

Department for the Blind and Vision Impaired

Vocational Rehabilitation Guidance Document

TABLE OF CONTENTS

CHAPTER 1	Referral and Application
CHAPTER 1.1	Voter Registration
CHAPTER 1.2	Policy Exceptions
CHAPTER 1.3	Reciprocal Services – DBVI and DARS
CHAPTER 2	Disability Criteria and Order of Selection
CHAPTER 3	Informed Choice and Individual Confidentiality
CHAPTER 4	Eligibility
CHAPTER 5	Individualized Plan for Employment (IPE) Development
CHAPTER 6	Individ. Plan for Employment (IPE) Services & Implementation
CHAPTER 7	Agency Programs and Services
CHAPTER 7.1	Virginia Enterprises for the Blind (VEB)
CHAPTER 7.2	Deafblind Services
CHAPTER 7.3	Low Vision Services
CHAPTER 7.4	Orientation and Mobility (O & M)
CHAPTER 7.5	Rehabilitation Technology Services
CHAPTER 7.6	Self-Employment Enterprise (SEE)
CHAPTER 7.7	Transition Services
CHAPTER 7.8	Virginia Industries for the Blind (VIB)
CHAPTER 7.9	Virginia Rehabilitation Center for the Blind and Vision Impaired
CHAPTER 7.10	VR and Rehabilitation Teaching Coordinated Programs
CHAPTER 7.11	Vocational Rehabilitation’s Relationship with Residential Schools
CHAPTER 7.12	Business Relations Services/Schedule A Hiring
CHAPTER 8	College and Other Post-Secondary Training
CHAPTER 9.	Supported Employment and Customized Employment
CHAPTER 10	Training Programs/Non-Academic Training

CHAPTER 10.1	<u>On-The-Job Training</u>
CHAPTER 10.2	<u>Paid and Unpaid Work Experiences</u>
CHAPTER 10.3	<u>Tutorial Training (Non-Technology)</u>
CHAPTER 10.4	<u>Tutorial Training (Technology Tutors)</u>
CHAPTER 10.5	<u>Wilson Workforce & Rehabilitation Center</u>
CHAPTER 10.6	<u>Work Adjustment Training</u>
CHAPTER 11	<u>Other Goods and Services</u>
CHAPTER 11.1	<u>Adaptive Equipment and Assistive Technology</u>
CHAPTER 11.2	<u>Services to Family Members and Dependents</u>
CHAPTER 11.3	<u>Interpreter Services</u>
CHAPTER 11.4	<u>Maintenance</u>
CHAPTER 11.5	<u>Occupational Licenses, Tools and Equipment</u>
CHAPTER 11.6	<u>Personal Assistance Services (PAS)</u>
CHAPTER 11.7	<u>Physical and Mental Restoration Services</u>
CHAPTER 11.8	<u>Post-Employment Services</u>
CHAPTER 11.9	<u>Transportation</u>
CHAPTER 11.10	<u>Reader Services, Rehab. Teaching and O & M</u>
CHAPTER 12	<u>Transition Services/Pre-Employment Transition Services (Pre-ETS)</u>
CHAPTER 13	<u>Job Ready and Employment</u>
CHAPTER 14	<u>Closure</u>
CHAPTER 15	<u>Annual Reviews & Sub-Minimum Wage</u>
CHAPTER 16	<u>Appeals</u>
CHAPTER 17	<u>Financial Measures</u>

Chapter 1

VR Referral and Application

Referral

DBVI must establish and implement standards for the prompt and equitable handling of referrals of individuals for vocational rehabilitation services, including referrals of individuals made through the One-Stop Service Delivery System. The standards must include timelines for making good faith efforts to inform these individuals of application requirement and to gather information necessary to initiate an assessment for determining eligibility and priority for services (Per [CFR 34.361.41\(a\)](#)).

DBVI accepts referrals for vocational rehabilitation services for blind, deafblind, and vision impaired adults and transition aged students who are interested in obtaining, regaining, or maintaining employment.

DBVI accepts referrals from the individual, family members, friends, physicians, advocates, service providers and others interested stakeholders. The Intake Coordinator in each of the six regional offices is responsible for contacting individuals who have been referred to provide information regarding DBVI services and for referring the individual to the appropriate agency programs for special services and to other community agencies for supplemental services as needed.

For those individuals who are receiving benefits through Social Security, either Social Security Disability benefits (SSDI) or Supplemental Security Income (SSI) on the basis of a disability or blindness, the VR counselor must provide to the individual general information on additional supports and assistance for individuals with disabilities desiring to enter the workforce, including assistance with benefits planning

1. There is no age limit or residential requirement, durational or otherwise which, in and of itself, would result in DBVI determining an individual ineligible for services when the individual otherwise meets basic eligibility requirements. However, as a practice, DBVI generally does not provide vocational rehabilitation services to individuals under the age of 14.
2. Individuals must:
 - a. Be legally in the United States with the ability to provide documented evidence of legal status from the United States of Citizenship and Immigration Services (USCIS) or other Federal agency of the U.S. government;
 - b. Meet the VR eligibility requirements;

- c. Be available in Virginia to participate in and complete the individualized plan for employment (IPE); and
- d. Intend to work (and legally able to work) in the U.S.

The Workforce Innovation and Opportunity Act (WIOA) encourages a referral process for students with disabilities to be simple and engaging, with the goal of not creating needlessly complex and prolonged procedures for applying for VR services. Application for VR services can be made by the individual or by their authorized representative. An individual may initiate the application process by requesting individualized pre-employment transition services and other VR services.

Referrals for students aged 14 and older may come from any source (both internally and externally) including but not limited to DBVI Education Coordinators, TVI's (Teachers of the Vision Impaired), Virginia Industries for the Blind (VIB), parents, students, local education authorities (LEA), community services boards (CSB), state agencies, and other community entities.

Chapter 1.1

Voter Registration

National Voter Registration Act (1993)

The purpose of the National Voter Registration Act (52 U.S.C. §20501 et seq.) is to increase the number of citizens registered to vote and to establish safeguards that ensure a citizens' right to vote. The Act is designed to increase the number of Americans registered to vote by requiring many public agencies to provide registration opportunities to their clients in conjunction with other services.

In addition to the Department of Motor Vehicles, the National Voter Registration Act of 1993 requires that individuals be given the opportunity to register to vote or to change their voter registration data when applying for (or receiving) services or assistance from certain other state agencies designated by statute.

DBVI is identified as a state-designated voter registration agency for federal and state elections (per Code of Virginia 24.2-411.2). As such, the VR Counselor will ensure that the Commonwealth of Virginia Voter Registration information is provided to the applicant:

1. At the point of their initial application for services (applying).
2. Whenever an individual reapplies for services (renewal/recertification for services).
3. Anytime an individual submits a change in their address.

Eligibility to Register to Vote

To be eligible to vote in Virginia, a person:

1. Must be a citizen of the United States
2. Must be a resident of the Commonwealth of Virginia (A person who has come to Virginia for temporary purposes and intends to return to another state is not considered a resident for voting purposes).
3. Must be at least 18 years old by the date of the next general election.
4. Must not be registered and plan to vote in another state.
5. Must not currently be declared incompetent by a court of law.
6. Be convicted of a felony, the right to vote must have been restored.

For more information regarding voter registration, please visit the Virginia Department of Elections website.

Chapter 1.2

Policy Exceptions

The VR counselor can request exceptions to policy when justified to meet the vocational rehabilitation needs of an individual. The counselor must follow the procedure outlined below to request an exception.

1. Policy exceptions must be approved in writing by both the Regional Manager and the Director of Vocational Rehabilitation and Workforce Services.
2. The VR counselor must provide the request for a policy exception in writing. Requests can be communicated via email.
3. The request must first be approved by the counselor's Regional Manager, who will communicate a decision to the VR counselor within 5 working days. If the Regional Manager approves, they shall forward the request along with their approval to the Director of Vocational Rehabilitation and Workforce Services. The Director of Vocational Rehabilitation and Workforce Services must respond with a decision on the request within 5 working days (the Deputy Commissioner for Services may act on the request in the Director of Vocational Rehabilitation and Workforce Services absence).
4. The request should include the following:
 - a. A brief statement providing background to the individual's case
 - b. Provide the specific policy the counselor is requesting an exception for
 - c. Justification/rationale for the exception request
 - d. Any additional information the Regional Manager or Director of Vocational Rehabilitation and Workforce Services may need to decide on the exception request
5. If the Regional Manager (or the Director of Vocational Rehabilitation and Workforce Services) denies the policy exception request, they must document their rationale for doing so. The VR counselor shall communicate the denial to the individual being served and inform them of their appeal rights.
6. If the policy exception is approved by both the Regional Manager and the Director of Vocational Rehabilitation and Workforce Services, that approval must be provided in writing to the VR counselor (email is acceptable).

Chapter 1.3

Reciprocal Services between Virginia Vocational Rehabilitation Agencies

Per 34 CFR 361.24(e), if there is a separate designated State unit for individuals who are blind, the two designated State units (general and blind) must establish reciprocal referral services, use each other's services and facilities to the extent feasible, jointly plan activities to improve services in the State for individuals with multiple impairments, including visual impairments, and otherwise cooperate to provide more effective services, including, if appropriate, entering into a written cooperative agreement.

The Department for the Blind and Vision Impaired (DBVI) and the Department for Aging and Rehabilitative Services (DARS) entered into a Cooperative Agreement effective July 1, 2014, providing for reciprocal (joint) services, including transition and pre-employment transition services (Pre-ETS) to students and youth. Referral to each agency may occur at any point. Criteria for jointly served cases are as follows:

1. The individual meets the eligibility criteria for each agency;
2. Each agency has the necessary expertise to address the disability related barriers to employment that the other agency does not have;
3. Each agency provides a service that the other agency does not normally provide to the individuals it serves; and
4. Each agency's service is a substantial contribution to removing limitations to employment

Written consent by the individuals being referred or served is required for each agency to exchange, release and obtain information from the other agency. Active communication, shared planning, and coordinated service delivery are critical.

Chapter 2

Disability Criteria and Order of Selection

In order to determine whether an individual is eligible for vocational rehabilitation services and the individual's priority under an order of selection for services (if DBVI is operating under an order of selection), DBVI must conduct an assessment for determining eligibility and priority for services. The assessment must be conducted in the most integrated setting possible, consistent with the individual's needs and informed choice, and in accordance with the following provisions.

Further, federal regulations ([34 CFR 361.5 \(30\)](#)) contain certain requirements within their codes such that the vocational rehabilitation agency must be able to define how individuals with significant disabilities and most significant disabilities are differentiated from all other eligible individuals.

Per [34 CFR 361.5\(30\)](#), an individual with a significant disability is defined as;

1. The individual has a severe physical or mental impairment that seriously limits one or more functional capacities;
2. The individual requires multiple VR services over an extended period of time;
3. The individual has one or more physical or mental disabilities

Physical or mental impairment means

1. Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological, musculo-skeletal, special sense organs, respiratory (including speech organs), cardiovascular, reproductive, digestive, genitourinary, hemic and lymphatic, skin, and endocrine; or
2. Any mental or psychological disorder such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.

Seriously Limits means the individual's disability (or disabilities) has a significant functional impact on their life activities.

Functional Capacities refers to specific life activities such as mobility, communication, self-care, interpersonal skills, self-direction, work tolerance or work skills.

Multiple vocational rehabilitation services mean two or more ongoing VR services, such as guidance and counseling, placement assistance, and other services which address the serious limitations.

Extended period of time means a period of six (6) months or longer from the date of the Individual Plan for Employment (IPE) and could include extended support services provided through another entity than DBVI.

A. Significance of Disability

The definition of an individual with a Significant Disability (SD) is:

1. The severe vision impairment and/or any secondary disabilities, "seriously limits" one life activity (such as mobility, communication, self-care, interpersonal skills, self-direction, work tolerance or work skills) in terms of achieving an employment outcome.
2. The individual's vocational rehabilitation must also require multiple core VR services over an extended period of time (minimum of six months).

Guidance: "Core VR services" means significant or substantial services, which could include guidance and counseling, job placement, supported employment, Assistive Technology, etc. as opposed to complementary services, such as maintenance, bus tickets, etc.

The definition of an individual with a Most Significant Disability (MSD) is:

1. The individual meets the definition of an individual with a significant disability and;
2. The severe vision impairment and/or any secondary disabilities, "seriously limits" two or more life activities (such as mobility, communication, self-care, interpersonal skills, self-direction, work tolerance or work skills) in terms of achieving an employment outcome and;
3. The individual's vocational rehabilitation must also be expected to require multiple core-VR services over an extended period of time (6 months or longer).

B. Definitions of Life Activities (Functional Capacities)

Mobility refers to the capability of moving efficiently from place to place.

Communication refers to accurate and efficient transmission and/or reception of information, either verbally (spoken or written) or non-verbally

Self-care refers to the skills necessary to fulfill basic needs such as those related to health, safety, food preparation and nutrition, hygiene and grooming, and money management

Self-direction describes the capacity to organize, structure and manage activities in a manner that best serves the objectives of the individual

Interpersonal skills refer to the ability of the individual to interact in a socially acceptable and mature manner with co-workers, supervisors, and others to facilitate the normal flow of work activities.

Work tolerance refers to the ability to carry out required physical and cognitive work tasks in an efficient and effective manner over a sustained period of time.

Work skills refers to the specific job skills required to carry out work functions as well as the capacity for an individual to benefit from training in these work functions.

C. DBVI Serious Functional Limitations Definitions

The following table lists specific Life Activities and examples of Serious Limitations. The limitation must be as a specific result of the individual’s disability (or disabilities) and the functional limitations imposed by the disability on each of the life activities below would be determined to be significant enough such that it met the definition of a serious limitation.

<u>Life Activity</u>	<u>Definition and Examples of Serious Limitations</u>
Mobility	<p>The capability of moving efficiently from place to place.</p> <p>A serious limitation exists when one or more of the examples below apply:</p> <ul style="list-style-type: none"> • The individual needs help to get to and from work, such as <ul style="list-style-type: none"> ○ special training to learn to get to and from work, or ○ a vehicle modification, or ○ is unable to travel to and from work (including accessing public transportation) without assistance • The individual needs modifications, adaptive technology, or accommodations not typically made for other workers in order to move around the workplace, such as <ul style="list-style-type: none"> ○ modifications to a workstation or work environment (ramps or elevators); ○ a scooter, wheelchair, cane, or other mobility aid; or ○ a service animal. • Other similar mobility deficits
Self-care	<p>The skills necessary to fulfill basic needs such as those related to health, safety, food preparation and nutrition, hygiene and grooming, and money management</p>

A serious limitation exists when one or more of the examples below apply:

- The individual cannot handle money or budgeting without assistance
- The individual cannot live independently without supports
- The individual lacks adaptive equipment techniques for monitoring diabetes.
- The individual needs help to manage self-care activities such as eating, dressing, grooming, or taking medication.
- The individual uses assistive or adaptive devices for self-care, such as a cane, braces, upper limb orthotics, or grab bars.
- Other similar self-care deficits

A serious limitation in the area of self-care may occur because of blindness or physical, cognitive, or emotional impairments and may apply to all tasks of self-care or only to specific tasks.

Self-direction The capacity to organize, structure and manage activities in a manner that best serves the objectives of the individual

A serious limitation exists when one or more of the examples below apply:

- The individual is unable to provide informed consent for life issues without the assistance of a court-appointed legal representative or guardian or has been declared legally incompetent.
- The individual is unable to understand rights or responsibilities in judicial or other proceedings even with utilization of an interpreter
- The individual becomes confused or disoriented in performing routine job tasks and needs the help of a job coach or other supports.
- The individual needs ongoing help or intervention (such as a job coach or constant monitoring and redirection on the job) to begin activities related to task completion, socialization, or behavior management.
- The individual consistently demonstrates poor planning and/or decision making leading to negative consequences, loss of job, etc.

- The individual requires supervision or assistance with managing money, time or maintaining a schedule.
- Other similar self-direction deficits

Work Skills

The specific job skills required to carry out work functions as well as the capacity for an individual to benefit from training in these work functions.

A serious limitation exists when one or more of the examples below apply:

- The individual has difficulty in performing critical job tasks.
- The individual lacks work skills not typical for someone of his or her age due to minimal work history as a result of their disability.
- The individual has a history of poor attendance, lack of follow through, or unacceptable work behaviors due to physical or mental health problems.
- The individual needs modifications, adaptive technology, or accommodations (such as a note taker, interpreter, or personal assistant to get to and from training or to plan, problem solve, or organize work functions) not typically needed by workers without a disability to acquire necessary work skills or training or to get or keep gainful employment.
- The individual needs specialized supports not typically needed by workers without disabilities to get or keep a job and/or to acquire necessary basic work skills (for example, a job coach or natural supports, job duty modification, or job restructuring).
- The individual exhibits poor work habits resulting in a history of job loss (problems with attendance, timeliness, following instructions, etc.)
- Other similar work skills deficits

NOTE: The lack of work skills alone does not meet the criteria for seriously limited capacity in work skills.

Work Tolerance The ability to carry out required physical and cognitive work tasks in an efficient and effective manner over a sustained period of time.

A serious limitation exists when one or more of the examples below apply:

- The individual requires frequent or extended periods of time from work due to necessary treatments or medical problems.
- The individual does not have the capacity or endurance to perform duties without modifications, adaptive technology and/or accommodations not typically made for others. For example, cannot sustain 8-hour workday, needs extra rest periods, needs adjustments in starting and ending times, needs shorter workday or week, etc.
- The individual is unable to perform tasks at a competitive work pace due to stamina problems.
- The individual cannot tolerate sitting/standing/bending/reaching to do a job which others without a disability could tolerate
- The individual lacks the capacity to effectively and efficiently perform job duties that require various levels of psychological demand (he or she may work poorly under stressful conditions or deadlines) and requires prescribed medication or specialized supports to sustain required levels of work function.
- Other similar work tolerance deficits

Interpersonal Skills

The ability of the individual to interact in a socially acceptable and mature manner with co-workers, supervisors, and others to facilitate the normal flow of work activities.

A serious limitation exists when one or more of the examples below apply:

- The individual has not acquired cultural age-appropriate interpersonal skills.
- The individual requires frequent intervention from teacher or supervisor in order manage behaviors
- The individual requires specialized services, modifications, or supports to establish appropriate relationships with co-workers, employers, and others in the workplace (for example, he or she has a history of job loss because of conflicts with employers or co-workers).

- The individual is unable to respond appropriately to supervision or to respond appropriately to co-workers or the public.
- The individual requires specialized services or supports to reduce inappropriate behaviors that interfere with getting or keeping a job (for example, he or she has difficulty relating to co-workers, talks excessively, or behaves inappropriately in the job or training setting).
- The individual demonstrates significant social withdrawal which has resulted in an inability to prepare for or succeed in work
- The individual has a deformity, disfigurement or disability related behavior causing others to avoid relationships or interactions
- Other similar interpersonal skill deficits

Communication The accurate and efficient transmission and/or reception of information, either verbally (spoken or written) or non-verbally

A serious limitation exists when one or more of the examples below apply:

- The individual requires modifications, adaptive technology, or accommodations (not typically required for other people) to effectively and efficiently communicate orally or in writing with people without disabilities (for example, he or she needs an interpreter for training, braille, specialized interpreting services, use of a hearing aid to understand speech on the job, or use of specialized computer software)
- The individual does not demonstrate understanding of simple requests or is unable to understand one-to-two step instructions given through an interpreter
- The individual has severely impaired expressive or receptive communication skills, either oral or written.
- The individual is unintelligible to non-family members or the general public due to difficulty with expressive communication.
- Other similar communication deficits

D. Order of Selection (OOS)

An Order of Selection (OOS) will be implemented when services cannot be provided to all eligible individuals with disabilities who have applied for services. Individuals with the most significant disabilities will be given priority for services.

Federal law and regulations stipulate that if a state Vocational Rehabilitation (VR) program does not have the resources to serve all eligible VR individuals, it must serve first those who have "the most significant disabilities." The VR agency is required to identify in order, by category, those individuals that will be served if resources are not available to serve all eligible individuals. In accordance with federal law and regulations, DBVI through the Director of Vocational Rehabilitation and Workforce Services, consults with the State Rehabilitation Council regarding: (i) the need to establish an order of selection; (ii) establishment of categories in the order of selection; (iii) establishment of criteria for each category; and (iv) administration of the order of selection. DBVI also conducts a public hearing prior to implementation of the order of selection. While DBVI may be operating under an Order of Selection, priority for services shall also apply to recipients and beneficiaries receiving Social Security benefits due to blindness or visual impairment who are presumed eligible for DBVI VR services.

1. Determination of priority for services under an order of selection.

When DBVI is operating under an order of selection for services they must base their priority categories on [\(per 34 CFR 361.36\)](#):

- a. A review of the information that was collected by the VR counselor through the determination of eligibility process; and
- b. An assessment of any additional information collected by the VR counselor (such as through Trial Work Experiences), to the extent necessary.
(per [CFR 361.42\(f\)\(2\)](#))

2. Department for the Blind and Vision Impaired Order of Selection Categories

Category I: Individuals with a Most Significant Disability (MSD)

1. The individual meets the definition of an individual with a significant disability and;
2. The severe vision impairment and/or any secondary disabilities, seriously limits two or more life activities (such as mobility, communication, self-care, interpersonal skills, self-direction, work tolerance or work skills) in terms of achieving an employment outcome and;
3. The individual's vocational rehabilitation must also be expected to require multiple core VR services over an extended period of time (6 months or longer).

Category II: Individuals with a Significant Disability (SD):

1. The severe vision impairment and/or any secondary disabilities, "seriously limits" one life activity (such as mobility, communication, self-care, interpersonal skills, self-direction, work tolerance or work skills) in terms of achieving an employment outcome.
2. The individual's vocational rehabilitation must also require multiple core VR services over an extended period of time (minimum of six months)."

Category III: All Other Eligible Individuals

Chapter 3

Informed Choice and Individual Confidentiality

DBVI provides identification of and guidance pertaining to an individual's rights identified through [34 CFR Part 361](#) (State Vocational Rehabilitation Services), the American's with Disabilities Act, the Civil Rights Act of 1964, and the Regulatory Code of Virginia. DBVI in no way intends for this chapter to be interpreted as an exhaustive or comprehensive listing or citing of an individual's rights, rather that the guidance identify rights specific to vocational rehabilitation services provided to applicants and eligible individuals receiving services.

In accordance with federal regulations pertaining to the provision of vocational rehabilitation services, DBVI has adopted policies and procedures to safeguard the confidentiality of all personal information of individuals who apply for or are receiving vocational rehabilitation services through DBVI. DBVI assures that applicants and eligible individuals, their representatives, services providers, cooperating agencies, and interested persons are informed through appropriate forms of communication of the confidentiality of personal information and the conditions for accessing and releasing this information ([34 FR 361.38](#)).

Informed Choice

DBVI's state plan and vocational rehabilitation policies and procedures assure that individuals who apply for or are receiving vocational rehabilitation services and as appropriate, their representatives, are provided information and support services to assist the individual in exercising informed choice throughout the rehabilitation process consistent with section 102(d) of the Workforce Innovation and Opportunity Act (WIOA). Though the term "informed choice" is not specifically defined in the federal regulations pertaining to the provision of vocational rehabilitation, the significant scope of choice provisions in WIOA and the subsequent regulations serve to identify that all stages of the vocational rehabilitation process require DBVI to inform individuals about the availability of and opportunities to exercise informed choices.

In essence, informed choice means informing each applicant and recipient of services (including students with disabilities who are making the transition from education programs to programs administered by DBVI, as well as youth with disabilities) and as appropriate, their representative, through appropriate modes of communication, about the availability of and opportunities to exercise informed choice, including the availability of support services for individuals with cognitive other disabilities who require assistance in exercising informed choice throughout the vocational rehabilitation process.

This decision-making process considers in the individual's values, characteristics, the availability of resources and alternatives, and general economic conditions. The vocational rehabilitation counselor provides guidance and counseling to assist the individual to make relevant choices pertaining to establishing a vocational goal, vocational rehabilitation services that include evaluation and assessment services, and service providers.

Personal Information

1. Protection, use, and release of personal information

Personal information is defined by the Government Data collection and Dissemination Act as all information that describes, locates, or indexes anything about an individual applying for or receiving VR services, including real or personal property holdings derived from tax returns, education records, financial transactions, medical records, ancestry, criminal record, employment record, or that affords a basis for inferring personal characteristics, such as finger and voice prints, photographs, or things done by or to such individual: and the record of the individual presence, registration, or membership in an organization or activity, or admission to an institution. Formats for personal information may include, but are not limited to, written records, photographs, audiotapes, videotapes, electronic data, or other media reproductions.

DBVI Vocational Rehabilitation Counselors, Regional Managers, Intake Workers, and agency administrators shall inform all Vocational Rehabilitation program applicants, through the individual's native language or other appropriate mode of communication to ensure the applicant understands (per [§ 2.2-3806 of the Code of Virginia](#) and [Federal Regulation 34 CFR § 361.38](#)) of the following:

- a. DBVI's need to collect confidential information is only for the purposes of providing vocational rehabilitation services. This need could include but is not limited to collecting personal information necessary for case management, determining eligibility for VR services, developing, and implementing an Individual Plan for Employment, referral and coordination of services with community partners, etc.
- b. How an individual's personal information will be used;
- c. That individuals applying for or receiving vocational rehabilitation services are not legally required to provide their social security number to DBVI (per [§ 2.2-3808 of the Code of Virginia](#)) and that the impact of not providing the social security number may delay presumption of eligibility if the individual is a recipient of SSI or SSDI unless the individual can provide documentation of receipt of those benefits;
- d. The consequences of not providing information that DBVI requires in order to provide vocational rehabilitation services (for example, an unwillingness

- to provide financial information in order for DBVI to apply a financial means test could mean the individual would not be eligible to receive some services);
- e. Other agencies (if any) to which DBVI routinely releases individual information;
 - f. The individual's right to ask what information has been shared with whom and why;
 - g. That the individual's signed consent is required in order for DBVI to obtain or release information in which the individual's identity is or may be readily ascertained except when disclosure without consent is allowed or mandatory under federal or state law or regulations;
 - h. The purpose and key provisions and protections of the DBVI confidentiality release form (per [34 CFR § 361.38](#)). This includes disclosure parameters (e.g., types of information to be disclosed, expiration date of release form, parties to be listed on the release), the right to view the information released unless access is prohibited, and the individual's right to revoke and amend the release form.
 - The Vocational Rehabilitation Counselor shall explain the consequences of not signing the release;
 - If the Vocational Rehabilitation Counselor determines that the individual does not understand the form or process, the individual's representative must sign the form;
 - The Vocational Rehabilitation Counselor cannot, under any circumstance, sign the release form or serve as the individual's legally authorized representative.
 - i. The Vocational Rehabilitation Counselor will explain the individual's right to confidentiality by giving the individual materials in the individual's preferred format during the initial meeting, during vocational rehabilitation counseling and guidance sessions, or in other instances where the individual's release of information is required to enable the individual to comprehend and respond to information.

Collection and use of personal information

DBVI has authority under federal and state law to collect, maintain, use and disseminate only that personal information permitted or required by law, or necessary to accomplish a proper purpose of the agency (per [§ 2.2-3808 of the Code of Virginia](#); Workforce Innovation and Opportunity Act (2014); [34 CFR § 361.38](#)).

- a. Personal information shall be used only for the purposes directly connected with the administration of the DBVI Vocational Rehabilitation Program. The Intake Worker and the Vocational Rehabilitation Counselor primarily collects, maintains, uses, and disseminates personal information throughout the vocational rehabilitation process including referral for vocational rehabilitation services, application, eligibility determination, Individualized Employment Plan (IPE) development, and service provision which includes evaluation of progress toward

achieving the vocational goal identified in the IPE and assisting the individual in receiving goods and/or services through vendors or other agencies.

- b. DBVI medical consultants shall have access to confidential information in vocational rehabilitation files and have authority to copy this information when necessary, within the context of specific, assigned job duties or when necessary for case management and service delivery purposes.
- c. If the individual applying for or receiving DBVI VR services chooses not to provide personal information vocational rehabilitation services provided by DBVI may be limited.

Consent to release information

Personal information in which the identity of the individual being served is or may be readily ascertained shall not be disclosed to, exchanged with, or requested from another person or entity unless the individual (or representative, as appropriate) gives informed written consent or unless federal or state law or regulations permit or require release without consent (per [§ 2.2-3803 of the Code of Virginia](#) and [34 CFR § 361.38](#)).

The VR counselor must use the appropriate consent to release information form in order to obtain necessary documents for eligibility determination and the provision of VR services and to allow for necessary and ongoing communication related to the VR services the individual is receiving. However, the counselor must ensure there's a specific need for the information or communication that the release provides for, and that the individual has been given clear information and informed choice regarding the need for them to consent to the release. At any point where the VR counselor determines that the information or communication is no longer required, the consent to release must be terminated through informed choice with the individual. As such, the VR counselor will determine at the required one-year review of each consent to release information if there is a continuing need for the consent and if not will not request the individual to sign a new consent.

DBVI uses three primary consents to release information forms (below). Other consents designed for more specific information may be found in the DBVI Document Repository.

1. Authorization for Disclosure of Protected Health Information
2. Authorization for Release of Personal Information
3. Authorization to Release Drug and Alcohol Diagnosis and Treatment Records

Civil Rights

Individuals applying for or receiving vocational rehabilitations services have certain civil rights guaranteed by law. Among these rights are the rights to receive services on a nondiscriminatory basis without regard to race, color, creed, sex, national origin, age, political affiliation, or disabling condition; confidentiality of personal information, access (with certain exceptions) to case folders; and access to the Client Assistance Program

administered in Virginia by the disAbility Law Center of Virginia. The legal basis for these civil rights is the Americans with Disabilities Act of 1992, the Workforce Innovation and Opportunity Act of 2014, the Civil Rights Act of 1962; and their implementing regulations.

- a. All vendors of services for individuals who are applying for or receiving vocational rehabilitation services from DBVI must be in compliance with the Civil Rights Act. These include physicians, training institutions, hospitals, vocational schools, and those providing room and board or housing for individuals being served by DBVI.
- b. DBVI staff providing vocational rehabilitation services to individuals who are applying for or receiving services must be familiar with dealing with civil rights compliance requirements.

Case File

Establishment of a Case File: A confidential case record (to include all participant information within AWARE as well as a paper file) shall be established at time of application. The individual's case file shall contain the following documentation, to the extent pertinent (per [34 CFR 361.47](#) - Record of services)

- a. Documentation supporting the eligibility determination, or ineligibility determination, or closing the case for another reason;
- b. Documentation supporting a determination of significant disability (SD) or most significant disability (MSD),
- c. Documentation supporting the need for Trial Work Experience to determine eligibility, and the TWE plan, and results of the periodic review,
- d. IPE and any amendments
- e. Documentation describing extent to which the individual exercised informed choice in selecting eligibility assessment services; and selecting the IPE employment goal, VR services and providers and methods to procure the services, employment, and service settings; and for services not provided within a competitive, integrated setting, justification to support the need of a non-integrated setting.
- f. For a competitive, integrated employment outcome, verification that the individual is compensated at or above the minimum wage and that wage and benefits are not less than that customarily paid by the employer for the same or similar work performed by non-disabled individuals
- g. For an employment outcome in an extended employment setting or sub-minimum wage, documentation of the annual reviews and either the individual's input into the reviews or individual's acknowledgement that the reviews were conducted
- h. Documentation concerning any action or decision resulting from a request for informal administrative review, formal mediation, or hearing (including administrative review of a hearing decision)

- i. Individual's request to amend or challenge the case record if the record is not amended
- j. Documentation of information and referral services provided if the case is in Delayed status under Order of Selection
- k. For Closed- Rehabilitated, status, documentation that the provisions for successful case closure are satisfied, including that the employment is consistent with the definition of competitive, integrated employment

Individual's Access to Case Record

The individual receiving VR services must be at least 18 years of age to request a copy of the case file or to review it, except:

1. When parental rights have been terminated or a court has restricted or denied parental or representative access to the individual's confidential records, or
2. When the individual is emancipated (e.g., married, court order, etc.),

Case record information available to individuals being served

3. The VR counselor will make available to the individual being served all information in the case file (progress notes, reports, AWARE screens, emails, etc.) when requested in writing by them (or their representative, as appropriate), either by making the information accessible to the individual (or their representative) or release a copy to the individual in a timely manner (per Virginia Freedom of Information Act (FOIA) in [§ 2.2-3700 of the Code of Virginia](#), and [34 CFR § 361.38](#), and [§ 63.2-1509 of the Code of Virginia](#)). Information within the case file that originated from another agency or organization shall not be disclosed to the individual or another party if the originating source has stipulated in writing that disclosure is prohibited, even when the individual consents to release ([per 34 CFR § 361.38](#), and [§ 63.2-1509 of the Code of Virginia](#), and [§ 63.2-1606 of the Code of Virginia](#), The VR counselor and/or Regional Manager will communicate to the Director of Vocational Rehabilitation and Workforce Services when a FOIA request has been made by an individual (or for the individual by their family or an authorized representative).

