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**Vocational Rehabilitation**

**Policy Manual**

**June 10, 2025**

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# Introduction

This policy 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.

# 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 vocational rehabilitation programs and services:

* Pre-Employment Transitions Services for youth ages 14-21.
* To prepare individuals for competitive integrated employment in high demand occupations and careers.
* Skills training that enables individuals to be independent in their homes and be engaged in their communities.
* Vocational guidance and counseling, career and training services, and job placement supports and services.
* Counseling to address adjustment issues related to vision loss and blindness.
* Resources for employers who hire or retain employees who are blind or visually impaired.
* Training in adaptive skills for reading, computer use, transportation, job seeking and other skills that promote independence and increase work readiness.
* Supported and customized employment programs for individuals with the most significant disabilities.
* Engaging employers, parents, local education agencies, businesses, and other key stakeholders in training and education regarding the abilities and potential of people who are blind or visually impaired.

# Purpose of the Vocational Rehabilitation Program

Authority: 34 CFR 361.5 | PL 114-95

Employment outcome means, with respect to an individual, entering, advancing in, or retaining full-time or, if appropriate, part-time competitive integrated employment, (including customized employment, self-employment, telecommuting, or business ownership), or supported employment that is consistent with an individual's unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice.

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

The ICBVI Vocational Rehabilitation is a statewide program that develops and utilizes a variety of partnerships for effective service delivery. As authorized under the Workforce Innovation and Opportunity Act, core partners with ICBVI in the development and implementation of the WIOA Combined State Plan are:

* Idaho Department of Labor
* Idaho Division of Vocational Rehabilitation
* Idaho Commission on Aging
* Idaho Career and Technical Education

# Legal Citation

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 procedures contained in this manual are:

* P.L. 133-128 Workforce Innovation and Opportunity Act (WIOA) of 2014
* P.L. 93-112 Rehabilitation Act of 1973, as amended by WIOA.
* Title 34 CFR Parts 361, 363, and 397 issued August 19, 2016 in the Federal Register implementing the Rehabilitation Act Amendments.
* 20 U.S.C. 1400
* Federal Register Vol. 81 No.161
* Federal Register Vol.85 No. 40
* Idaho Administrative Rules: IDAPA 15.02.01 Subchapter A
* RSA-PD-19-03-RSA 911 Case Service Report
* DCL-23-24 September 28, 2023
* Guidelines: Supporting Documentation for the Case Service Report (RSA-911), Rehabilitation Services Administration, March 31,2017

# Definitions

CFR – Code of Federal Regulations

IEP – Individualized Education Plan

IPE – Individualized Plan for Employment

Known Blind – As required by Idaho Statute 67-5415, ICBVI is required to maintain a database of blind and visually impaired individuals in the state.

PD – Policy Directive

DCL – Dear Colleague Letter

Pre-ETS – Pre-Employment Transition Services

RSA – Rehabilitation Services Administration

RSA 911 – The quarterly program performance report submitted to RSA.

SWD – Students with Disabilities

WIOA – Workforce Innovation and Opportunity Act

# 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 Federal, State, Local, Tribal laws 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:

1. Be explained in language that the client or their representative understands; and
2. Be dated, and specify the length of effect; and
3. Specifically, designate ICBVI as the agency authorized to use, disclose or receive information; and
4. Specifically designate the parties to whom the information may be released; and
5. Be specific as to the purpose(s) for which the information may be used.
6. ***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:*

1. Medical, psychological, or other information that must be provided to ICBVI through a third party, such as a representative, physician or licensed psychologist. Personal information obtained from another agency or organization may be released only by, or under the conditions established by the other agency or organization.
2. Information obtained from the Social Security Administration, including Disability Determination Services may not be released.
3. 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.

1. ***Exceptions to Release of Information Requirements***

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

1. *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 safeguarded.

1. *Release required by law:*
2. ICBVI may release personal information in response to investigations in connection with law enforcement, fraud, or abuse (unless expressly prohibited by Federal, State, Local or Tribal laws), and in response to a court subpoena or judicial order.
3. 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.
4. A subpoena issued to ICBVI for information relating to a client of the 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.
5. ***Social Security Information***

Confidentiality of SSA information is covered under Section 1106 of the

Social Security Act and may be disclosed only as prescribed by

regulations. The Act permits disclosure of all information about a Social

Security Disability beneficiary claimant to State VR agencies. State VR

agencies routinely obtain information, including entitlement and medical information, from SSA records. Medical information may be obtained without the claimant’s consent.

However, State VR agencies may not permit access to such information,

release it further (this includes to other state agencies), or testify concerning its contents for any other purpose than the rehabilitation of the Social Security Disability beneficiary claimant. To obtain information from Disability Determination Services, a release form must be used.

1. ***Retention and Destruction of files***

Files will be maintained for three years after archive. 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:

<https://www.ag.idaho.gov/content/uploads/2018/04/EthicsInGovernment.pdf>

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.crccertification.com>

# Conflict of Interest

* If an ICBVI employee becomes a client, their VR case will be served by a region other than where they work.
* If an ICBVI client accepts employment with ICBVI their case will be served by a region different than where they accepted employment.
* If a family member of an employee or a family member of anyone who

resides in the employee’s residence applies for services they will be served by a counselor from a different region from the employee.

* An employee will not financially benefit from ICBVI goods and services;
* Outside employment by any employee in the VR program must be approved by the Administrator
* An employee will not make ICBVI purchases (case services or other

purchases) from a family member or a family member of anyone who resides in the employee’s residence, or from a business owned or controlled by such an individual. This includes client reimbursements.

# Appeals Process

Authority: 34 CFR 361.57 | IDAPA 15.02.01

*Individuals may appeal any service delivery decision made by ICBVI personnel. The VRC will notify and provide written information to all applicants and eligible individuals regarding:*

* Their right to appeal determinations made by ICBVI personnel, which affect the provision of rehabilitation services;
* Their right to request mediation;
* The names and addresses ICBVI personnel to whom requests for mediation or appeals may be filed;
* The manner in which a mediator or hearing officer may be selected;
* Availability of assistance from the Client Assistance Program (CAP).
* If the Commission is following an Order of Selection, ICBVI will inform all eligible individuals of the priority category they are in.

***Informed choice will be provided by the VRC:***

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

Whenever possible, ICBVI will attempt to resolve conflicts informally or through the Informal Review process. ICBVI will not pay for a individual’s legal services.

ICBVI will make disability related accommodations to assist individuals in the conduct of the appeals process.

Pending a final determination of an Informal Review or Fair Hearing or participation in Mediation, ICBVI may not suspend, reduce, or terminate approved services being provided under an IPE.

***Informal Review Process***

An informal review process is an option available to the individual as a method to resolve disagreements or dissatisfaction with the provision of services. An individual may request an informal review. The request must be in writing to the Administrator, describe the complaint, and be made within fifteen (15) calendar days of the agency notice regarding the provision or denial of services that are in question. The Administrator will function as the administrative review officer in the informal review process.

The Administrator will provide a written decision after conducting the informal review.

***Mediation***

Mediation is an alternate dispute resolution method available to individuals who have initiated the formal appeals process or when the informal review did not resolve the client’s concern.

Timeline - An individual may request mediation. The request must be made within fifteen (15) calendar days of the original decision or fifteen (15) calendar days following the written decision from the informal review.

Written Request - Requests for mediation must be made in writing to the Administrator and clearly state the reason for dissatisfaction with the decision or results of the informal review. The Administrator will represent the Commission or assign a management level staff member who has not participated in the Commission’s action that created the client’s dissatisfaction.

