.
- 3) The VRC needs to maintain accurate documentation of referrals in the case notes, and comply with all State or Federal documentation requirements for referrals

### **Post-Employment Services (PES) under an OOS**

Order of Selection does not impact or alter the provision of Post-Employment Services. Since PES is a plan amendment, clients do not have to wait for PES when the ICBVI is operating under an OOS.

### **Supporting Documentation for Case Service Report (RSA-911)**

The purpose of these guidelines is to assist the field in maintaining appropriate supporting documentation in individual service records that verify the validity of the required data elements in the Case Service Report (RSA-911). By maintaining appropriate supporting documentation, ICBVI will be able to ensure compliance with 34 CFR 361.12, which requires VR agencies to implement policies and procedures that ensure the proper and efficient administration of the VR program. These methods must include procedures to ensure accurate data collection and financial accountability, which include adequate source documentation for data reported through the RSA-911.

The examples of supporting documentation in these guidelines illustrate the types of documents the Rehabilitation Services Administration (RSA) would consider to demonstrate the validity and accuracy of certain key data reported through the RSA-911. This is not an exhaustive list, and there may be other documents that RSA would find as sufficient support to verify the data.

### **Date of Application**

The date of application is the date on which the VR agency received a completed and signed application form for VR services from the applicant.

### **Examples of Supporting Documentation**

- 1) The application received via mail with the date received by ICBVI stamped on it.

- 2) The intake completed at the one stop.
- 3) The electronic submission of the application.
- 4) The signed copy of the Application Signature Page.

### **Date of Eligibility Determination**

The date of eligibility determination is the date on which the eligibility determination form was completed and signed by the VR counselor.

#### **Examples of Supporting Documentation**

- 1) A copy of the eligibility determination letter sent to the individual.
- 2) Functional limitations worksheet.
- 3) Medical information in the case record by a qualified professional.

### **Date of IPE**

The IPE is effective on the date on which both the VRC and individual reach agreement, as indicated by the signatures and dates on the IPE. If the two signatures bear different dates, the later date should be considered the effective date of the IPE.

#### **Examples of Supporting Documentation**

- 1) A copy of the signed IPE.

### **Start Date of Employment in Primary Occupation**

The start date of employment in primary occupation is the date when the individual began the job.

#### **Examples of Supporting Documentation**

- 1) Pay stub identifying the individuals start date.
- 2) Hiring letter; with start date.
- 3) Copy of email or fax from the employer indicating the start date of employment.
- 4) Detailed case notes signed by the counselor in the case service record, including the date employment start date verification was received and justification for individual not providing formal documents.

- 5) Automated data base systems indicating the individual's start date (UI data from DOL).
- 6) Self-employment worksheets or other documents indicating the individuals start date.
- 7) Verification received from employer (as appropriate) documented the employment start date in the case service record, including date of verification or copy of email, fax, or letter.

## Employment Status at Closure

Employment status at closure describes the employment outcome that the individual had achieved when the case service record was closed.

### Examples of Supporting Documentation

The supporting documentation is the documentation received/recorded for *Start Date of Employment in Primary Occupation* (see above)

## Weekly Earnings at Employment

Weekly earnings at employment is the amount of money (to the nearest dollar) the individual earned in a typical week after achieving an employment outcome consistent with the employment goal on the individual's IPE at the time the service record was closed and includes all income from wages, salaries, tips, and commissions received as income before payroll deductions of Federal, State, and local income taxes and Social Security payroll tax.

Earnings also include profits derived from self-employed individuals.

Earnings for salespersons, consultants, self-employed individuals, and other similar occupations are based on the adjusted gross income.

The documentation must include the individual's hourly wage rate, or average hourly rate if compensated through commission, along with the minimum wage rate for the location where the individual at (Federal, State, or local, whichever is higher).

### Examples of Supporting Documentation

- 1) Unemployment Insurance (UI) wage match, Federal employment records, or military employment records that verify the hourly wage rate (not aggregate for the quarter).
- 2) Pay stub identifying the individuals hourly wage rate or annual salary.

- 3) Income earned from commission in sales or other similar positions.
- 4) Detailed case notes signed by the counselor in the case service record, including the date verification was received and justification for individual not providing formal documents.
- 5) Automated database systems.
- 6) One-Stop operating systems' administrative records, such as current records of eligibility for programs with income-based eligibility (e.g., TANF or SNAP).
- 7) Self-employment worksheets or other documents.
- 8) Verification received from employer (as appropriate) documented in the case service record, including date of the verification or copy of email, fax, or letter.

## Type of Closure

The type of closure is a description of the individual's status in the program at the time of closure.

### Examples of Supporting Documentation

- 1) Copy of the letter sent to the individual indicating that the case was closed.
- 2) Employment and wage documentation; as appropriate (e.g. any employed individual closed with an IPE; successful or unsuccessful).
- 3) Case notes.

## Date of Closure

The date of closure is the date that the individual exited from the VR or Supported Employment program consistent with the requirements in the regulations.

### Examples of Supporting Documentation

- 1) Copy of the letter sent to the individual indicating that the case was closed.