Challenges to case file

1. Rights of Individuals served to challenge the VR case file
Individuals being served within the VR program have the right to challenge, correct, or explain information contained in the VR case file (per Government Data Collection and Dissemination Practices Act and [§ 2.2-3806 of the Code of Virginia](#)).

Administrative Challenges to Case Record

In addition to a challenge from the individual being served, there may be a need to amend or purge documentation in the case record as a result of newly obtained information, an administrative review, case audits, or other reasons resulting in the review of the case file.

The Vocational Rehabilitation Counselor has the primary responsibility for maintaining the case record for the individuals being served on their caseload. If at any point during the life of the case it's determined that information in the case record is incomplete, inaccurate, inappropriate, not pertinent nor relevant, and/or is potentially harmful to the individual a determination will be made if the information should be amended or purged.

Security

DBVI regional office staff, VRCBVI staff, medical consultants, and DBVI Headquarters staff shall safeguard all confidential information of individuals being served within the VR program in work areas and outside the office from loss, defacement, unauthorized changes, access by unauthorized persons, or unauthorized access to restricted information (per Government Data Collection and Dissemination Practices Act and [§ 2.2-3800 of the Code of Virginia](#)). The Regional Manager shall institute office procedures, including storing information out of plain view at the end of the day, and locking the office when it is unattended to safeguard confidential information.

Transporting Case Folders

The preferred method of transporting a VR case folder from one regional office to another is by personal carrier. When the case folder is carried from one DBVI regional office to another by a staff member, the carrier is to sign out the case folder from the transferring office and a staff member of the new office is to sign it in upon arrival.

When transporting a case folder by personal carrier is not timely or practical, it is to be sent by certified mail. If a case folder is to be sent by certified mail, the transferring counselor is to photocopy all essential case documents and keep them on file until the certified mail receipt card is returned.

Electronic Signature Policy

VR staff may utilize agency approved electronic signature processes for the purpose of acquiring the individual's signature on internal documents where VR policy requires a signature from the individual. The use of the electronic signature process is intended to ensure VR services are efficiently implemented and maintained when issues of time,

travel, geographic location, or other reasons challenge the timely acquisition of a traditional “wet” signature, either in person or through the mail. For all consent to release information forms a “wet” signature is required. Agency approved electronic signature processes may be found in the VR section of the DBVI Document Repository.

Electronic signatures are deemed to be a valid signature when:

1. The individual purposely and deliberately signs the document in question. That is, they understand and agree with the information contained in the document as demonstrated by their consent to use their electronic signature as a valid signature.
2. The email address that the individual uses for the electronic signature process is their unique to them; that is, the email address is not a shared email address with others and the individual has control over access to the email address via a password, a PIN, or similar controls. The individual is responsible for updating the VR counselor should their email address change.
3. The document is retained as a record that is accessible for future access.

DBVI and the individual must both agree to utilize an electronic signature procedure for each and every document requiring the individual’s signature. That is, individuals who consent to use an electronic signature procedure for a document do not waive their right to decline to sign future documents electronically. The individual will have been deemed to have approved the document to be signed and to have provided consent to use the electronic signature process once they have completed the steps outlined in the electronic signature process. The approved date of the signed document is the date the electronic signature process was complete

Chapter 4

Eligibility

Eligibility Determination

Once an individual has submitted an application for vocational rehabilitation services, including those whose applications made through common intake procedures in One-Stop centers, an eligibility determination will be made with 60 days unless (per [34 CFR 361.41](#)):

1. There are exceptional and unforeseen circumstances beyond the control of DBVI that preclude making an eligibility determination within 60 days and DBVI and the individual agree to a specific extension; or,
2. An exploration of the individual's abilities, capabilities, and capacity to perform in work situation is carried out in accordance with [§361.42\(e\)](#).

In instances where the counselor can make an eligibility determination based upon the existing information provided by the individual and third-party providers, such a decision will be made. If there is a question as to the individual's eligibility for services, the counselor will discuss the situation with his/her supervisor and if necessary, purchase or otherwise arrange to obtain additional assessments whereby a clear decision can be made related to the eligibility/ineligibility of the individual.

Assessment for determining eligibility and vocational rehabilitation needs

An assessment for determining eligibility and vocational rehabilitation needs means:

1. A review of existing data;
 - a. to determine whether an individual is eligible for vocational rehabilitation services; and
 - b. to assign priority for an order of selection; and
 - c. to the extent necessary, the provision of appropriate assessment activities to obtain necessary additional data to make such determination and assignment;
2. To the extent additional data is necessary to make a determination of the employment outcomes, and the nature and scope of vocational rehabilitation services, to be included in the individualized plan for employment of an eligible individual, a comprehensive assessment to determine the unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed

- choice, including the need for supported employment, of the eligible individual, which this comprehensive assessment:
- a. is limited to information that is necessary to identify the rehabilitation needs of the individual and to develop the individualized plan for employment of the eligible individual;
 - b. uses, as a primary source of such information, to the maximum extent possible and appropriate and in accordance with confidentiality requirements;
 - c. existing information obtained for the purposes of determining the eligibility of the individual and assigning priority for an order of selection for the individual; and
 - d. such information as can be provided by the individual and, where appropriate, by the family of the individual;
3. May include, to the degree needed to make such a determination, an assessment of the personality, interests, interpersonal skills, intelligence and related functional capacities, educational achievements, work experience, vocational aptitudes, personal and social adjustments, and employment opportunities of the individual, and the medical, psychiatric, psychological, and other pertinent vocational, educational, cultural, social, recreational, and environmental factors, that affect the employment and rehabilitation needs of the individual; and
 4. May include, to the degree needed, an appraisal of the patterns of work behavior of the individual and services needed for the individual to acquire occupational skills, and to develop work attitudes, work habits, work tolerance, and social and behavior patterns necessary for successful job performance, including the utilization of work in real job situations to assess and develop the capacities of the individual to perform adequately in a work environment; and
 5. To the maximum extent possible, relies on information obtained from the experiences in integrated employment settings in the community, and other integrated community settings;
 - a. referral, for the provision of rehabilitation technology services to the individual, to assess and develop the capacities of the individual to perform in a work environment; and
 - b. an exploration of the individual's abilities, capabilities, and capacity to perform in work situations, which shall be assessed periodically during trial work experiences, including experiences in which the individual is provided appropriate supports and training.

Use of existing information for Eligibility Determination and for the Development of the Individual Plan for Employment (IPE)

To the maximum extent appropriate, for purposes of determining the eligibility of an individual for vocational rehabilitation services and for developing the individualized plan for employment, the VR counselor will utilize information that is existing and current (as of the date of the determination of eligibility or of the development of the individualized plan for employment. This would include information available from other programs and providers, particularly information used by education officials and the Social Security Administration, information provided by the individual and the family of the individual, and information obtained under the assessment for determining eligibility and vocational rehabilitation needs.

The assessment to determine eligibility includes examinations and evaluations which places primary emphasis upon determining the individual's potential for achieving a vocational goal.

Eligibility Criteria

In order to determine whether an individual is eligible for vocational rehabilitation services and the individual's priority under an order of selection for services, the VR counselor must conduct an assessment for determining eligibility and priority for services. The assessment must be conducted in the most integrated setting possible, consistent with the individual's needs and informed choice, and based on the following criteria:

1. It has been determined the applicant has a medically documented vision impairment,
2. It has been determined that the applicant's vision impairment constitutes or results in a substantial impediment to employment,
3. It has been determined that the applicant requires vocational rehabilitation services to prepare for, secure, retain, advance in, or regain employment consistent with the individual's unique strengths, resources, priorities, concerns, interests, abilities, capabilities, and informed choice. For purposes of an assessment for determining eligibility and vocational rehabilitation needs under this part, an individual is presumed to have a goal of an employment outcome.
4. Applicants who have a vision impairment constituting or resulting in substantial impediments to employment will be presumed able to benefit from VR services in terms of an employment outcome unless the counselor can demonstrate, based on clear and convincing evidence, that the individual is incapable of benefiting in terms of an employment outcome from vocational rehabilitation services due to the severity of their disability.

Presumption of eligibility for Social Security recipients and beneficiaries

Any individual who is receiving SSI or SSDI benefits and who has a vision impairment will be:

1. Presumed to be eligible for vocational rehabilitation services (provided that the individual intends to achieve an employment outcome consistent with the unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice of the individual) unless the VR counselor can demonstrate by clear and convincing evidence that such individual is incapable of benefiting in terms of an employment outcome due to the severity of the individual's disability (as of the date of the determination).
2. Considered an individual with a significant disability. Should the VR counselor have concerns regarding the individual's ability to benefit due to the severity of the individual's disability, they must gather clear and convincing evidence through appropriate use of Trial Work Experience prior to a determination of eligibility or ineligibility due to severity of disability. Please refer to the appropriate policy sections regarding Trial Work Experience (Application T).

Services allowed during the eligibility determination process: Assessment, Evaluation, and Diagnostic Services

Assessment, evaluation, and diagnostic services may include those listed below. Other assessment and evaluation services may be provided as necessary for eligibility determination.

1. **Medical Services:** These services include eye examinations by ophthalmologist or optometrist; low vision evaluations; medical and surgical examination; psychiatric evaluations; dental examinations; and specialist examinations, including clinical laboratory tests, diagnostic X-ray procedures, determination of treatability in the case of emotional disturbance, and other medically recognized diagnostic services.
2. **Psychological Services:** These services include psychological tests and measurements of various kinds, such as intelligence tests, work samples, aptitude tests, achievement tests, work evaluations, psychological evaluations, educational progress, and achievement, and other psychologically recognized diagnostic services that will provide information related to diagnoses and/or limitations and barriers to employment
3. **Neuropsychological Services:** These services generally include a series of testing that identifies how problems in the brain may affect an individual's ability to reason, concentrate, solve problems, or remember. Tests focus includes but are not limited to attention span and memory, language and speech, reasoning, planning, and organizing.

4. Social and Vocational Services (including Vocational Evaluation): These services include evaluation of the individual's employment opportunities and objectives, in light of personality, intelligence level, educational achievement, work experience, vocational aptitudes and interests, strengths, resources, priorities, personal and social adjustment, and other pertinent data. A social history must be obtained on every case. Information may be a summary of the counselor's investigation, obtained through interviews with the individual's family or others. It includes information about the individual's family, relationships within the family, and relationships within the community. A work history will be obtained from individuals when they have previous employment. Some suggested items that may be included are:
 - a. Job title or classification;
 - b. Name and address of employer;
 - c. Length of time employed;
 - d. Promotions or advancements;
 - e. Rate of pay received;
 - f. Reason for termination; and
 - g. Periods of time not accounted for, with reasons given for these periods.

Chapter 5

Individualized Plan for Employment (IPE) Development

Individualized Plan for Employment (IPE)

Once eligibility is determined, the individual and counselor establish the individual's vocational goal and plan for the VR services necessary to obtain the goal. The individual and counselor are actively engaged in vocational counseling and guidance throughout the VR case. During IPE development the individual may participate in vocational exploration, including vocational assessments and evaluations, unpaid work experiences, job shadowing or other opportunities that provide the individual with information or experience that will facilitate solid individual choice in establishing a vocational goal. The individual may participate in medical exams or other necessary evaluations to assess functional abilities when necessary to help determine the vocational goal.

The Workforce Innovation and Opportunity Act (WIOA) incorporated the principle that individuals with disabilities, including those with the most significant disabilities, are capable of achieving high quality competitive integrated employment, when provided the necessary services and support. As such, per [CFR 361.46\(a\)\(1\)](#), the individualized plan for employment must be consistent with the individual's unique strengths, resources, priorities, concerns, abilities, capabilities, career interest, and informed choice consistent with the general goal of competitive integrated employment (except that in the case of an eligible individual who is a student or a youth with a disability, the description may be a description of the individual's projected post-school employment outcome).

The VR counselor and individual being served should include core guidance and counseling services as part of the planned services in the individual's IPE. The counselor will document core guidance and counseling in the individual's case file in AWARE.

Comprehensive Needs Assessment

The individual's vocational goal and the scope of VR services to be included in the IPE must be determined based on information gathered for determination of eligibility.

The comprehensive assessment includes 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.

The VR counselor will provide assessments, evaluations, or examinations as needed to determine:

1. An assessment of the personality, interests, interpersonal skills, intelligence and related functional capacities, educational achievements, work experience, vocational aptitudes, personal and social adjustments, and employment opportunities of the individual and the medical, psychiatric, psychological, and other pertinent vocational, educational, cultural, social, recreational, and environmental factors that affect the employment and rehabilitation needs of the individual;
2. The individual's level of personal, vocational, and social adjustment related to blindness or vision impairment (or other disabling conditions), their need for rehabilitation technology services and other pertinent data helpful in determining the nature and scope of services needed.
3. May include, to the degree needed, an appraisal of the patterns of work behavior of the individual and services needed for the individual to acquire occupational skills and to develop work attitudes, work habits, work tolerance, and social and behavior patterns necessary for successful job performance, including the use of work in real job situations to assess and develop the capacities of the individual to perform adequately in a work environment; and
4. To the maximum extent possible, relies on information obtained from experiences in integrated employment settings in the community and in other integrated community settings;
5. Referral, for the provision of rehabilitation technology services to the individual, to assess and develop the capacities of the individual to perform in a work environment; and
6. An exploration of the individual's abilities, capabilities, and capacity to perform in work situations, including experiences in which the individual is provided appropriate supports and training

VR Counselor Role in IPE Development

Counselor responsibilities during IPE development:

1. Reviewing and discussing with the individual all materials accumulated in the assessment to determine eligibility with the individual.
2. Providing maximum opportunity for individual/counselor partnership in planning for a program of services.
3. Providing core vocational counseling and guidance to the individual maximizing program success.

4. Working with the individual to identify various community resources (in addition to DBVI) and providing assistance to the individual in accessing those resources.
5. Arranging additional assessment services as needed to06) facilitate better understanding of the individual's existing needs.
6. Completing the VR [Financial Participation in Cost Services Form](#). Financial need is not considered for assessment services during the individual's IPE development but must be considered for certain cost services after the IPE has been implemented.
7. Informing the individual of alternative vocational goals in integrated settings based on the individual's ability and interest so that the individual can choose an appropriate and realistic goal consistent with the general goal of competitive, integrated employment.
8. Informing the individual of alternative services, service providers, and methods used to provide or purchase such services.
9. Informing the individual and/or representative of all procedures affecting the development and review of the IPE.
10. Informing the individual that if he/she chooses an out-of-state service at a higher cost than an in-state service, if either service would meet the individual's rehabilitation needs, DBVI will cover costs not to exceed the cost of the in-state service.
11. Ensuring that the individual has access to the necessary rehabilitation technology to facilitate the individual's full participation in the rehabilitation process.

(Authority: [CFR Sec. 361.5](#))

Scope of Services for Purposes of IPE Development

Assistive Technology or Personal Assistance Services (PAS) that are necessary for the individual to access assessment or evaluation services may be provided. Once the IPE has been developed and agreed to, no planned services from the IPE will be provided until the plan is signed.

No economic needs test is required for assessment, evaluation, and diagnostic services.

1. **Medical Services:** Medical services include eye examinations by ophthalmologist or optometrist; low vision evaluations; medical and surgical examination; psychiatric evaluations; dental examinations; and specialist examinations, including clinical laboratory tests, diagnostic X-ray procedures, determination of treatability in the case of emotional disturbance, and other medically recognized diagnostic services.
2. **Psychological Services:** These services include psychological tests and measurements of various kinds, such as intelligence tests, work samples, aptitude tests, achievement tests, work evaluations, psychological evaluations,

educational progress, and achievement, and other psychologically recognized diagnostic services that will provide information related to diagnoses and/or limitations and barriers to employment.

3. **Neuropsychological Services:** These services generally include a series of testing that identifies how problems in the brain may affect an individual's ability to reason, concentrate, solve problems, or remember. Tests focus includes but are not limited to attention span and memory, language and speech, reasoning, planning, and organizing.
4. **Social and Vocational Services (including Vocational Evaluation):** These services include evaluation of the individual's employment opportunities and objectives, in light of personality, intelligence level, educational achievement, work experience, vocational aptitudes and interests, strengths, resources, priorities, personal and social adjustment, and other pertinent data. A social history must be obtained on every case. Information may be a summary of the counselor's investigation, obtained through interviews with the individual's family or others. It includes information about the individual's family, relationships within the family, and relationships within the community. A work history will be obtained from individuals when they have previous employment. Some suggested items that may be included are:
 - a. Job title or classification;
 - b. Name and address of employer;
 - c. Length of time employed;
 - d. Promotions or advancements;
 - e. Rate of pay received;
 - f. Reason for termination; and
 - g. Periods of time not accounted for, with reasons given for these periods.
5. **Situational Assessment:** Situational Assessments are provided by Employment Services Organizations (ESO's) as a way to gather information regarding an appropriate employment goal, learning styles, support needs, career development or pre-vocational service needs and the like. Situational Assessment, to the maximum extent possible, will be provided within a competitive, integrated setting in the community. While Situational Assessment (SA) is typically provided as a component of Supported Employment or Job Coaching Training Services under an IPE, a community-based assessment can be provided during IPE development in order to assist in the development of the IPE.
6. **Rehabilitation Technology:** Services including Rehabilitation Engineering, Assistive Technology and Assistive Technology services. Services may be provided in these areas both as required to enable access to other assessment and evaluation services and for the counselor to identify necessary supports and services that may be required under the individual's IPE.

7. **Educational Services/Academic Record:** To the extent that additional educational information is required for IPE development, the VR counselor should obtain this information from interviews with the individual and/or from the schools attended. Some suggested items for inclusion are courses taken, grades obtained, attendance records, test scores, teacher evaluations, programs in which the individual made significant progress, and other information helpful in planning services with the individual. If there is potential for the individual's IPE goal to require post-secondary school or training and there is concern on the part of the counselor that the individual may not have academic aptitude to be successful in a post-secondary environment, then a trial semester of one or two courses (with appropriate technology and supports) is appropriate as part of the IPE development process.

Timeframe for Completing the Individualized Plan for Employment (IPE)

The counselor must ensure that the IPE, based on the individual's unique strengths, resources, priorities, concerns, abilities, and capabilities, is finalized and signed within 90 days of the date of the individual's certification of eligibility for VR services. The individual may choose a vocational goal that represents career advancement or upward mobility.

If the individual and counselor require additional time to develop the IPE, the counselor must document that the individual agrees to an extension beyond the 90-day requirement, establish a date for developing the IPE, and receive approval from the regional manager (Plan Development Extension; Eligible-E). Additional time extensions are allowable if discussed and agreed to by the individual and approved by the Regional Manager.

Note: For individuals who were placed into Delayed Status (waiting list) due to Order of Selection, the 90-day IPE requirement is initiated as of the date the individual is removed from the waiting list and is open for VR services.

The counselor must document the reasons for extension in the individual case file. Per 34 [CFR 361.45\(e\)](#), the VR counselor ensures that the extension is warranted based on the particular circumstances and needs of the individual and that the extensions are not so long as to cause unnecessary delays in providing services. Should the situation arise where the VR counselor determines that the plan does not contain sufficient information on which to base the provision of services and the individual disagrees with the request to extend the development of the plan beyond 90 days after further vocational guidance and counseling, the counselor must refer the individual to the Client Assistance Program (CAP - disAbility Law Center of Virginia) for help in resolving the disagreement, and must provide the individual with their appeal rights.

Despite the 90-day time frame, the Individualized Plan for Employment (Per 34 [CFR 361.46\(a\)\(1\)](#)), will be consistent with the individual's unique strengths, resources,

priorities, concerns, abilities, capabilities, career interest, and informed choice consistent with the general goal of competitive integrated employment (except that in the case of an eligible individual who is a student or a youth with a disability, the description may be a description of the individual's projected post-school employment outcome).

Mandatory components of an individualized plan for employment

1. A description of the specific employment outcome that is chosen by the eligible individual, consistent with the unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice of the eligible individual, consistent with the general goal of **competitive integrated employment** (except that in the case of an eligible individual who is a student, the description may be a description of the student's projected post-school employment outcome);
2. A description of the specific vocational rehabilitation services that are, needed to achieve the employment outcome, including, as appropriate:
 - a. the provision of assistive technology devices and assistive technology services; and
 - b. personal assistance services (including training in the management of such services);
3. In the case of a plan for an eligible individual that is a student, the specific transition services and supports needed to achieve the student's employment outcome or projected post school employment outcome; and
4. For students with disabilities who are under an Individualized Education Program (IEP) the VR counselor should review the individual's IEP to ensure IEP transition goals and services related to school to post-secondary goals are contained within the IPE. Both DBVI planned services as well as school provided services that are necessary to achieve the vocational goal will be included on the IPE; and
5. Provided in the most integrated setting that is appropriate for the service involved and is consistent with the informed choice of the eligible individual; and
6. Timelines for the achievement of the employment outcome and for the initiation of the services;
7. A description of the entity 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 such services;
8. A description of criteria to evaluate progress toward achievement of the employment outcome;

9. The terms and conditions of the individualized plan for employment, including, as appropriate, information describing;
 - a. the responsibilities of the VR counselor and other DBVI staff;
 - b. the responsibilities of the individual within the plan, including;
 - i. the responsibilities the individual will assume in relation to the employment outcome of the individual;
 - ii. if applicable, the participation of the individual in paying for the costs of the plan; and
 - iii. the responsibility of the individual with regard to applying for and securing any necessary comparable benefits; and
 - iv. the responsibilities of other entities as the result of arrangements made regarding comparable services or other benefits;
10. For an individual with the most significant disabilities for whom an employment outcome in a supported employment setting has been determined to be appropriate, information identifying;
 - a. The extended services needed by the individual; and
 - b. The source of extended services (the provider) or, if that source cannot be identified at the time of the development of the IPE, documentation that there is a reasonable expectation that a source will become available;
11. As determined to be necessary, a statement of projected need for post-employment services.; and
12. For an individual who also is receiving assistance from an employment network under the Ticket to Work program, a description of how responsibility for service delivery will be divided between the employment network and DBVI (e.g., for an individual working with an ESO who an Employment Network is also receiving supported employment services).

Development of Vocational Goal (Employment Outcome)

The individual's vocational goal must be a description of the specific employment outcome that is chosen by the individual, consistent with their unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice. The chosen vocational goal on the IPE must be consistent the **goal of competitive integrated employment** (except that in the case of an eligible individual who is a student, the description may be a description of the student's projected post-school employment outcome) per 34 [CFR 361.46\(a\)](#).

The IPE must identify the specific providers who have been identified, through informed choice, to provide the planned services.

Progress measures included in the IPE are specific and measurable criteria that would be used to assess the individual's progress towards achieving their vocational goal. Progress measures should be written to address the barriers associated with the functional limitations identified through the eligibility determination process. The measures should be written in language that is understandable to the individual.

The IPE should include information regarding the individual's participation in the cost of services.

For individuals with the most significant disabilities (MSD) for whom supported employment is an identified planned service under the IPE, the plan must include:

1. The extended services needed by the individual; and
2. The source of extended services (the provider) or, if that source cannot be identified at the time of the development of the IPE, documentation that there is a reasonable expectation that a source will become available

The IPE must include any projected needs for post-employment services

Ticket to Work

For an individual who also is receiving assistance from an employment network under the Ticket to Work program, a description of how responsibility for service delivery will be divided between the employment network and DBVI.

IPE Development and Signature Requirements

The individual's IPE must be signed by the individual and the VR counselor to indicate agreement. Additionally, any substantial amendments must include signatures from the individual and the VR counselor. The IPE must be reviewed at least annually with the individual but more often as needed. Changes to the IPE are done through amendments to the IPE. IPEs with non-substantial amendments do not have to be signed by the counselor or individual nor do they have to be reviewed. Substantial amendments to the individual's IPE require new progress measures and a review of those measures. Substantial amendments must be signed by the counselor and individual.

A copy of the individualized plan for employment for an eligible individual shall be provided to the 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, of the individual's representative.

By signing the IPE, the individual and DBVI agree to abide by the contents of the plan. DBVI maintains final approval of the IPE. While the IPE is a written, signed agreement, it's not a legal contract. DBVI agrees per the IPE to pay for services as long

as there are sufficient funds to do so, and the individual is making satisfactory progress toward reaching the employment goal on the IPE.

Further requirements:

1. The VR counselor is prohibited from signing the IPE and/or substantial amendments on behalf of the individual being served.
2. For individuals with a Social Security Administration (SSA) Ticket to Work, the individual's name and signature on the IPE must exactly match the name as it appears on the documentation of Supplemental Security Income (SSI) or Social Security Disability Income (SSDI) Disabled Worker benefits (SSA-1099, Award Letter, etc.).
3. An individual who cannot manually affix the legal signature or mark, must designate someone (other than the VR counselor) legally competent and age 18 or older to sign their legal name followed with "by" and the designee printed legal name and signature, or they may use an agency approved electronic signature process.
4. IPE signatures must be in writing (i.e., wet signature), or must have been signed through the agency approved electronic signature procedure.
5. The IPE signed by the individual does not have to be signed in the presence of the VR counselor or any other DBVI staff person.
6. It is acceptable for the parties to sign a mutually agreed-upon draft IPE or amendment when there are no changes between the draft and final document; the counselor shall keep the signed draft and shall provide the signatories a copy of the signed draft and final document.
7. The counselor shall insure, using an appropriate mode of communication (per [34 CFR § 361.50](#)), if the individual has read the IPE and understands it.
8. For individuals who are at least age 18 and not declared legally incompetent, informed written consent/release is required for others (parent, spouse, etc.) to participate with them and sign the IPE. The VR counselor will inform the individual, as part of informed choice, of any necessary support services available to them throughout the IPE development process, including the right to include legally competent adults (not the counselor) to participate and sign the IPE along with the individual.
9. Individuals under 18 years old (unless legally emancipated) require a custodial parent or court-appointed legal guardian participation and signature on the IPE.
10. Individuals declared legally incompetent require a court-appointed legal guardian participation and signature on the IPE.

IPE Review and Amendments

IPE Review

The individualized plan for employment (IPE) must be reviewed at least annually by the VR counselor and the individual, or, as appropriate, the individual's representative. The IPE must be amended, as necessary, by the individual or, as appropriate, the individual's representative, in collaboration with the VR counselor (to the extent determined to be appropriate by the individual), if there are substantive changes in the vocational goal, the VR services to be provided, or the service providers of the services. Any amendments shall not take effect until agreed to and signed by the individual or, as appropriate, the individual's representative, and by the VR counselor). IPE amendments may include the post-employment services and service providers that are necessary for the individual to maintain or regain employment, consistent with the individual's strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice.

Amendments

Services may be added, modified, or deleted from the IPE through substantial amendments which make major changes to an IPE for regular services and non-substantial amendments which make minor changes to the IPE. Substantial amendments require a signature from the individual, or their representative as appropriate. Non-substantial amendments do not require a signature.

Individual's participation in the cost of services

DBVI has established an Economic Needs Test in order to ensure funding of services for individuals with the most severe economic need. The Economic Needs Test considers the financial resources of the individuals, spouse and/or other family members with whom the individual resides, and all comparable services and benefits for which the individual may be entitled or eligible. The counselor is required to apply the Economic Needs Test for selected services based on need with DBVI sponsoring the cost of services after subtracting the amount available from comparable services and benefits and individual/family participation. DBVI will seek financial sponsorship for cost services first through comparable services and benefits and individual/family contributions before paying for services with agency funds.

DBVI does not consider financial need for assessments in which the individual participates during IPE development. However, the counselor will complete the VR Financial Participation in Cost Services form prior to implementation of the individual's IPE if non-exempt cost services are planned or if the IPE is amended to include non-exempt cost services.

Comparable Services and Benefits

Comparable services and benefits are services or financial assistance benefits available to an individual with a disability from a program other than vocational rehabilitation to meet, in whole or in part, the cost of services to be provided in the IPE. Examples might include grants, insurance carriers, Medicaid or Medicare covered expenses

The following vocational rehabilitation services are exempt from a comparable services and benefits search:

1. Assessment for determining eligibility and vocational rehabilitation needs.
2. Counseling and guidance, including information and support services to assist an individual in exercising informed choice.
3. Referral and other services to secure needed services from other agencies, including other components of the statewide workforce development system, if those services are not available under this part.
1. Job-related services, including job search and placement assistance, job retention services, follow-up services, and follow-along services (as provided by DBVI staff directly).
2. Rehabilitation technology, including telecommunications, sensory, and other technological aids, and devices.

Comparable Benefits and Provision of services

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

Chapter 6

Individualized Plan For Employment (IPE) Services and Implementation

Program Planning

Planning is an on-going process in VR and involves a partnership between the counselor and individual applying for or receiving services. It can occur at any time from applicant status right through the provision of post-employment services.

Counseling and Guidance IPE (C & G):

Where the primary service on the IPE is C & G, the VR counselor will provide counseling and guidance services directed at the achievement of identified goals consistent with the IPE as well as directed to the solution of emerging critical needs in the life of the individual that may jeopardize job success. The counseling should be focused on addressing those barriers or impediments to employment. Counseling techniques will vary according to the training of the counselor and disability of the individual.

IPE Documentation

Documentation must include guidance and counseling, services documentation, case coordination, case management and vocational planning activities, as well as ongoing communication with the individual, DBVI staff, family, and other relevant community service providers.

IPE Documentation in Actual Services

IPE services are to be planned for a period of no more than a year, with each service on the IPE having a realistic estimated start date within that year.

Guidance and counseling must be provided on a continuous basis, so this service must be documented every quarter

Measurable Skill Gains

Measurable Skill Gains must be reported for individuals who are in an education or training program that leads to a recognized postsecondary credential or employment and who are achieving documented academic, technical, occupational, or other forms of progress, towards such a credential or employment. The VR counselor must include

any education and/or training programs that lead to a recognized secondary or post-secondary credential or employment on the individual's IPE.

Credential Attainment

Credential Attainment must be reported for those individuals who are enrolled in an education or training program (excluding those in OJT and customized training) who attained a recognized postsecondary credential or a secondary school diploma, or its recognized equivalent, during participation in or within one year after exit from the VR program.

Chapter 7

Agency Programs and Services

The Department for the Blind and Vision Impaired (DBVI) provides an array of agency directed services for individuals who are blind, deaf-blind or vision impaired. These services are provided both to individuals receiving vocational rehabilitation services (VR) and individuals who are not. All of the services listed within this chapter are available to individuals being served in the VR program.

Information for each program includes basic program and service information, referral and application processes, eligibility for services as well as other information that may be useful for the VR counselor. Please contact the appropriate DBVI program staff member for more specific information regarding any of these programs listed.

Chapter 7.1

Virginia Enterprise for the Blind (VEB)

The Randolph-Sheppard Act provides opportunities for self-employment and entrepreneurship in the community to individuals who are blind. As a form of self-employment and business ownership, the outcomes of individuals in the vending facilities established under the Randolph-Sheppard Act are deemed to be in integrated settings and specifically within the definition of “employment outcome” in final [34 §361.5\(c\)\(15\)](#).

Introduction and Overview

The vending facility manager’s program for the blind was established by an Act of Congress in 1936. This legislation, known as the Randolph-Sheppard Act, provides qualified blind persons the opportunity to operate businesses on federal, state, and other property by granting a priority on such property.

Persons who are legally blind are established in businesses of various kinds, including cafeterias, snack bars, and other vending facilities in public and private buildings. The Virginia Department for the Blind and Vision Impaired (DBVI) secures the location, furnishes equipment, initial stock, and operating capital. DBVI also provides the training necessary to be licensed in this program through vocational rehabilitation services. Business Opportunities for the Blind, Inc., a non-profit corporation under contract with DBVI, provides assistance in the daily management of the businesses in this enterprise.

Based on the Randolph-Sheppard Act (20 USC 107 et seq.) and with the assistance of Business Opportunities for the Blind, Inc. (BOB) the Virginia Department for the Blind and Vision Impaired (DBVI) operates a successful Virginia Enterprise for the Blind program (VEB) serving blind and vision impaired individuals and the community. Providing an excellent vocational option for eligible individuals interested in learning the necessary skills to operate a business, DBVI and BOB work collaboratively; DBVI serving as the state-licensing agency (SLA) and BOB, called the contracted nominee, as the non-profit corporation providing management services to licensed blind vendors and DBVI.

Individuals interested in participating in the Virginia Enterprise for the Blind Program must:

1. Be receiving vocational rehabilitation services through DBVI or have a current evaluation available.
2. Referred by their vocational rehabilitation counselor.
3. Be a blind person as defined by federal regulations pertaining to the Vending Facility Manager’s Program for the Blind on Federal and Other

Property [\(34 CFR 395.1 \(c\)\)](#). This definition includes a person who has been determined by a physician skilled in diseases of the eye, or by an optometrist, whichever a person shall select, determined to have:

- Not more than 20/200 central visual acuity in the better eye with correcting lenses, or
 - An equally disabling loss of the visual field as evidenced by a limitation to the field of vision in the better eye to such a degree that its widest diameter subtends an angle of no greater than 20°
4. Be a resident of the United States living in Virginia.
 5. Be 18 years of age or older.
 6. Have the ability to manage the tasks associated with the Vending Manager's role, which may involve activities such as lifting and bending.
 7. Be willing to complete the Business Opportunities for the Blind Vending Manager's Training program.
 8. Be willing to consider relocation to any area of the Commonwealth where a facility might become available.
 9. Be Proficient in Excel, Microsoft Word, and Outlook.