Participation - Participation in the mediation process is voluntary for the individual; and for the Commission. Either party may reject mediation as an alternate dispute resolution method.

Right to Fair Hearing - Mediation may not be used to deny or delay the individual’s right to pursue a fair hearing. Should the individual and/or designated representative select mediation in lieu of a fair hearing, the option for a fair hearing will be extended to allow the results of the mediation to be established. Once the final results of the mediation are determined, the individual retains the right to request a fair hearing.

Mediator - All mediation is conducted by a qualified and impartial mediator who is selected randomly from a list maintained by the Commission.

Confidentiality - Mediation discussions are confidential and may not be used as evidence in a fair hearing. Both parties will sign a confidentiality agreement.

Mediation Agreement - The mediator will develop a written mediation agreement, if an agreement between the parties is reached. The agreement must be signed by all parties involved in the mediation.

Cost - Cost of mediation is paid by the Commission, except for client representation.

***Fair Hearing Process***

Fair Hearing an option available to any individual who is dissatisfied with any determination made by Commission personnel that affects the provision of vocational rehabilitation services. An individual may request a fair hearing immediately without going through any other appeal steps. An individual or if appropriate their representative may request a timely review of the determination. Such requests must be made within fifteen (15) calendar days of the Commission’s decision resulting in the initial disagreement, or within fifteen (15) calendar days of the conclusion of the informal review or mediation process, whichever is later. The fair hearing will be conducted by a fair hearing officer.

Procedure - A fair hearing is a procedure whereby an individual who is dissatisfied with any determination concerning the provision or denial of vocational rehabilitation services or the findings of the informal review or mediation may seek a determination of agency action before a fair hearing officer.

Written Request - Requests for a fair hearing must be sent in writing to the Rehabilitation Services Chief and clearly state the individual’s dissatisfaction with the agency’s decision.

Timeline - The hearing will be conducted within sixty (60) calendar days of receipt of the individual’s request for review, unless informal resolution is achieved prior to the 60th day, or both parties agree to a specific extension of time.

Fair Hearing Officers - The Commission Administrator, or designee, and the individual will select the fair hearing officer.

Written Report - The fair hearing officer will issue a written report of the findings and decision of the hearing within thirty (30) calendar days of the completion of the hearing.

Decision - The decision of the fair hearing officer will be considered final by the Commission.

Dispute - Any party who disagrees with the findings and decisions of a fair hearing officer will have the right to bring a civil action with respect to the matter in dispute. The action may be brought in any state court of competent jurisdiction or in a district court of the United States of competent jurisdiction without regard to the amount in controversy.

# Client Assistance Program

Authority: 34 CFR § 370.1

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 pursing 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

Authority: IDAPA 15.02.01.100 | 34 CFR § 361.41 and 42

## Referral

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 a case note of an attempted contact must be documented. 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.

## Residency Requirements

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 no duration of state residence requirement. ICBVI will not require the applicant to demonstrate a presence in the State through the production of any documentation. ICBVI may serve individuals in other states if the following conditions are met:

1) The individual lives in a neighboring state, and is employed or seeking employment in Idaho; and

2) The client is an applicant or receiving services from a VR program in their state of legal residence.

Prior approval from the Rehabilitation Services Chief must be obtained if these conditions are not met.

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).

## Application

Authority: 34 CFR § 361.41

An individual is considered to have applied for ICBVI VR services when the following conditions have been met*):*

The individual or individual’s representative, as appropriate,

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

# Informed Choice

Authority: 34 CFR 361.52

Informed choice should be document at all critical junctures of the life of the case. The following are places (but are not limited) where informed choice must be documented:

1. Application (Intake)
2. Comprehensive assessment and employment goal selection
3. Prior to the provision of Pre-Employment Transition Services
4. At all IPE amendments
5. Goal changes
6. Trial Work Plan and Closure
7. Program exit (employed)

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

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

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.

***Informed Choice Guidelines***

Informed choice does not mean unlimited choice. A client’s choices are limited by several factors:

* The choice must relate to and be necessary to achieving an employment outcome
* The choice must be consistent with the client’s strengths, resources, priorities, abilities, capabilities, needs and interests.
* The choice must be made pursuant to all Federal, State, and ICBVI

rules related to purchasing and providing services.

# Eligibility Determination

Authority: 34 CFR 361.42 | IDAPA 15.02.01.100

## Eligibility Criteria

To be eligible for ICBVI Vocational Rehabilitation Services, an individual must:

* Have a physical or mental impairment (disability) including blindness or visual impairment that constitutes or results in a substantial impediment (barrier) to employment; and
* Require Vocational Rehabilitation Services to prepare for, secure, retain, regain or advance in employment; or
* Be an SSI or SSDI beneficiary who intends to achieve a competitive integrated employment outcome.

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

## Assessment for eligibility determination

Assessment is a critical part of the VR eligibility processes. As part of the eligibility process, clients will be required to participate in any assessment needed by the counselor for eligibility determination and priority for services.

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

To the extent that existing data does not describe the current functioning of the client, ICBVI will conduct assessments including, but not limited to: trial work experiences, activities of daily living, mobility, assistive technology devices and services, personal assistance services, and any other support services that are necessary in the eligibility determination and priority for services process.

## Eligibility Timeframe

Eligibility for VR services will be determined within a reasonable period of time, not to exceed sixty (60) days after the application for services unless the following occurs:

The client is notified that exceptional and unforeseen circumstances beyond the control of ICVBI preclude the counselor from completing the determination within the prescribed time frame and the client agrees that an extension of time is warranted, or

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

All eligibility extensions must be approved by the Rehabilitation Services Chief.

## 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 that 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 that 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])

## Qualified Personnel

Qualified personnel are those who meet existing licensure, certification, or registration requirements applicable to the profession, this includes VRCs who meet ICBVI’s Comprehensive System of Personnel Development (CSPD) policy. The determination of the existence of impairment should be supported by medical and/or psychological documentation. Medical/psychological disabilities shall be diagnosed by qualified personnel who meet State licensure, certification, or registration requirements applicable to the practice of their profession within the state of Idaho. Medical reports on vision impairments from optometrists or ophthalmologists can be used for eligibility.

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

* Medical Physician or Doctor of Osteopathy
* Nurse Practitioner
* Physician’s Assistant

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

www.ibol.idaho.gov

## Social Security Presumption

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

Once the client provides verification of benefit, the client is made eligible for vocational rehabilitation with a Presumption of Eligibility statement in the record of services.

The assessments needed to complete the eligibility process, and for determining rehabilitation services will continue, however, the Individualized Plan for Employment (IPE) will not be approved until the eligibility process is complete, and all assessments required for IPE development are completed.

*Note: Written verification of benefits or any other SS documentation related to the client can never be copied/retained in the record of services. Staff should always document the information in a case note.*

## 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)***

Is an individual:

* Who meets the criteria of an individual with a significant disability; and
* Who has a severe physical or mental impairment that seriously limits four 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
* Whose vocational rehabilitation is expected to require multiple vocational rehabilitation services over an extended period of time of 6 months or more.

***Significant Disability (SD)***

Is an individual:

Who meets the criteria of an individual with a disability; and

* Who has a severe physical or mental impairment that seriously limits 1-3 functional capacities (such as mobility, communication, self-care, self-direction, interpersonal skills, work tolerance, or work skills) in terms of an employment outcome; and
* Whose vocational rehabilitation is expected to require multiple vocational rehabilitation services over an extended period of time 6 months or more.