Chapter 7.2

Deafblind Services

DeafBlind Services is an ancillary service of the agency. No funds are available from this program to purchase services for vocational rehabilitation (VR), Education Services (ES) or rehabilitation teaching/independent living (RT/IL) individuals. The vocational rehabilitation counselor, rehabilitation teacher or education services coordinator is the case manager and the individual who is deafblind must meet eligibility criteria for Vocational Rehabilitation, RT/IL/Older Blind Grant programs or Education Services programs.

Eligibility

DBVI individuals with combined loss of vision and hearing are eligible for DeafBlind Services regardless of age. DBVI Education Services provide services to deafblind children aged 14 and under. Most children aged 14 and under are primarily served by the Virginia Deaf-Blind Project for Children and Youth with Deaf-Blindness (the Virginia Deaf-Blind Project).

Using the following definitions, the DeafBlind Services program tracks individuals identified in the following categories:

DeafBlind

- Any individual who has a central acuity of 20/200 or less in the better eye with corrective lenses, or a field defect such that the peripheral diameter of visual field subtends an angular distance no greater than 20 degrees, or a progressive visual loss having a prognosis leading to one or both of these conditions,
- Who has a chronic hearing impairment so severe that most speech cannot be understood with optimum amplification, or a progressive hearing loss having a prognosis leading to this condition; and
- For whom the combination of impairments causes extreme difficulty in attaining independence in daily life activities, achieving psychological adjustment, or obtaining a vocation;
- Who despite the inability to be measured accurately for hearing and vision loss due to cognitive or behavioral constraints, or both, can be determined through functional performance assessment to have severe hearing and visual disabilities that cause extreme difficulty in attaining independence in daily life activities, achieving psychosocial adjustment, or obtaining vocational objectives.

Blind-Hard of Hearing:

- Visual acuity not better than 20/200 central visual acuity in the better eye measured at 20 feet with correcting lenses (legally blind).
- Visual acuity greater than 20/200 but with the widest diameter of the visual field in the better eye subtending an angle of no greater than 20 degrees, or a rapidly progressive eye condition which in the opinion of a qualified ophthalmologist will reduce distance vision to 20/200 or less or 20 degrees field of vision.
- Primarily uses remaining residual hearing which allows the individual to hear and understand speech with little or no visual input, or
- Depends on auditory input aided by hearing aids and/or assistive listening technology and often relies on visual cues such as speech reading, body language or text translation.
- A 30-db. loss or greater (or a speech discrimination score of 75 percent or less) can be severe enough to constitute a disability. Individuals who have a 30-db loss as derived from computing the Pure Tone average 500, 1000, 2000, 3000, Hertz may experience difficulties with aural communication, which may cause a substantial impediment to employment.

Impaired Vision/Hard of Hearing:

- Visual acuity greater than 20/200 (i.e. better vision) but less than 20/70 (i.e., worse vision) in the better eye with best correction or less than a 70-degree horizontal field.
- Visual acuity between 20/100 and 20/200 vision in the better eye with best correction if the person has been unable to adjust satisfactorily to the loss of vision and if it is felt that the person needs the specialized services available through DBVI.
- Primarily uses remaining residual hearing which allows the individual to hear and understand speech with little or no visual input, or
- Depends on auditory input aided by hearing aids and/or assistive listening technology and often relies on visual cues such as speech reading, body language or text translation. May use sign language for communication.
- A 30-db. loss or greater (or a speech discrimination score of 75 percent or less) can be severe enough to constitute a disability. Individuals who have a 30-db loss as derived from computing the Pure Tone average 500, 1000, 2000, 3000,

Hertz may experience difficulties with aural communication, which may cause a substantial impediment to employment.

Impaired Vision/Deaf

- Visual acuity greater than 20/200 (i.e. better vision) but less than 20/70 (i.e., worse vision) in the better eye with best correction or less than a 70-degree horizontal field.
- Visual acuity between 20/100 and 20/200 vision in the better eye with best correction if the person has been unable to adjust satisfactorily to the loss of vision and if it is felt that the person needs the specialized services available through DBVI.
- Is unable to hear or understand speech, is unable to follow conversations unless facing speaker, due to the vision loss is unable to lip read conversation even when facing the speaker, may rely on sign language, sign language interpreters as their first choice for communication access with hearing people, have been identified in the past as being oral deaf or late deafened adults and now would also include many deaf individuals who use cochlear implants and/or English based sign language.

Interpreters and CART Services

DBVI staff can request interpreters or computer assisted real time captioning (CART) services from the Virginia Department for the Deaf and Hard of Hearing (VDDHH).

Chapter 7.3

Low Vision Services

Low Vision Services provides an opportunity for individuals who have impaired vision to maximize their visual abilities through a community based full-service vision rehabilitation process.

Low vision aids are special optical aids that are not available in a regular office setting. They can be handheld, illuminated, or non-illuminated, worn as glasses, and come in a variety of shapes, sizes and powers. They are prescriptive items and are not available without an exam.

Eligibility for Low Vision Services

All individuals being served by vocational rehabilitation are eligible for referral for low vision services

Chapter 7.4

Orientation and Mobility Services

Orientation and Mobility (O&M) training helps people who are blind or who have impaired vision to know where they are, where they want to go (orientation) and how to get there safely and independently by walking or using transportation (mobility). Specifically, DBVI O&M specialists teach adults who are blind or who have impaired vision the skills and concepts they need in order to travel independently and safely in the home, college, community, and city.

Priority for Services

Individuals who need O&M service are prioritized as follows:

1. Individuals who are receiving vocational rehabilitation (VR) services including transition aged students.
2. Non-vocational - Individuals who are in Service status on a Rehabilitation Teaching /Independent Living (RT/IL) caseload

Eligibility for Orientation and Mobility Services.

Eligibility for an individual who applies for or is receiving VR services including Orientation and Mobility is determined by the VR Counselor.

Chapter 7.5

Rehabilitation Technology Services

Rehabilitation Technology Services comprise the following areas of responsibility: Technical Support, Consultation, Coordination of Services and Technology, and Technology Liaison. **Technical support** is provided to those individuals being served, DBVI field staff, VRCBVI staff, college and university professionals, and current and prospective employers of individuals with vision impairments, who are blind or deaf blind and may have multiple disabilities. The rehabilitation technology specialists are available for on-site **consultation** with current and prospective employers of individuals with vision impairments, who are blind or deafblind and who may have multiple disabilities as a technical resource where questions exist with regard to the modification of equipment on the work site. See the Rehabilitation Technology Services Manual for more specific information regarding services.

Prioritization of Referrals for Rehabilitation Technology Services.

Individuals who are open for VR services will be given priority for Rehabilitation Technology Services. See the Rehabilitation Technology Services Manual for more information.

Chapter 7.6

Self-Employment Enterprise (SEE)

Self-employment is a situation in which an individual works for himself instead of working for an employer that pays a salary or a wage. A **self-employed** individual earns his income through conducting profitable operations from a trade or business that he operates directly.

Self-employment is recognized as an "employment outcome" through the Workforce Investment and Opportunity Act (WIOA) and an individual who is engaged in self-employment can be considered to be employed in a competitive, integrated setting. Self-employment is also specified as a service that can be provided within the vocational rehabilitation program.

The cornerstone to the successful self-employment endeavor is an effectively developed business plan. The business plan is the responsibility of the individual in consultation with the counselor and other individuals, when appropriate or necessary.

Self-employment enterprises that involve illegal activities will not be funded. The proposed business must comply with all relevant local, state, and federal laws and regulations. The business must be a for-profit business.

SEE Business Plan

The formal business plan is the process of gathering, compiling, and analyzing information and helps the individual accomplish the following:

1. The determination for the feasibility of a particular business endeavor.
2. Discussion of start up with capital.
3. Development of a "blueprint" for the operation of the entire business.
4. The creation of a budget, time frame, and strategic direction against which to measure the progress of the business.
5. The discussion of potential problems and high-risk areas for the purpose of developing solutions and contingency plans.
6. Discussion of the market opportunities.
7. Discussion to persuade prospective individuals who will assist in this business endeavor (such as the VR program, individuals and/or suppliers of the business) that the proposed business endeavor has a promising future.

Financial Participation (DBVI case only)

Funding for a self-employment enterprise proposed by an individual in the required business plan will come from one or more resources - financial investment in the business by the individual, VR funds, small business administration loans, bank loans,

etc. The business plan must identify the individual's financial contribution to the enterprise thus permitting the individual to share in the risk of going into business. The Self-employment Screening Committee will also require evidence that the individual has been allowed or denied funding from other sources. The type of business enterprise, along with the justification outlined in the business plan, will determine if VR funds are available for the business enterprise.

The individual seeking funding is required to provide necessary resources (including in-kind resources) such that they, along with other resources they may have (e.g., a small business loan), are the majority funder of the business proposal unless the individual is receiving SSI/SSDI (see Chapter 17.3: Financial Determination Guidelines). The SEE Screening Committee will recommend what additional funds, if any, will be approved by DBVI to support the business. The Deputy Commissioner for Services will review the recommended funding for approval. Depending on the amount of funds requested, approval from the DBVI Commissioner may be required.

Financial Participation (DBVI/DARS Jointly Served)

In the circumstance where the individual who is seeking support for a self-employment enterprise is jointly served by both DARS and DBVI, appropriate screening committee members from both agencies will participate. Each agency must make their own determination as to whether or not to fund the SEE business plan and to what extent. In this case there is not a requirement that the individual be the majority funder of the proposal; i.e., DBVI/DARS combined funding could constitute more than 50% of the required funds. However, the individual must still assume some shared risk in the proposal, with the goal that the individual's financial participation be as close to 50% as feasible.

Chapter 7.7

Transition Services

The Workforce Innovation and Opportunity Act (WIOA) expanded both the population of students with disabilities who may receive services but also the kinds of services that the VR agency may provide to youth and students with disabilities who are transitioning from school to postsecondary education and employment. This expansion of services allows for the provision of “pre-employment transition services” for both eligible and potentially eligible students with disabilities. For more detailed information regarding pre-employment transition services, see Chapter 12, Transition.

Transition services may be provided to groups of youth and students with disabilities, regardless of whether they have applied for or been determined eligible for services. If either a student or youth with a disability requires more intensive services, he or she would apply for VR services. Once determined eligible, an individualized plan for employment would be developed, which would outline the specific services that he or she may need in order to achieve an employment outcome. In sum, the VR program provides a range of services, from most basic to the most individualized and intensive service, thereby meeting the evolving needs of a student or a youth with a disability who is transitioning from school to post-school life.

Transition services means a coordinated set of activities for students designed within an outcome-oriented process promoting movement from school to post-school activities, including postsecondary education, vocational training, integrated employment (including supported employment), continuing and adult education, adult services, independent living, or community participation. The coordinated set of activities must be based upon the individual student’s needs, considering the student’s preferences and interests, and must include instruction, community experiences, the development of employment and other post-school adult living objectives, and, if appropriate, acquisition of daily living skills and functional vocational evaluation. Transition services must promote or facilitate the achievement of the employment outcome identified in the student’s Individualized Plan for Employment (IPE); that includes outreach to and engagement of parents or, as appropriate, the representatives of students or youth with disabilities. ([34 CFR 361.5 \(a\)\(55\)](#))

Referrals for Students and Youth with Disabilities

Referrals for students aged 14 and older may come from any source including but not limited to parents, students, local education authorities (LEA), community services boards (CSB), state agencies, and other community entities. A referral process for transitioning students with disabilities involves the Education Coordinator as the primary point of contact for students, families and, as appropriate, the student’s representative. For more information regarding the referral process for transitioning students with

disabilities, see **Chapter 1, Referral and Application** of the VR Policy and Procedure Manual.

Outreach to students with disabilities should occur as early as possible during the transition planning process and must include, at a minimum, a description of the purpose of the vocational rehabilitation program eligibility requirements, application procedures, and scope of services that may be provided to eligible individuals. ([34 CFR 361.22 \(2\)\(b\)\(4\)](#))

IPE Development and Service Provision

Federal regulations ([34 CFR 361.22](#) coordination with education officials) require that development and approval of an IPE must be completed as early as possible during the transition process (within 90 days from eligibility determination), but, at the latest, by the time each student determined to be eligible for vocational rehabilitation services leaves the school setting (if less than 90 days) or, if DBVI is operating under an order of selection, before each eligible student able to be served under the order leaves the school setting.

For more information regarding the development of the IPE, see the VR Policy and Procedure Manual Chapter on Transition and Pre-Employment Transition Services.

Chapter 7.8

Virginia Industries for the Blind (VIB)

This chapter is currently in development. Please contact the Director of Vocational Rehabilitation and Workforce Services or the Deputy Commissioner for Services with any questions.

Chapter 7.9

Virginia Rehabilitation Center for the Blind and Vision Impaired (VRCBVI)

For more specific information regarding VRCBVI and their services, see the [Virginia Rehabilitation Center for the Blind and Vision Impaired Policy and Procedure Manual](#)

The Virginia Rehabilitation Center for the Blind and Vision Impaired (VRCBVI) provides training in the skills of blindness, including using braille and specialized computer software, orientation and mobility, and personal and home management. Adaptive skills enable individuals with vision loss to be independent and successful in the home, in school, on the job, and in their communities.

VRCBVI's primary referral source is DBVI's Vocational Rehabilitation (VR) program, the mission of which is to provide employment services leading to competitive integrated employment. In order for VRCBVI to develop and maintain optimum utilization of its services, VRCBVI must effectively correlate their services with VR's mission. VRCBVI integrates workplace readiness skills into all of its training programs. An additional key component is the development and maintenance of strong partnerships with the DBVI regional offices.

VRCBVI Admission Criteria

Individuals seeking admission to VRCBVI must meet the following criteria:

1. Be 18 years of age or older. (See "[Chapter 8 of the VRCBVI manual: VRCBVI Programs and Services](#)" for admission criteria for VRCBVI's "Youth and Special Programming" services);
2. Be blind, vision impaired, or DeafBlind;
3. Have a residence to return to if it becomes necessary to leave VRCBVI immediately;
4. Have the ability to participate in, and benefit from, group instruction (i.e., does not require staff intensive instructional support, such as 1:1);
5. Have been determined eligible to receive Vocational Rehabilitation services to seek, gain, or retain competitive integrated employment, or are seeking improved independence skills as part of the Rehabilitation Teaching/Independent Living program.

Chapter 7.10

Vocational Rehabilitation and Rehabilitation Teaching Coordinated Programs

DBVI ensures the coordination of services between the Vocational Rehabilitation program (VR) and the Rehabilitation Teaching program (RT) for the purpose of providing a continuum of services to eligible individuals receiving services from DBVI. Rehabilitation teachers serve individuals receiving VR services by providing services and training in the areas of evaluation, adjustment counseling, home management, and basic skills training when those services are required in order to facilitate the individual in obtaining, regaining, or maintaining an employment outcome. The VR Counselor coordinates VR services, including RT services, when those services are necessary to help the individual accomplish the vocational goal identified on their Individualized Plan for Employment (IPE). RT services will be included on the individual's IPE which is developed and maintained by the VR Counselor in partnership with the individual receiving services.

Chapter 7.11

Vocational Rehabilitation Relationship with Residential Schools

Vocational rehabilitation (VR) counselors serve students at the Commonwealth's residential schools in Staunton, Virginia (The Virginia School for the Deaf and Blind (VSDB)).

Eligibility

Eligibility for residential students is the same as for any other individual in VR training. Students must be 14 years of age to be eligible for VR services.

Chapter 7.12

Business Relations Services

Business Relations

The Business Relations Unit works with employers to identify human resource needs in order to facilitate competitive integrated employment opportunities and career exploration opportunities for individuals, including students and youth, who are eligible to receive VR services. Additionally, the Business Relations Unit will ensure that eligible individuals will receive a range of VR employment services that are specific to the individual's needs related to achieving his or her competitive integrated employment outcome.

Business Relations Specialists collaborate with employers and federal contractors, attend the Society of Human Resource Management and Economic Development meetings, Chamber of Commerce meetings, Industrial Round Tables. They also network with the Virginia Employment Commission, through review of Virginia Jobs Investment programs, and by establishing relationships with various Veterans Representatives, Workforce Development Boards, and the Office of Federal Contractor Compliance (OFCCP).

Schedule A/Federal Hiring Authority

Within the Federal Government, there are two types of hiring processes. In the *non-competitive* hiring process, agencies use a special authority (Schedule A) to hire persons with disabilities without requiring them to compete for the job. In the *competitive* process, applicants compete with each other through a structured process.

Criteria to be eligible for consideration under the Schedule A Hiring Authority

1. **Schedule A, [5 CFR 213.3102\(u\)](#), for hiring people with severe physical disabilities, psychiatric disabilities, and intellectual disabilities.** This excepted authority is used to appoint persons with severe physical disabilities, psychiatric disabilities, and intellectual disabilities. Such individuals may qualify for conversion to permanent status after two years of satisfactory service. Severe physical disabilities include but are not limited to blindness, deafness, paralysis, missing limbs, epilepsy, dwarfism, and more.
2. **Schedule A, [5 CFR 213.3102\(11\)](#) for hiring readers, interpreters, and personal assistants.** This excepted authority is used to appoint readers, interpreters, and personal assistants for employees with severe disabilities as reasonable accommodations.

Chapter 8

College Training and Other Post-Secondary Training

The Workforce Innovation and Opportunity Act (WIOA) incorporated the principle that individuals with disabilities, including those with the most significant disabilities, are capable of achieving high quality competitive integrated employment when provided the necessary services and support.

Factors to consider prior to sponsoring post-secondary education or training

1. Necessary to Achieve the Vocational Goal
2. Aptitude and Ability to be successful in Post-Secondary Training or Education
3. Trial Semester or Course
4. Gap Year

Pre-employment transition services may be provided to students in college if they meet the definition of a student with a disability. For more information regarding these services, see the Pre-Employment Transition Services section of [Chapter 12, Transition Services and Pre-Employment Transition Services](#).

College and University Training

DBVI will sponsor college/university academic training when college training is necessary to support the individual's vocational goal.

1. Virginia colleges and universities: DBVI will only sponsor students who attend accredited colleges or universities on the approved college list located in the [DARS Training and Facilities Manual, Volume III](#). When a college or university is not on the approved list, VR counselors will contact the Director of Vocational Rehabilitation and Workforce Services to seek assistance in determining whether the school is accredited and whether the school can be added to the approved college list.
2. Private and out-of-state colleges and universities: Students may choose to attend private and out-of-state colleges and universities. However, DBVI will only sponsor students who attend accredited colleges or universities on the approved college list located in the [DARS Training and Facilities Manual, Volume III](#). When a student makes the informed choice to attend an out-of-state college or university, VR Counselor must provide written documentation in the student's case file that guidance and counseling has been provided to ensure the student

fully understands any participation in cost of services and whether DBVI will provide sponsorship of tuition and other services for the out-of-state choice.

3. Community of Residence: Students may choose to attend a school outside of their community of residence. However, unless justified and approved by the VR counselor, a student who is attending a school within their community of residence will not receive DBVI sponsorship for room and/or board. A school is defined to be within the student's community of residence if it is located within 40 miles of the student's residence or a commute to the school requires no more than one (1) hour. Justification to sponsor room and/or board for a student attending a school within their community of residence could include, but is not limited to:
 - a. Disability specific reasons (e.g., specialized transportation needs, orientation and mobility concerns, need for on-campus disability supports, etc.);
 - b. Transportation very limited or unreliable and/or transportation costs are very expensive and thus not cost effective.
 - c. Other reasons as justified by the VR counselor.
4. International schools and semesters abroad: Approval from the Director of Vocational Rehabilitation and Workforce Services is required prior to sponsoring a student in an international school or for a semester(s) outside of the United States (study abroad).
5. Summer School: Regional Manager approval is required for DBVI sponsorship of summer sessions (see [C. Academic Requirements](#) in this chapter).
6. Post-Graduate School/Additional Degree or Certificate: DBVI will sponsor post-secondary education and training in order to prepare an individual with the skills and abilities necessary to be a competitive candidate for suitable employment where the specific degree is the commonly recognized standard for entry into that field.
7. Advancement in Employment: The VR counselor must determine whether the individual's current employment is consistent with their unique strengths, resources, priorities, concerns, abilities, and capabilities before consideration of a vocational goal that would be advancement in employment requiring additional post-secondary education or training, including post-graduate school. The VR counselor may sponsor post-secondary education or training, including post-graduate education, when additional education or training is necessary for the individual to advance in employment.
8. Sectarian colleges and universities: Sectarian means existing primarily for the purposes of providing religious training or theological education, rather than collegiate or graduate education (per *Phan v. Virginia* 806 F.2d 516 4th Circuit, 1986). A church-affiliated school is not necessarily a sectarian school. DBVI shall

not authorize or approve any payments or reimburse the student for religious training or theological education at a seminary or sectarian school for students having an established vocational goal related to a religious vocation ([Virginia Constitution Article VIII, Section 11.](#)) If a student elects to attend a sectarian college or university, DBVI will only sponsor equipment, reader services, or other services that do not result in direct payment to the sectarian college or university by the agency. Sectarian colleges or universities will not appear on the "approved college list" located in the [DARS Training and Facilities Manual, Vol. III.](#) VR counselors must review the approved list when considering colleges or universities that are affiliated with religious denominations. DBVI may sponsor a student seeking a degree which is religious in nature as long as the student does not attend a sectarian college or university.

9. Graduate degree programs

- a. Nine credit hours per semester are considered full time for graduate study.
- b. Full-time students may receive sponsorship of tuition, books, fees, housing, maintenance, transportation, personal incidentals, and other approved costs commensurate with their participation in cost of services based on financial need.
- c. Part-time students may receive sponsorship of tuition, books, fees, transportation and other approved costs commensurate with their participation in cost of services based on financial need. Costs associated with housing, personal incidentals and maintenance (including room or board costs) will not be sponsored for part-time students).
- d. DBVI requires graduate students to complete their required coursework within a specific time frame based on the credit hours required by the master's program. Master's programs typically required 36 to 54 credit hours, but depending on the program, the coursework requirement could be as low as 30 credit hours or as high as 60 credit hours (e.g., MBA).

For part-time students, programs requiring 30-36 credit hours should be completed within 7 semesters; programs requiring 54-60 credit hours should be completed within 10 semesters. For full-time graduate students, programs requiring 30-36 credit hours should be completed within five semesters; programs requiring 54-60 credit hours should be completed within seven semesters. Programs requiring hours between 36 and 54 should be determined on a case-by-case basis for part-time and full-time graduate students per the respective guidelines above.

Additional time for completion of master's thesis, projects, etc. as a requirement for completion of the master's program should be addressed on a case-by-case basis.

Family Assistance

Single students who have been residing within their parent's home are considered part of the family unit (considered for FAFSA purposes "dependent") unless the following conditions are met:

1. The student is at least age 24 or has completed an undergraduate degree and is less than 24;
2. The student is less than age 24 but is married or have been maintaining their own household independent of their family;
3. Students who are occupying an apartment or dorm room in order to attend college are considered part of the family unit if they have been residing in their parent's home when not attending school.

Student Participation in Cost of Services

For educational expenses only (as defined below), the individual's participation in the cost of service shall be determined by the Expected Family Contribution (EFC) as calculated through the FAFSA (Free Application for Federal Student Aid) process and found in the Student Aid Report (SAR). The VR Counselor will apply participation in cost-of-service policy for all other education related services (non-educational expenses) such as tutoring, reader services, assistive technology, low vision aids, etc.

1. Individuals who receive SSI and/or SSDI are exempt from participating in the cost of services, including an exemption from consideration of the EFC. However, they are not exempt from the requirement to utilize their SSA monthly benefit as an expected contribution towards any DBVI sponsored living expenses. SSI or SSDI monthly benefits must be applied toward the cost of maintenance **unless** those benefits are fully utilized to maintain the individual's home while they are away from home participating in school or training. Individual's receiving SSI or SSDI will be required to use these benefits for room and board expenses (75% of the individual's monthly benefit). SSI/SSDI benefits will be applied to room and board expenses monthly while the student is in school (typically four months per semester for a standard academic year unless the actual semester differs in length). Individual's receiving SSA benefits will have no expected contribution in circumstances where there is no DBVI sponsorship of living expenses.
2. Educational expenses mean tuition, books and supplies, personal and miscellaneous costs, fees, transportation for educational purposes, and maintenance when applicable. Reader services, interpreting services, assistive technology (AT), adaptive aids (including computers with purchased or installed AT) and other disability related services that are required in order for the student to participate in their academic program are considered separately and are not to be calculated into the cost of educational expenses. The VR counselor shall

apply VR's cost participation policy using the VR Financial Participation in Cost Services form for these services.

3. Summer school sessions are defined by DBVI as the final semester of the school's academic year. The student's Expected Family Contribution (EFC), which determines the cost of participation for educational expenses, is provided to the student through the FAFSA application process annually. Students who attend school in both the fall and spring semesters of the academic year will be determined to have fully applied their annual EFC towards their cost of participation by the conclusion of the spring semester. Students who only attend one (1) semester in the academic year (fall or spring) will have applied 50% of their annual EFC towards their cost of participation.

Comparable Benefits

Comparable benefits may include, but are not limited to, grants (including Pell and other non-merit-based grants), scholarships, work study, and other financial aid available to the student. Federal regulations require that the student must make maximum efforts to secure other funding for higher education before VR funds are used.

Students must complete the Free Application for Federal Student Aid (FAFSA) within the federal and state deadlines established and maintained by the U.S. Department of Education Office of Federal Student Aid for the semester in which the student plans to attend college (For additional information please visit www.fafsa.gov).

Students are required to accept Federal Student Aid Grants and scholarships and use those funds toward the cost of necessary educational expenses.

Work-study: Students are not required to accept work-study. However, if the student does accept work-study, it becomes a comparable benefit because work-study is considered financial aid.

The Virginia Tuition Assistance Grant Program (VTAG) is administered by The State Council of Higher Education in Virginia (SCHEV) James Monroe Building, 101 North 14th Street, Richmond, Virginia, 23219. Information regarding the VTAG and other statewide financial assistance programs can be located by visiting the SCHEV website at <http://www.schev.edu/>. VTAG provides non-need-based aid to Virginia students enrolled in undergraduate and graduate programs at Virginia's private institutions. VR considers this grant a comparable benefit if the student chooses to attend the private institution where the grant would be applied. This grant goes directly to the private institution for tuition on behalf of the VR student. If the institution does not need the full amount of the grant, the remaining funds are returned to the Council of Higher Education.

Virginia Commonwealth Award: The purpose of the Virginia Commonwealth Award is to assist undergraduate students with financial need and graduate students to pay part of

their college costs. Funds for this award are appropriated directly to each state-supported institution. Funds may be used for need-based grants to Virginia resident undergraduates or for grants or assistantships to graduate students (both in-state and out-of-state). The application and awarding processes are administered by the financial aid office at each Virginia public college or university. The Virginia Commonwealth Award is considered a comparable benefit.

Any special grant routinely given by the private college or university intended to offset the higher cost of tuition and/or room and board charged by the private institution will be applied as a comparable benefit if the student chooses to attend that private college or university.

Per [34 CFR 361.5\(8\)\(ii\)](#), a monetary merit award is not considered as a comparable benefit. Therefore, merit awards provided to a student by a civic, professional, social, or consumer advocacy organization, such as the [National Federation of the Blind](#), or the [American Council of the Blind](#), will not be considered a comparable benefit.

The Academic Common Market (ACA) helps students by saving funds on specific undergraduate and graduate studies at out-of-state institution. The current arrangement is active within 16 states and allows participating students to pay state tuition while studying outside their home states. Further information can be obtained at <http://www.schev.edu/>.

Scope of Services

1. Tuition
2. Mandatory Fees
3. Housing
4. Meals
5. Transportation
6. Reader Service
7. Books and Supplies
8. Computers
9. Incidental Allowance
10. Equipment
11. Remedial/Developmental Courses

Professional School

Professional school generally refers to the following areas:

1. Law school
2. Schools of Medicine
3. Dentistry
4. Pharmacy
5. Veterinary Medicine

Authorization for College/University Training Services

The VR counselor should plan services and costs for each academic year only, not for the anticipated full length of the college program (e.g., four years). For example, it may be anticipated that a 4-year college program will cost \$50,000 in total (tuition, room and board, books, etc.).

OTHER POST-SECONDARY TRAINING

Individuals may receive other post-secondary training services outside of the college or university environment when the services are required in order for them to enter, re-enter, or regain employment or to advance in employment. These post-secondary training services could include adult education courses, trade or technical schools, apprenticeships or other skill-based training.

Specific Training Programs

1. **Apprenticeship Training**

When the vocational objective of an individual is an occupation that may use apprentices, contact should be made with the [Department of Labor and Industry](#), Richmond, Virginia

2. **Business, Trade and Technical Schools**

The department may purchase training for qualified individuals in any approved business, trade, or technical school which provides adequate training for individuals who are blind or vision impaired.

3. **Correspondence Study**

In all correspondence courses, the total price of the course will be divided by the number of lessons and the resulting quotient will be the price for each lesson.

Chapter 9

Supported Employment and Customized Employment

Supported Employment is competitive integrated employment, including customized employment, or employment in an integrated work setting in which individuals are working on a short-term basis toward competitive integrated employment that is individualized and customized consistent with the strengths, abilities, interests, and informed choice of the individuals involved, or individuals with the most significant disabilities for whom competitive integrated employment has not historically occurred; or for whom competitive integrated employment has been interrupted or intermittent as a result of a significant disability; and who, because of the nature and severity of their disability, need intensive supported employment services and *extended services* after the transition to competitive integrated employment in order to perform the work involved.

Under the Workforce Innovation and Opportunity Act (WIOA), the VR agency can provide funding for extended services for individuals who meet the definition of “youth with a disability” and provided to a youth with a most significant disability by VR in accordance with requirements set forth, not to exceed four years, or at such time that a youth reaches age 25 and no longer meets the definition of a youth with a disability, whichever occurs first. The VR agency may not provide extended services to an individual with a most significant disability who is not a youth with a most significant disability

Supported Employment services consist of on-going support services, including customized employment, needed to support and maintain an individual with a most significant disability in supported employment, that:

1. Are provided singly or in combination and are organized and made available in such a way as to assist an eligible individual to achieve competitive integrated employment;
2. Are based on a determination of the needs of an eligible individual as specified in an individualized plan for employment; and
3. Are provided by VR for a period of not more than 24 months, except that period may be extended, if necessary, in order to achieve the employment outcome identified in the individualized plan for employment (Per [CFR 363.54\(iii\)](#))

Federal regulations define supported employment (SE) services as beginning at the point at which the individual is employed. The primary SE service is typically job coaching services (job site training), but other services deemed necessary to support

the individual in employment are also permissible under the definition of SE services. These include:

1. transportation and other mobility related services;
2. treatment services (e.g., medical, mental health, etc.); and;
3. benefits counseling.

In addition, while situational assessment and job development services are not part of the federal definition of “supported employment services”, they are traditionally primary services leading to supported employment for individuals.

Supported Employment Outcomes

The goal of Supported Employment services is to assist an individual to achieve competitive, integrated employment. However, in some cases the individual may not be able to reach that goal without a period of employment that in a competitive, integrated environment. In those cases, the VR counselor can provide SE services to an individual to become employed in an integrated setting (which is not a competitive integrated employment setting) assuming the ultimate goal is competitive integrated employment and under the following conditions:

1. Supported employment services must have been provided for 24 months in support of competitive integrated employment
2. The individual’s VR case should be maintained as an open case on a short-term basis while they’re working towards competitive integrated employment
3. The VR counselor assumes the individual is reasonably expected to achieve such an outcome (i.e., competitive integrated employment) within 6 months of achieving the non-competitive employment outcome.

If at the end of the short-term period (6 or 12 months) the individual is still employed with the integrated setting but has not achieved competitive, integrated setting then the individual’s case should be closed as Closed-Other (Per CFR [361.5\(53\)](#)).

Eligibility for Supported Employment Services

An individual, including a youth with a disability, is eligible for supported employment services if;

1. The individual has been determined eligible for vocational rehabilitation services;
2. The individual is determined to be an individual with a most significant disability;
3. The individual has a supported employment goal on their Individualized Plan for Employment (IPE);
4. For purposes of activities carried out with funds for youth with disabilities (see below - “services for youth with the most significant disabilities”), the individual is a youth with a disability; and
5. A comprehensive assessment of the rehabilitation needs of the individual, including an evaluation of rehabilitation, career, and job needs, identifies supported employment as the appropriate employment outcome for the individual.

Services for youth with the most significant disabilities

A State that receives supported employment funds shall reserve and expend half of such allotment for the provision of supported employment services, including extended services, to youth with the most significant disabilities in order to assist those youth in achieving an employment outcome in supported employment.