***Disability (D)***

Is an individual:

* Who has a physical or mental impairment, and
* Whose impairment seriously limits 1 functional capacity, and
* Whose vocational rehabilitation is expected to require one or more substantial services.

## Eligibility / Ineligibility

For each applicant determined eligible or ineligible for vocational rehabilitation services, the record of services must include a dated Eligibility Determination completed by a qualified VRC.

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

# Trial Work Experience (TWE)

Authority: 34 CFR § 361.42 (e)

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.

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

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 TWE Plan must be reviewed at least every ninety (90) days to determine if there is sufficient evidence that the individual can benefit from VR services in terms of an employment outcome, or there is clear and convincing evidence that the individual is incapable of benefiting from VR services in terms of an employment outcome due to the severity of the disability. This determination will occur within 18 months.

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. Clear and convincing evidence must exist prior to closing the record of services that the client is incapable of benefiting in terms of an employment outcome from vocational rehabilitation services.

Clear and convincing evidence means that the counselor has a high degree of certainty before it can conclude that an individual is incapable of benefiting from services in terms of an employment outcome. Clear and convincing evidence might include a description of assessments, including situational assessments and supported employment assessments, from service providers who have concluded that they would be unable to meet the individual's needs due to the severity of the individual's disability. The demonstration of clear and convincing evidence must include, if appropriate, a functional assessment of skill development activities, with any necessary supports (including assistive technology), in real life settings.

# Provision of VR Services Prior to IPE

Only the following services can be provided prior to an approved IPE:

* Assessments required for eligibility determination.
* Any assessments that are needed to determine VR needs (only allowable after eligibility determination)
* Supportive services required for a client to participate in any assessments required for the eligibility determination process, such as maintenance, transportation, disability related skills training, or rehabilitation technology.
* Pre-Employment Transition Services
* Community Based Work Evaluation (CBWE)
* Auxiliary aides or services (for communicative and sensory impairments only)
* Counseling and Guidance
* Information and Referral Services

If the counselor determines that Trial Work (TWE) is appropriate at application or eligibility, any VR services required for the TWE can be provided.

# Individualized Plan for Employment

Authority: 34 CFR 361.45 | 34 CFR 361.46

## Development of the Individualized Plan for Employment (IPE)

The VRC must conduct a comprehensive assessment of the unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice, including the need for supported employment services, of the eligible individual, in the most integrated setting possible, consistent with the informed choice of the individual in accordance with the provisions of § 361.5(c)(5)(ii).

In preparing the comprehensive assessment, the counselor must use, to the maximum extent possible and appropriate and in accordance with confidentiality requirements, existing information that is current as of the date of the development of the individualized plan for employment, including information –

1. Available from other programs and providers, particularly information used by education officials and the Social Security Administration; and
2. Provided by the individual and the individual's family; and
3. Obtained under the assessment for determining the individual's eligibility and vocational rehabilitation needs.

Essential elements of the Comprehensive Assessment include:

* Summary of the Individual’s Disability
* Adjustment To Disability
* Required Assessments
* Employment Strategy
* Employment Goal
* Labor Market Information
* Education History
* Work History
* Social History
* Relevant Legal Issues
* Comparable Benefits
* Referral and Information Services
* Required Services to Achieve Employment Goal
* Informed Choice

**Ticket to Work Assignment**

When a participant has a Ticket to Work through SSA and an approved VR IPE, their ticket is automatically assigned to ICBVI, unless the ticket is already assigned to another employment network (EN). If the individual has a ticket assigned to another EN prior to ICBVI involvement, the individual will be requested to reassign the ticket to ICBVI. If the participant does not reassign their ticket, ICBVI will need a copy of the work plan from the EN that the ticket was assigned to, to ensure that no duplication of services occurs. It is the participants’ responsibility to provide the ticket work plan prior to IPE implementation.

### Options for developing an individualized plan for employment

Information on the available options for developing the individualized plan for employment, including the option that an eligible individual or, as appropriate, the individual's representative may develop all or part of the individualized plan for employment -

* Without assistance from ICBVI or other entity; or
* With assistance from –
  + A qualified vocational rehabilitation counselor employed by the ICBVI;
  + A qualified vocational rehabilitation counselor who is not employed by ICBVI;
  + A disability advocacy organization.

**Additional Information**

Additional information to assist the eligible individual or, as appropriate, the individual's representative in developing the individualized plan for employment, including -

* Information describing the full range of components that must be included in an individualized plan for employment.
* As appropriate to each eligible individual –
  + An explanation of agency guidelines and criteria for determining an eligible individual's financial commitments under an individualized plan for employment;
  + Information on the availability of assistance in completing ICBVI forms required as part of the individualized plan for employment; and
  + Additional information that the eligible individual requests or ICBVI determines to be necessary to the development of the individualized plan for employment;
* A description of the rights and remedies available to the individual (appeals process);
* A description of the availability of the Client Assistance Program (CAP) and contact information.

## Standards for Developing the Individualized Plan for Employment

The individualized plan for employment must be developed as soon as possible, but not later than 90 days after the date of determination of eligibility, unless the VRC and the eligible individual agree to the extension of that deadline to a specific date by which the individualized plan for employment must be completed.

All IPE extensions must be approved by the Rehabilitation Services Chief

## Content of the Individualized Plan for Employment

### Mandatory Components

Regardless of the approach that an eligible individual selects for purposes of developing the individualized plan for employment, each individualized plan for employment must (CFR 361.46) -

* 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 in the case of an eligible individual who is a student with a disability, the description may include the client’s interests and aspirations.
* 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.
* Identify comparable services and benefits that significantly contribute to the employment outcome.
* In the case of a plan for an eligible individual who is a student or youth with a disability, identify the specific transition services and supports needed to achieve the individual's employment outcome or projected post-school employment outcome.
* 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.
* Include timelines for the achievement of the employment outcome and for the initiation of services.
* 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.
* Include a description of the criteria that will be used to evaluate progress toward achievement of the employment outcome.
* Include the terms and conditions of the individualized plan for employment, including, as appropriate, information describing:
* The responsibilities of ICBVI.
* The responsibilities of the eligible individual, including
* The responsibilities the individual will assume in relation to achieving the employment outcome.
* If applicable, the extent of the individual's participation in paying for the cost of services; and
* The responsibility of the individual with regard to applying for and securing comparable services and benefits.
* 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 -

* Specify the supported employment services to be provided by ICBVI; and
* Specify the expected extended services needed, which may include natural supports; and
* 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; and
* 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; and
* 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; and
* 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.

## Mandatory Procedures

The VRC must provide the following information to each eligible individual or, as appropriate, the individual's representative, in writing and, if appropriate, in the native language or mode of communication of the individual or the individual's representative.

The VRC must ensure that:

* The individualized plan for employment is a written document prepared on forms provided by the ICBVI;
* The individualized plan for employment is developed and implemented in a manner that gives eligible individuals the opportunity to exercise informed choice in selecting –
  1. The employment outcome, including the employment setting;
  2. The specific vocational rehabilitation services needed to achieve the employment outcome, including the settings in which services will be provided;
  3. The entity or entities that will provide the vocational rehabilitation services; and
  4. The methods available for procuring the services;
* The individualized plan for employment is –
  1. Agreed to and signed by the eligible individual or, as appropriate, the individual's representative; and
  2. Approved and signed by a qualified vocational rehabilitation counselor employed by the ICBVI;
* A copy of the individualized plan for employment and a copy of any amendments to the individualized plan for employment are provided to the eligible individual or, as appropriate, to the individual's representative, in writing and, if appropriate, in the native language or mode of communication of the individual or, as appropriate, the individual's representative;
* An individualized plan for employment for a student with a disability is developed –
  1. In consideration of the student's individualized education program or 504 services, as applicable; and
  2. In accordance with the plans, policies, procedures, and terms of the interagency agreement with the State Board of Education.

## Amending the IPE

The individualized plan for employment is amended, as necessary, by the individual or, as appropriate, the individual's representative, in collaboration with a representative of the ICBVI or a qualified vocational rehabilitation counselor (to the extent determined to be appropriate by the individual), if there are substantive changes in the employment outcome, the vocational rehabilitation services to be provided, or the providers of the vocational rehabilitation services;

The individualized plan for employment is amended, as necessary, to include the postemployment services and service providers that are necessary for the individual to maintain, advance in or regain employment, consistent with the individual's unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice.

Amendments to the individualized plan for employment do not take effect until agreed to and signed by the eligible individual or, as appropriate, the individual's representative and by a qualified vocational rehabilitation counselor employed by ICBVI .

Every IPE amendment must have corresponding documentation (case note) in the record of services that articulates the need and justification for additional services.

## Annual Review of the IPE

The individualized plan for employment must be reviewed at least annually by a qualified vocational rehabilitation counselor and the eligible individual or, as appropriate, the individual's representative to assess the eligible individual's progress in achieving the identified employment outcome.

## Post-employment services

Authority: 34 C.F.R. § 361.5(c)(41)

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

Post-employment services are considered an amendment to the individuals IPE, and can only be provided prior to program exit (see amending the IPE)

Once participants have exited the VR program, they will need to re-apply for services if they require the VR program to help them maintain, obtain, or advance in, employment.

# Vocational Rehabilitation Services

Authority: 34 CFR 361.48

Vocational rehabilitation services are any services described in the Individualized Plan for Employment (IPE) that 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.

## Pre-Employment Transition Services

Pre-employment transition services (Pre-ETS) are provided in collaboration with state and local education agencies to students with disabilities who need those services to achieve competitive integrated employment and are eligible or potentially eligible for VR services. The 5 required activities are:

* **Job Exploration Counseling**

Job Exploration or Career Counseling can include a wide variety of professional activities that help individuals with career-related issues. Career counselors work with youth seeking to explore career options, experienced professionals contemplating a career change, parents who want to return to the world of work after taking time to raise their child, or people seeking employment. Career counseling is also offered in various settings, including in groups and individually, in person or virtually.

* **Work Based Learning Experiences**

Work Based Learning 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. Work Based Learning is an educational approach or instructional methodology that uses the workplace or real work to provide students with the knowledge and skills that will help them connect school experiences to real-life work activities and future career opportunities.

* **Counseling on opportunities for enrollment in comprehensive transition or postsecondary educational programs**

Counseling on opportunities for enrollment in post-secondary education may include but is not limited to: counseling on course offerings and career options, types of academic/occupational training needed to succeed in the workplace, and post-secondary education associated with career fields or pathways, academic curricula advisement, college admittance process assistance, help with financial aid forms, or information on scholarship opportunities.

* ***Workplace readiness training to develop social skills and independent living.***

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.

* ***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 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.

## Auxiliary Aides and Services

If a student with a disability, including a potentially eligible student, requires an auxiliary aid or service, e.g., interpreter, reader services, or accessible informational materials, to access or participate in pre-employment transition services, VR may pay for the service, if not customarily provided by another entity, including local educational agencies. Auxiliary aids and services are those services necessary to ensure equal access to pre-employment transition services, as required by the Americans with Disabilities Act, as amended, and Section 504 of the Rehabilitation Act.

Auxiliary aids and services may include, but are not limited to: qualified American Sign Language (ASL) interpreters; note takers; written materials; telephone handset amplifiers; assistive listening devices or systems; telephones compatible with hearing aids; open and closed captioning, including real-time captioning; text telephones (TTYs), videophones, and captioned telephones, qualified readers; taped texts; audio recordings; Braille and large print materials; screen reader software; or magnification software.

## Training Services

Training services are defined in WIOA Sec 134(c)(3). For VR purposes, these training services are designed to help the individual improve educationally or vocationally or to adjust to the functional limitations of his or her impairment.

* ***Graduate College or University***

Full-time or part-time academic training leading to a degree recognized as beyond a Baccalaureate Degree, such as a Master of Science, Arts (M.S. or M.A.) or Doctor of Philosophy (Ph.D.) or Doctor of Jurisprudence (J.D.). Such training would be provided by a college or university.

* ***Four-Year College or University Training***

Full-time or part-time academic training leading to a baccalaureate degree, a certificate, or other recognized educational credential. Such training may be provided by a four-year college or university or technical college.

* ***Junior or Community College Training***

Full-time or part-time academic training above the secondary school level leading to an Associate’s Degree, a certificate, or other recognized educational credential. Such training may be provided by a community college, junior college, or technical college.

* ***Occupational or Vocational Training***

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

* ***On the Job Training***

Training in specific job skills by a prospective employer. Generally, the trainee is paid during this training and will remain in the same or a similar job upon successful completion. On-the-job training requires the completion and signing of the ICBVI OJT Agreement between the client, counselor, and employer, which states the hourly wage, the specific training needs, responsibility for Workers’ Compensation coverage and any other conditions of employment. ICBVI pays a training fee for OJT, not reimbursement or wages.

* ***Registered Apprenticeship Training***

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

* ***Basic Academic Remedial or Literacy Training***

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

* ***Job Readiness Training***

Training provided to prepare an individual for work (e.g., work behaviors, getting to work on time, dress and grooming, increasing productivity, etc.).

* ***Disability Related Skills Training***

Disability-related augmentative skills training includes but is not limited to: orientation and mobility; rehabilitation teaching; use of low vision aids; Braille; speech reading; sign language; and cognitive training/retraining.

* ***Miscellaneous Training***

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

* ***Randolph Sheppard Entrepreneurial Training***

Training for establishing a small business or individualized training through Randolph-Sheppard program and identified on an IPE.

* ***Customized Training***

A training program designed to meet the special requirements of an employer who has entered into an agreement with a service delivery area to hire individuals who are trained to the employer's specifications. The training may occur at the employer's site or may be provided by a training vender able to meet the employer's requirements. Such training usually requires a commitment from the employer to hire a specified number of trainees who satisfactorily complete the training.

* ***Work Based Learning Experience***

Includes apprenticeships, internships, short-term employment, volunteer opportunities and other work-based learning experiences not elsewhere classified. These opportunities are provided in an integrated environment in the community to the maximum extent possible and may be paid or unpaid. This service is only to be used for participants who are not eligible for Pre-ETS. This service does not include registered apprenticeships or On-The-Job Training (OJT). Work Based Learning experiences cannot exceed 120 hours in any given placement.