Supported Employment Individualized Model

In the individual placement model, the individual being served by VR is placed in a competitive integrated work setting in the community. The individual is employed by the business. Ongoing support services are provided by an employment specialist or job coach who is employed by an approved provider of supported employment services (Employment Services Organization or ESO). The employment specialist typically provides the individual with initial job skill training (placement and training) on an intensive one-to-one basis for a period of hours each day and for a number of weeks as determined by the employment specialist in consultation with the VR counselor and the individual being served. The employment specialist gradually decreases supports, as the individual becomes more proficient and “stable” on the job. Once stability is reached, the employment specialist continues to provide ongoing supports, either on the job site or off the job site, as needed by the individual to maintain employment. Additionally, a system of “natural supports” may be developed within the workplace and community.

Supported Employment (SE) consists of two consecutive phases, Time-Limited Services and Extended Services (during which On-going support services are provided).

A. Time-limited Services Phase

DBVI receives both general VR funds and Supported Employment funds (Title VI funds):

1. General case service funds (VR funds) are used for all VR services the individual requires and may be also used for supported employment services. However, only VR funds may be used for situational assessments and job development services, including when the goal is supported employment.
2. Supported Employment funds (Title VI funds) may only be used for SE services for those individuals who meet the eligibility criteria to be served under an SE program and only once the individual is employed. Those funds are primarily utilized for job site training by an individual qualified to provide job coaching services but may include other necessary support services such as transportation, treatment, or benefits counseling.

3. For individuals being served under a supported employment program, the time-limited services of situational assessment and job development (using VR funds) are provided by the VR counselor to the individual being served until such time as they become employed within a competitive, integrated setting consistent with their IPE vocational goal. Once the individual becomes employed, the VR counselor will provide supported employment services (using Title VI funds as available) with job coaching the primary service, until such time that the individual has been determined to be stable in employment (See definition of Stability later in this chapter).

In some cases (as noted above), the individual within an SE program may become employed within an integrated setting but is not being paid at a wage level that's competitive (either minimum wage for that community or below the prevailing wage for the position). See Supported Employment Outcomes above for more information related to SE services in that situation.

B. Extended Service Phase not applicable for Job Coaching Training Services (JCTS)

During the extended services phase, the individual is receiving ongoing support services as well as any other services necessary to maintain employment. During this phase, supported employment funds may not be used. General VR funds may also not be used (except in some specific circumstances for youth with disabilities). The individual is funded through another source of funds which must have been determined during IPE development once it was determined SE services were to be utilized. In some cases, natural supports may be established to provide ongoing supports, although this is rare.

Once the individual has reached stability on the employment site (as agreed to between the VR counselor and the Employment Services Organization (ESO) job coach), the extended services phase begins.

Job Coach Training Services (JCTS)

Some individuals may require intensive initial support but will not require ongoing support services on a long-term basis. These individuals would be those who may require more intensive, individualized job development services and/or may require more intensive initial training and job site support by an employment services specialist. Job Coach Training Services (JCTS) is a service option available to the VR counselor and provided by the same ESO vendors who provide supported employment. However, JCTS cannot be authorized under DBVI's supported employment funding nor would funding for ongoing support services be appropriate.

Job Coach Training Services can be provided to individuals who have not met the criteria for Most Significantly Disabled (MSD) as SE services requires.

Customized employment

Customized employment is 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 and is designed to meet the specific abilities of the individual and the business needs of the employer. It is carried out through flexible strategies, such as:

1. job exploration by the individual;
2. working with an employer to facilitate placement, including
 - a. customizing a job description based on current employer needs or on previously unidentified and unmet employer needs;
 - b. developing a set of job duties, a work schedule and job arrangement, and specifics of supervision (including performance evaluation and review), and determining a job location;
 - c. representation by a professional chosen by the individual, or self-representation of the individual, in working with an employer to facilitate placement; and
 - d. providing services and supports at the job location.

(Per [CFR 361.5\(C\)\(11\)](#))

Customized Employment (CE), which is included in the definition of Supported Employment, is a job development/job placement strategy that can be used for individuals with Most Significant Disabilities (MSD). CE may be provided by an employment services specialist through an Employment Services Organization (ESO), or CE may be provided directly by the VR counselor or the Business Relations Specialist.

Customized Employment is an alternative that enables individuals with disabilities (or those representing individuals with disabilities) and employers the opportunity to negotiate job tasks and/or reassign basic job duties such that a mutually beneficial employment relationship is established. CE is best used to meet the needs of employment seekers with disabilities who have not been or are unlikely to be successful in a traditional, demand-side employment seeking process.

While Customized Employment (CE) is included in the definition of Supported Employment services (SE), and CE services may encompass specific aspects of SE services, Customized Employment is a very different service than Supported Employment.

Chapter 10

Training Programs and Services (Non-Academic Training)

The DBVI VR program provides training services and programs which fall outside of college and other academically oriented post-secondary training. Where the individual is being served within an employment setting the individual is considered a trainee and when they would be considered an employee.

Definition of Trainee in the Work Setting

Individuals who are working within a competitive integrated employment setting as part of a paid work experience, as a volunteer, through an Unpaid Work Experience or any other work-based experience (including those in summer or temporary work) are considered trainees and not employees where specific criteria has been met.

DOL Fact Sheet: Internship (paid/unpaid work experience) Programs Under The Fair Labor Standards Act

The Fair Labor Standards Act (FLSA) defines the term “employ” very broadly as including to “suffer or permit to work.” Covered and non-exempt individuals who are “suffered or permitted” to work must be compensated under the law for the services they perform for an employer. Internships in the “for-profit” private sector will most often be viewed as employment, unless the test described below relating to trainees is met. Interns in the “for-profit” private sector who qualify as employees rather than trainees typically must be paid at least the minimum wage and overtime compensation for hours worked over forty in a workweek.

The Test For Unpaid Interns

There are some circumstances under which individuals who participate in “for-profit” private sector internships or training programs may do so without compensation. The Supreme Court has held that the term “suffer or permit to work” cannot be interpreted so as to make a person whose work serves only his or her own interest an employee of another who provides aid or instruction. This may apply to interns who receive training for their own educational benefit if the training meets certain criteria. The determination of whether an internship or training program meets this exclusion depends upon all of the facts and circumstances of each such program.

The following six criteria must be applied when making this determination:

1. The internship, even though it includes actual operation of the facilities of the employer, is similar to training which would be given in an educational environment;

2. The internship experience is for the benefit of the intern;
3. The intern does not displace regular employees, but works under close supervision of existing staff;
4. The employer that provides the training derives no immediate advantage from the activities of the intern; and on occasion its operations may actually be impeded;
5. The intern is not necessarily entitled to a job at the conclusion of the internship; and
6. The employer and the intern understand that the intern is not entitled to wages for the time spent in the internship.

If all of the factors listed above are met, an employment relationship does not exist under the FLSA, and the Act's minimum wage and overtime provisions do not apply to the intern. This exclusion from the definition of employment is necessarily quite narrow because the FLSA's definition of "employ" is very broad. Some of the most commonly discussed factors for "for-profit" private sector internship programs are considered below.

Similar To An Education Environment And The Primary Beneficiary Of The Activity

In general, the more an internship program is structured around a classroom or academic experience as opposed to the employer's actual operations, the more likely the internship will be viewed as an extension of the individual's educational experience (this often occurs where a college or university exercises oversight over the internship program and provides educational credit).

The more the internship provides the individual with skills that can be used in multiple employment settings, as opposed to skills particular to one employer's operation, the more likely the intern would be viewed as receiving training. Under these circumstances the intern does not perform the routine work of the business on a regular and recurring basis, and the business is not dependent upon the work of the intern. On the other hand, if the interns are engaged in the operations of the employer or are performing productive work (for example, filing, performing other clerical work, or assisting individuals), then the fact that they may be receiving some benefits in the form of a new skill or improved work habits will not exclude them from the FLSA's minimum wage and overtime requirements because the employer benefits from the interns' work.

Displacement And Supervision Issues

If an employer uses interns as substitutes for regular workers or to augment its existing workforce during specific time periods, these interns should be paid at least the minimum wage and overtime compensation for hours worked over forty in a workweek. If the employer would have hired additional employees or required existing staff to work additional hours had the interns not performed the work, then the interns will be viewed as employees and entitled compensation under the FLSA. Conversely, if the employer

is providing job shadowing opportunities that allow an intern to learn certain functions under the close and constant supervision of regular employees, but the intern performs no or minimal work, the activity is more likely to be viewed as a bona fide education experience. On the other hand, if the intern receives the same level of supervision as the employer's regular workforce, this suggests an employment relationship, rather than training.

Job Entitlement

The internship should be of a fixed duration, established prior to the outset of the internship. Further, unpaid internships generally should not be used by the employer as a trial period for individuals seeking employment at the conclusion of the internship period. If an intern is placed with the employer for a trial period with the expectation that he or she will then be hired on a permanent basis, that individual generally would be considered an employee under the FLSA.

Where to Obtain Additional Information

This publication is for general information and is not to be considered in the same light as official statements of position contained in the regulations.

For additional information, visit the DOL Wage and Hour Division Website: <http://www.wagehour.dol.gov> and/or call the toll-free information and helpline, available 8 a.m. to 5 p.m. in your time zone, 1-866-4USWAGE (1-866-487-9243).

Chapter 10.1

On-The-Job Training

On-the-job training (OJT) is a real work experience provided by an employer who hires the trainee as a bona fide employee receiving the same benefits as other employees. The Fair Labor Standards Act requires that the trainee's wage be equal to or exceed whichever is greater: 1) the minimum entrance wage that particular employer pays inexperienced workers in the same occupation, or 2) the current federal minimum wage.

Additionally, the trainee shall receive pay increases if the training program lasts long enough that periodic pay increases are reasonable, and the trainee's performance merits an increase.

Chapter 10.2

Paid and Unpaid Work Experience Training

A work experience is a temporary position with an emphasis on on-the-job training rather than merely employment, and it can be paid or unpaid. While work experiences have been traditionally targeted for students, other non-students may also benefit from a work experience.

Work Experience Employment Sites

The VR counselor must work with the individual and the Business Relations Specialist to ensure an appropriate work setting for the work experience. Consideration must be paid to the individual's vocational goal, their educational background, and their previous work experience. The employer providing the work site must be willing to collaborate with DBVI staff to ensure necessary supports and training are provided to the individual. Supporting services could include assistive technology, accessibility issues, job coaching, and other on-site needs of the individual. The employer assumes responsibility for providing basic training, orientation, and support as they would be any new employee. Ongoing communication between the employer and DBVI staff is critical to the success of the work experience, including the development of clear objectives for the individual in the work experience and on-going reviews of their performance on the job.

DBVI as the Work Experience Setting

DBVI may serve as the work site for both paid and unpaid work experiences. This could include the Regional Offices, VRCBVI, the Library Resource Center (LRC), or other administrative offices within DBVI Headquarters. In circumstances where DBVI is the employment setting, there is greater potential for professional boundary issues to arise, leading to a dual relationship between the individual and DBVI staff. Per DBVI's Code of Ethics, DBVI will "...develop and maintain professional relationship boundaries with the individuals we serve." The VR counselor must provide the individual with the necessary guidance and counseling prior to the decision to establish DBVI as the work experience employment setting.

Paid Work Experience Training

DBVI has established a paid work experience service through partnerships with staffing agencies in Virginia.

Individuals are paid the minimum wage for the community in which the work experience site is located and are considered an employee of the staffing agency; they are not an

employee of DBVI nor the work experience site employer. Paid work experience positions can be full or part time and should be in support of and consistent with the individual's vocational goal.

The paid work experience can be developed as a follow-up to an Unpaid Work Experience (see next section) with the same employer or can be established as a paid work experience from the outset. A paid work experience may lead to paid employment, an OJT with the same employer (or another) or the paid work experience may end without employment as the end result.

Criteria for Paid Work Experience

1. Adults 18 years or older may participate in a paid work experience. The individual must be in a Service status (including Job Ready status).
2. Students engaged in post-secondary training or education (business or technical school, college, Wilson Workforce & Rehabilitation Center, etc.) are appropriate candidates for a paid work experience. The paid work experience should ideally provide a work experience consistent with the student's vocational goal and studies.
3. Individuals with previous work experience who have experienced a gap in employment due to their disability who can use a paid work experience as a transition into full or part time competitive integrated employment.
4. Others as its determined to be an appropriate service in support of the individual's vocational goal.

Time Limit: The paid work experience is limited to 26 weeks, 40 hours per week maximum for a total of 1040 hours maximum. The time period can be extended only at the request of the employer, at the request of the VR counselor (with permission from the employer) and with the approval of the Regional Manager.

Fees: The VR counselor will authorize to the staffing agency an amount equal to the wage the individual is receiving (generally minimum wage) plus the staffing agency fees. The fees are generally the same for most positions but may vary depending on the work experience position or work site.

Comparable Services and Benefits: The VR counselor must make every effort to obtain comparable services and benefits available to the individual from all other programs.

Maintenance ([See Chapter 11.4 – Maintenance for more information](#)) - If the individual incurs additional expenses above and beyond their normal expenses in order to participate in a paid work experience, maintenance may be provided. Maintenance costs are subject to the individual's participation in cost of services except if the work experience is established for the purpose of vocational exploration or vocational assessment. Maintenance may include:

1. Room and board and incidentals for an out-of-town training site.
2. Transportation.

3. Clothing to include uniform or other workplace-appropriate attire. Meals during the workday

Training Materials - Actual cost for training materials, textbooks and required supplies not normally provided by the employer/trainer may be provided. These costs must be approved by the VR counselor and itemized by the vendor (employer) on an invoice prior to payment. Additionally, these costs shall be subject to the individual's financial participation in cost of services when provided for a paid work experience and exempt when provided for vocational exploration or vocational assessment.

Supported Employment and Job Coaching Training Services - The VR counselor may utilize Job Coaching Training Services or supported employment (SE) services for individuals who require those services in order to successfully participate in a paid work experience. Situational Assessment may be provided to help the individual and the VR counselor select an appropriate work setting and to develop training objectives (such as special needs, work attitudes and behavior, job skills, work tolerance, etc.) for the IPE. While a paid work experience is generally designed to prepare the individual for employment without extensive ongoing supports, the VR counselor may authorize JCTS or SE services in conjunction with an UWE if necessary for a successful supported employment outcome.

Multiple Paid Work Experiences - Multiple paid work experiences are permitted as needed. The VR counselor should consult with the Regional Manager before approving multiple paid work experiences.

Liability - The individual is considered an employee of the staffing agency and so all liability, including Workman's Compensation, is through the staffing agency.

Using Paid Work Experiences for Vocational exploration:

1. In general, a paid work experience should not be used for vocational exploration. It would be more appropriate to utilize situational assessments, job shadowing or Unpaid Work Experience for that purpose.
2. When a paid work experience is used in order to provide vocational exploration, the services shall be exempt from a search for comparable benefits and from consideration of the individual's participation in cost of services.

Using paid work experiences as vocational training in the workplace:

1. A paid work experience is a work-based experience that allows the individual the opportunity to acquire additional work skills, to develop and reinforce work competencies, attitudes, and work behaviors needed to prepare for paid employment.
2. If the paid work experience is primarily used as a training program (as opposed to vocational exploration or assessment) then the service may only be provided

under an Individualized Plan for Employment (IPE). Training must be related to achieving the established employment goal.

3. Training must be closely supervised by the employer-trainer.
4. When the paid work experience is used for the purpose of vocational training in the workplace, the services shall be exempt from a search for comparable benefits and from consideration of the individual's participation in cost of services.

Responsibilities of the individual participating in the paid work experience

1. As a condition for receiving a paid work experience, the individual shall:
 - a. Consult with the VR counselor to review attendance, progress towards training program completion, financial status, and future plans.
 - b. Make satisfactory progress in the training program and complete the program as scheduled. The VR counselor shall review the individual's progress as reported on the Monthly Training Progress Report. If progress is not satisfactory, the individual and the VR counselor shall address the causes and take appropriate action.
 - c. Provide written informed consent for the VR counselor and service provider to share necessary information regarding disability impediments to employment, accommodation, and progress.

Unpaid Work Experience (UWE)

According to the United States Department of Labor (DOL), unpaid work experiences (UWE) may include vocational exploration, assessment training, and cooperative vocational education. No remuneration is received by the trainee who participated in a UWE. UWE provides training for eligible individuals who have no work history in order for them to gain valuable work experience. This training also provides eligible individuals, who have previous work experience, the opportunity to regain his/her competence and skills in order to return to competitive employment. UWE is provided in a competitive, integrated work environment.

DOL also makes clear that it is the employer/trainer's responsibility to fully meet all DOL criteria for a training relationship with the individual/trainee. UWE must be terminated if it becomes clear that the individual is completing work that benefits the employer or is meeting the employer's labor needs. The employer agrees to these legal responsibilities as outlined on the UWE Enrollment Form which is required to be maintained in the individual's case file. While the DOL does not determine the existence of an employment relationship exclusively on the basis of the number of hours being worked, the Wage and Hour Division of the Employment Standards Administration of the DOL establishes a general rule for the maximum number of hours for the vocational exploration, evaluation, and training components of an UWE.

- A. Time Limit
 - a. Adults:

For adults aged 18 and older, UWE training is limited to 26 weeks, 40 hours per week maximum for a total of 1040 hours maximum. The time period can be extended at the request of the employer, at the request of the VR counselor (with permission from the employer) and with the approval of the Regional Manager.

- b. Students:
 - i. For high school students aged 16 and 17, the maximum number of hours per job (per signed agreement between the U.S. Department of Labor and the U.S. Department of Education) is:
 - 1. Vocational exploration – 5 hours maximum per job.
 - 2. Vocational assessment – 90 hours maximum per job.
 - 3. Vocational training – 120 hours maximum per job.
 - ii. For high school students aged 14 or 15, the student shall participate in no more than:
 - 1. Three hours on a school day, 18 hours in a school week, eight hours on a non-school day, 40 hours in a non-school week.
 - 2. They shall not participate before 7:00 a.m. or after 7:00 p.m. They shall not work a job declared hazardous by the Secretary of Labor.
- c. Individuals aged 16 or 17 years old may participate anytime for unlimited hours but shall not work a job declared hazardous by the Secretary of Labor.
- d. For a secondary (junior and senior high) school student receiving special education services under an Individualized Education Program (IEP), the counselor may coordinate with school personnel to provide an UWE only when the UWE is listed as a transition component on the student's IEP. If the student is not served under a school IEP, the counselor may coordinate an UWE with the custodial parent/guardian and appropriate school personnel.

NOTE: Participation by a student with a disability would qualify as a work-based learning experience and is one of the required services listed under pre-employment transition services.

B. Comparable Services and Benefits

The VR counselor must make every effort to obtain comparable services and benefits available to the individual from all other programs.

C. Maintenance ([See Chapter 11.4 – Maintenance for more information](#))

If the individual incurs additional expenses above and beyond their normal expenses in order to participate in an UWE, maintenance may be provided. Maintenance costs are subject to the individual's participation in cost of services except when the UWE is provided for the purpose of vocational exploration or vocational assessment.

Maintenance may include:

1. Room and board and incidentals for an out-of-town training site.
2. Transportation.
3. Clothing to include uniform or other workplace-appropriate attire.
4. Meals during the workday

D. Training Materials

Actual cost for training materials, textbooks and required supplies not normally provided by the employer/trainer may be provided. These costs must be approved by the VR counselor and itemized by the vendor on an invoice prior to payment. Additionally, these costs shall be subject to the individual's participation in the cost of services when provided for unpaid vocational training and exempt when provided for vocational exploration or vocational assessment.

E. Supported Employment and Job Coaching Training Services

The VR counselor may utilize Job Coaching Training Services or supported employment (SE) services for individuals who require those services in order to successfully participate in an UWE. Situational Assessment may be provided to help the individual and the VR counselor select an appropriate work setting and to develop training objectives (such as special needs, work attitudes and behavior, job skills, work tolerance, etc.) for the IPE. While an UWE is generally designed to prepare the individual for employment without extensive ongoing supports, the VR counselor may authorize JCTS or SE services in conjunction with an UWE if necessary for a successful supported employment outcome.

F. Multiple UWEs.

Multiple UWEs are permitted as needed. The VR counselor should consult with the Regional Manager before approving multiple UWE's.

G. Vendor payment prohibited.

DBVI staff shall not pay tuition or other training fees to the vendor (Employer) for providing an UWE.

H. Liability

DBVI and the individuals who are being served by the agency are ensured for liability through the Virginia Department of the Treasury, Division of Risk Management. This coverage specifically is for instances in which individuals receiving services or the employer:

1. Seek a liability-related legal action against DBVI or VRCBVI as the result of participation in VR services, including situational assessments, summer work, paid and unpaid work experiences, on-the-job training, or other work experiences.
2. Allege that DBVI or VRCBVI caused injury to the individual or damaged the individual's property.

3. Injure another person or do property damage to the employer during a situational assessment, paid and unpaid work experience, summer work, on-the-job training, or other work experience.
- I. Using UWE for Vocational exploration
 1. UWE may be used to conduct vocational exploration in a variety of work settings to help the individual and counselor establish an appropriate employment goal. In this circumstance, the individual gains information by watching work being performed (job shadowing), talking with employees about their job, and participating in a real-work environment. .
 2. When an UWE is used in order to provide vocational exploration, the services shall be exempt from a search for comparable benefits and from consideration of the individual's participation in cost of services.
 - J. Using UWE for Vocational assessment
 1. UWE may be used to provide vocational assessment in various work settings to undertake brief work assignments under the direct supervision of the employer-trainer.
 2. Vocational assessment should generally be completed before the VR Individualized Plan for Employment (IPE) is developed. However, if an established employment goal must be modified, additional vocational assessment needed to establish a new employment goal may be authorized.
 3. When UWE is used to provide vocational assessment, the services shall be exempt from a search for comparable benefits and from consideration of the individual's participation in cost of services.
 - K. Using UWE as vocational training in the workplace
 1. Unpaid Work Experience (UWE) is an unpaid work-based experience that allows the individual the opportunity to acquire additional work skills, to develop and reinforce work competencies, attitudes, and work behaviors needed to prepare for paid employment.
 2. If UWE is primarily used as a training program (as opposed to vocational exploration or assessment) then the service may only be provided under an Individualized Plan for Employment (IPE). Training must be related to achieving the established employment goal.
 3. Training must be closely supervised by the employer-trainer.
 4. When UWE is used for the purpose of vocational training in the workplace, the services shall be exempt from a search for comparable benefits and from consideration of the individual's participation in cost of services.
 - L. Responsibilities of the individual participating in the UWE
 1. As a condition for receiving unpaid work experiences (UWE), the individual shall:
 - i. Consult with the VR counselor to review attendance, progress towards training program completion, financial status, and future plans.
 - ii. Make satisfactory progress in the training program and complete the program as scheduled. The VR counselor shall review the individual's

progress as reported on the [Training Progress Report](#). If progress is not satisfactory, the individual and the VR counselor shall address the causes and take appropriate action.

- iii. Provide written informed consent for the VR counselor and service provider to share necessary information regarding disability impediments to employment, accommodation, and progress.
- iv. Satisfy the Enrollee Responsibilities as listed in the UWE Enrollment form.

Chapter 10.3

Tutorial Training (Non-Technology)

Tutorial training may be provided to assist individuals when those services are necessary for the individual to achieve their vocational goal. This training may be necessary when the individual needs individualized instruction in order to develop or master a specific skill. Tutorial training is usually limited to the development of academic skills needed to enter a specific training program. Tutorial academic training is not intended to be used as a means to maintain academic eligibility for borderline college students.

A. Time Limit

Tutorial training is a time-limited service. It can be provided until the individual becomes proficient in the academic or vocational training. No more than three months can be authorized at a time. Any extension must be clearly justified and approved by the VR counselor with reason for extension documented in the case record.

B. Comparable Services and Benefits

The VR counselor must make every effort to obtain comparable services and benefits available to the individual from all other programs. This includes the public and private sector to meet in whole or part the individual's program.

Chapter 10.4

Technology Tutors

DBVI Technology Tutor Network

Purpose of Technology Tutor Network

Tutorial training may be provided to assist the individual in achieving a vocational goal. This training may be necessary when the individual needs individual instruction in order to develop a specific skill. Tutorial training is usually limited to the development of computer or assistive technology skills needed to achieve educational or vocational goals.

Technology Training Guidelines

1. If DBVI will be paying for the service, only those tutors who have been approved through the DBVI Technology Tutor Network (TTN) and who have been placed on the DARS approved vendor list will be used to teach individuals the use of assistive technology and application software.
2. On-site Technology Training:
DBVI may contract with tutors approved by TTN for community-based technology training on the following types of assistive technology and mainstream technology:
 - a. Large print access systems
 - b. Speech access systems
 - c. Braille access systems
 - d. Braille communication devices
 - e. Scanners
 - f. Mobile technology
 - g. Deaf Blind technology
 - h. Mainstream operating systems and applications as they interface with assistive technology

Tutor Qualifications

1. Tutors must have the following qualifications:
 - a. the ability to train individuals in the use of computers or other communication devices, access programs, and application software
 - b. experience interfacing assistive technologies with computers and application software
 - c. the ability to work effectively with people who are vision impaired

- d. the ability to communicate effectively orally, in writing, and via sign language, where applicable
- e. a positive proficiency interview with a representative of the TTN, including questions on those assistive technology devices, operating systems, and application programs listed in the tutor's application
- f. the ability to configure the assistive technology, interfaced with application software, to a level consistent with the performance requirements of the student

Group Classes, Seminars, and Workshops

1. A qualified tutor may conduct group sessions. The guidelines for the selection of the tutor, payment, class size, and curricula are as follows:
 - a. A tutor can conduct a seminar, class, or workshop in their area of expertise in which they have been certified or upon approval of the Rehab Technology Services program director.
 - b. The selection of the tutor will require approval by the Rehab Technology Services program director along with (as requested) collaborative input from case managers or regional managers familiar with the tutor.
 - c. There will be a flat rate for each individual to attend a session which can be directly charged to the individual's case, thereby eliminating the need to find funding elsewhere. The rate includes class preparation time, instruction, and travel reimbursement.
 - d. The rate will be determined by the subject matter, the complexity level of the class, the size of the class, and the length of the class. Because of these variables, there will be no standard rate for compensation.
 - e. The above variables will be determined by the Rehab Technology Services program director and the tutor.
 - f. The tutor will submit a curriculum or set of lesson plans detailing what will be taught and outlining class objectives at the time of planning.

Chapter 10.5

Work Adjustment Training

Work adjustment training is a training process utilizing individual and group work and work-related activities. It is a service that provides generalized training and real or simulated work in order to assist individuals in the development of general values, attitudes, and behaviors appropriate for a work environment.

Work adjustment training helps the individual understand the meaning, value and demands of work. These services help the individual to develop attitudes, modify personal characteristics, and work behavior. This develops the functional capacities of the individual as needed in order to assist the individual toward his/her optimum level of vocational development.

Frequently Work Adjustment Training is provided within a non-integrated facility setting, although others may provide WAT services in a community setting. The VR counselor should seek to have WAT services provided within a setting that if not a competitive, integrated setting is one that will provide the individual with a more realistic setting or environment in which to address pre-vocational work behaviors

A. Time Limit

There is a maximum time of three (3) months for work adjustment training. In circumstances when the counselor may extend beyond three months, written justification must be provided in the case record.

The individual's work adjustment training must be focused on the goal of achieving a competitive integrated employment outcome. If progress toward that outcome is not being achieved, termination of that service should be considered, and other options pursued.

B. Comparable Services and Benefits

The counselor must make every effort to obtain comparable services and benefits available to the individual from all other programs. This includes the public and private sector to meet in whole or in part the cost of the individual's program.

Chapter 10.6

Wilson Workforce and Rehabilitation Center (WWRC)

Wilson Workforce and Rehabilitation Center (WWRC) is a comprehensive rehabilitation facility located in Fishersville, Virginia. The Wilson Workforce and Rehabilitation Center (WWRC), operated by the Virginia Department for Aging and Rehabilitative Services (DARS), provides Medical and Vocational Rehabilitation services to address the comprehensive needs of individuals who have the potential to improve independence and employability.

DBVI has a cooperative agreement with the Department for Aging and Rehabilitative Services (DARS) in which DARS agrees to provide DBVI individuals with equal access to services at WWRC including evaluation, vocational training, medical services, life skills, and residential services. Services provided by WWRC will be purchased by DBVI.

More specific information regarding WWRC can be found on the DARS Intranet, choosing DSA sites and WWRC. On the WWRC intranet or internet the VR counselor can find more information regarding services and residential options. The WWRC fee schedule for services can be found in the WWRC internal Document Repository on their intranet site.

WWRC Admissions

WWRC accepts applications of any individual with a disability for whom WWRC services are appropriate.

WWRC provides services without discrimination regarding race, color, creed, sex, national origin, age, or disability in compliance with Title VI of the civil Rights Act of 1964 and the Disability Act of 1990. All applicants have the right to file complaints and to appeal decisions according to regulations governing this process.

WWRC Services

Vocational Evaluation is an educational process in which an individual obtains greater self and work knowledge through participation in work activities designed to evaluate vocational skills, interests, and abilities. Individuals learn about the functional impact of their disability in relation to their career options. They also learn about assistive technology and the devices and accommodations needed to remove barriers to

employment. The evaluation process encourages personal involvement in career planning and development and empowers individuals by increasing their self-confidence in career decision making.

Life Skills Transition Program (LSTP) is a nine-week introductory program divided into three-week modules. Individuals participate in classes designed to provide a foundation of soft skills as part of their transition to employment and independence. Goals include an introductory exposure to soft skills that support an individual's ability to seek and secure employment, to heighten awareness of personal interactions that may impact employment and to expand and enhance their interpersonal, personal management, and practical living skills that increase potential for living more independently.

Vocational Training is also known as the Wilson Workforce Center for Employment (WWCE). The mission of Vocational Training is to successfully prepare individuals for employment, higher education, and/or other career development goals by maximizing their employment, occupational, and self-sufficiency skills. Vocational Training Programs are specifically designed to help individuals achieve successful careers. All instruction is competency-based, and each program is updated regularly with the assistance of Advisory Committees.

Rehabilitation Counseling

Individuals enrolled in a program of services at WWRC are assigned a Rehabilitation Counselor to provide guidance and counseling during their program. The role of the Rehabilitation Counselor is to help the individual navigate through the services at WWRC.

Rehabilitation Counselors assist individuals in effectively planning, accessing, and managing their services to provide the best possible opportunity for them to achieve their goals and to learn and demonstrate advocacy skills. The Rehabilitation Counselor is the leader of an individual's inter-disciplinary team of rehabilitation professionals. The Rehabilitation Counselor at WWRC is also the primary liaison with the DBVI VR counselor.

Medical Rehabilitation

The Medical Rehabilitation Division is certified as a Comprehensive Outpatient Rehabilitation Facility with a residential option. Medical rehabilitation services are available for individuals with physical, cognitive, sensory and/or emotional disabilities, such as those related to spinal cord injury, stroke, traumatic brain injury or other neurological or orthopedic conditions. Comprehensive treatment programs are coordinated by a medical case manager and may include a vocational evaluation. WWRC also provides assistive technology services for both DARS and non-DARS referred individuals. Individuals who require assistance with medical needs or personal

daily living skills may reside on Rothrock Hall at WWRC where they have access to 24/7 nursing assistance.

Residency Options

The majority of individuals served at WWRC live in dormitories. Each dormitory suite consists of three or four bedrooms with shared bath. Individuals may have a roommate depending upon enrollment at their time of admission. Each individual is responsible for maintaining the cleanliness of their personal living space and have assigned responsibilities for maintaining their shared facilities.

Chapter 11

Other Goods and Services

Other Goods and Services

Individuals may receive these other goods and services when those services have been determined necessary for the individual to achieve an employment outcome. All federal and state rules pertaining to the purchase of goods and services are to be adhered to. Cost of participation in services will be applied as appropriate. The VR counselor must include the identified goods and services on the individual's IPE prior to purchasing. Comparable benefits must be sought prior to the purchase.

Chapter 11.1

Adaptive Equipment and Assistive Technology

Definitions

According to the Assistive Technology Act of 1998 (29 U.S.C. 3002) which is referenced in the 34 CFR 361.10 (c)(6), Assistive Technology means “technology designed to be utilized in an assistive technology device or assistive technology service”. Assistive Technology device is defined as “has the meaning given such term in section 3 of the Assistive Technology of 1998....). The Assistive Technology Act defines Assistive Technology Device as "any item, piece of equipment, or product system, whether acquired commercially, modified, or customized, that is used to increase, maintain, or improve functional capabilities of individuals with disabilities.