## Career Services

* ***Assessment***

Assessment means services provided and activities performed to determine an individual’s eligibility for VR services, to assign an individual to a priority category of a VR program that operates under an order of selection, and/or to determine the nature and scope of VR services to be included in the IPE. It also includes trial work experiences. Assessments to determine eligibility, assignment of a priority category or the nature or scope of services to be included on the IPE include, but are not limited to:

* Psychological assessments, audiological evaluations, dental and medical exams;
* Assessments of personality, interests, interpersonal skills, intelligence and related functional capacities;
* Educational achievements, work experience, vocational aptitudes, personal and social adjustments, and employment opportunities of the individual; and
* Medical, psychiatric, psychological, and other pertinent vocational, educational, cultural, social, recreational, and environmental factors that affect the employment and rehabilitation needs of the individual.
* ***Diagnosis and Treatment of Impairments***

Diagnosis and treatment of impairments includes:

* + Corrective surgery or therapeutic treatment that is likely, within a reasonable period of time, to correct or modify substantially a physical or mental impairment that constitutes a substantial impediment to employment;
  + Diagnosis and treatment for mental and emotional disorders by qualified personnel who meet State licensure laws;
  + Dentistry;
  + Nursing services;
  + Necessary hospitalization (either inpatient or outpatient care) in connection with surgery or treatment;
  + Drugs and supplies;
  + Prescription of prosthetics and/or orthotics related to the individual’s diagnosed disability and necessary for the achievement of the employment outcome;
  + Prescription of eyeglasses and visual services, including visual training, related to the individual’s diagnosed disability and necessary for the achievement of the employment outcome;
  + Podiatry;
  + Physical therapy;
  + Occupational therapy;
  + Speech or hearing therapy;
  + Mental health services;
  + Treatment of either acute or chronic medical complications and emergencies that are associated with or arise out of the provision of physical and mental restoration services or that are inherent in the condition under treatment (34 CFR 365.1(c)(39));
  + Special services for the treatment of individuals with end-stage renal disease, including transplantation, dialysis, artificial kidneys, and supplies;
  + Other medical or medically related rehabilitation services; and
  + Medical care for acute conditions arising during rehabilitation and constituting a barrier to the achievement of an employment outcome.
* ***Vocational Rehabilitation Counseling and Guidance***

Vocational rehabilitation counseling and guidance includes information and support services to assist an individual in exercising informed choice and is distinct from the case management relationship that exists between the counselor and the individual during the VR process.

* ***Job Search Assistance***

Job search activities support and assist an individual in searching for an appropriate job. Job search assistance may include help in resume preparation, identifying appropriate job opportunities, developing interview skills, and making contacts with companies on behalf of the client.

* ***Job Placement Assistance***

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

* ***Short Term Job Supports***

Support services provided to an individual who has been placed in employment in order to stabilize the placement and enhance job retention. Such services include short-term job coaching for persons who do not have a supported employment goal consistent with the employment goal on the IPE.

* ***Supported Employment Services***

Supported employment services (34 CFR 361.5(c)(54)) means ongoing support services, including customized employment, and other appropriate services needed to support and maintain an individual with a most significant disability. *(Refer to Supported Employment Policy in this manual).*

* ***Information and Referral Services***

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

* ***Benefits Counseling***

Assistance provided to an individual who is interested in becoming employed, but is uncertain of the impact work income may have on any disability benefits and entitlements being received, and/or is not aware of benefits, such as access to healthcare, that might be available to support employment efforts. This typically involves an analysis of an individual’s current benefits, such as SSDI and SSI, the individual’s financial situation, and the effect different income levels from work will have on the individual’s future financial situation. This assistance is intended to provide the individual an opportunity to make an informed choice regarding the pursuit of employment.

Ongoing assistance may also be provided as the individual decides on employment goals, searches for jobs, and becomes employed.

* ***Customized Employment Services***

*(Refer to Customized Employment Policy in this manual)*

* ***Extended Services***

Extended services (34 CFR 361.5(c)(19)) are ongoing support services and other appropriate services that are needed to support and maintain an individual with a most significant disability including a youth with a most significant disability, in supported employment (see Supported Policy in this manual).

## Other Services

* ***Transportation***

Transportation (34 CFR 361.5(c)(56)) means travel and related expenses that are necessary to enable an applicant or eligible individual to participate in a VR service, including expenses for training in the use of public transportation vehicles and systems. Examples of transportation services include, but are not limited to:

* travel and related expenses for a personal care attendant or aide if the services of that person are necessary to enable the applicant or eligible individual to travel to participate in any vocational rehabilitation service;
* purchase and repair of vehicles, including vans, but not the modification of these vehicles as modification would be considered a rehabilitation technology service;
* relocation expenses incurred by an eligible individual in connection with a job placement that is a significant distance from the eligible individual’s current residence; or
* purchase of a bus pass for an individual to get to training or work.
* ***Maintenance***

Maintenance (34 CFR 361.5(c)(34)) means monetary support provided 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 VR needs or while receiving services under an IPE. Examples of maintenance expenses include, but are not limited to:

* + - * + cost of uniforms or other suitable clothing required for an individual's job placement or job seeking activities;
        + cost of short-term expenses, such as food and shelter, that is required in order for an individual to participate in assessment or vocational training at a site that is not within commuting distance of an individual's home;
        + cost of food and lodging expenses while an individual is participating in four-year or graduate college or university;
        + initial one-time costs, such as security deposits or charges for the initiation of utilities, that are required in order for an individual to relocate for a job placement; and
        + cost of an individual’s participation in enrichment activities related to that individual's training program.
* ***Rehabilitation Technology***

Rehabilitation technology (34 CFR 361.5(c)(45)) means the systematic application of technologies, engineering methodologies, or scientific principles to meet the needs of, and address the barriers confronted by, individuals with disabilities in areas that include education, rehabilitation, employment, transportation, independent living, recreation, home and vehicular modification, other assistive devices including, but not limited to hearing aids, low vision aids and wheelchairs. This includes the hardware portion of neuro-prosthetic devices, such as cochlear implants, visual prosthetics, and motor prosthetic devices, but does not include medical and surgical procedures required for implantation of neuro-prosthetic devices, which should be coded as diagnosis and treatment of impairments. Rehabilitation technology includes rehabilitation engineering, assistive technology devices, and assistive technology services. The term includes the following:

* + ***Rehabilitation Engineering Services*** are the systematic application of engineering sciences to design, develop, test, evaluate, apply, and distribute technological solutions to problems confronted by VR individuals in functional areas such as mobility, communications, hearing, vision, and cognition, and in activities associated with employment, independent living, education, and integration into the community.
  + ***Assistive Technology Devices*** are any items, piece of equipment, or product system, whether acquired commercially off the shelf, modified or customized, that is used to increase, maintain, or improve the functional capabilities of a VR client.
  + ***Assistive Technology Services*** (34 CFR 361.5(c)(6)) are any services that directly assist an individual with a disability in the selection, acquisition, or use of an assistive technology device. Services may include:
* the evaluation of the needs of an individual, including a functional evaluation of the individual in his/her customary environment;
* purchasing, leasing, or otherwise providing for the acquisition by an individual of an assistive technology device;
* selecting, designing, fitting, customizing, adapting, applying, maintaining, repairing, or replacing assistive technology devices;
* coordinating and using other therapies, interventions, or services with assistive technology devices, such as those associated with existing education and rehabilitation plans and programs;
* training or providing technical assistance for an individual or, if appropriate, the family members, guardians, advocates, or authorized representatives of the individual; and
* training or providing technical assistance for professionals (including individuals providing education and rehabilitation services), employers, or others who provide services to, employ, or are otherwise substantially involved in the major life functions of individuals with disabilities, to the extent that training or technical assistance is necessary to the achievement of an employment outcome.
* ***Personal Assistant Services***

Personal assistance services (34 CFR 361.5(c)(38)) means a range of services, including, among other things, training in managing, supervising, and directing personal assistance services, provided by one or more persons, that are –

* + - * Designed to assist an individual with a disability to perform daily living activities on or off the job that the individual would typically perform without assistance if the individual did not have a disability;
      * Designed to increase the individual's control in life and ability to perform everyday activities on or off the job;
      * Necessary to the achievement of an employment outcome; and
      * Provided only while the individual is receiving other vocational rehabilitation services.
* ***Technical Assistance Services Including Self-Employment***

Technical assistance includes consultation and other services provided to conduct market analyses, to develop business plans, and to provide resources to individuals in the pursuit of self-employment, telecommuting and small business operation outcomes.

* ***Reader Services***

Reader services are for individuals who cannot read print because of blindness or other disabilities. Reader services include, in addition to reading aloud, transcription of printed information into Braille or sound recordings if the individual requests such transcription. Reader services are generally for individuals who are blind or deaf-blind, but may also include individuals unable to read because of serious neurological disorders, specific learning disabilities, or other physical or mental impairments.

* ***Interpreter Services***

Interpreter services are sign language or oral interpretation services for individuals who are deaf or hard of hearing and tactile interpretation services for individuals who are deaf-blind. Specially trained individuals perform sign language or oral interpretation.

Interpreter services also include real-time captioning services for persons who are deaf or hard of hearing.

* ***Other Services***

These are other VR services that cannot be recorded elsewhere. Include in this category such services as the provision of funds for occupational licenses, tools and equipment, initial stocks and supplies.

## ****Group Services****

Legal Authority: 34 CFR 361.49

Transition services to youth with disabilities and students with disabilities who may not have yet applied or been determined eligible for vocational rehabilitation services, for which a vocational rehabilitation counselor works in concert with educational agencies, providers of job training programs, providers of services under the Medicaid program under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.), entities designated by the State to provide services for individuals with developmental disabilities, centers for independent living (as defined in section 702 of the Act), housing and transportation authorities, workforce development systems, and businesses and employers. These specific transition services are to benefit a group of students with disabilities or youth with disabilities and are not individualized services directly related to an individualized plan for employment goal. Services may include, but are not limited to, group tours of universities and vocational training programs, employer or business site visits to learn about career opportunities, career fairs coordinated with workforce development and employers to facilitate mock interviews and resume writing, and other general services applicable to groups of students with disabilities and youth with disabilities.

# Purchasing of Services

Authority: 34 CFR 361.50, 361.53 and 361.54 | IDAPA 15.02.02.300-303

## 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.

When available, clients are required to utilize Comparable Services and Benefits. These include services or benefits provided or paid for, in whole or in part, by other Federal, State, or local public agencies, by health insurance, or by employee benefits.

## Financial Needs Assessment

Authority: 34 CFR 361.54

The Financial Needs Assessment (FNA) is a tool used to determine a client’s ability to contribute financially each year to the cost of a service or program being provided by the ICBVI. The extent of the client’s annual participation in the cost of VR services is based on their income, employment status, family size, and expenses related to his or her disability.  Financial participation consideration is not a factor in eligibility determination.

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

The following services are not subject to client financial participation:

* Assessment(s) for determining eligibility and vocational rehabilitation needs.
* Vocational rehabilitation counseling and guidance and referral services.
* Any auxiliary aid or services (e.g., interpreter services or reader services) that an individual with a disability requires in order for the individual to participate in the vocational rehabilitation program. Note: Auxiliary aids and services do not include personally prescribed devices such as eyeglasses, hearing aids, or wheelchairs.
* Personal assistance services.
* Job related services, including job readiness training, job search assistance and placement assistance, Supported Employment job coaching, job supports – short term and youth extended services.
* Pre-employment Transition Services.
* Training services provided by ICBVI staff.

SSI/SSDI Exemption

Clients who receive SSI and/or SSDI are exempt from financial contribution for services within the agency’s maximum contribution thresholds. However, to ensure a client qualifies for this exemption, proof of SSI or SSDI qualification must be received. Clients who receive Social Security benefits from retirement, spouse of retired worker, child of a retired worker, child of deceased worker, widow, parent of deceased worker, spouse of disabled worker, or child of a disabled worker would not be eligible for this exemption.

Low Income Exemption

Client’s, who are low income, are also excluded from the FNA process. Client’s must provide evidence of low-income status to be exempt (i.e. TANF documentation, SNAP, WIC, low-income housing verification).

Exceptions to financial participation may be considered by the Rehabilitation Services Chief.

## Comparable Benefits

Clients are to identify and use all available comparable benefits that may be available during the development of the IPE.

## Purchasing Authority

VRCs are required to determine the rehabilitation needs of the client first, and then determine the provider and the procurement method. Costs, availability, provider experience, and client research are characteristics that guide the choice of the provider.

The VR counselor retains purchasing authority within the agency guidelines for the payment of services. When necessary, exceptions to the purchasing guidelines can be made (see Exception Policy).

## State Requirements

**Contract Purchasing**

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

**Client Re-imbursements**

When the counselor agrees to reimburse a client for goods or services that are included in an approved IPE, State of Idaho sales tax paid by the client will not be included with the reimbursement.

## Exception Policy

Authority: 34 CFR 361.50(c)(ii) | IDAPA 15.02.02.303

All exceptions will be reviewed on an individual case basis and require approval by the Rehabilitation Services Chief. Exceptions must be justified and cannot violate state or federal laws.

## Exclusions

* No-Shows or Missed Appointments

If a client fails to show for an appointment, and does not cancel or reschedule with the provider, the client will be responsible for the payment of any charges associated with that missed appointment.

* Illegal Behavior

ICBVI will not pay for costs associated or incurred due to illegal behavior.

* Surgery

Surgery may be provided, if it is not the sole vocational rehabilitation service needed for the individual to return to work or to achieve an employment outcome. ICBVI will only cover the cost of surgery if it will substantially reduce functional limitations.

# Competitive Integrated Employment

Authority: 34 CFR 361.5(c)(9), 34 CFR 361.5(c)(11)

## Definition

Competitive Integrated Employment (CIE) has three primary components: compensation, integrated location, and opportunity for advancement. Determinations of whether or not a particular position meets the definition of CIE can be made by the VR counselor. All three of the following conditions must be met in order for a jobsite to qualify as competitive integrated employment:

Competitive integrated employment means work that-

* + Is performed on a full or part time basis (including self-employment) and for which an individual is compensated at a rate that-
* 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.
* 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
* 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
* Is eligible for the level of benefits provided to other employees; and
  + Is at a location-
* Typically found in the community; and
* 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., clients 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
  + 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.

## Required Documentation

Authority: *Guidelines: Supporting Documentation for the Case Service Report (RSA-911),* Rehabilitation Services Administration, March 31, 2017).

All program participants are required to provide wage documentation (i.e., paystub) at the start date of employment and at case closure.

# Customized Employment

Authority: 34 CFR 361.5(c)(11)

## Overview

Customized Employment (CE), is 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, such as:

* Job exploration by the individual.
* Working with an employer to facilitate placement, including customizing a job description based on current employer needs or on previously unidentified and unmet employer needs.
* Developing a set of job duties, a work schedule, specifics of supervision (including performance evaluation and review) and determining a job location.
* Representation by a professional chosen by the individual, or self-representation of the individual, in working with an employer to facilitate placement.
* Providing services and supports at the job location.

It is further understood that in CE, the employer of record is the owner of the business in which the employee is working. Historically, employment services for individuals with disabilities have acted as a proxy employer, managing contract agreements with the owners of businesses. In CE, the owner of the business must be the employer of record.