The term Adaptive Technology is often used as the synonym for Assistive Technology. Adaptive Technology, or Adaptive Aids, are not defined under WIOA or the Assistive Technology Act of 1998. However, numerous other references describe Adaptive Technology or equipment as items that are specifically designed for persons with disabilities that would seldom be used by non-disabled persons. In other words, "Assistive Technology is any object or system that increases or maintains the capabilities of people with disabilities," while Adaptive Technology is "any object or system that is specifically designed for the purpose of increasing or maintaining the capabilities of people with disabilities." As such, any equipment or tool that was purchased to “increase or maintain the capabilities” of someone with a disability would be considered to be Assistive Technology. A large display clock, for example, might be purchased by someone without a vision impairment in order to better see the clock from across the room. Someone with low vision, though, might purchase the same clock and place it within inches of their head in their bedroom as an assistive device.

Assistive technology devices are identified in the IDEA 2004 as:

Any item, piece of equipment or product system, whether acquired commercially off the shelf, modified, or customized, that is used to increase, maintain, or improve the functional capabilities of children with disabilities. The term does not include a medical device that is surgically implanted, or the replacement of such device.

(Authority 20 U.S.C. 1401(1))

Although the IDEA uses the term “device”, it is important to recognize that assistive technology devices required by students with disabilities include hardware and software as well as stand-alone devices. Almost any tool can be considered to be an assistive

technology device except for those assistive technology devices that are surgically implanted and have been excluded from the definition of an assistive technology device as defined in IDEA.

The term 'Adaptive Equipment or technology' is defined as any object or system that is specifically designed for the purpose of increasing or maintaining the capabilities of people with disabilities. Adaptive technology would seldom be used by persons without disabilities.

A. Criteria for Purchasing Adaptive Equipment (For Training or Employment)

1. Adaptive Equipment or technology or Assistive technology may be purchased when it is determined to be necessary in order for the individual being served to meet their vocational goal. For example, a vocational objective has been established for which the equipment can be utilized as a tool to enhance accessibility in the workplace and/or to make him/her more marketable in the job search. Non-computer related assistive technology may include, but not necessarily be limited to, braillewriters, low vision aids, adaptive tools, talking calculators, and light probes. Assistive technology for operating a computer may include a voice synthesizer, an image enlargement or speech program, or a braille output system; the basic computer is considered an adaptive device when it is a component of the adaptive system.

B. Individual participating in the cost of services

Financial need will not be considered when purchasing assistive technology necessary for the individual to achieve their vocational goal. Financial need must be considered when purchasing equipment or tools which are not adaptive.

C. Equipment and Training for Individuals not Eligible for VR Services

The VR program will not purchase, upgrade, or repair assistive technology for a visually impaired worker who is already successfully employed, unless that individual meets the basic VR eligibility criteria (See Eligibility chapter). Technological advancements or changes in job duties and responsibilities do not alter eligibility. Purchase, upgrade, and repair of the equipment, for non-VR eligible persons, remains the responsibility of the worker or employer.

DBVI can, however, assist with assistive technology evaluations and recommendations for visually impaired individuals who are not eligible for VR. Designated DBVI staff may provide these assessments without cost to the individual or the employer. VRCBVI may also provide hardware and software training to visually impaired individuals who are not eligible for VR services on a fee for service basis.

D. Rental of Equipment

In some training or employment situations, it may be more appropriate to rent equipment for a short period. This decision would need to be made on an

individual basis. When purchasing or renting assistive technology, the VR counselor must follow applicable state purchasing procedures.

E. College and Other Vocational Training Programs

The VR program will not ordinarily purchase computer assistive technology to be used by students in high school. The VR program, however, may purchase assistive technology for a high school student at the end of his/her junior year if it is determined the individual will be entering college after graduation and needs the senior year to become proficient in the use of the equipment. Assistive technology may also be purchased at the end of the junior year if the student is preparing for employment after graduation where use of a computer is essential. The high school Junior must have received an evaluation and recommendation by DBVI staff or a qualified community service provider. Equipment for college students may be purchased following an appropriate evaluation and recommendation. When purchasing computer assistive technology, the following factors must be considered:

1. Physical Limitations and Abilities

The visual, auditory, and tactual/motor abilities of the individual must be assessed. These assessments will be considered on an individualized basis, and may include a thorough low vision examination, audiological testing, and direct experience with various types of communication technology, including computer access systems. If it is determined that a computer system is needed, the decision needs to be made about the most appropriate access mode; i.e., visual, tactual, auditory, or a combination of the three.

2. Performance Using Adaptive Computer Access Equipment, and Application Software or Electronic Braille Devices. Not all individuals who want and/or need computer access or electronic braille devices have the ability to master the procedures required to operate such equipment. An assessment is necessary to identify the most appropriate access equipment and to determine if the individual has the potential to learn the adaptive hardware/software as well as standard computer operations.

3. Assessments

Individuals who do not have computer skills must be evaluated by either a DBVI staff person in the regional office, a qualified service provider in the community, or VRCBVI. Community service providers must be approved by DBVI as a vendor and paid in accordance with the fee established by DBVI.

4. VRCBVI Assessment Evaluations

Individuals requesting computer access equipment can be evaluated at VRCBVI:

- i. During a pre-college assessment;
- ii. Following a general four-day assessment; or

- iii. As part of a special program (two-week communication technology assessment provided if typing/braille skills have already been assessed).
 - iv. Upon special request.
- F. Criteria for Acquisition of Closed-Circuit Televisions
Closed circuit televisions (CCTV) may be purchased as a low vision aid for training or employment on an individual basis. The VR program will not purchase CCTVs for use by high school students unless the CCTV is needed for vocational purposes. In order to purchase such equipment, counselors must adhere to the following conditions:
 - 1. A CCTV should be considered when conventional low vision aids have proven ineffective/inefficient in performing a desired task.
 - 2. A CCTV should only be purchased for an individual after a low vision examination.
 - 3. Written justification reflecting input from the low vision examiner and consultation with the director of low vision services.

Chapter 11.2

Services to Family Members and Dependents

Family member, for purposes of receiving vocational rehabilitation services in accordance with 34 § 361.5(c)(23), means an individual;

Who either;

1. Is a relative or guardian of an applicant or eligible individual; or
2. Lives in the same household as an applicant or eligible individual;
 - i. Who has a substantial interest in the well-being of that individual; and
 - ii. Whose receipt of vocational rehabilitation services is necessary to enable the applicant or eligible individual to achieve an employment outcome

VR Services to Family Members

1. DBVI defines a family member(s) of the individual as any relative by blood, marriage, or adoption or a guardian and living in the same household. Family members of individuals actively participating in VR service may receive services when such services are necessary to enable the individual to participate in activities associated with their IPE.
2. The following conditions must be met in order to provide services to family members:
 - a. Individuals must use comparable benefits. Counselors must document the services on the IPE and in AWARE case notes.
 - b. The VR counselor must consider the individual's participation in the cost of services when providing services to an individual's family members.
 - c. Services to family members must comply with agency, state, or federal regulations that are applicable to the provision of services to the individual.
 - d. Services to family members must be directly related to the provision of services to the individual.
 - e. Child or day care services for the individual's dependent children may only be provided if other arrangements are not available. When providing day care, the counselor may pay up to the amount paid per child, per day, by the Department of Social Services in the locality in which the child is located. When more than one child is involved, rates for the additional children must be lower. DBVI will not pay the individual's family members for providing day care services for the individual's children.

Chapter 11.3

Interpreter Services

- A. Interpreter Services for Individuals Who Are Deaf and Tactile Interpreting for Individuals who are Deafblind
 - 1. Deafblind individuals may receive interpreter services at all stages of the rehabilitation process when those services are needed by the individual to access VR services.
 - 2. There is no economic needs test for the provision of interpreter services to deafblind individuals receiving VR services. DBVI will not pay an individual's family members to provide interpreter services.

Chapter 11.4

Maintenance

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

Maintenance shall only be provided to an individual when there are additional costs to the individual as a direct result of participating in the VR program.

A. Maintenance

1. Maintenance includes room, board, clothing, and incidentals and may be provided to individuals during any stage of the rehabilitation process.
2. Maintenance is subject to the determination of the individual's participation in the cost of services, except when the individual is receiving maintenance services related to diagnostic or assessment services.
3. Comparable benefits for which the individual is eligible must be applied toward the cost of maintenance.
4. Maintenance may include, but not be limited to, the following:
 - a. Clothing
 - b. Incidental Allowance
 - c. Deposits
 - d. Transportation
 - e. Food

Pre-Employment Transition Services and Maintenance

It is permissible for the VR counselor to use the pre-employment transition services reserve fund to reimburse an employer for costs incurred to provide a work-based learning experience, such as a fee charged by the employer that might include the cost for the purchase of additional uniforms for a student, or **other costs incurred that are not individualized in nature but are necessary for the participation in the work-based learning experience.**

Chapter 11.5

Occupational Licenses, Tools and Equipment

Tools and Equipment may be sponsored when they are deemed necessary for the individual to achieve their vocational goal.

DBVI may obtain for individuals occupational licenses, permits, or other written authority required by state, city, or county to assist the individual to enter an occupation or a small business. Tools, equipment, initial stocks, and supplies may be provided to the individual in training or employment.

The purchase of licenses, tools, equipment, initial stocks, and supplies is based on the individual's participation on the cost of VR services, except for adaptive equipment or assistive technology that is necessary to achieve the individual's vocational goal.

VR funds cannot be used to directly support or expand the practice of religion. For example, an individual may purchase a CCTV which will allow him/her to prepare for sermons which allow him/her to practice his/her chosen vocation, but VR funds could not be used to pay rent on a building that will be used by a minister to start a church or purchase a van to transport individuals to church. The VR counselor will assist individuals in obtaining the proper licenses or certification when it is required to enter an occupation.

The VR counselor may purchase tools and equipment for individuals when the individual's employer does not ordinarily provide them for other workers. Tools and equipment that are not defined as Assistive Technology or Adaptive Equipment are subject to financial participation.

The VR counselor must seek and use comparable benefits prior to DBVI expending funds for the purchase of occupational licenses, tools, equipment, initial stocks and supplies.

Donation of Equipment

1. Donation of Equipment
 - a. Assistive technology devices and other occupational equipment shall become the personal property of an individual being served by DBVI Services division programs when:
 - i. The device or equipment is specifically prescribed for the individual,
or

- ii. The device or equipment is personalized to the extent that it cannot be reassigned to another individual receiving services, or
 - iii. The device or equipment has depleted (not depreciated) with normal use.
 - b. Assistive technology or other occupational equipment costing \$500 to \$4999.99 may be donated to the individual or group of individuals being served when:
 - i. Used by the individual or group of individuals for one year from the date of issuance or date of case closure, whichever comes first.
 - ii. Continues to be used for training, employment, or to support independent living.
 - iii. The individual or group of individuals agree to accept responsibility for the maintenance of the device or equipment after they have accepted ownership.
 - c. Assistive technology or other occupational equipment costing \$5000 or more may be donated to the individual or group of individuals being served when:
 - i. The item has depreciated to zero (usually after five years from date of purchase).
 - ii. Continues to be used for training, employment, or to support independent living.
 - iii. The individual or group of individuals being served accept responsibility for maintaining and repairing equipment after donation.
- 2. Retaining Title of Assistive Technology and Other Equipment
 - a. Except as described in section 1. A. of this policy, DBVI shall retain title to all assistive technology and other occupational equipment for one year or until an individual's case closure, whichever comes first, for goods costing \$500 to \$4999.99.
 - b. Except as described in section 1. A. of this policy, DBVI shall retain title to all assistive technology and other occupational equipment costing \$5000 or more, until the item has depreciated to zero or the individual's case has been closed successfully, whichever comes first.
 - c. In all cases, except for assistive technology or other occupational equipment costing less than \$500, the individual receiving services and the VR Counselor or Rehabilitation Teacher will complete the [**DBVI Equipment Agreement/Receipt and Release Form**](#).
 - d. Assistive technology or other equipment DBVI purchased through bulk contract, and for agency or agency employee/contractor use shall be treated as state property and shall not be donated to and individual or group of individuals being served at time of purchase. When the depreciated value reaches \$0, it shall be treated as agency surplus (Code of Virginia § 2.2-1124).

3. Repossessing Assistive Technology and Other Occupational Equipment
 - a. DBVI will repossess assistive technology and other occupational equipment that has not been donated to the individual receiving services when:
 - i. The individual is not using the technology or equipment for training, employment, or to support independent living.
 - ii. Family members or other individuals are using the assistive technology or equipment for their own purposes.
 - iii. The individual is not taking reasonable care of the device or equipment. Lack of reasonable care that potentially leads to repossession includes:
 1. Multiple missing keys or cracked displays
 2. Excessive food/liquids spilled causing equipment malfunction
 3. Damage casing on the assistive technology
 4. Frayed cords/damaged connectors indicative of excessive pulling in removal
 5. Damaged ports/slots/drives due to improper insertion due to forcing
 6. Unauthorized installation of application programs and operating systems
 7. Presence of non-employment, non-educational, non-independent living related movies, videos, graphics, games or other programs of this nature
 8. Multiple occurrences of dropped or lost equipment
 9. Damaged system due to failure to use surge protector
 10. Breaking security seals that void warranties.
 - iv. The individual or group of individuals is no longer eligible to receive DBVI services.
 - v. The individual dies before donation of the assistive technology or occupational equipment.

Chapter 11.6

Personal Assistance Services

Personal Assistance Services (PAS)

Personal assistance services mean 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:

- A. 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;
- B. Designed to increase the individual's control in life and ability to perform everyday activities on or off the job;
- C. Necessary to the achievement of an employment outcome; and
- D. Provided only while the individual is receiving other vocational rehabilitation services. The services may include training in managing, supervising, and directing personal assistance services. (Per Federal Regulation 34 CFR [361.5\(c\)\(38\)](#)).

Daily Living activities include bathing, dressing, toileting, transferring, eating/feeding, preparing meals, housekeeping, doing laundry, managing money, driving or transition, shopping, using the telephone, maintaining the home, functioning in training or education setting subsequent to the receipt of VR services, completing homework associated with VR services, and functioning in the workplace.

1. PAS are provided to individuals being served, as appropriate, on an individual basis. PAS are not based on the individual's participation in the cost of services.
 2. The VR Counselor and the individual must utilize qualified personnel to provide PAS.
- E. PAS is subject to a comparable benefits search. The DBVI VR Counselor must consider and document comparable benefits for PAS before authorizing services. Comparable benefits must also be pursued at any point they become available after the initiation of the PAS. State Funded PAS are not comparable benefits. Comparable benefits to be considered throughout the life of the VR case include, but are not limited to, Medicaid Waivers, Companion Services provided through the Department of Social Services, Veterans Benefits, or other community-based options.
- F. PAS is a time-limited service and shall only be provided while an individual is participating in VR services. At no time shall PAS services be initiated and

subsequently provided to an individual who has no access to or funding for PAS after their VR case with DBVI has been closed. The VR Counselor is required to inform individuals of this policy prior to initiating PAS services.

- G. PAS is not a stand-alone service and may be provided only when necessary for the individual to access other Vocational Rehabilitation services (Federal Regulation 34 [CFR 361.5\(38\)](#)). At a minimum, guidance and counseling must be included on the individual's IPE. PAS shall not be authorized while the case is in referral status.
- H. An applicant may receive PAS only when needed to access diagnostic services to determine eligibility (and assign priority category when DBVI is on an order of selection).
- I. An individual may receive PAS if services are needed to access vocational rehabilitation services under a written plan for Trial Work Experiences.
- J. An individual certified eligible for the vocational rehabilitation program may receive PAS if those services are required for the individual to participate in developing the IPE, to participate in VR training, and, to achieve an employment outcome.
- K. If an individual's VR services are interrupted and the individual is unable to participate in those services, PAS shall cease during the interruption. The VR Counselor shall refer the individual to the State Funded PAS program (administered by DARS) for interim PAS services; however, this program maintains a waiting list and serves individuals on a priority basis. PAS assessment is exempt from financial participation policy (Federal Regulation ([34 CFR 361.54](#))).
- L. To ensure continuity of services, the VR Counselor must provide the VR PAS Coordinator at DARS with an update of the status of the individual quarterly. The VR PAS Coordinator will contact the individual and the VR Counselor on a quarterly basis.
- M. The individual receiving PAS must be actively participating in VR services. The VR Counselor and the individual will be in contact with each other on a monthly basis in order for the individual to continue to receive personal assistance through the VR PAS program. The VR Counselor will explain this requirement and take responsibility for making the contact if it is not initiated by the individual receiving services.

Chapter 11.7

Physical and Mental Restoration Services

Physical and mental restoration services mean;

1. Corrective surgery or therapeutic treatment that is likely, within a reasonable period of time, to correct or modify substantially a stable or slowly progressive physical or mental impairment that constitutes a substantial impediment to employment;
1. Diagnosis of and treatment for mental or emotional disorders by qualified personnel in accordance with State licensure laws;
2. Dentistry;
3. Nursing services;
4. Necessary hospitalization (either inpatient or outpatient care) in connection with surgery or treatment and clinic services;
5. Drugs and supplies;
6. Prosthetic and orthotic devices;
7. Eyeglasses and visual services, including visual training, and the examination and services necessary for the prescription and provision of eyeglasses, contact lenses, microscopic lenses, telescopic lenses, and other special visual aids prescribed by personnel that are qualified in accordance with State licensure laws;
8. Podiatry;
9. Physical therapy;
10. Occupational therapy;
11. Speech or hearing therapy;
12. Mental health services;
13. 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;
14. Special services for the treatment of individuals with end-stage renal disease, including transplantation, dialysis, artificial kidneys, and supplies; and
15. Other medical or medically related rehabilitation services.

Physical and Mental Restoration Services

Physical or mental restoration services are those medical and medically related services which may, within a reasonable period of time, be expected to remove or substantially reduce/stabilize the disabling effects of an individual's physical or mental disability.

Physical or mental restoration services are not provided as a sole service; there must be an identifiable need for at least one other substantial vocational rehabilitation service.

Specific individual functional limitations that cause the individual to require physical and mental restoration services must be related directly to the individual's ability to achieve their vocational goal.

A. Physical Restoration Considerations

1. Long-Term Medical Issues

The VR counselor should appropriately determine through the eligibility determination process if an individual's chronic, long term medical issues would deem them unable to benefit from VR services. The counselor must utilize Trial Work Experience during the eligibility process prior to closing an individual as too severe to benefit. Should the VR counselor determine eligibility and subsequently it becomes apparent that the individual's chronic and/or long-term medical issues will not allow them to continue to participate in VR services (i.e., they can no longer benefit from VR services) then the counselor should move to close the case.

Periodic (at least every six months) medical evaluations should be made to determine the seriousness of the individual's medical conditions should they continue to prevent consistent participation or progress towards employment. For example: The diabetic who has developed medical complications or is continuously out of control may no longer be able to benefit from vocational rehabilitation services in terms of employment outcome.

2. Medical Emergency

Vocational rehabilitation cannot accept and pay for services for an individual who is referred as a result of a medical emergency. For VR purposes, a medical emergency is hospitalization, surgery and/or treatment that is provided or scheduled without allowing adequate time to determine eligibility for VR services. Such individuals who are referred may be evaluated by VR if they wish to apply for services.

3. Inter-current Illness (Acute Conditions)

Vocational Rehabilitation may assume the cost for inter-current illness when an individual is already participating in a training program sponsored by VR. An inter-current illness is a disease occurring during the course of another

disease with which it has no connection (e.g., someone with AIDS who develops pneumonia).

If the inter-current illness occurs as a medical emergency during the training program, VR may pay for this service if the counselor approves the payment of this service, and it is properly documented.

1. **Comparable Benefits**

Physical or mental restoration services are subject to comparable services and benefits that must be identified, explored, and utilized. The primary medical comparable benefits are:

a. **Medical - Surgical Insurance**

When the individual has medical insurance for hospitalization, medical treatments or surgical services, it must be considered and be included in the rehabilitation program for the individual. Insurance coverage under Workmen's Compensation must be considered a primary resource and utilized in any program which requires physical restoration related to the individual's claim.

i. **Medicaid**

Prior to authorizing services, the VR counselor should determine if the individual is eligible for Medicaid. If they are, VR will pay only after the allowable hospitalization days under Medicaid are paid for. VR will not pay any difference (if any) when Medicaid pays a physician less than the allowable surgical fee in the DARS Services Reference Manual.

ii. **Medicare**

The counselor should ascertain the individual's eligibility status for this program. If the individual is eligible, DBVI will only be financially responsible for costs approved by the VR counselor and as established in the DARS Medical Services Manual.

Provision of Physical or Mental Restoration Services

A. Physical Restoration Services

Licensed medical practitioners must provide these services:

1. Eye surgery;
2. Medical treatment;
3. Psychiatric treatment;
4. Surgical treatment;
5. Dental treatment;
6. Physical and/or occupational therapy;
7. Prosthetic or orthotic appliances;
8. Drugs and supplies;
9. Hospitalization (both inpatient and outpatient care/surgery and clinic services);

10. Speech or hearing therapy;
11. Treatment of medical complications, either acute or chronic, which are associated with or arise out of the provision of physical restoration services, or are inherent in the condition under treatment;
12. Eyeglasses after surgery;
13. Other medical or medically related rehabilitation services; and
14. Special nurses (when requested by physician).

B. Guidelines for Services in Physical and Mental Restoration

The following services may be provided in certain circumstances described in DBVI policy:

1. Individual Consideration Fee (IC)
2. Establishment of Medical Fees
3. Anesthetization Fee Consultation
4. Hospitalization for Treatment
5. Medical and Surgical Treatments
6. Medication
7. Special Nurses

Chapter 11.8

Post-Employment Services

Post-employment Services (PES)

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

Post-employment services may be provided to individuals who need supports in order to maintain/regain or advance in employment after the employment outcome has been achieved, but before the individual is reported as having exited the VR program. Post-employment services are intended to be short-term, discrete services, and do not involve major new services.

Post-Employment services cannot be provided after closing an individual's case record and reporting the individual as exiting the VR program.

Eligibility for Post-Employment Services

Individuals who have achieved an employment outcome before exiting the VR program may be considered for post-employment services. If the individual is employed and the individual and the counselor anticipate the need for PES, the IPE should be amended to specify the needed post-employment services. The services should be provided until the individual's case record is closed successfully rehabilitated and the individual is reported as "exited from the VR program".

Chapter 11.9

Transportation

Transportation means travel and related expenses that are necessary to enable an applicant or eligible individual to participate in a vocational rehabilitation service, including expenses for training in the use of public transportation vehicles and systems

- A. Individuals, and when necessary, individuals providing assistance to the individual being served by VR, may receive sponsorship of transportation and related expenses, including subsistence when the services are required for the individual to participate in activities related to their IPE (such as post-secondary school or training) or to achieve their vocational goal (such as transportation services to a job site for a period of time). Services may include relocation and moving expenses necessary for the individual to achieve their VR goal.
- B. The VR counselor may provide transportation to individuals, using the most inexpensive means available, from home to the training facility or school at the beginning of training, at the completion of training, and for holiday periods. However, additional travel to the individual's home and back during the period they are at school, or a training facility can be approved by the VR counselor as justified (e.g., individual needs to attend to family and/or personal business needs). Transportation can be provided to individuals who are participating in VR training and who reside at home.
- C. Transportation is subject to financial participation determination, except when necessary for the individual to participate in diagnostic or assessment services.

Chapter 11.10

Reader Services, Rehabilitation Teaching Services and Orientation and Mobility Services

A. Reader Services, Rehabilitation Teaching Services, and Orientation and Mobility Services

1. Individuals may receive reader services, rehabilitation teaching services, and orientation and mobility services when the individual requires the services in order to participate in vocational rehabilitation services. These specialized services may be provided at any stage of the rehabilitation process.
2. Financial participation is not required for reader services, rehabilitation teaching instruction, and orientation and mobility instruction.
3. Financial participation is not required for the purchase of adaptive aids and devices that may be recommended while the individual is receiving rehabilitation teaching and orientation and mobility services.
4. DBVI will not pay the individual's family members for providing reading service.
5. The VR counselor will use the DBVI allowable fee for reader service when the service is purchased by VR.

Chapter 12

Transition and Pre-Employment Transition Services

Transition Services

The Workforce Innovation and Opportunity Act (WIOA) places heightened emphasis on the provision of services to students and youth with disabilities to ensure that they have meaningful opportunities to receive the training and other services they need to achieve employment outcomes in competitive integrated employment. WIOA expands not only the population of students and youth with disabilities who may receive services but also the kinds of services that the VR agency may provide to youth and students with disabilities who are transitioning from school to postsecondary education and employment. The expansion of the population to be served within the transition from school to employment includes clearly defined terms of a “student with a disability” and “youth with a disability” and requirements related to pre-employment transition services and the provision of transition services to students and youth with disabilities.

With the addition of these pre-employment transition services, the expectation is that the VR agency will provide a continuum of VR services, especially for students and youths with disabilities. In addition, the VR agency may provide transition services within a group setting of students and youth with disabilities, regardless of whether they have applied for or been determined eligible for services. If either a student or youth with a disability requires more intensive services, he or she would apply for VR services. Once determined eligible, an individualized plan for employment would be developed, which would outline the specific services that he or she may need in order to achieve an employment outcome. In sum, the VR program provides a range of services, from most basic to the most individualized and intensive service, thereby meeting the evolving needs of a student or a youth with a disability who is transitioning from school to post-school life.

Pre-Employment Transition Services versus Transition Services

Vocational rehabilitation services to students and youth with disabilities are provided on a continuum, with pre-employment transition services being the earliest set of services available to students with disabilities. Pre-employment transition services, authorized by section 113 of the Act, as amended by WIOA, and implemented by final [34 CFR 361.48\(a\)](#), are designed to help students with disabilities to begin to identify career interests that will be further explored through additional vocational rehabilitation services, such as transition services. Pre-employment transition services are only those services and activities listed in section 113 of the Act, as amended by WIOA, and final [34 CFR 361.48\(a\)](#). Job placement assistance is not included among the listed pre-

employment transition services, but it could constitute a transition service under section 103(a)(15) of the Act and final [34 CFR 361.48\(b\)](#). Pre-employment transition services are available only to students with disabilities, whereas transition services may be provided to a broader population--both students and youth with disabilities.

Transition Services

Transition services means a coordinated set of activities for students and youth with disabilities designed within an outcome-oriented process promoting movement from school to post-school activities, including postsecondary education, vocational training, integrated employment (including supported employment), continuing and adult education, adult services, independent living, or community participation. The coordinated set of activities must be based upon the individual student's needs, considering the student's preferences and interests, and must include instruction, community experiences, the development of employment and other post-school adult living objectives, and, if appropriate, acquisition of daily living skills and functional vocational evaluation. Transition services must promote or facilitate the achievement of the employment outcome identified in the student's Individualized Plan for Employment (IPE) and includes outreach to and engagement of parents or, as appropriate, the representatives of students or youth with disabilities. ([34 CFR 361.5 \(c\)\(55\)](#))

Following the continuum, transition services represent the next set of vocational rehabilitation services available to students and youth with disabilities. They are outcome-oriented and promote movement from school to post-school activities, including postsecondary education, vocational training, and competitive integrated employment. As such, transition services may include job-related services, such as job search and placement assistance, job retention services, follow-up services, and follow-along services, based on the needs of the individual.

Individualized transition services under section 103(a)(15) of the Act and final [34 § 361.48\(b\)](#) must be provided to students and youth who have been determined eligible for the VR program and in accordance with an approved individualized plan for employment. Transition services also may be provided in group settings to students and youth with disabilities under section 103(b)(7) of the Act, as amended by WIOA, and final [34 § 361.49\(a\)\(7\)](#). Although these group services are not individualized, they can still be beneficial for job exploration, including presentations from employers in the community and group mentoring activities.

Students and youth with disabilities who are receiving services under section 504 who do not have individualized education programs under the IDEA can also be provided transition services by DBVI.

Definitions of student and youth with disability

Student with a Disability means an individual with a disability who:

- Is still enrolled in secondary or enrolled in educational programs outside secondary school, including post-secondary education programs and has not exited, graduated or withdrawn;

- Is at least 14 years old but less than 22; or is still receiving services under the Individuals with Disabilities Education Act and is not older than the maximum age established by the Virginia Department of Education; and
- And has a disability (i.e. receives services under an IEP or 504 Plan; or has a disability for purposes of section 504, or is otherwise determined to be an individual with a disability)

Youth with a Disability means individual with a disability who:

- is not younger than 14 years of age; and
- is not older than 24 years of age.

Transition Services

The DBVI VR program serves eligible transition aged students and youth aged 14 and older and their families by providing an array of VR services that gives students and youth the tools necessary to prepare for, secure, retain, or regain employment consistent with their unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice. Coordination of services is a critical component of transition services; DBVI collaborates with students, their families, and local education officials to facilitate the eligible student's transition from the secondary educational setting to the receipt of VR services leading ultimately to employment.

Transition services refers both those services provided to students and youth who have been identified as potentially eligible and interested in VR services as well as services for those individuals who have already been determined eligible for VR services.

Transition services could include:

1. Attending Individualized Education Program (IEP) and transition planning meetings for students and youth in school and other recognized educational programs such as psychiatric residential treatment facilities (PRTFs)
2. Providing appropriate outreach and information regarding DBVI VR services to students and youth (or their representative, as appropriate), families, school counselors and transition coordinators
3. Meeting with transition age students and parents to provide support, resources, counseling and other necessary services to assist with acceptance or adjustment to their disability
4. Provide information and resources regarding potential work experiences
5. Coordinating services (both individually and within groups) to assist the students and youth and their families with general information regarding DBVI VR services, career planning, post-secondary options, labor market information, employer needs, etc.
6. Participating in regional outreach activities to increase job opportunities by promoting the abilities and capabilities of the individuals who are blind, vision impaired, and deafblind.

7. Providing information, coordinator and assistance with referral for DBVI VR services as well as referral to other programs or agencies as appropriate for the student or youth
8. Providing the student and youth and their family with information regarding service options (such as customized and supported employment) as well as the provision of career counseling and guidance related to sub-minimum wage employment and non-integrated employment settings
9. Gathering necessary documentation for the provision of pre-employment transition services and/or for application/eligibility for VR services
10. Providing and/or coordinating pre-employment transition services
11. For students and youth with disabilities who have been determined eligible and are under an IPE, those VR services that have been determined to be necessary to achieve the vocational goal.

Pre-Employment Transition Services

As previously noted, WIOA places heightened emphasis on services to students and youth with disabilities. As such, WIOA requires the VR agency to reserve at least 15 percent of their Federal allotment to provide and arrange for, in coordination with local educational agencies, the provision of pre-employment transition services to students with disabilities

Pre-employment transition services are designed to help students with disabilities to begin to identify career interests that will be further explored through additional vocational rehabilitation services, such as transition services. ***Pre-employment transition services are available only to students with disabilities***, whereas transition services may be provided to a broader population—both students and youth with disabilities. ([Per 34 CFR 361.48\(a\)](#))

Additionally, some students with a disability may have graduated from their secondary education program, have been admitted or accepted into a post-secondary education program but have their start date delayed or deferred for various reasons creating a "gap year or semester". The length of time of the gap is not an issue. However, the VR counselor should ensure the individual continues to meet the definition of a student with a disability since they could potentially reach age 22 during the gap period.

In providing pre-employment transition services, the VR agency may consider providing these services to students with disabilities in group settings or on an individual basis. When provided in group settings, these services are more general in nature and are as individually customized to an individual student's disability-related or vocational needs.

DBVI can provide pre-employment transition services to any student who is blind, vision impaired, or deafblind who needs these services, regardless of whether the student has applied for or been determined eligible for VR services (i.e., students who are eligible for VR services and those who are potentially eligible). These services can be provided to individuals or within a group setting. If it is determined that the student with a

disability requires more intensive services (i.e., services that are beyond the limited scope of pre-employment transition services), the student would have to apply for and be determined eligible for VR services and develop an individualized plan for employment for the receipt of those services as would be true for any other applicant.

Potentially eligible means, for purposes of pre-employment transition services, all students with disabilities, regardless of whether they have applied for or been determined eligible for the VR program.

Pre-Employment Transition Services (Required Services)

Pre-employment transition services available to eligible or potentially eligible students with disabilities include:

1. Job exploration counseling
2. Work-based learning experiences, which may include in-school or after school opportunities or experience outside the traditional school setting (including paid work experiences) that is provided in an integrated environment to the maximum extent possible;
3. Counseling on opportunities for enrollment in comprehensive transition or postsecondary educational programs at institutions of higher education;
4. Workplace readiness training to develop social skills and independent living; and
5. Instruction in self-advocacy, which may include peer mentoring.

Pre-Employment Transition Services (Coordination)

The following are coordination pre-employment transition services available to students with disabilities, including those who have been determined eligible for VR services as well as those who are potentially eligible.

1. Attending individualized education program meetings for students with disabilities, when invited;
2. Working with the local workforce development boards, one-stop centers, and employers to develop work opportunities for students with disabilities, including internships, summer employment and other employment opportunities available throughout the school year, and apprenticeships;
3. Working with schools, including those carrying out activities under section 614(d) of the IDEA, to coordinate and ensure the provision of pre-employment transition services;
4. When invited, attending person-centered planning meetings for individuals receiving services under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.);

Pre-Employment Transition Services (Authorized Activities)

If funds are available and remaining after the provision of the required activities (from the 15% required reserve allotment for pre-employment transition services), **authorized services** may be provided, arranged or coordinated by the VR counselor to improve the transition of students with disabilities from school to postsecondary education or an employment outcome by:

1. Implementing effective strategies to increase the likelihood of independent living and inclusion in communities and competitive integrated workplaces;
2. Developing and improving strategies for individuals with intellectual disabilities and individuals with significant disabilities to live independently, participate in postsecondary educational experiences, and obtain and retain competitive integrated employment;
3. Providing instruction to vocational rehabilitation counselors, school transition personnel, and other persons supporting students with disabilities;
4. Disseminating information about innovative, effective, and efficient approaches to achieve the goals of this section;
5. Coordinating activities with transition services provided by local educational agencies under the Individuals With Disabilities Education Act (20 U.S.C. 1400 et seq.);
6. Applying evidence-based findings to improve policy, procedure, practice, and the preparation of personnel, in order to better achieve the goals of this section;
7. Developing model transition demonstration projects;
8. Establishing or supporting multistate or regional partnerships involving states, local educational agencies, designated state units, developmental disabilities agencies, private businesses, or other participants to achieve the goal of this section; and
9. Disseminating information and strategies to improve the transition to postsecondary activities of individuals who are members of traditionally unserved populations.

Pre-Employment Transition Services (Setting in which services are provided)

Students with disabilities may receive these services in a variety of settings, including classroom, employment, and community-based settings. However, services should be provided in integrated settings to the maximum extent possible to best prepare students and youth with disabilities for competitive integrated employment.

Role of the VR Counselor – Pre-Employment Transition Services

The VR counselor is responsible for providing or coordinating pre-employment transition services for students with disabilities. This would include:

1. Working with assigned school systems (transition coordinators, teachers, etc.) to identify students with disabilities who are potentially eligible and students with disabilities who have applied or are VR eligible for whom pre-employment transition services may be appropriate; attending individualized education program meetings for students with disabilities, when invited;
2. Ensuring appropriate documentation has been provided to the VR counselor from school personnel identifying that the individual is a student with a disability; documenting within AWARE as required (see documentation section at end of this chapter);
3. Assessment of the individual needs of students with disabilities in order to determine the scope of pre-employment transition services, to include any specific accommodation needs of the students to be served;
4. Work with assigned schools in the development of pre-employment transition services curriculum, career exploration and development tools, community partners, etc. for the provision of pre-employment transition services;
5. Working with the local workforce development boards, DBVI Business Relations Specialists, one-stop centers, and employers to develop work opportunities for students with disabilities, including paid and unpaid work experiences, summer employment and other employment opportunities available throughout the year, and apprenticeships;
6. Consultation, staffing of cases of students with disabilities and overall case coordination with vendors who have been contracted to provide pre-employment transition services. Monitoring of those services being provided through meetings with students, parents, vendor, school personnel, receipt of progress reports, etc.;
7. Work with assigned schools to for the provision of pre-employment transition services to students with disabilities, both individually and within group settings;
8. Documenting in AWARE the provision of pre-employment transition services (see documentation section at end of this chapter);
9. When invited, attend person-centered planning meetings for individuals receiving Social Security benefits.

Access to Pre-Employment Transition Services

Auxiliary aids and services (including assessment for such aids or services) needed by a student with a disability (served under an IPE or as potentially eligible) to access or participate in pre-employment transition services constitute allowable pre-employment transition services expenditures and, therefore, may be paid with the funds reserved for that purpose.

DBVI must ensure that no qualified individual with a disability is excluded from participation in or be denied the benefits of services, programs, or activities on the basis of the individual's disability ([section 12132 of the ADA](#) and [section 504\(a\) of the Rehabilitation Act](#)). Therefore, if a student with a disability requires an auxiliary aid or service to access or participate in any of the pre-employment transition services specified in [34 CFR 361.48\(a\)\(2\)](#) of its implementing regulations (listed above), the VR agency must pay for such costs if no other public entity is required to provide such aid or service.

The ADA's title II implementing regulations define "auxiliary aids and services" in [28 CFR 35.104](#) as follows:

Auxiliary aids and services include:

- (1) Qualified interpreters (including foreign language interpreters) on-site or through video remote interpreting (VRI) services; note takers; real-time computer-aided transcription services; written materials; exchange of written notes; telephone handset amplifiers; assistive listening devices; assistive listening systems; telephones compatible with hearing aids; closed caption decoders; open and closed captioning, including real-time captioning; voice, text, and video-based telecommunications products and systems, including text telephones (TTYs), videophones, and captioned telephones, or equally effective telecommunications devices; videotext displays; accessible electronic and information technology; or other effective methods of making aurally delivered information available to individuals who are deaf or hard of hearing;
- (2) Qualified readers; taped texts; audio recordings; Brailled materials and displays; screen reader software; magnification software; optical readers; secondary auditory programs (SAP); large print materials; accessible electronic and information technology; or other effective methods of making visually delivered materials available to individuals who are blind or have low vision;
- (3) Acquisition or modification of equipment or devices; and
- (4) Other similar services and actions.

If a student with a disability requires certain VR services not constituting pre-employment transition services or auxiliary aids but are necessary for a student to access or participate in pre-employment transition services, the VR counselor must determine whether or not the student meets the eligibility criteria for VR services and, if

so, must develop an individualized plan for employment (IPE) in order to provide those additional services. These necessary services may be paid with funds reserved for the provision of pre-employment transition services and are listed below.

- Assessment Services
- Counseling and Guidance
- Referral Services
- Maintenance
- Transportation
- Personal Assistance Services
- Rehabilitation Teaching & Orientation and Mobility Services
- Rehabilitation Technology
- Family Services
- Coaching Services

Referral Process for Students and Youth with Disabilities

An individual may initiate the application process by requesting individualized pre-employment transition services and other VR services. Referrals for students and youth aged 14 and older may come from any source.

Application for VR Services

A student or a youth is considered to have submitted an application for VR services when the student or youth, or the individual's representative, as appropriate, has: (Per [34 CFR 361.41\(b\)\(2\)](#))

1. Completed and signed an agency application form, submitted a common intake application form in a One-Stop center requesting vocational rehabilitation services; or otherwise requested VR services from DBVI;
2. Provided to DBVI information necessary to initiate an assessment to determine eligibility and priority for services; and
3. Is available to complete the assessment process.

Eligibility Determination

The eligibility criteria and determination process for students in transition is the same as any other individual (See Chapter 4, Eligibility).

IPE Development and Service Provision

For students and youth with disabilities who are under an Individualized Education Program (IEP) the VR counselor should review the individual's IEP to ensure IEP transition goals and services related to school to post-secondary goals are contained within the IPE. Both DBVI planned services as well as school provided services that are necessary to achieve the vocational goal should be included on the IPE.

Per [34 CFR 361.46\(a\)\(1\)](#), the individualized plan for employment should be consistent with the individual's unique strengths, resources, priorities, concerns, abilities, capabilities, career interest, and informed choice consistent with the general goal of competitive integrated employment (***except that in the case of an eligible individual who is a student or a youth with a disability, the description may be a description of the individual's projected post-school employment outcome***).

The plan for employment with a projected post-school employment outcome should include the specific transition services and supports needed to achieve the student's employment outcome or projected post school employment outcome. As such, the plan should outline the services and activities that will guide the individual's career exploration. The projected post-school employment outcome facilitates the individual's exploration and identification of a vocational goal based upon his or her informed choice. The projected goal may be amended during the career development process, and eventually it must be revised to a specific vocational goal once this process is completed.

Federal regulations ([34 CFR 361.22\(a\)\(2\)](#) and [34 CFR 361.45\(e\)](#)) require that development and approval of an IPE must be completed as early as possible during the transition process (within 90 days of eligibility determination) or by the time each student or youth determined to be eligible for vocational rehabilitation services leaves the school setting (if that's less than 90 days) or, if DBVI is operating under an order of selection, before each eligible student able to be served under the order leaves the school setting. The IPE for students and youth with a disability who are receiving education services shall be developed in consideration of the student's Individualized Education Plan (IEP) and in accordance with the plans, policies, procedures, and terms of the interagency agreement between DBVI and the state Department of Education designed to facilitate the transition of students who are blind or vision impaired from school to the receipt of vocational rehabilitation services ([34 CFR 361.45 \(d\)\(9\)](#)) VR counselors, students, parents, and local education authorities will work collaboratively to ensure that the student's vocational and educational goals are consistent. The VR counselor has the primary responsibility of obtaining a copy of the IEP from the student's parents and/or the school system.

Assistive Technology

Students and youth with disabilities for whom assistive technology has been identified as necessary for them to participate in post-secondary vocational training, education or in employment will need to have the assistive technology provided prior to graduation in order that they have enough time to become proficient in the use of the assistive

technology prior to the commencement of the training or school or prior to beginning employment.

Supported Employment, Extended Services and Youths with Disabilities

Transition aged students and youth who meet the criteria for supported employment (SE) services may receive these services in the final semester of their Individual Educational Program (IEP).

The definition of “extended services” in final [34 §361.5\(c\)\(19\)\(v\)](#) specifies that VR agencies may provide extended services only to “youth with the most significant disabilities” for a period not to exceed four years or until such time as a youth reaches the age of 25 and no longer meets the definition of a “youth with a disability.

Extended services mean ongoing support services and other appropriate services that are—

- (i) Needed to support and maintain an individual with a most significant disability including a youth with a most significant disability, in supported employment;
- (ii) Organized or made available, singly or in combination, in such a way as to assist an eligible individual in maintaining supported employment;
- (iii) Based on the needs of an eligible individual, as specified in an individualized plan for employment;
- (iv) Provided by a State agency, a private nonprofit organization, employer, or any other appropriate resource, after an individual has made the transition from support from the designated State unit; and
- (v) Provided to a youth with a most significant disability by the designated State unit in accordance with requirements set forth in this part and part 363 for a period not to exceed four years, or at such time that a youth reaches age 25 and no longer meets the definition of a youth with a disability under paragraph (c)(58) of this section, whichever occurs first. The designated State unit may not provide extended services to an individual with a most significant disability who is not a youth with a most significant disability.

In no case may the VR counselor provide more than four years of extended services. Also, once a youth with the most significant disabilities reaches 25 years of age, he or she no longer meets the definition of “youth with a disability” in [34 CFR 361.5\(c\)\(58\)](#), and the VR counselor must discontinue funding extended services and prior to that point the counselor must identify another source of extended services to ensure that there will be no interruption of service.

Scope of Services provided (VR and School)

The VR counselor may provide pre-employment transition services to all eligible students with disabilities and those who are potentially eligible. Additionally, students and youths with disabilities may be provided necessary transition services, including

those services under an Individualized Plan for Employment necessary to achieve the vocational goal.

Informed Choice for potentially eligible students with disabilities

Potentially eligible students who are receiving pre-employment transition services but who have not applied for VR services, or who are in the process of applying, under [34 CFR 361.48\(a\)](#) must be given the opportunity to exercise their informed choice.

Pre-Employment Transition Services and Order of Selection

1. All students and youth with disabilities who apply for vocational rehabilitation services, even if they are still receiving pre-employment transition services, will be subject to all relevant requirements for eligibility, order of selection, and development of the individualized plan for employment (including its development prior to leaving school). That is, if a student is determined eligible for VR services and assigned to a closed category the VR counselor could not develop an IPE for that student.
2. Transition services for groups to students and youth can be provided even if an individual receiving services within the group has been determined eligible and assigned to a closed priority category (per [34 CFR 361.49\(a\)\(7\)](#)). These services should be basic generalized services (i.e., 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).
3. Per [34 CFR 361.36\(e\)\(3\)](#), if a student with a disability is determined eligible for VR services and under OOS their assigned priority category is closed, pre-employment transition services may continue if any or all of the five required services had begun. Specifically, the student is eligible to continue to receive the pre-employment transition service (or services) that had begun, and the VR counselor may also initiate any of the other five required services even if the service is initiated after the student has been placed in the closed category. The VR counselor cannot provide any other vocational rehabilitation services for those students assigned to closed priority categories.
4. Should a student with a disability who is receiving pre-employment transition services no longer meet that definition (i.e., age out, leave school, etc.) and if they have been determined eligible and have been assigned to a closed category than pre-employment transition services should be discontinued. No other vocational rehabilitation services can be provided until their category becomes open to be served.

Chapter 13

Job Ready and Employment Start

Placement

Job Ready

When an individual has been prepared for employment and is ready to pursue employment, the individual's case is placed in Job Ready Status (Service-J). Individuals should be placed into Service-J regardless of the placement related services they may be receiving.

Placement Process

Counseling services are a vital part of the process with focus directly on employment. This process begins with the determination of eligibility certifying that there's a reasonable expectation that the individual can achieve competitive integrated employment in one of the following areas listed below:

1. Enter the competitive integrated labor market;
2. Practice a profession;
3. Enter self-employment;
4. Perform farm or family work;
5. Operate a home industry or perform other gainful homebound work (assuming the telecommuting opportunity is determined to be competitive, integrated employment);
6. Virginia Enterprise for the Blind Program (VEB);
7. Supported employment; and
8. Customized employment

The process continues with a thorough diagnostic study from which a suitable vocational objective is selected in concert with the individual. The IPE identifies those services to enhance the possibility of the individual finding work in the selected vocation. It culminates when the case is placed in Employed Status.

The VR Counselor's Role

Once eligibility for VR services is determined, the VR counselor, in concert with the individual being served and involving the informed choice process, develops with the individual an appropriate vocational goal, and arranges for required services. While placement resources are available to the VR counselor in order to assist the individual with job placement, the VR counselor still assumes ultimate responsibility for the placement of the individual in an appropriate work setting.

A successful placement results when the individual, the VR counselor and other workforce development staff (including the Business Relations Specialist, SE or customized employment provider, etc.) work jointly to develop an effective placement

plan. Other professionals can equally play a substantial and important role in such a plan. For example, Orientation and Mobility, Low Vision, and Rehabilitation Technology staff can play a critical role in the placement process.

The VR counselor should also proactively monitor the results of the job placement process such that the placement plan is regularly reviewed and modified as events require.

Business Relations Specialist Role

The Business Relations Services Specialist assigned to support the VR counselor should play an integral role in the placement process. While not all individuals will require the services of the Business Relations Specialist (and others will require SE services), the VR counselor should incorporate the Business Relations Specialist into planning as frequently as possible for individuals who have been deemed to be job ready. A routine staffing process, to discuss potential referrals as well as current shared cases, best insures the development of an effective plan for placement services. The plan should clarify the role and expectations of the Business Relations Specialist, the individual being served and the VR counselor. For more information regarding the Business Relations Unit, see the chapter on Agency Services.

Job Placement Services

Job development consists of communicating and negotiating with a variety of community resources and employers relating to increasing opportunities for employment of individuals with disabilities. Job development is the responsibility of everyone involved, including the individual being served. Development activities may be targeted for a specific individual or may be broader/generic business development. Among activities that may be carried out are:

- a. Study and interpretation of local employment trends (Labor Market Information);
- b. Collaboration with partners in the local one-stops;
- c. Assistance with and consultation to insure accessibility and access to transportation;
- d. Assistance with affirmative action programs and projects;
- e. Maintaining contact with personnel officials (public and private concerns) in order to create interest in employment of individuals served by this department;
- f. Touring local facilities of employers, when possible, to determine types of jobs available and knowledge, skills and abilities required by the jobs;
- g. Consultation with private personnel firms/staffing agencies in regard to provision of no cost placement services for selected individuals;
- h. Development of possible sites for on-the-job training programs, paid and/or Unpaid Work Experiences;
- i. Utilization of organizations that are interested in and provide assistance in job placement;
- j. Providing awareness training on blindness, DeafBlindness and vision impairment to employers and other community organizations;

- k. Consultation with and assistance to employers on the Americans with Disabilities Act (ADA); and
- l. Providing consultation with employers on rehabilitation technology services as well as assistive technology, low vision aids and adaptive equipment.

Job-Seeking Activities

When the individual is determined to be job ready, in addition to job development and placement activities the ability of the individual to have an effective resume, to complete employment applications, to actively engage in job search efforts and to effectively interview are all necessary skills. The VR counselor should assess with the individual their strengths and needs in the job seeking area and develop an appropriate plan to ensure the following activities are addressed:

- a. Preparation of an effective resume;
- b. Completing employer applications;
- c. Personal interviewing;
- d. Determination of the focus of the job search (geographic, full-time/part-time, etc.);
- e. Sharing of job information;
- f. How to handle employer objections or concerns;
- g. The individual's expectations concerning wages;
- h. Discussion of benefits and unions;
- i. How the individual will handle transportation;
- j. Explanation of gaps in employment;
- k. Ability to discuss possible accommodations/disability concerns; and
- l. Any other considerations unique to the individual seeking employment

Employer Contacts and Surveys

The VR counselor, the individual being served, and the Business Relations Specialist should all plan to make regular contact with potential employers to assist the individual in their placement process. Additional business development or marketing activities can be made by the VR counselor, the Business Relations Specialist and other DBVI staff to:

- a. Educate employers regarding services available to them from DBVI;
- b. Establish an initial contact to explain and market the VR program;
- c. Arrange for tours of the business;
- d. Assess potential job openings;
- e. Follow up with employers on individuals already placed; and
- f. Follow-up on information obtained from job analyses.

Rehabilitation Technology Services

Rehabilitation technology means the systematic application of technologies to help individuals with disabilities overcome barriers in education, rehabilitation and employment. These services are to assess potential for adaptive equipment, assistive technology or architectural or other changes at the job site. These may be designed and developed as appropriate. Suggested sources are:

- a. DBVI rehabilitation technology specialists;

- b. DBVI staff with appropriate expertise;
- c. VRCBI;
- d. WWRC; and
- e. DARS regional rehabilitation engineers.

Specialized Equipment

Arrangement for special equipment, CCTVs, talking calculators, adaptive computer equipment, etc., may enhance the individual's success in training or on the job.

Individual's Participation in Job Placement

The counselor and individual being served should actively participate in the job search and placement activities. Informed choice is a critical component of the job development and placement process if it is to be successful. The jointly developed placement activities must be recorded on the IPE. The job search activities that could be listed on the IPE might include some or all of the following, when appropriate, but would not have to be limited to:

- a. Referral to the Business Relations Specialist;
- b. Registering with the Virginia Employment Commission;
- c. Participating in job search activities at the local one-stop;
- d. Developing job resume;
- e. Participating in job-seeking skills training session;
- f. Completing and distributing job application(s);
- g. Acquiring appropriate certification or licensing necessary for the job being sought;
- h. Participating in OJT, paid and/or Unpaid Work Experience;
- i. Utilizing placement services of colleges, universities and other training programs; and
- j. Participate in job informational interviews or job shadowing opportunities.

Other Placement Options

1. Employment - Community Rehabilitation Programs
Employment in a setting that is not a competitive, integrated setting is not an allowable successful outcome.
2. Self-Employment Enterprise
An individual who is able to successfully develop and maintain a business (self-employment) is considered to have achieved a successful employment outcome and can be successfully closed as having achieved competitive integrated employment. See the Agency Services chapter for more information regarding Self-Employment Enterprises.
3. Supported Employment (SE)
SE is a rehabilitation option designed to maximize the employment opportunities for individuals with the most severe disabilities who have traditionally been excluded from participating in integrated competitive

employment situations. See the chapter on Supported Employment and Customized Employment.

4. **Schedule A - Appointments to Federal Agencies**

Schedule A is a non-competitive hiring process for individuals with significant disabilities. It's designed to be used as an alternative route to federal service for individuals with disabilities who would face substantial barriers to employment through the regular competitive examining process. For more information regarding Schedule A, see the section on Business Relations in the Agency Services chapter.

Provision of Services

The following services can be provided in Job Ready status (Service-J). A determination of financial participation is required when VR funds are provided in items 7-11.

1. Counseling and guidance;
2. Diagnostic services;
3. Interpreter services for the deafblind;
4. Translator services;
5. Rehabilitation technology assessment;
6. Adaptive equipment that is necessary for the individual to be able to perform the job;
7. Maintenance;
8. Occupational licenses;
9. Services to family members;
10. Tools and equipment (other than AT or adaptive equipment, including low vision aids);
11. Transportation;
12. Rehabilitation technology services; and
13. Other goods and services.

Employment Start (Employed Status) and Job Follow-Up

A. **Employment Start (Employed Status)**

Employment Start occurs when an individual has received VR services and has entered into employment. Individuals in Employed Status may continue to receive VR services as appropriate (e.g., transportation or maintenance)

B. **VR Counselor's Role**

1. **Suitable Employment**

The counselor is expected to maintain contact with the individual on the job to determine if the employment is suitable and make the determination using the following criteria:

- a. The individual and the employer are each satisfied;
- b. The individual is developing and maintaining productive and professional relationships;
- c. The job is consistent with the individual's vocational goal;

- d. The individual possesses acceptable skills to perform work satisfactorily; and
 - e. The employment and working conditions will not aggravate the individual's disability or jeopardize the health or safety of the individual.
2. **Employment outside of Vocational Goal**
Should an individual become employed in a position outside of their employment goal, they should only be placed in **Employed status** if the individual indicates a desire or willingness to modify their IPE goal to be consistent with their current employment. In that case the IPE goal should be changed to reflect the new goal and they would be placed in employed status (IPE amendment). However, if the individual becomes employed (or is applying for services while already employed) but they are clear that they still want to pursue their IPE goal it would be inappropriate to place them in Employed status since their current employment is not intended to be one, they would be closed in.
3. **Employment Concerns**
In some circumstances the individual may accept employment and choose to remain on that job which, from the VR counselor's perspective, is not a good fit. Or they may become employed in a position that is temporary in nature. While it's the individual's right to accept and maintain employment in these situations, the VR counselor should engage the individual in a guidance and counseling session in order to raise their concerns but also to listen to the individual's perspective regarding the employment.
4. **Follow-up Services (Job Retention)**
Vocational rehabilitation counselors are required to provide regular follow-up contacts with individuals placed in employment and document pertinent information in AWARE Case Notes. Assuming a relationship exists with the individual's employer (and with the individual's permission) the counselor should maintain contact with the employer as well as the individual to ensure the employment is continuing to be satisfactory. During this period, the VR counselor should be providing both support to the individual as well as to the employer should the need arise. Job retention services can include the introduction of rehabilitation technology services, job accommodations, training and supervision for the position and any other necessary guidance and counseling services the individual requires.

The Business Relations Specialist or the SE Employment Services Specialist will often have the primary relationship with the employer and as such the communication for the VR counselor with the employer may be through those individuals.

Services**Provision of Services**

The following services can be provided in Employment Start (Employed Status). A determination of financial participation is required when VR funds are provided in items seven through eleven.

1. Counseling and guidance after placement;
2. Diagnostic services;
3. Interpreter services for the deafblind;
4. Translator services;
5. Rehabilitation technology assessment;
6. Adaptive equipment that is necessary for the individual to be able to perform the job;
7. Maintenance;
8. Occupational licenses;
9. Services to family members;
10. Tools and equipment (other than AT or adaptive equipment);
11. Transportation;
12. Rehabilitation technology services; and
13. Other goods and services as required to maintain employment

Chapter 14

Case Closure

[34 CFR 361.56](#) Requirements for closing the record of services of an individual who has achieved an employment outcome.

Note: Prior to case closure (for any reason), the VR counselor must ensure that the individual being served is provided with informed choice regarding their appeal rights. Please see the chapter on Appeals in the VR manual for more information.

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

1. *Employment outcome achieved.* The individual has achieved the employment outcome that is described in the individual's IPE in accordance with 34 [CFR 361.46\(a\)\(1\)](#) and is consistent with the individual's strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice.
2. *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.
3. *Satisfactory outcome.* At the end of the appropriate period under paragraph (b) of this section, the individual and the qualified rehabilitation counselor employed by the designated State unit consider the employment outcome to be satisfactory and agree that the individual is performing well in the employment.
4. *Post-employment services.* The individual is informed through appropriate modes of communication of the availability of post-employment services that can be provided, if necessary, prior to case closure.

Case Closure

Under federal guidelines, an individual receiving vocational rehabilitation services can have one of two outcomes, "Rehabilitated" or "Other than Rehabilitated." The individual being served must have a minimum of 90 days of continuous employment in order to have their VR case closed as "Rehabilitated."

Case Closure - Rehabilitated

In order to close a case as Rehabilitated, the following conditions must be met:

1. The individual is employed (part-time or full-time) in competitive integrated employment (see definition below);

2. The employment outcome is consistent with the individual's IPE and consistent with their strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice, and in the most integrated setting possible, consistent with the individual's informed choice;
3. The employment outcome is maintained for a minimum of 90 days to ensure the stability of the employment outcome and the individual no longer needs VR services (individual has been in Employed status for a minimum of 90 days);
4. For individuals receiving supported employment services, they have been in Employed status for at a minimum of 90 days following the point at which stability was achieved (not 90 days from the day they became employed);
5. The individual and the VR counselor consider the employment outcome to be satisfactory and agree that the individual is performing well in the employment.
6. Documentation that the VR services provided under the individual's IPE contributed to the achievement of the employment outcome (per 34 [CFR 361.47](#)).
7. The individual is informed of the opportunity for post-employment services that may be provided prior to case closure.

Competitive integrated employment means work that:

1. Is performed on a full-time or part-time basis (including self-employment) and for which an individual is compensated at a rate that;
 - a. Is not less than the higher of the rate specified in section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) or the rate required under the applicable State or local minimum wage law for the place of employment;
 - b. Is not less than the customary rate paid by the employer for the same or similar work performed by other employees who are not individuals with disabilities and who are similarly situated in similar occupations by the same employer and who have similar training, experience, and skills; and
 - c. In the case of an individual who is self-employed, yields an income that is comparable to the income received by other individuals who are not individuals with disabilities and who are self-employed in similar occupations or on similar tasks and who have similar training, experience, and skills; and
2. Is eligible for the level of benefits provided to other employees; and
 - a. Is at a location;
 - i. Typically found in the community; and
 - ii. Where the employee with a disability interacts for the purpose of performing the duties of the position with other employees within the particular work unit and the entire work site, and, as appropriate to the

- work performed, other persons (e.g., customers and vendors), who are not individuals with disabilities (not including supervisory personnel or individuals who are providing services to such employee) to the same extent that employees who are not individuals with disabilities and who are in comparable positions interact with these persons; and
3. Presents, as appropriate, opportunities for advancement that are similar to those for other employees who are not individuals with disabilities and who have similar positions.

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

Case Closure Process (Closed-Rehabilitated)

In order to ensure that the above criteria for Closed-Rehabilitated are met and that the VR counselor and the individual agree (employed 90 days or longer, employment is satisfactory, etc.), the VR counselor must contact the individual **no more than 10 days prior to closing the case**. Contact must be personal with the individual; i.e., face to face, phone call, email or text, etc. (per [34 CFR 361.56](#)).

Post-employment Services (PES)

Prior to successful closure, the VR counselor must determine with the individual the need for any post-employment services.

Post-employment services are vocational rehabilitation services provided to individuals who need such services in order to maintain/regain or advance in employment after the employment outcome has been achieved, but before the individual is reported as having exited the VR program.

If post-employment services are required, the case should not be closed until the services have been provided.

Self-Employment Enterprise Case Closure

Once the self-employment enterprise has been approved, the VR counselor should work with the individual to ensure the IPE SEE goods and services are authorized and purchased. Goods and services received under SEE are subject to DBVI's financial participation policies. The individual should be placed in Job Ready status once the business has been initiated for a minimum of six months. This allows for a

comprehensive follow-up program which will enable more supervision, periodic inspection of the business, inspection of records, and an annual inventory inspection, which is the responsibility of the VR counselor.

Prior to closing an SEE case as Closed-Rehabilitated, the VR counselor should consider the following criteria:

1. VR services under the IPE contributed to the achievement of the SEE employment outcome
2. The individual and the VR counselor consider the employment outcome to be satisfactory and agree that the individual is performing well in the business.
3. The self-employment business has sustained operations throughout the period in Job Ready status (minimum of 6 months) without additional support from VR. And the individual is able to put money back into the business to maintain ongoing business expenses.
4. The SEE has resulted in a decrease in public benefits (e.g., SSI, TANF, food stamps, HUD, Medicaid).
5. The business generates enough income to eliminate SSDI; therefore, the business is obviously successful and producing a livable wage.
6. The individual's business makes a net profit or has significant gross income illustrating strong sales and profit potential over time.
7. 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

Case Closure – Other Than Rehabilitated

Individuals who do not meet the criteria for Closed-Rehabilitated and have their case closed must be closed as “Closed–Other Than Rehabilitated” (Closed-Other). In some situations, case closure may be self-evident (individual requests case closed; moves out of state; becomes institutionalized, etc.). However, in other cases the VR counselor should make every effort to seek out ways in which the individual can continue with VR services. This may involve staffing the case with other counselors or the Regional Manager, exploring services that have not been considered (such as supported employment), meeting with the individual and their family or representative to clarify expectations of participating in the VR program or to address any concerns or questions. Multiple efforts should be made to locate individuals where contact has been lost.

Should the decision be made to close the case as Closed-Other, the VR counselor is responsible for sending the VR Notice of Case Closure (for individuals who were determined eligible for VR services) or the VR Notice of Ineligibility letter (for individuals who are being closed from applicant status) to the individual at case closure. Per the letter, the individual has 30 days in which to contact the VR counselor for consultation if they disagree with the case closure. The letter also provides the individual with their appeal rights (see chapter on Appeals for more information).

If the individual does contact the VR counselor within the 30 days, the VR counselor must schedule to meet with the individual along with their representative (as appropriate) to review the decision to close the case. This meeting may be face to face or can be via phone, video conference, etc. The VR counselor should use this opportunity to explain their rationale for closing the case, to listen to any questions or concerns on the part of the individual (or their family and/or representative), and to carefully consider if there is a rationale for continuing services versus closing the case (e.g., individual indicates they recognize their lack of participation and agree to participate more fully with a review in 30 days). While the VR counselor is required to offer the individual an opportunity to consult regarding the decision to close the case, the VR counselor does not need agreement on the part of the individual prior to case closure if closing the case as “Other”. That is, the VR counselor may determine it’s appropriate to close the individual’s case regardless of the individual’s participation in the consultation.

Individuals who are employed at case closure but do not meet the criteria for Closed–Rehabilitated must be closed as Closed – Other. Employed individuals who must be closed as Closed-Other:

1. The individual is not working in competitive integrated employment;
2. The individual is employed in competitive integrated employment, but employment is;
 - a. Not satisfactory (VR counselor and individual do not agree); or
 - b. The employment is not consistent with the individual’s IPE vocational goal and their IPE has not been amended; or
 - c. The individual has not been employed for a minimum of 90 days; or
 - d. The employment is not stable; or
 - e. The individual still requires VR services (other than PES)
3. There is no documentation that VR services contributed to the achievement of the employment goal;

Closed-Other

Application Status

It is not permissible to close an individual’s case as Closed-Other from Application Status due to the significance of the disability (disability is too severe) unless the VR Counselor has determined with clear and convincing evidence through Trial Work Experiences that the individual cannot benefit from vocational rehabilitation services in terms of an employment outcome.

However, where the question of severity of disability is not in question, an individual’s case can be closed “Other” from application status in the following situations. The VR Counselor must provide clear documentation as to the justification for the decision,

including noting any specific evaluations, assessments, counselor observations or other diagnostics contributing to the decision:

1. The individual does not have a vision impairment.
2. Vision impairment does not cause a substantial impediment to employment outcome;
3. The individual does not require vocational rehabilitation services to prepare for, enter into, engage in, or retain gainful employment consistent with the applicant's strengths, resources, priorities, concerns, abilities, capabilities, and informed choice. (Authority: 34 [CFR 361.42](#)).
4. The individual does not intend to pursue an employment outcome (e.g., individual requests independent living services or other services related to homemaker but clearly indicates no desire to pursue employment)
5. Other circumstances in which the individual's case can be closed Ineligible from Application could include:
 - a. Unable to locate or contact the individual
 - b. Left the state with evidence they are no longer interested in VR services
 - c. Individual requests that their VR case be closed or refuses services
 - d. Institutionalized or otherwise unable to participate in the VR program for an indefinite period of time
 - e. Death
 - f. Other reasons as justified and documented by the VR counselor

Trial Work Experience Status (Application-T)

Once an individual has completed Trial Work Experiences, the VR counselor is required to either close the case as Closed-Other or determine that the individual is eligible for VR services. If case closure is due to the significance of the disability as demonstrated through clear and convincing evidence during Trial Work, the VR counselor will indicate that in the Notice of Ineligibility Letter. However, there may be other reasons the individual is closed as Other once placed in Application-T status (e.g., refused services, moved out of state, became institutionalized, etc.). In those cases, the VR counselor will complete the VR Notice of Ineligibility Letter noting the appropriate reason why the case is being closed.

Eligible, Service, or Job Ready Status

An individual may be closed after eligibility has been determined for any number of reasons but may not be closed due to core eligibility reasons (no vision impairment, disability is not a substantial impediment to employment, does not require VR services) other than due to the significance of the disability.