Customized employment is a relationship between an employer and an employee that is negotiated to meet the needs of both parties. It is based on an exchange of specific contributions by the employee for pay by the employer at or above minimum wage. CE is a universal employment strategy and is especially useful for employment seekers with significant life complexities and barriers to employment, such as severe disability. It is presumed that all employment seekers can work if CE is used as the employment strategy. Employment seekers with the most significant disabilities have traditionally been excluded from consideration for employment due to the pre-set demands of competitive personnel practices. CE provides a strategy to navigate these challenges and, thus, provides a possibility for any employment seeker to be successfully employed. The process comprises a set of pre-employment services designed to ensure that the employment seeker is the primary driver of the outcome received. CE is included in the definition of supported employment (SE) services in WIOA: “The term supported employment services means ongoing support services, including customized employment, needed to support and maintain an individual with the most significant disability.” The Essential Elements of CE dovetail with SE to assure the employer and employee with a disability work successfully together.

# Self-Employment

Authority: 34 CFR 361.48(b)(19)

## Introduction

Self-Employment is one option that may be considered as a vocational goal. ICBVI supports active – not passive or speculative -self-employment goals. 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.

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 as a vocational goal requires that:

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

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

* Hobbies or activities that are not competitive income producing ventures.
* Businesses organized as Non-Profit / “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.
* Business ventures that are speculative in nature\* or considered high risk by the Better Business Bureau (www.bbb.org) or similar organizations.

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

## Financial Requirements

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

|  |  |
| --- | --- |
| **Plan costs\*** | **Maximum ICBVI financial assistance** |
| Under $2500 | 100% |
| $2,501 - $5,000 | 80% |
| $5,001to $7,500 | 70% |
| $7,501 to $10,000 | 60% |
| $10,001 and up | 50% |

\*Subject to FNA requirements. Plan costs do not include rehabilitation technology required for program participation and employment.

## Funding Restrictions

ICBVI funds cannot be used for the following purposes:

* Funding for speculative real estate development;
* Deposits that are refundable to the customer or business;
* Cash;
* Salary or benefits for the client, partners in ownership, or any employees of the business;
* Purchase of real estate;
* Construction or renovation of buildings;
* Inventory or business supplies that include tobacco, firearms or alcoholic beverages;
* Refinancing of existing debt – business or personal

## Required Activities

The following are excellent resources for the exploration and development of self-employment goals:

* Vocational Rehabilitation Self Employment Guide: <http://vrselfemployment.org/>
* Tribal Vocational Rehabilitation Self-Employment Toolkit: <https://www.tvrselfemployment.org/home>
* Idaho State and Federal Resources for Business: <https://business.idaho.gov/>
* Social Security PASS Plan: <https://www.ssa.gov/disabilityresearch/wi/pass.htm>
* Small Business Administration: <https://www.sba.gov/>

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

* Assessment of the client’s appropriateness for self-employment.
* Training and technical assistance.
* Development of a business plan.
* Benefits Counseling (SSI / SSDI recipient).

**Training and Technical Assistance**

As appropriate, 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. Service Corps of Retired Executives (SCORE) is an excellent resource, and is a no-cost service. (<https://www.score.org>)

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

**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. ICBVI recognizes 3 types of business plans:

* Traditional business plan - Traditional business plans are the most common, use a standard structure, and go into detail in each section. This type of plan is very detailed, takes more time to write, and is comprehensive. Lenders and investors commonly request this plan.
* Lean start up business plan - Lean startup formats use only a handful of elements to describe your company’s value proposition, infrastructure, customers, and finances. A lean startup format may be the right choice if you want to explain or start your business quickly, your business is relatively simple, or you plan to regularly change and refine your business plan.
* PASS Plans – This type of plan is an SSI provision to help individuals with disabilities return to work.

The VR counselor works with the individual to determine which plan is the most appropriate for the small business employment goal.

## Self- Employed Individuals Applying for VR Services

Self-employed individuals who apply to VR for assistance in maintaining may or may not require a business plan.

The counselor needs to explore with the individual details about why they are requesting assistance. Are substantial services required for the individual? Is the financial investment of the VR program substantial? Is the business faltering / failing and need re-investment? Does the individual only require updated technology to maintain their employment? Answering questions such as these will help the VRC in determining if a business plan is needed.

Prior to the counselor’s approving the support of any small business in the VR program, the VRC must document in the record of services that the individual’s business is registered in the state. VR cannot support business ventures that are not registered.

The financial requirements for self-employment outlined in this policy manual apply to self-employed individuals requesting assistance to support their business.

# Supported Employment Services

Authority: 34 CFR 363.1

## **Supported Employment**

Supported employment means competitive integrated employment, including customized employment, or employment in an integrated work setting in which an individual with a most significant disability, including a youth with a most significant disability, may be working on a short-term basis (earning less than a competitive wage) toward competitive integrated employment that is individualized, and customized, consistent with the unique strengths, abilities, interests, and informed choice of the individual, including ongoing support services for individuals with the most significant disabilities.

SE services may be provided by VR for a period of time not to exceed 24 months, unless the VRC and client jointly agree to extend the time to achieve the employment outcome identified in the IPE. Supported employment services will be provided on an individualized basis, with the VRC consistently evaluating the of service needs.

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

Key aspects of SE include:

* Can be provided up to 24 months for both youth and adults.
* Must be in Competitive Integrated Employment (with rare time-limited exceptions).
* Extended Services for youth are available for clients under the age of 25 where external extended services are unavailable.

## Supported Employment Strategy

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

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

Ongoing Support Services

Ongoing support services are those services needed to support and maintain a client with a most significant disability, including a youth with a most significant disability, in supported employment.

Ongoing support services (OSS) are provided from the time of job placement and thereafter by extended services providers throughout the client’s term of employment.

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

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

* Any supplementary assessment (to the comprehensive assessment);
* Job skill training at the work site;
* Social skills training;
* Regular observation or supervision of the client;
* Follow-up services including regular contact with the employer, the client, and other individuals authorized to participate by the client in order to reinforce and stabilize the job placement;
* Facilitation of natural supports at the worksite;
* Any other service identified in the scope of vocational rehabilitation services for clients.

## Extended Services

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

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

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

* Document that extended support services are required; and
* Work with the client and/or guardian to seek out needed extended services, which may include natural supports; and
* 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.

### Extended Services for Youth

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

These extended support services for youth can continue until:

* Externally funded extended services become available; or
* ICBVI has provided extended services for four years; or
* The individual reaches the age of 25 (whichever comes first).

### Natural Supports

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

## 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 program exit begins when the client has achieved initial employment stabilization (employment outcome) and the client begins extended services. A client is considered stabilized in employment if:

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

Progress toward initial employment stabilization should be assessed on at least a monthly basis. Evidence of progress could include any of the following, and is not limited to:

* an increase of hours,
* increase of responsibilities,
* mastery of job skills, or added tasks,
* monthly Community Rehabilitation Providers’ (CRP) progress reports and monthly check-ins with the client.

A rationale that initial employment stability has been achieved should be articulated in a case note.

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

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

## Statewide Supported Employment Program Requirements

The Idaho Division of Vocational Rehabilitation (IDVR) manages the supported employment grant for the state. Health and Welfare manages the Extended Employment Support (EES) Work Services program for the state. Under a memorandum of understanding, ICBVI SE cases are required to be co-enrolled with IDVR.

If IDVR is unable to implement the IPE (either due to OOS or the individual is a potentially eligible student with a Pre-ETS case), the counselor needs to document this in the case record prior to the implementation of the IPE.

# Services for Individuals Employed or Seeking Employment at Subminimum Wage

Authority: 34 CFR 397.1

The Rehabilitation Act, as amended emphasizes that individuals with disabilities, including those with the most significant disabilities, can achieve competitive integrated employment if provided necessary supports and services. The limitations imposed by Section 511 of the Act reinforce this belief by requiring individuals with disabilities, including youth, to satisfy certain service-related requirements in order to start or maintain, as applicable, employment for less than minimum wage.

## Requirements

Current employees can choose to continue to work for less than minimum wage, provided they engage in a recurring Career Counseling/Information and Referral (CC/I&R). This service addresses federal requirements allowing the employer to continue to employ individuals at less than minimum wage. Those adults employed on or after July 22, 2016 must receive CC/I&R twice per year for their first year of subminimum wage employment, and once per year thereafter. Prospective adult employees may begin subminimum wage employment prior to receiving CC/I&R services, however they must receive CC/I&R within their first six-months of employment.

## Additional Requirements for Youth

Youth, under the age of 25 have additional requirements, including participation in the VR process prior to beginning work for less than minimum wage. Prior to youth entering subminimum wage employment, Career Counseling must be provided during the course of VR Counseling and Guidance. In addition, the Information and Referral packet must be provided.

## Documentation

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

## Statewide coordination of CC/I&R Services

Under the Memorandum of Understanding, IDVR coordinates and provides the required CC/I&R for the state.

Once individuals, working in subminimum wage employment, have completed the necessary requirements with IDVR, ICBVI will retain copies of the verification documentation necessary for them to work for subminimum wage. ICBVI will maintain documentation of 511 related services for a period of three years from date of completion of the service (2 CFR 200.333).

# Transition Services

Authority: 34 CFR 361.48 | 34 CFR 361.49(a)(7) | 34 CFR 361.5 | 20 U.S.C. 1400

## Preamble

The Rehabilitation Act of 1973, as amended by the Workforce Innovation and Opportunity Act (WIOA) emphasizes the importance of the provision of 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**

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

* **Age Requirements:** Age Requirements: The minimum age of a student with a disability

who can receive Pre-Employment Transition Services (Pre-ETS) is 14, and the maximum age is not older than 21; and

* **Educational Programs:** Includes secondary education (including home schooling); non-traditional or alternative education (e.g., general education equivalency (GED) preparation programs); and postsecondary education and vocational education. Other recognized educational programs include those offered through the juvenile justice system; and
* **Disability:** The student must be eligible for special education or related services under IDEA. Students must be receiving these services except for students with disabilities for purposes of Section 504 of the Act who are not required to be receiving services under Section 504 to receive Pre-ETS.

**Youth with Disability**

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

**Potentially Eligible**

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

**Transition Services**

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

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

Pre-employment transition services may be provided either to students eligible for VR services or to potentially eligible students who may have not yet applied for services. These services are described in the VR services chapter to this manual.

These services are an early start at job exploration that:

* 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; and
* 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; and
* Assist students with identifying career interests to be further explored through additional VR services, including transition services; and
* Must be provided or arranged in collaboration with Local Education Agency (LEAs).

## 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.

# Closure

Authority: 34 CFR 361.43, 361.44 & 361.56

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

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

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

## Closure with an Employment Outcome

The record of services of an individual who has achieved a competitive integrated employment outcome may be closed only if all of the following requirements are met, and documented in the case record:

* ***Client has achieved the requirements of competitive integrated employment;*** and
* ***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; and
* ***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; and
* ***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.

## Closure without an Employment Outcome

An individual’s case may be closed when the individual:

* Is not eligible or no longer eligible (ineligible) for VR services;
* Is unavailable to participate in the VR program;
* Declines to participate in the VR program.

# Order of Selection

Authority: 34 CFR 361.36 | IDAPA 15.02.02.356

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:

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

Under an Order of Selection, ICBVI must:

* Continue to accept new applications and make determinations of eligibility. This includes the provision of diagnostic services necessary for the determination process and the individual’s priority under the Order of Selection for VR services.
* 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.
* Implement the Order of Selection on a statewide basis.
* Notify all eligible individuals of the priority categories and their assignment to a particular category.
* Notify eligible individuals of their right to appeal their category assignment.
* Provide adequate referral assistance to individuals with disabilities who are:
* Not eligible for services; or
* 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 categorized 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 clients will be notified.

After assignment to a priority category an 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:

* Their eligibility determination.
* The priority categories of ICBVI’s Order of Selection.
* Their assignment to a particular category.
* Their placement on a waitlist (if applicable).
* Their right to appeal the assignment.
* Their requirement to respond to agency contact within 30 days to avoid case closure and removal from the waitlist.
* 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 with do the following:

* Contact the client to determine if services are still needed and schedule an appointment, if appropriate.
* 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.
* Make reasonable efforts to locate updated phone numbers and/or addresses.
* 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.

VR staff must:

* Provide clients with vocational guidance and counseling.
* 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.
* Maintain accurate documentation of referrals in the case notes, and comply with all State or Federal documentation requirements for referrals

## Special Exemption to OOS

Authority: 34 CFR 361.36(a)(3)(v)

Employed individuals, who are eligible for VR services and require immediate equipment or services to maintain employment, are exempt from the Order of Selection policy..

Counselors must evaluate the individual’s employment situation and comparable benefits, in accordance with special exemption protocols.

***All individuals receiving services under this special exemption must be approved by the Rehabilitation Services Chief.***

# Revision History

November 2018 – Significant changes throughout to be reflective of the language of WIOA and corresponding federal guidance. Changes incorporated from approved changes in IDAPA 15.02.02 (March 28, 2018). Minor, non-substantive, policy updates throughout. ICBVI Board approval October 22, 2018.

July 2020 – Significant changes throughout. Added legal reference to relevant sections. Removed outdated or irrelevant elements. Removed procedural elements out of manual. Several changes to payment policy. Removed temporary employment as an employment outcome. Added substance to some policy sections. Some restructuring of sections. Updated elements in preparation for changes to RSA 911 (effective July 1, 2020). Changes made to eligibility and priority categories under the Red Tape Reduction Act. Removed Supporting Documentation to RSA 911 Case Service Reporting manual. Added policies addressing informed choice, conflict of interest, and group services.

December 2020 – Added definitions in TWE. Increased CRP rate in payment policy. Added statewide coordination of CC/I&R activities.

March 2021 – Changed timeframe for client appeal from 21 days to 15 days to be consistent with state rule.

May 2022 – Revised appeals process section. Removed FNA requirement. Changed PES policy to reflect RSA FAQ on Post Employment Services issued March 2022. Minor changes to payment policy. Updated Trial Work. Added policy on Ticket to Work assignment. Minor changes to Pre-ETS. Other non-substantive changes throughout.

March 2023 – Removed items that need to be in the desk manuals of staff. Removed obsolete policies. Updated self-employment. Removed redundant policies that were in other legally binding documents.

Feb 2025 – Added FPA policy

June 2025

* Added legal citations
* Added definitions
* Policy for approving eligibility extensions
* Added qualified personnel (medical diagnosis)
* Social Security information retention policy
* Policy for approving IPE extensions
* Changed Financial Participation Assessment (FPA) to Financial Needs Assessment (FNA)
* Added financial requirements for self-employment plans