Case Closure Reasons

1. Services the individual requires are more appropriately provided by another entity (i.e., individual needs services outside of the scope of DBVI's VR services).
2. Unable to locate.
3. The individual has failed to meet their responsibilities as agreed to (failure to cooperate or participate in services).
4. The individual no longer desires vocational rehabilitation services or does not wish to be on an Order of Selection waiting list.
5. Transportation is not feasible or available.
6. The individual is institutionalized and unavailable for indefinite or considerable period of time (this would include incarceration).
7. Death
8. Other (any other reason not already noted and documented by the VR counselor)

Case Closure Due to Significance of Disability (after eligibility determination has been made)

The VR counselor should appropriately use the eligibility determination process, including Trial Work Experiences, to determine if the significance of an individual's disability is such that they cannot benefit from VR services in terms of an employment outcome due to the severity of the individual's disability. However, in the situation where the individual has previously been determined eligible but subsequently the VR counselor gathers additional information (obtained after the date of eligibility determination) that indicate the individual may no longer be eligible for VR services due to the significance of the disability, the VR counselor shall:

1. Provide for realistic work experiences consistent with the requirements of Trial Work Experience (see Eligibility chapter – Trial Work Experience) in order to determine if there is clear and convincing evidence that the individual cannot benefit from VR services in terms of an employment outcome; or
2. Document those services have already been provided to the individual; and
3. Document in AWARE the information obtained after eligibility determination that led to the decision to close the individual's case; and
4. Send the individual the VR Notice of Ineligibility Letter indicating the reason for case closure.

Appeals (see Appeals guidance for more information)

Mandatory Notification to Individuals or applying for or receiving VR services of their rights to appeal determination made by DBVI Personnel:

- a. Based on the requirements of [34 CFR 361.43](#) (Procedures for ineligibility determination) and [34 CFR 361.57](#) (Review of determinations made by designated State unit personnel) DBVI shall ensure, using appropriate

modes of communication, that individuals, or as appropriate the individual's representative, who are applying for or receiving services are made aware of their rights to obtain a review of DBVI determinations that affect the provision of their vocational rehabilitation services. Throughout this section, the words "individuals applying for or receiving vocational rehabilitation services" also refers to, as appropriate, the individual's representative(s).

- b. The Vocational Rehabilitation Counselor will both personally explain and provide, in writing, notice of these rights when:
 - i. The individual is a recipient of Pre-employment Transition Services;
 - ii. The individual applies for DBVI VR Services;
 - iii. At the time the individual is assigned to a category in the DBVI Order of Selection;
 - iv. At the time the individual's IPE is developed; and
 - v. When the individual's services are reduced, suspended, or terminated.

The VR Notice of Ineligibility and the VR Notice of Case Closure Letters provide information to the individual regarding their right to a consultation with the VR counselor within 30 days of receipt of the letter and provides them with information regarding their right to appeal. Should the individual request an Informal Administrative Review (IAR), mediation or a Fair Hearing within the appeal deadline, the VR counselor may not suspend services already being provided until the appeal process has been completed. However, the VR counselor is not required to initiate new services during this period. Guidance and counseling should be provided throughout the process. See the chapter on Appeals for more information.

In situations where the VR counselor intends to close the individual as Closed – Rehabilitated, the VR counselor should discuss the decision to close the case with the individual to insure there's agreement between the VR counselor and the individual. If the individual is not in agreement to close the case, they should be informed of their appeal rights. See the chapter on Appeals for more information.

Information and referral

For individuals who are Closed - Other, the VR counselor shall:

1. Provide information about other appropriate federal and state programs the individual may benefit from, including the state workforce development services where closure is due to no vision impairment, or the disability is not a substantial impediment to employment.
2. If the individual is determined to severe to benefit from VR services, the VR counselor should provide information regarding other services or programs that

they may be able to benefit from, such as programs operated by Employment Services Organizations (ESO's).

Case Closure Process (Closed-Other Than Rehabilitated)

The VR counselor has responsibility for properly documenting case closure for the individual.

Written Notice (to individual at case closure) and Case Consultation

Case consultation is not required when:

1. The individual has requested that their case be closed;
2. The individual has died;
3. The individual cannot be contacted;
4. The individual is institutionalized and is unable to participate in VR services;
5. The individual has moved out of state and is unable to participate in VR services;

Annual Review Requirements

For information related to the federal requirement for annual review of certain cases, see the VR policy and procedure manual Chapter 15 regarding Extended Services, Sub-Minimum Wage and Annual Reviews.

Case Closure – Multiple Cases and Jointly Shared Cases

1. An individual may have multiple VR cases with DBVI over his or her lifetime, but only one case may be open at any given time.
2. An individual may have multiple cases closed in Closed - Other status within the same federal fiscal year, but no more than one case as Closed – Rehabilitated during the same federal fiscal year.
3. During the federal fiscal year, DBVI and DARS, or DBVI and another state VR agency, may both open a case for an individual and then close the case in Closed-Rehabilitated when:
 - a. The individual met the eligibility criteria for each agency;
 - b. Each agency provided a service that the other agency does not normally provide to its individuals and/or;
 - c. Each agency had the necessary expertise to address the disability related barriers to employment that the other agency did not have;
 - d. Each agency's service under an IPE contributed substantially to removing limitations to employment

Chapter 15

Extended Services, Annual Reviews and Sub-Minimum Wage

This chapter is under policy review.

Chapter 16

Appeals

- A. Mandatory Notification to Individuals Applying for or Receiving VR Services of their Rights to Appeal Determination Made by DBVI Personnel**
1. Based on the requirements of [34 CFR 361.43](#) (Procedures for ineligibility determination) and [34 CFR 361.57](#) (Review of determinations made by designated State unit personnel) DBVI shall ensure, using appropriate modes of communication, that individuals, or as appropriate the individual's representative, who are applying for or receiving services are made aware of their rights to obtain a review of DBVI determinations that affect the provision of their vocational rehabilitation services. Throughout this section, the words "individuals applying for or receiving vocational rehabilitation services" also refers to, as appropriate, the individual's representative(s).
 2. This notification of rights to review determinations includes:
 - a. Information pertaining to the Client Assistance Program (disAbility Law Center of Virginia) and the rights to informal dispute resolution including an Informal Administrative Review, mediation, and to proceed directly to an impartial due process hearing;
 - b. The names and addresses of individuals with whom requests for mediation or due process hearing (Fair Hearing) may be filed. For DBVI this is Appeals Coordinator and;
 - c. An Administrative Review of the hearing officer's decision.
 3. The Vocational Rehabilitation Counselor will both personally explain and provide in writing notice of these rights when:
 - a. The individual is a recipient of Pre-employment Transition Services;
 - b. The individual applies for DBVI VR Services;
 - c. At the time the individual is assigned to a category in the DBVI Order of Selection;
 - d. At the time the individual's IPE is developed; and
 - e. When the individual's services are reduced, suspended, or terminated.
- B. Types of Determinations that may be Appealed**
1. Federal law and regulations do not define the types of determinations that may be appealed (federal policy directive RSA-PD-09-03 and Federal Register, Vol. 66. No. 11, issued January 17, 2001, page 4431). However, examples of determination for appeal include but are not limited to:
 - a. Determinations to conduct Trial Work Experiences (TWE) to determine eligibility for VR services;
 - b. Determination of ineligibility for VR Services;

- c. The nature, content, and scope of the Individualized Plan for Employment;
- d. Delivery or quality of VR services;
- e. Cost of services including DBVI's decisions to refuse payment of services, use of comparable benefits, and fee schedules;
- f. Closure of an individual's VR case.

C. Evidence and Representations

1. Individuals who are applying for or receiving vocational rehabilitation services, or as appropriate their representatives, have the opportunity to submit, during mediation or due process hearing (Fair Hearing), evidence and other information that supports the individual's position. These same individuals may be represented by counsel or other advocates selected by the individual.
2. Individuals have the right to present witnesses and/or evidence to support their concerns with complete freedom from reprisal. The individual will have access to all relevant materials as provided by section 2.2-3704 of the Code of Virginia.

D. Impact on Provision of Services

1. Based on federal regulation [34 CFR 361.57](#), DBVI shall not suspend, reduce, or terminate vocational rehabilitation services being provided to the individual applying for or receiving services while the individual is participating in Informal Administrative Review, mediation, impartial due process hearing (Fair Hearing), or Administrative Review of a hearing decision unless the individual:
 - a. Requests a suspension, reduction, or termination of a service;
 - b. DBVI has evidence that services have been obtained through the individual's misrepresentation, fraud, collusion, or criminal conduct;
 - c. The service puts the individual at risk based on new medical or psychological information provided by a physician;
 - d. DBVI personnel have reason to believe that the individual's behavior or action to be a danger to the health and safety to themselves or others.

E. The Client Assistance Program (CAP)

1. According to [34 CFR § 361.57](#) and [34 CFR 370](#) individuals applying for or receiving vocational rehabilitation services (including individuals who are not yet eligible but are receiving Pre-employment Transition Services) and/or DBVI staff may contact CAP advocates and attorneys for information about individual's rights and no cost assistance in resolving issues with the individual's vocational rehabilitation case. Individuals may request CAP representation during an appeal. In Virginia, the CAP program is administered by the disAbility Law Center of Virginia, 1910

Byrd Avenue, Suite 5, Richmond, VA 23230, (804) 225-2042 (Voice and TTY) or toll free 1-800-552-3962 (Voice and TTY). Additional information is available at <https://www.dlcv.org/cap>

F. Dispute Resolution

1. In addition to mediation and impartial due process hearing (Fair Hearing), DBVI provides individuals who are applying for or receiving vocational rehabilitation services with the opportunity to resolve disputes through an informal process.
 - a. This informal process shall not be used to deny the right of the individual to a mediation and impartial due process hearing, and, if either mediation or the informal process or both are not successful in resolving the dispute within 60 days from the individual's request for review of a determination made by DBVI staff (i.e., a request for a Fair Hearing), a Fair Hearing must be conducted within that same 60-day time period, unless the individual and the agency agree to a specific extension of time.
 - b. During each step of the informal resolution process the Vocational Rehabilitation Counselor, Regional Manager, the Director of Vocational Rehabilitation and Workforce Services and the Deputy Commissioner shall inform the individual of the CAP and of their rights to request mediation or to proceed directly to a Fair Hearing.
2. **Informal Resolution Between the Individual and the VR Counselor**
 - a. The Vocational Rehabilitation Counselor will make every effort to resolve disputes with the individual based on relevant DBVI Vocational Rehabilitation Policies and Procedures, federal regulations and law, and the Certified Rehabilitation Counselor Code of Ethics. Vocational Rehabilitation Counselors must document all concerns of the individual and subsequent actions taken to address those concerns in the individual's case file.
 - b. Attempts to resolve the dispute between the individual and the VR Counselor may not necessarily involve the Regional Manager. The VR Counselor should always apprise the Regional Manager of any disputed decisions or issues that have arisen with an individual they're serving such that they're fully up to date with the individual's situation and concerns. The Regional Manager's involvement in the case may include a review of the staffing of the case, assistance from the Director of Vocational Rehabilitation and Workforce Services, a review of relevant VR policies and/or a joint meeting with the individual, the VR Counselor and the Regional Manager in an attempt to resolve the issue.

Guidance: *It is always the goal when a dispute arises to attempt to resolve the issue through further discussion and review of the decision or issue, gathering additional information through further*

assessment, seeking compromise solutions and/or seeking assistance and additional opinions from other VR staff, including the Regional Manager and the Director of Vocational Rehabilitation and Workforce Services. These options can be described as “informal” to the degree that they don’t involve a formal appeal on the part of the individual; rather, the individual is given the opportunity to air their concerns, raise questions, request clarification of VR policy and to engage in an active effort to come to a decision that both the VR counselor and the individual are comfortable with. However, throughout this process, the VR counselor and any other VR staff involved in attempting to resolve the issues must be cognizant as noted earlier that the individual always has the right to formally appeal a determination that has been made and in fact can concurrently be informally attempting to resolve the issue even as they have formally requested an appeal, to include a request for an Informal Administrative Review (IAR), mediation or a Fair Hearing.

At any point in which it becomes clear that the dispute is not going to be resolved through the informal process, the individual (or their representative) must be provided with the information necessary to initiate a formal appeal, assuming this has already not occurred.

3. **Informal Resolution Between the Individual and the Regional Manager - Step 1 – Informal Administrative Review (IAR)**
 - a. When issues or concerns of individuals who are applying for or receiving vocational rehabilitation services from DBVI cannot be resolved between the individual and the Vocational Rehabilitation Counselor within 20 full working days of the VR Counselor decision or most recent issue requiring resolution, the individual may request in writing, by e-mail, by phone call, or in person, to speak with the Vocational Rehabilitation Counselor’s Regional Manager.
 - b. In most circumstances the Regional Manager will be the Regional Manager for the office through which the individual is being served. If for any reason the Regional Manager cannot (or should not) conduct the IAR (e.g., heavily involved in dispute issue already, position is vacant or Regional Manager is on extended leave, etc.), the request should go to the Senior Regional Manager or the Director of Vocational Rehabilitation and Workforce Services, as appropriate.
 - c. The Regional Manager shall meet (either face-to-face or by phone) with the individual in a timely manner not to exceed ten working days of receipt of the individual’s request. The Regional Manager shall use the [Informal Administrative Review](#) (IAR) form to document the results of the meeting.

- d. Within five working days of meeting with the individual, the Regional Manager (or the Senior Regional Manager or Director of Vocational Rehabilitation and Workforce Services) shall communicate a written decision utilizing the IAR form to the individual and the VR Counselor to include the date of the IAR request and by whom, the issue(s) addressed, decision reached and justification for the decision (including all applicable VR policy) and shall include the right to proceed directly to a hearing, apply for CAP assistance and request mediation.
- e. The IAR written decision should be placed within the individual's AWARE case file.

4. **Informal Administrative Review (IAR) - Step 2**

- a. When issues or concerns of individuals who are applying for or receiving vocational rehabilitation services from DBVI cannot be resolved between the individual and the Regional Manager, the individual may request an IAR in writing, by e-mail, by phone call, or in person to speak with the Regional Manager's supervisor or, as appropriate, the Director of Vocational Rehabilitation and Workforce Services (or the Deputy Commissioner, for reasons as noted above regarding the Regional Manager).
- b. The appropriate management representative for Step 2 of the IAR process shall meet, by phone or in person, with the individual in a timely manner not to exceed ten working days of receipt of the individual's request for IAR. Step 2 of the [Informal Administrative Review](#) (IAR) form shall be used to document the meeting (Step 1 if the Regional Manager has not conducted an IAR).
- c. The management representative shall prepare and submit to the individual by e-mail, hard copy, or scanned copy, a written report of the IAR within five working days of meeting with the individual utilizing the IAR form.
- d. The IAR will contain documentation of review of the individual's case file, discussions with relevant DBVI staff and the individual who has requested the IAR and will include a written decision to the individual and the VR Counselor to include the date of the IAR request and by whom, the issue(s) addressed, decision reached and justification for the decision (including all applicable VR policy) and shall include the right to proceed directly to a hearing, apply for CAP assistance and request mediation.
- e. The management representative conducting the IAR shall ensure that the report of the IAR is added to the individual's case file in AWARE.
- f. In circumstances when the individual's concerns are associated with the Director of Vocational Rehabilitation and Workforce Services or the Director of Virginia Rehabilitation Center for the Blind and Vision Impaired, the Deputy Commissioner for Services

would conduct the IAR. Should the individual's concerns be associated with the Deputy Commissioner for Services the Commissioner would conduct the IAR. In those cases, the same time frames noted in Steps 1 and 2 would apply.

- g. While the IAR is pending, DBVI staff may request consideration of policy exceptions that would resolve the issue.
- h. The IAR decision shall become part of the individual's case file.

5. Mediation

- a. The individual applying for or receiving vocational rehabilitation services may request to proceed directly to mediation rather than participate in the DBVI informal dispute resolution process DBVI has implemented.
 - 1. Individuals seeking mediation must complete the DBVI [Request for Mediation form](#) which includes their name and contact information, name of the Vocational Rehabilitation Counselor, concerns or issues the individual wants mediated, the resolution sought by the individual, accommodations required by the individual in order to participate in mediation, and the individual's signature.
 - 2. Participation in mediation to resolve disputes is voluntary for the individual and for DBVI personnel and may be terminated at any time once the mediation process has been initiated by either party.
 - 3. Mediation shall not be used to deny the right of the individual to a mediation and impartial due process hearing.
 - 4. Mediation is conducted by a neutral, qualified, and impartial mediator randomly selected from a list of such mediators maintained. DBVI maintains a list of Supreme Court of Virginia certified mediators who meet federal requirements [34 CFR 361.5\(b\) \(43\)](#) and [34 CFR 361.57](#).
 - 5. While the mediation is pending, DBVI staff may request consideration of policy exceptions that would resolve the issue.
 - 6. Discussions that occur during the mediation process, other than those comments that are threats of bodily harm to self or others including references to abuse or neglect shall remain confidential and may not be used as evidence in any subsequent process hearings or civil proceedings. Participants may be required to sign a confidentiality pledge prior to the commencement of the mediation process.
 - 7. The mediation agreement shall (per agency mandate) require Director of Vocational Rehabilitation and Workforce Services or Deputy Commissioner for Services pre-approval.

8. A mediation agreement is valid when (per [34 CFR § 361.57](#)) it is signed by the individual and DBVI staff and is consistent with federal and state laws and regulations and DBVI policy and procedure.
 9. The agreement (per [34 CFR § 361.57](#)) shall become part of the VR case record with a copy to the individual, and it may be used as evidence in a hearing and civil proceeding. It is not a contract. However, the individual and staff are expected to adhere to it, and problems with compliance shall be handled through any of the established channels to resolve issues of individuals who are being served or to close the case.
 10. Mediation sessions are scheduled in a timely manner and are held in a location and manner that is convenient to the individual and DBVI staff.
 11. An agreement reached by the individual and the DBVI staff must be described in a written mediation agreement that is facilitated by the neutral, qualified, and impartial mediator.
 12. The mediation agreement is signed by the individual and the DBVI staff, and copies of the agreement must be sent to both parties.
 13. The costs of the mediation process including reasonable accommodations and expenses incurred for or by the individual applying for or receiving vocational rehabilitation for transportation or personal assistance services will be paid for by DBVI.
 14. All costs associated with legal or other representation for the individual applying for or receiving vocational rehabilitation services will be paid for by the individual.
 15. The mediator shall manage the mediation process and arrange the date and location of the mediation meeting that is convenient to the participants.
- 6. Impartial Due Process Hearing (Fair Hearing)**
- a. When an individual applying for or receiving vocational services requests an impartial due process hearing, an impartial hearing officer shall be randomly selected, and an impartial due process hearing shall be conducted within 60 days from the individual's request unless an informal resolution or a mediation agreement is achieved prior to the 60th day or the parties agree to a specific extension of time.
 - b. Individuals requesting an impartial due process hearing must complete the [DBVI Request for Fair Hearing](#) form which includes their name and contact information, name of the Vocational Rehabilitation Counselor, concerns or issues the individual wants heard, the resolution sought by the individual, accommodations

- required by the individual in order to participate in an impartial due process hearing, and the individual's signature.
- c. The individual or the Vocational Rehabilitation Counselor or Regional Manager on the individual's behalf, must submit the DBVI Request for Fair Hearing Form to the DBVI Appeals Coordinator within ten working days after the conclusion of the IAR or mediation if either of those options have been chosen as a means of resolving the individual's disputes.
 - d. Upon receipt of the DBVI request for mediation or Fair Hearing, the Appeals Coordinator shall send the individual a letter acknowledging the request, explanation of the impartial due process hearing process, and Client Assistance (CAP) Program information.
 - e. The Deputy Commissioner for Services, in consultation with the Director of Vocational Rehabilitation and Workforce Services, will assign the appropriate DBVI staff to represent the agency in the impartial due process hearing.
 - f. Impartial due process hearings are conducted by neutral, qualified, and impartial hearing officers who have been jointly selected by the DBVI and the Department for Aging and Rehabilitative Services State Rehabilitation Councils and who meet federal requirements [34 CFR 361.5\(b\)\(25\)](#) and [34 CFR 361.57](#). A list of these hearing officers is maintained by the Department of Aging and Rehabilitative Services (DARS).
 - g. The Appeals Coordinator shall randomly select an impartial due process hearing officer from the list of impartial hearing officers maintained by DARS.
 - h. The impartial hearing officer shall manage the impartial due hearing process.
 - i. The impartial hearing officer must decide regarding the individual's concerns that are based on the provisions of the DBVI State Plan approved by the Rehabilitation Services Administration, the Workforce Innovation and Opportunity Act, federal regulations pertaining to the provision of vocational rehabilitation services, and Virginia regulations, and DBVI policies that are consistent with federal regulations.
 - j. The impartial hearing officer must provide to the individual and to DBVI a full written report of findings and grounds for the decision within 30 days of completion of the hearing;
 - k. The impartial hearing officer's decision is final except that either the individual or DBVI may request an Administrative Review of the hearing officer's decisions conducted by a representative of the Governor of Virginia.
 - l. While an impartial due process hearing is pending, DBVI staff may request consideration of policy exceptions that would resolve the issue.

- m. The costs of the impartial due process hearing including reasonable accommodations regarding accessibility under P.L. 101-336 Americans with Disabilities Act of 1990 and expenses incurred for or by the individual applying for or receiving vocational rehabilitation for transportation or personal assistance services will be paid for by DBVI.
- n. All costs associated with legal or other representation for the individual applying for or receiving vocational rehabilitation services will be paid for by the individual.
- o. Substantive issues shall not be discussed with the hearing officer off the record or outside the hearing or without the other party being present. All communication to and from the hearing officer, excepting the scheduling of pre-hearing conferences and the impartial due process hearing, must be in writing, and the hearing officer shall ensure the other party receives a copy. Scheduling pre-hearing conferences and hearings is not a substantive issue.
- p. While the impartial due process hearing is pending, the individual and the agency may try to resolve the issue.
- q. The Deputy Commissioner or his designee will represent DBVI.

7. Fair Hearing Process

- a. Pre-Hearing Conference Call - The impartial hearing officer, the individual requesting the hearing, or the DBVI staff may request a pre-hearing conference to clarify issues to be addressed at the hearing or take care of any procedural matters. Procedural matters include scheduling, moving or postponing the hearing, witness and exhibit lists concerns; logistical considerations; and hearing officer disqualification. The impartial hearing officer determines the means (face-to-face, conference call, etc.), schedules, and presides over the pre-hearing conference. Both parties and their representative (if there are any) must be included. Within ten calendar days, the hearing officer documents the outcome of the pre-hearing conference in writing to the participants with a copy to the Director of Vocational Rehabilitation and Workforce Services.
- b. Exhibit and Witness List - Before the hearing date, the hearing officer shall request a list of the proposed exhibits and witnesses from the individual and DBVI and rule on any concerns raised by either party. The lists should include all exhibits and witnesses (including the individual and DBVI staff) relevant to the hearing issue(s), even if listed by the other party because the other party may decide not to use them at the hearing. The exhibit lists should identify specific documents and include author and date for reports, case notes, communications, etc.
- c. Exhibits - Exhibits may be submitted before or during the Hearing. Post-hearing submissions are accepted at hearing officer discretion. Exhibits may include, but are not limited to: DBVI

- vocational rehabilitation forms, AWARE screens, purchase authorizations and cancelations and payment approvals, reports, communications including e-mails and letters, counseling and guidance and other case notes, policy, federal and state laws and regulations, federal policy guidance, etc. It is not necessary to submit the entire VR case record.
- d. Witnesses - The individual requesting the hearing is responsible for any costs associated with witnesses they choose other than current DBVI employees. DBVI shall arrange for the presence of all current staff that are on the witness list of either the individual or the agency or requested to be present by the hearing officer.
 - e. Cancelling the Hearing Request - The individual may cancel the impartial due process hearing by sending a written request to the hearing officer. The hearing officer dismissal shall be in writing to the individual, the Appeals Coordinator and DBVI staff with a copy to the Director of Vocational Rehabilitation and Workforce Services.
 - f. Closed Hearing - All DBVI impartial due process hearings shall be closed to everyone other than the participants and witnesses unless the hearing officer grants a request from the individual who has requested the hearing for the hearing to be open to members of the public. The hearing officer shall determine who from the public may be present.
 - g. Testimony and Evidence - The impartial hearing officer does not (per [34 CFR § 361.57](#)) have authority to settle cases. The hearing officer shall preside over the hearing; determine the presentation order; allow the individual and DBVI to make brief opening and closing statements, examine and cross-examine witnesses, and submit and refute written evidence. All testimony shall be given under oath administered by the impartial hearing officer. Hearsay evidence is admissible at the discretion of the impartial hearing officer. The impartial hearing officer may question witnesses; exclude irrelevant, immaterial, insubstantial, privileged, or repetitive evidence; and introduce any regulation, law, policy directive, or other material believed to be relevant not otherwise presented by the individual or DBVI staff. Neither party has the right to submit evidence after the hearing is adjourned unless requested by the impartial hearing officer. The impartial hearing officer may re-open the hearing to hear additional witness testimony and allow for examination or cross-examination of the witness.
 - h. Verbatim Recording of Hearing – The impartial hearing officer shall ensure an accurate verbatim audio recording is made of the hearing and provide it to the Appeals Coordinator after the hearing decision is issued. The Director of Vocational Rehabilitation and Workforce Services shall provide staff to operate the recording equipment if requested. DBVI shall maintain the verbatim record for 15 years (per Code of Virginia). The individual may receive one

free copy of the verbatim recording to be provided in a format determined by DBVI and ADA compliant.

- i. No Show and Case Dismissal - The impartial hearing officer is empowered to dismiss the case if the individual and their representative(s) fail to appear at the scheduled hearing, the hearing officer sends a written notice to show cause, and the individual does not show good cause that satisfies the hearing officer.
- j. Hearing Decision - The impartial hearing officer shall (per [34 CFR § 361.57](#)) issue a written decision to the individual and the DBVI Commissioner within 30 calendar days after the hearing. The decision shall (per [34 CFR § 361.57](#)) become part of the VR case record. The decision shall include the individual's and DBVI's rights within 20 calendar days (per [34 CFR § 361.57](#)) to request in writing an Administrative Review of a hearing decision. A hearing decision is final and DBVI shall implement it within 30 calendar days after the decision date unless the individual or DBVI requests an Administrative Review of the hearing officer's decision.
- k. Distribution of Hearing Decision - The Appeals Coordinator shall send a redacted copy of the decision to the State Rehabilitation Council (per the Workforce Innovation and Opportunity Act of 2014, RSA attached to the RSA-722 annual appeals report, and the other hearing officers (per agency mandate)).

8. **Administrative Review of the Hearing Officer's Decision**

- a. When an individual or DBVI is dissatisfied with the decision made by the impartial hearing officer, an Administrative Review may be sought by either party.
- b. The request for an Administrative Review must be made within 20 days of the mailing of the impartial hearing officer's decision.
- c. The Administrative Review is a paper review and is conducted by an official from the Office of the Governor of Virginia.
- d. The request for Administrative Review must be in writing, state the specific decision(s) of the hearing officer to be reviewed and may include additional information or evidence supporting the request.
- e. The Administrative Review does not include any new issues.
- f. The request for Administrative Review must be submitted to the Appeals Coordinator who will forward the request and notice of the rebuttal and decision deadline to the reviewing official and the other party and provide the reviewing official with a copy of the hearing decision and exhibits.
- g. Rebuttal - The party not requesting the Administrative Review of a hearing decision may submit a written rebuttal within ten calendar days to the Appeals Coordinator to be forwarded to the reviewing official and other party.

9. **Standards of Review for Administrative Review of a Hearing Decision.**

- a. The reviewing official shall make an independent, final decision and shall not (per [34 CFR § 361.57](#)) delegate the responsibility for making the decision to any DBVI staff.
- b. The reviewing official shall (per [34 CFR § 361.57](#)) provide the individual and DBVI staff an opportunity to submit additional written evidence and information relevant to the final decision.
- c. The reviewing official shall (per [34 CFR § 361.57](#)) review the entire hearing record (decision and exhibits), and ensure that the hearing decision complies with the approved DBVI state plan, the Workforce Innovation and Opportunity Act of 2014, federal vocational rehabilitation regulations, state law and regulations, and agency policies and procedures which are consistent with federal requirements, and the U.S. and Virginia Constitutions. The review will consider all relevant issues of fact, law and written procedures. If the review issue involves questions of federal or state law, regulation or procedures, the reviewing official may consult with appropriate federal officials and the Virginia Office of the Attorney General and consider their interpretations.
- d. Within 30 calendar days after receiving the request ([34 CFR § 361.57](#)), the reviewing official shall send a written decision and the statutory, regulatory or policy grounds for the decision to the individual and DBVI Commissioner, with a copy to the Appeals Coordinator and Director of Vocational Rehabilitation and Workforce Services to be forwarded to the DBVI staff associated with the individual's case. The decision shall become part of the individual's Vocational Rehabilitation case record.
- e. The reviewing official may affirm, modify or reverse the hearing decision in whole or in part or refer/remand the case back to the hearing officer for further proceedings. The reviewing official shall not (per [34 CFR § 361.57](#)) overturn or modify a hearing decision, or part of a hearing decision, that supports the individual position, unless concluding, based on clear and convincing evidence, that the hearing decision is clearly erroneous on the basis of being contrary to the approved DBVI state plan, the Workforce Innovation and Opportunity Act of 2014, federal vocational rehabilitation regulations, or state regulations or agency policies which are consistent with federal requirements. The reviewing official may reverse or remand it when finding the hearing decision to be:
 1. In violation of constitutional, statutory, regulatory, or written policy provisions;
 2. In excess of the statutory authority of the agency; or
 3. Made upon unlawful procedures; or
 4. Affected by other errors of law, regulation, or written policy;or

5. Not reasonably supported by the evidence; or
 6. Arbitrary, capricious, or characterized by abuse of, or clearly unwarranted, exercise of discretion.
- f. Implementing Reviewing Official Decision - Within 30 calendar days (unless the decision specified another time frame) after the reviewing official issues the Administrative Review decision, DBVI shall implement the decision, regardless of whether the individual or DBVI files a civil action.
 - g. Distribution of Reviewing Official Decision - The Appeals Coordinator shall send a redacted copy of the reviewing officials Administrative Review decision to the State Rehabilitation Council (per Workforce Innovation and Opportunity Act of 2014, RSA attached to the RSA-722 annual appeals report) and the other hearing officers.
 - h. If the individual or DBVI brings an action in court following an Administrative Review of a hearing decision, pending review by the court DBVI shall (per [34 CFR § 361.57](#)) implement the hearing decision, including the final decision from an Administrative Review of a hearing decision.

Chapter 17

Financial Measures

DBVI establishes and maintains written policies governing the rates of payment for all purchased vocational rehabilitation services. DBVI establishes a fee schedule designed to ensure a reasonable cost for services that is not so high as to effectively deny an individual a necessary service, is not absolute and permits exceptions so that an individual's needs can be addressed. DBVI does not place absolute dollar limits on specific service categories or on the total services provided to an individual. Additionally, DBVI does not establish absolute time limits on the provision of specific services or on the provision of services to an individual. The duration of each service needed by an individual must be determined on an individual basis and reflected in that individual's IPE ([34 CFR 361.50](#))

Comparable Services and Benefits

Comparable services and benefits mean services and benefits that are:

1. Provided or paid for, in whole or in part, by other Federal, State, or local public agencies, by health insurance, or by employee benefits;
2. Available to the individual at the time needed to ensure the progress of the individual toward achieving the employment outcome in the individual's individualized plan for employment in accordance with [34 CFR 361.53](#); and
3. Commensurate to the services that the individual would otherwise receive from the designated State vocational rehabilitation agency.

NOTE: For the purposes of this definition, comparable benefits do not include awards and scholarships based on merit.

Comparable Benefits

Comparable benefits are services and benefits defined as any appropriate service or financial assistance available to an individual with a disability from a program other than vocational rehabilitation to meet, in whole or in part, the cost of services to be provided in the IPE. Examples might include grants, insurance carriers, Medicaid or Medicare covered expenses. Comparable benefits are identified on the VR Financial Participation in Cost Services form and can also be identified on the AWARE IPE page in the text box titled, "Describe the participant responsibilities towards the cost of the plan and securing comparable benefits"

Comparable benefits do not need to be considered for some VR services, including:

- a. Evaluation of rehabilitation potential;
- b. Counseling and guidance;

- c. Personal and vocational adjustment;
- d. Job placement;
- e. Rehabilitation technology

Availability of Comparable Services and Benefits

DBVI must ensure, in all instances where comparable benefits are required, that there has been a determination of available comparable services and benefits. If comparable services or benefits exist under any other program but are not available to the individual at the time needed to satisfy the rehabilitation objectives in the individual's Individualized Plan for Employment (IPE), the agency shall provide vocational rehabilitation services until those comparable services and benefits become available (i.e., the implementation of IPE services should not be delayed).

Comparable services or benefits are not required if waiting for such services or benefits would place the individual's job in jeopardy.

Individuals receiving Social Security benefits under Titles II or XVI of the Social Security Act are exempt from consideration of financial need for vocational rehabilitation services.

Comparable Services and Benefits and the Individual's Participation in the Cost of Services

Comparable benefits and the individual's participation in the cost of their VR services are two different things. An individual may not be required to participate in the cost of their VR services, but the VR counselor is still required to utilize whatever comparable services and benefits may be available to meet the cost of the VR services.

Financial Determination Guidelines

34 CFR 361.54 Participation of individuals in cost of services based on financial need.

No Federal requirement. There is no Federal requirement that the financial need of individuals be considered in the provision of vocational rehabilitation services.

A. The State unit (DBVI) may choose to consider the financial need of eligible individuals or individuals who are receiving services through trial work experiences under [34 CFR 361.42\(e\)](#) or during an extended evaluation under [34 CFR 361.42\(f\)](#) for purposes of determining the extent of their participation in the costs of vocational rehabilitation services, other than those services identified in paragraph (b)(3) of this section.

1. If the State unit (DBVI) chooses to consider financial need -

- a. It must maintain written policies
 - i. Explaining the method for determining the financial need of an eligible individual; and
 - ii. Specifying the types of vocational rehabilitation services for which the unit has established a financial needs test;
2. The policies must be applied uniformly to all individuals in similar circumstances;
 - a. The policies may require different levels of need for different geographic regions in the State, but must be applied uniformly to all individuals within each geographic region; and
 - b. The policies must ensure that the level of an individual's participation in the cost of vocational rehabilitation services is -
 - i. Reasonable;
 - ii. Based on the individual's financial need, including consideration of any disability-related expenses paid by the individual; and
 - iii. Not so high as to effectively deny the individual a necessary service.
3. The designated State unit (DBVI) may not apply a financial needs test, or require the financial participation of the individual:
 - a. As a condition for furnishing the following vocational rehabilitation services:
 - i. Assessment for determining eligibility and priority for services under [34 CFR 361.48\(a\)](#), except those non-assessment services that are provided to an individual with a significant disability during either an exploration of the individual's abilities, capabilities, and capacity to perform in work situations through the use of trial work experiences under [34 CFR 361.42\(e\)](#).
 - ii. Assessment for determining vocational rehabilitation needs under [34 CFR 361.48\(b\)](#).
 - iii. Vocational rehabilitation counseling and guidance under [34 CFR 361.48\(c\)](#).
 - iv. Referral and other services under [34 CFR 361.48\(d\)](#).
 - v. Job-related services under [34 CFR 361.48\(l\)](#).
 - vi. Personal assistance services under [34 CFR 361.48\(n\)](#).
 - vii. Any auxiliary aid or service (e.g., interpreter services under [34 CFR 361.48\(j\)](#), reader services under [34 CFR 361.48\(k\)](#)) that an individual with a disability requires under section 504 of the Act (29 U.S.C. 794) or the Americans with Disabilities Act (42 U.S.C. 12101, *et seq.*), or regulations implementing those laws, in order for the individual to participate in the VR program as authorized under this part;
 - or
 - a. As a condition for furnishing any vocational rehabilitation service if the individual in need of the service has been determined eligible for Social Security benefits under Titles II or XVI of the Social Security Act (i.e., receiving SSI, SSDI, or both)

Determination of financial need of individuals receiving vocational rehabilitation (VR) services is permitted under Federal Regulations pertaining to the provision of VR services and must be administered in an equitable manner. (DBVI) has elected to consider an individual's ability to participate in the cost of some services based on a determination of financial need. Subsequently, eligible individuals may be required to pay in whole or in part for the cost of the VR services they receive.

Federal Regulations exclude SSI and/or SSDI recipients from participating in the cost of VR services. SSI and/or SSDI recipients are only required to report the monthly amount of SSI and/or SSDI on the VR Financial Participation in Cost Services form. However, all individuals participating in VR services, including SSI and SSDI recipients, will be required to use their own funds or benefits to cover their routine costs while participating in VR services. These routine expenses include but are not limited to housing, groceries, transportation to medical or other personal appointments, clothing, and incidental costs incurred **that are unrelated to their disability or participation in VR services.**

Liability

A. Liability

DBVI and the individuals served by the agency are insured for liability through the Virginia Department of the Treasury, Division of Risk Management. This coverage specifically is for instances in which individuals receiving services:

1. Seek a liability-related legal action against DBVI or VRCBVI as the result of participation in VR services, including situational assessments, summer work, paid and/or unpaid work experiences, on-the-job training, or other work experiences.
2. Allege that DBVI or VRCBVI caused injury to the individual or damaged the individual's property.
3. Injure another person or do property damage to an employer during a situational assessment, paid and/or unpaid work experience, summer work, on the job training, or other work experiences.

DBVI is represented in disputes, claims, and controversies by the Department of Risk Management and the Virginia Office of Attorney General (per § 2.2-1837 of the Code of Virginia). Therefore, DBVI shall not use federal funds or state general funds when the Division of Risk Management has legal jurisdiction to investigate and settle the claim.

APPENDIX I: GLOSSARY OF TERMS

Actual Services refers to the requirement that the VR counselor must document in AWARE Actual Services module a case note or notes summarizing the IPE services provided to an individual. Every service on the individual's IPE that was provided during each quarter of the year must be documented in Actual Services. Services on the IPE that were planned to be provided but were not provided during any given quarter must also be documented in Actual Services with a justification as to why those services were not provided. The documentation includes those services provided directly to the individual by the VR counselor and documentation of services provided by other DBVI staff.

Pre-Employment Transition Services (Pre-ETS) provided by the VR counselor or other DBVI staff to individuals who are open with the VR program or who are potentially eligible (PE) must also be documented as an Actual Service in AWARE.

Adaptive Equipment or technology: Any object or system that is specifically designed for the purpose of increasing or maintaining the capabilities of people with disabilities. Adaptive technology would seldom be used by persons without disabilities.

Application for VR Services: The individual has completed and signed an agency application form or; Has completed a common intake application form in a One-Stop center requesting vocational rehabilitation services; or has otherwise requested services from the designated State unit; and Has provided to the designated State unit information necessary to initiate an assessment to determine eligibility and priority for services; and Is available to complete the assessment process.

Appropriate modes of communication: Specialized aids and supports that enable an individual with a disability to comprehend and respond to information that is being communicated. Appropriate modes of communication include, but are not limited to, the use of interpreters, open and closed-captioned videos, specialized telecommunications services and audio recordings, Brailled and large print materials, materials in electronic formats, augmentative communication devices, graphic presentations, and simple language materials.

Assistive technology: Any item, piece of equipment or product system, whether acquired commercially off the shelf, modified, or customized, that is used to increase, maintain, or improve the functional capabilities of children with disabilities. The term does not include a medical device that is surgically implanted, or the replacement of such device.

Blind (As defined by federal regulations pertaining to the Vending Facility Manager's Program): As determined by a person who has been determined by a physician skilled in diseases of the eye, or by an optometrist, whichever a person shall select, determined to have 1) Not more than 20/200 central visual acuity in the better eye with correcting lenses, or 2) An equally disabling loss of the visual field as

evidenced by a limitation to the field of vision in the better eye to such a degree that its widest diameter subtends an angle of no greater than 20°.

Blind/Hard of Hearing: 1) Visual acuity not better than 20/200 central visual acuity in the better eye measured at 20 feet with correcting lenses (legally blind); 2) Visual acuity greater than 20/200 but with the widest diameter of the visual field in the better eye subtending an angle of no greater than 20 degrees, or a rapidly progressive eye condition which in the opinion of a qualified ophthalmologist will reduce distance vision to 20/200 or less or 20 degrees field of vision. 3) Primarily uses remaining residual hearing which allows the individual to hear and understand speech with little or no visual input, or 4) Depends on auditory input aided by hearing aids and/or assistive listening technology and often relies on visual cues such as speech reading, body language or text translation. 5) A 30-db. loss or greater (or a speech discrimination score of 75 percent or less) can be severe enough to constitute a disability. Individuals who have a 30-db loss as derived from computing the Pure Tone average 500, 1000, 2000, 3000, Hertz may experience difficulties with aural communication, which may cause a substantial impediment to employment.

Clear and convincing evidence: The Vocational Rehabilitation Counselor has a high degree of certainty before they conclude that an individual is incapable of benefiting from services in terms of an employment outcome.

Communication: Refers to accurate and efficient transmission and/or reception of information, either verbally (spoken or written) or non-verbally

Comparable services and benefits: Services and benefits that are provided or paid for, in whole or in part, by other Federal, State, or local public agencies, by health insurance, or by employee benefits; available to the individual at the time needed to ensure the progress of the individual toward achieving the employment outcome in the individual's individualized plan for employment; and commensurate to the services that the individual would otherwise receive from the designated State vocational rehabilitation agency. For the purposes of this definition, comparable benefits do not include awards and scholarships based on merit.

Competitive integrated employment: Work that is performed on a full-time or part-time basis (including self-employment) and for which an individual is compensated at a rate that 1) Is not less than the higher of the rate specified in section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) or the rate required under the applicable State or local minimum wage law for the place of employment; 2) 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; 1) Typically found in the community;

and 2) Where the employee with a disability interacts for the purpose of performing the duties of the position with other employees within the particular work unit and the entire work site, and, as appropriate to the work performed, other persons (e.g., customers and vendors), who are not individuals with disabilities (not including supervisory personnel or individuals who are providing services to such employee) to the same extent that employees who are not individuals with disabilities and who are in comparable positions interact with these persons; and 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.

Cost of attendance (COA) is the figure provided by colleges and/or college financial offices that estimates the total costs of attending that particular school for a period of one year. Included in the estimate are all reasonable expenses such as tuition, room and board, books and supplies, personal expenses and transportation.

Credential Attainment is the percentage of those participants enrolled in an education or training program (excluding those in OJT and customized training) who attained a recognized postsecondary credential or a secondary school diploma, or its recognized equivalent, during participation in or within one year after exit from the program. A participant who has attained a secondary school diploma or its recognized equivalent is included in the percentage of participants who have attained a secondary school diploma or its recognized equivalent only if the participant also is employed or is enrolled in an education or training program leading to a recognized postsecondary credential within one year after exit from the program. **A Recognized Postsecondary Credential** is defined as a credential consisting of an industry-recognized certificate or certification, a certificate of completion of an apprenticeship, a license recognized by the State involved or Federal Government, or an associate or baccalaureate degree, as well as graduate degrees for purposes of the VR program as required by section 103(a)(5) of the Rehabilitation Act of 1973, as amended by Title IV of WIOA. A recognized postsecondary credential is awarded in recognition of an individual's attainment of measurable technical or industry/occupational skills necessary to obtain employment or advance within an industry/occupation. These technical or industry/occupational skills generally are based on standards developed or endorsed by employers or industry associations.

Customized employment: 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, is designed to meet the specific abilities of the individual with a significant disability and the business needs of the employer, and is carried out through flexible strategies, such as 1) job exploration by the individual; 2) 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 and job arrangement, and 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; and providing services and supports at the job location.

DeafBlind: Any individual who has a central acuity of 20/200 or less in the better eye with corrective lenses, or a field defect such that the peripheral diameter of visual field subtends an angular distance no greater than 20 degrees, or a progressive visual loss having a prognosis leading to one or both of these conditions; who has a chronic hearing impairment so severe that most speech cannot be understood with optimum amplification, or a progressive hearing loss having a prognosis leading to this condition; and for whom the combination of impairments cause extreme difficulty in attaining independence in daily life activities, achieving psychological adjustment, or obtaining a vocation; who despite the inability to be measured accurately for hearing and vision loss due to cognitive or behavioral constraints, or both, can be determined through functional performance assessment to have severe hearing and visual disabilities that cause extreme difficulty in attaining independence in daily life activities, achieving psychosocial adjustment, or obtaining vocational objectives.

Developmental Courses are courses that a student may be required to successfully complete based on placement testing results. Developmental courses are designed to prepare students for college-level work. Developmental courses do not count for college credit and cannot be used for any degree or general education requirements

Disability Related Services (Post-Secondary Training) means reader services, interpreting services, assistive technology (AT), adaptive aids (including computers with purchased or installed AT) and other disability related services that are required in order for the student to participate in their academic program.

Educational Expenses means tuition, books and supplies, personal and miscellaneous costs, fees, transportation for educational purposes, and maintenance when applicable.

Eligibility Determination: A determination of eligibility for vocational rehabilitation services means; 1) it has been determined the applicant has a medically documented vision impairment, 2) it has been determined that the applicant's vision impairment constitutes or results in a substantial impediment to employment; 3) it has been determined that the applicant requires vocational rehabilitation services to prepare for, enter into, engage in, or retain gainful employment consistent with the applicant's strengths, resources, priorities, concerns, interests, abilities, capabilities, and informed choice. Applicants who have a vision impairment constituting or resulting in substantial impediments to employment will be presumed able to benefit from VR services in terms of an employment outcome unless the counselor can demonstrate, based on clear and convincing evidence, that the individual is incapable of benefiting in terms of an employment outcome from vocational rehabilitation services due to the severity of their disability.

Employment outcome: 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

Expected Family Contribution (EFC) is an amount that is calculated according to a formula established by the federal Department of Education. The amount is determined through the FAFSA application process. College financial aid staff use the EFC to determine how much financial aid a student would receive. The calculation includes the student (or family's) taxed and untaxed income, assets, and benefits (such as unemployment or Social Security). Also considered are family size and the number of family members who will attend college or career school during the year.

Extended period of time: A period of six (6) months or longer from the date of the Individual Plan for Employment (IPE) and could include extended support services provided through another entity than DBVI.

Extended services: Ongoing support services and other appropriate services that are; 1) needed to support and maintain an individual with a most significant disability including a youth with a most significant disability, in supported employment; 2) organized or made available, singly or in combination, in such a way as to assist an eligible individual in maintaining supported employment; 3) based on the needs of an eligible individual, as specified in an individualized plan for employment; 4) provided by a State agency, a private nonprofit organization, employer, or any other appropriate resource, after an individual has made the transition from support from the designated State unit

FAFSA (Free Application For Federal Student Aid) is a form that can be prepared annually by current and prospective college students (undergraduate and graduate) in the United States to determine their eligibility for student financial aid. The FAFSA is used to apply for federal grants, loans, and work-study funds for the student. The FAFSA becomes available on October 1 and has an 18-month application cycle. It asks for financial and tax information from the prior year in order to determine aid eligibility.

Family member: For purposes of receiving vocational rehabilitation services means an individual who either; 1) is a relative or guardian of an applicant or eligible individual; or 2) lives in the same household as an applicant or eligible individual; 3) who has a substantial interest in the well-being of that individual; and 4) whose receipt of vocational rehabilitation services is necessary to enable the applicant or eligible individual to achieve an employment outcome.

Full-time students: To be considered full-time in bachelor's or associate degree programs, students must take 12 credit hours per semester. Students in a graduate degree programs who are taking 9 credit hours per semester are considered full time.

Functional Capacities: Refers to specific life activities such as mobility, communication, self-care, interpersonal skills, self-direction, work tolerance or work skills.

Good academic standing: For undergraduate students a minimum Grade Point Average (GPA) of 2.0. For graduate students, a minimum Grade Point Average (GPA) of 3.0.

Immediate need or risk: In the context of eligibility for job retention services outside of the Order of Selection, means:

Documentation and/or verbal communication from the employer or the individual indicates that the individual will lose their job within the near future (generally 30-60 days) without specific VR services, and/or;

A delay in the specific services the individual needs to maintain their current employment (based on the projected waiting list timeframe) will likely lead to a loss of employment.

Individual with a disability: An individual 1) Who has a physical or mental impairment that substantially limits one or more major life activities; 2) Who has a record of such an impairment; or 3) Who is regarded as having such an impairment.

Individual's Representative: Any representative chosen by an applicant or eligible individual, as appropriate, including a parent, guardian, other family member, or advocate, unless a representative has been appointed by a court to represent the individual, in which case the court-appointed representative is the individual's representative.

Informed choice: Informing each applicant and recipient of services (including students with disabilities who are making the transition from education programs to programs administered by DBVI, as well as youth with disabilities) and as appropriate, their representative, through appropriate modes of communication, about the availability of and opportunities to exercise informed choice, including the availability of support services for individuals with cognitive other disabilities who require assistance in exercising informed choice throughout the vocational rehabilitation process.

Integrated Setting: With respect to the provision of services, a setting typically found in the community in which applicants or eligible individuals interact with non-disabled individuals other than non-disabled individuals who are providing services to those applicants or eligible individuals; With respect to an employment outcome, means a setting 1) Typically found in the community; and 2) Where the employee with a disability interacts, for the purpose of performing the duties of the position, with other employees within the particular work unit and the entire work site, and, as appropriate to the work performed, other persons (e.g., customers and vendors) who are not individuals with disabilities (not including supervisory personnel or individuals who are providing

services to such employee) to the same extent that employees who are not individuals with disabilities and who are in comparable positions interact with these persons.

Interpersonal skills: The ability of the individual to interact in a socially acceptable and mature manner with co-workers, supervisors, and others to facilitate the normal flow of work activities.

Most Significant Disability (MSD): An individual is considered to be an individual with a Most Significant Disability when; 1) the individual meets the definition of an individual with a significant disability and; 2) the severe vision impairment and/or any secondary disabilities, “seriously limits” two or more life activities (such as mobility, communication, self-care, interpersonal skills, self-direction, work tolerance or work skills) in terms of achieving an employment outcome and; 3) the individual's vocational rehabilitation must also be expected to require multiple core-VR services over an extended period of time (6 months or longer).

Maintenance: Monetary support provided to an individual for expenses, such as food, shelter, and clothing, that are in excess of the normal expenses of the individual and that are necessitated by the individual's participation in an assessment for determining eligibility and vocational rehabilitation needs or the individual's receipt of vocational rehabilitation services under an individualized plan for employment.

Measurable Skill Gains (MSG) is the percentage of participants who, during a program year, are in an education or training program that leads to a recognized postsecondary credential or employment and who are achieving documented academic, technical, occupational, or other forms of progress, towards such a credential or employment (see 34 CFR §361.155(a)(1)(v)).

The MSG indicator is used to measure interim progress of participants who are enrolled in education or training services for a specified reporting period. Therefore, it is not an exit-based measure. Instead, it is intended to capture important progressions through pathways that offer different services based on program purposes and participant needs.

Merit-based financial aid is awarded in the form of scholarships or grants and is not awarded with regards to the student or family's financial circumstances. Merit-based aid is awarded based on academic performance or other talents or contributions, including academic, artistic, athletic, musical, and so on. Merit-based aid comes in the form of scholarships, awards, or grants. Many colleges offer an academic scholarship program. It is common for colleges to look at the student's GPA, class rank, and SAT scores when determining whether or not they qualify for this type of aid.

Mobility: The capability of moving efficiently from place to place.

Multiple vocational rehabilitation services: Two or more ongoing vocational rehabilitation services, such as guidance and counseling, placement assistance, and other services which address the serious limitations.

Need-based financial aid means grants, scholarships, work-study, or loans. Eligibility is based solely on the assets and income of the prospective student and his or her family. Factors such as test scores or athletic ability have no bearing on need-based aid. Need-based aid may come from a variety of sources, including the Federal government (Federal student aid is need-based), the school, the state (e.g., Virginia Commonwealth Award), or other organizations.

Ongoing Support Services;: Services that are; 1) needed to support and maintain an individual with the most severe disabilities in supported employment; 2) based on a determination by VR of the individual's needs as specified in an Individualized Plan for Employment (IPE); and 3) furnished by VR from the time of job placement until transition to extended services, except as provided in [34 § 363.4\(c\)\(3\)](#) and, following transition, by one or more extended services providers throughout the individual's term of employment in a particular job placement or multiple placements if those placements are being provided under a program of transitional employment. On-going support services must include, at a minimum, twice-monthly monitoring at the work site of each individual in supported employment to assess employment stability, unless under special circumstances, especially at the request of the individual, the IPE provides for off-site monitoring, and, based upon that assessment, the coordination or provision of specific services at or away from the work site, that are needed to maintain employment stability. If off-site monitoring is determined to be appropriate, it must, at a minimum, consist of two meetings with the individual and one contact with the employer each month. On-going support services consist of; 1) any particularized assessment needed to supplement the comprehensive assessment of rehabilitation needs; 2) the provision of skilled job trainers who accompany the individual for intensive job skill training at the work site; 3) job development and placement; 4) social skills training; 5) regular observation or supervision of the individual; 6) Follow-up services such as regular contact with the employers, the individuals, the parents, family members, guardians, advocates or authorized representatives of the individuals, and other suitable professional and informed advisors, in order to reinforce and stabilize the job placement; 7) Facilitation of natural supports at the worksite; 8) Any other service identified in the scope of rehabilitation services described in [34 CFR part 361](#); and 9) Any service similar to the foregoing services.

On-the-job training (OJT): In the context of vocational rehabilitation is a real work experience provided by an employer who hires the trainee as a bona fide employee receiving the same benefits as other employees. The Fair Labor Standards Act requires that the trainee's wage be equal to or exceed whichever is greater: 1) the minimum entrance wage that particular employer pays inexperienced workers in the same occupation, or 2) the current federal minimum wage.

Paid or Unpaid Work Experiences: A temporary position with an emphasis on on-the-job training rather than merely employment, and it can be paid or unpaid. While paid/unpaid work experiences have been traditionally targeted for students, other non-students may also benefit from a paid or unpaid work experience

Part-Time Student: Students who take fewer than 12 credit hours per semester will be considered part-time students.

Personal assistance services: 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; 1) 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; 2) designed to increase the individual's control in life and ability to perform everyday activities on or off the job; 3) necessary to the achievement of an employment outcome; and 4) provided only while the individual is receiving other vocational rehabilitation services. The services may include training in managing, supervising, and directing personal assistance services.

Physical or mental impairment: 1) Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological, musculo-skeletal, special sense organs, respiratory (including speech organs), cardiovascular, reproductive, digestive, genitourinary, hemic and lymphatic, skin, and endocrine; or 2) Any mental or psychological disorder such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.

Physical and mental restoration services: Means 1) corrective surgery or therapeutic treatment that is likely, within a reasonable period of time, to correct or modify substantially a stable or slowly progressive physical or mental impairment that constitutes a substantial impediment to employment; 2) diagnosis of and treatment for mental or emotional disorders by qualified personnel in accordance with State licensure laws; 3) dentistry; 4) nursing services; 5) necessary hospitalization (either inpatient or outpatient care) in connection with surgery or treatment and clinic services; 6) drugs and supplies; 7) prosthetic and orthotic devices; 8) eyeglasses and visual services, including visual training, and the examination and services necessary for the prescription and provision of eyeglasses, contact lenses, microscopic lenses, telescopic lenses, and other special visual aids prescribed by personnel that are qualified in accordance with State licensure laws; 9) Podiatry; 10) physical therapy; 11) occupational therapy; 12) Speech or hearing therapy; 13) mental health services; 14) 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; 15) special services for the treatment of individuals with end-stage renal disease, including transplantation, dialysis, artificial kidneys, and supplies; and 16) other medical or medically related rehabilitation services.

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

Pre-Employment Transition Services: Pre-employment transition services are designed to help students with disabilities to begin to identify career interests that will be further explored through additional vocational rehabilitation services, such as transition services. Pre-employment transition services are available only to students with disabilities, including students with disabilities who are potentially eligible for VR services.

Pre-Employment Transition Services (Required Services): 1) job exploration counseling; 2) work-based learning experiences, which may include in-school or after school opportunities or experience outside the traditional school setting (including paid and/or unpaid work experiences) that is provided in an integrated environment to the maximum extent possible; 3) counseling on opportunities for enrollment in comprehensive transition or postsecondary educational programs at institutions of higher education; 4) workplace readiness training to develop social skills and independent living; and 5) instruction in self-advocacy, which may include peer mentoring.

Pre-Employment Transition Services (Authorized Activities): If funds are available and remaining after the provision of the required activities (from the 15% required reserve allotment for pre-employment transition services), **authorized services** may be provided, arranged or coordinated by the VR counselor to improve the transition of students with disabilities from school to postsecondary education or an employment outcome by; 1) implementing effective strategies to increase the likelihood of independent living and inclusion in communities and competitive integrated workplaces; 2) developing and improving strategies for individuals with intellectual disabilities and individuals with significant disabilities to live independently, participate in postsecondary educational experiences, and obtain and retain competitive integrated employment; 3) providing instruction to vocational rehabilitation counselors, school transition personnel, and other persons supporting students with disabilities; 4) disseminating information about innovative, effective, and efficient approaches to achieve the goals of this section; 5) coordinating activities with transition services provided by local educational agencies under the Individuals With Disabilities Education Act (20 U.S.C. 1400 et seq.); 6) applying evidence-based findings to improve policy, procedure, practice, and the preparation of personnel, in order to better achieve the goals of this section; 7) developing model transition demonstration projects; 8) establishing or supporting multistate or regional partnerships involving states, local educational agencies, designated state units, developmental disabilities agencies, private businesses, or other participants to achieve the goal of this section; and 9) disseminating information and strategies to improve the transition to postsecondary activities of individuals who are members of traditionally un-served populations.

Potentially eligible means: For purposes of pre-employment transition services, all students with disabilities, regardless of whether they have applied for or been determined eligible for the VR program.

Rehabilitation technology: 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, and recreation. The term includes rehabilitation engineering, assistive technology devices, and assistive technology services.

Schedule A: Federal Government hiring authority in order to hire individuals with severe physical disabilities, psychiatric disabilities, and intellectual disabilities. This excepted authority is used to appoint persons with severe physical disabilities, psychiatric disabilities, and intellectual disabilities. Such individuals may qualify for conversion to permanent status after two years of satisfactory service. Severe physical disabilities include but are not limited to blindness, deafness, paralysis, missing limbs, epilepsy, dwarfism, and more. Standard Form (SF) 256 provides a more specific list and information regarding the targeted disabilities.

Schedule A (Hiring readers, interpreters, and personal assistants) This excepted authority is used to appoint readers, interpreters, and personal assistants for employees with severe disabilities as reasonable accommodations.

Sectarian colleges and universities: Sectarian means existing primarily for the purposes of providing religious training or theological education, rather than collegiate or graduate education (per *Phan v. Virginia* 806 F.2d 516 4th Circuit, 1986).

Self-care: The skills necessary to fulfill basic needs such as those related to health, safety, food preparation and nutrition, hygiene and grooming, and money management

Self-direction: Describes the capacity to organize, structure and manage activities in a manner that best serves the objectives of the individual

Self-employment: A work situation in which an individual works for himself instead of working for an employer that pays a salary or a wage. A **self-employed** individual earns his income through conducting profitable operations from a trade or business that he operates directly.

Seriously Limits: The individual's disability (or disabilities) has a significant functional impact on their life activities.

Significant Disability: An individual is considered to be an individual with a Significant Disability (SD) when; 1) the severe vision impairment and/or any secondary disabilities, "seriously limits" one life activity (such as mobility, communication, self-care, interpersonal skills, self-direction, work tolerance or work skills) in terms of achieving an employment outcome; 2) the individual's vocational rehabilitation must also require multiple core VR services over an extended period of time (minimum of six months)

Student Aid Report (SAR) is a paper or electronic document that gives the student some basic information about their eligibility for federal student aid as well as listing the student's answers from the FAFSA application. The Expected Family Contribution (EFC) is included on the SAR.

Student with a Disability: An individual with a disability who; 1) is still enrolled in secondary or enrolled in educational programs outside secondary school, including post-secondary education programs and has not exited, graduated or withdrawn; 2) is at least 14 years old but less than 22; or is still receiving services under the Individuals with Disabilities Education Act (IDEA) and is not older than the maximum age established by the Virginia Department of Education; and 3) and has a disability (i.e. receives services under an Individual Education Plan (IEP) or 504 Plan; or has a disability for purposes of section 504, or is otherwise determined to be an individual with a disability.

Substantial impediment to employment: 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.

Supported Employment: Competitive integrated employment, including customized employment, or employment in an integrated work setting in which individuals are working on a short-term basis toward competitive integrated employment that is individualized and customized consistent with the strengths, abilities, interests, and informed choice of the individuals involved, or individuals with the most significant disabilities for whom competitive integrated employment has not historically occurred; or for whom competitive integrated employment has been interrupted or intermittent as a result of a significant disability; and who, because of the nature and severity of their disability, need intensive supported employment services and **extended services** after the transition to competitive integrated employment in order to perform the work involved.

Supported Employment services: Services that consist of on-going support services, including customized employment, needed to support and maintain an individual with a most significant disability in supported employment, that; 1) Are provided singly or in combination and are organized and made available in such a way as to assist an eligible individual to achieve competitive integrated employment; 2) Are based on a determination of the needs of an eligible individual as specified in an individualized plan for employment; and 3) Are provided by VR for a period of not more than 24 months, except that period may be extended, if necessary, in order to achieve the employment outcome identified in the individualized plan for employment (Per [CFR 363.54\(iii\)](#))

Transportation: Travel and related expenses that are necessary to enable an applicant or eligible individual to participate in a vocational rehabilitation service, including expenses for training in the use of public transportation vehicles and systems

Transition services: A coordinated set of activities for students designed within an outcome-oriented process promoting movement from school to post-school activities, including postsecondary education, vocational training, integrated employment (including supported employment), continuing and adult education, adult services, independent living, or community participation. The coordinated set of activities must be

based upon the individual student's needs, considering the student's preferences and interests, and must include instruction, community experiences, the development of employment and other post-school adult living objectives, and, if appropriate, acquisition of daily living skills and functional vocational evaluation. Transition services must promote or facilitate the achievement of the employment outcome identified in the student's Individualized Plan for Employment (IPE); that includes outreach to and engagement of parents or, as appropriate, the representatives of students or youth with disabilities. ([34 CFR 361.5 \(a\)\(55\)](#))

Trial Work Experiences: An exploration of the individual's abilities, capabilities, and capacity to perform in realistic work situations to determine whether or not there is clear and convincing evidence to support such a determination. Trial work experiences include supported employment, on-the-job training, and other experiences using realistic integrated work settings.

Vision Impairment (Vocational rehabilitation eligibility determination): 1) The individual has a vision impairment that results in functional limitations related to obtaining, regaining, or maintaining employment, and causes the individual to require the specialized services available through DBVI, or 2) The individual has a rapidly progressive eye condition which, in the opinion of a qualified ophthalmologist, will cause the individual to experience functional limitations related to obtaining, regaining, or maintaining employment and causes the individual to require the specialized services available through DBVI, or 3) The individual is in a situation where eye treatment and/or surgery are recommended and there are functional limitations in performing employment duties.

Vision Impaired/Deaf: 1) Visual acuity greater than 20/200 (i.e. better vision) but less than 20/70 (i.e., worse vision) in the better eye with best correction or less than a 70 degree horizontal field; 2) Visual acuity between 20/100 and 20/200 vision in the better eye with best correction if the person has been unable to adjust satisfactorily to the loss of vision and if it is felt that the person needs the specialized services available through DBVI; 3) Is unable to hear or understand speech, is unable to follow conversations unless facing speaker, due to the vision loss is unable to lip read conversation even when facing the speaker, may rely on sign language, sign language interpreters as their first choice for communication access with hearing people, have been identified in the past as being oral deaf or late deafened adults and now would also include many deaf individuals who use cochlear implants and/or English based sign language.

Vision Impaired/Hard of Hearing: 1) Visual acuity greater than 20/200 (i.e. better vision) but less than 20/70 (i.e., worse vision) in the better eye with best correction or less than a 70 degree horizontal field; 2) Visual acuity between 20/100 and 20/200 vision in the better eye with best correction if the person has been unable to adjust satisfactorily to the loss of vision and if it is felt that the person needs the specialized services available through DBVI; 3) Primarily uses remaining residual hearing which allows the individual to hear and understand speech with little or no visual input, or 4) Depends on auditory input aided by hearing aids and/or assistive listening technology

and often relies on visual cues such as speech reading, body language or text translation. May use sign language for communication; 4) A 30 db. loss or greater (or a speech discrimination score of 75 percent or less) can be severe enough to constitute a disability. Individuals who have a 30-db loss as derived from computing the Pure Tone average 500, 1000, 2000, 3000, Hertz may experience difficulties with aural communication, which may cause a substantial impediment to employment.

Vocational evaluation: A comprehensive process of vocational exploration and assessment designed to assist individuals in identifying their vocational options. Relevant vocational information is gathered through the administration and interpretation of a broad assortment of evaluation instruments and processes including psychometric tests, commercial work sample systems, and situational assessments. More specifically, vocational evaluation services are provided to assist individuals with disabilities to identify and explore their career interests, aptitudes, and skills and formulate immediate and long-term work/career goals.

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

Work tolerance: The ability to carry out required physical and cognitive work tasks in an efficient and effective manner over a sustained period of time.

Work skills: The specific job skills required to carry out work functions as well as the capacity for an individual to benefit from training in these work functions

Youth with a Disability: An individual with a disability who; 1) is not younger than 14 years of age; and 2) is not older than 24 years of age.